

SYCAMORE CITY COUNCIL

AGENDA

March 18, 2019

CITY COUNCIL COMMITTEE MEETINGS

No Committee Meetings are Scheduled.

REGULAR CITY COUNCIL MEETING

7:00 P.M.

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

Led by South Prairie Early Act Students Noah Carlson, Peter Gehrig, Holden Jurgaitis, Onalee Weese, Molly Butler, Aidan Mesenbrink, Kairi Lantz, Justice Dueringer, Olivia Nagle, Genna Hendricks, Morgan Hendricks, Aja Bomar and Vega Paetzold.

4. APPROVAL OF AGENDA

5. APPOINTMENTS

6. AUDIENCE TO VISITORS

7. CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of March 4, 2019.
- B. Plan Commission Meeting Minutes from November 12, 2018.
- C. Payment of the Bills for March 18, 2019.

8. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS

9. REPORTS OF OFFICERS

10. REPORTS OF STANDING COMMITTEES

11. PUBLIC HEARINGS

12. ORDINANCES

A. Ordinance 2018.15—An Ordinance Approving a Request from The Dispensary, LLC for a Special Use Permit to Operate a Medical Cannabis Dispensary at the Property Located at 1985 Gateway Drive in Sycamore, Illinois, PIN number 09-07-100-010. First and Second Reading.

This request from The Dispensary, LLC is for a special use permit to operate a medical cannabis dispensary at 1985 Gateway Drive in Sycamore. The State of Illinois has one permit available for the district and will ultimately decide between applicants that meet local zoning regulations. Therefore, the granting of a special use permit does not guarantee that a medical cannabis dispensary will be operated at the specific location as the State may choose to award the location to a petitioner in another community within the district. The petitioner plans to construct a roughly 2,000 square foot building to house the medical cannabis dispensary if approved at both the local and state level. An example of the building planned for another community is attached and is similar to plans for Sycamore.

The company was granted a special use permit to operate a medical cannabis dispensary at 1985 Gateway Drive in 2015 from the City of Sycamore. That permit is only valid for one-year and was eligible for an additional one-year extension which was granted in 2016. Similarly, the Council approved a new special use permit in 2017, which was extended in 2018 and is set to expire. The State of Illinois has yet to open the application process in this district and the special use permit will expire in April. Therefore, The Dispensary, LLC is requesting a new special use permit in hopes the State of Illinois will begin to accept applications later this year.

MEDICAL CANNABIS BACKGROUND

In 2013, Illinois became the 20th state to legalize medicinal marijuana. The law includes a pilot program where people suffering from one of more than 30 serious illnesses could get a prescription for marijuana. State-wide cultivation centers will be constructed to grow cannabis for medical purposes, with only one allowed for each state police district. The cultivated marijuana will be available by prescription to patients with debilitating medical conditions at dispensaries.

WHO MAY USE MEDICAL CANNABIS?

In order to be designated as a “qualifying patient” a person must be diagnosed by a physician as having a debilitating medical condition. The statute lists specific medical conditions that qualify.

ARE THERE RESTRICTIONS ON MEDICAL CANNABIS DISPENSARY LOCATIONS?

A dispensary may not be located within 1,000 feet from a school or daycare. Dispensaries are also prohibited in a house, apartment, condominium, or an area zoned for residential use. These distance requirements are measured from the property line of the prohibited properties rather than the buildings.

In addition to the distance limitations, the statute authorizes municipalities to enact “reasonable zoning ordinances or resolutions” regulating registered medical cannabis cultivation centers or medical cannabis dispensing organizations. The zoning regulations may not conflict with the statute, Act, or the administrative rules of the Department of Agriculture or Department of Public Health. Home rule powers are preempted, so they have the same zoning authority as non-home rule communities.

The statute is silent on the nature of the zoning restrictions. The City of Sycamore took steps to identify Medical Cannabis Dispensaries as a Special Use within C-3, Highway Business Zoning Districts and defined such businesses as follows:

Medical Cannabis Dispensing Organization: Shall mean a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

| K. RETAIL TRADE USES | AG | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | M-1 | M-2 | ORI |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Luggage Store | | | | | | | P | P | | | | |
| Mail Order House | | | | | | | P | P | | | | |
| Medical Cannabis Dispensing Organization | | | | | | | | S | | | | |
| Membership Organization, Enterprises | | | | | | | P | P | | | | |
| News Stand | | | | | | | P | P | | | | |

Throughout the discussions the most appropriate siting of dispensaries focused on C-3 Highway Business zoning with an emphasis toward clustering a dispensary near other medical uses.

With the State of Illinois making the ultimate decision on the best plan for a medical cannabis dispensary, the local decision is one of zoning and whether the petitioner meets the requirements of the special use permit process. Per Section 4.3.3 of the City’s Unified Development Ordinance, a Special Use Permit shall be granted only if evidence is presented to establish that:

- A. *The proposed structure or use at the particular location requested 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;*
- B. *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*
- C. *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.*
- D. *Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 4.3.4 and as applied to Planned Developments as set forth in Article 4.4.*

Two years ago, the plan was reviewed and a special use permit was granted. With the special use permit set to expire at no fault of the petitioner for the second time, staff recommended the company apply again for a special use permit.

A public hearing was held at the Plan Commission meeting on March 11. Notices of the public hearing were mailed to property owners within 500 feet, posted in the local newspaper and a sign was installed on the property.

The Plan Commission considered the request and forwarded a favorable recommendation by a vote of 9-0.

City Council approval is recommended.

B. Ordinance 2018.16—An Ordinance Approving a Request from Adam Benn of Accurate Towing for a Special Use Permit to Operate a Towing Service, With On-Site Vehicle Impoundment as required by Article 5.3.1.L of the Sycamore Unified Development Ordinance Located at 531 East Sycamore Street, Sycamore, Illinois, PIN number 06-33-152-020. First and Second Reading.

Adam Benn, the owner/operator of Accurate Towing has a contract to purchase the property from June Ehrler. The property has served as a towing service business, with on-site impoundment for many years, predating the City’s Unified Development Ordinance.

In his due diligence period, Mr. Benn approached the City to ensure that his business and the property in question meets all zoning requirements. The Unified Development Ordinance requires a special use permit for the current use in the classification this property is zoned (M-1, Light Manufacturing).

| L. TRANSPORTATION, COMMUNICATION & UTILITY USES | AG | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | M-1 | M-2 | ORI |
|---|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Towing Service, with on-site vehicle impoundment | | | | | | | | | | S | | |
| Towing Service, without on-site vehicle impoundment | | | | | | | | | | P | P | |

Staff could not find a special use on file and the use was established under the previous zoning ordinance prior to the adoption of the UDO (May 2006).

In order to ensure Accurate Towing’s use is compliant with the City’s UDO upon the transfer of ownership, staff recommended that Accurate Towing apply for a special use permit. Per Section 4.3.3 of the City’s Unified Development Ordinance, a Special Use Permit shall be granted only if evidence is presented to establish that:

A. The proposed structure or use at the particular location requested 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;

B. 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

C. 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.

D. Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 4.3.4 and as applied to Planned Developments as set forth in Article 4.4.

No significant changes to the property or operation are planned at this time. Any modifications in the future would need to meet the requirements of the City Code and UDO.

A public hearing was held at the Plan Commission meeting on March 11. Notices of the public hearing were mailed to property owners within 500 feet, posted in the local newspaper and a sign was installed on the property.

A public hearing was held at the March 11 Plan Commission meeting. The Plan Commission forwarded a favorable recommendation by a vote of 8-0-1.

City Council approval is recommended.

13. RESOLUTIONS

A. Resolution No. 780—A Resolution Authorizing the City Manager to Sign a Loan Agreement with the Illinois Environmental Protection Agency and Execution of Contract A and Contract B relative to the Sycamore Wastewater Treatment Plant located on North Cross Street in the City of Sycamore, Illinois.

The City Council previously approved two “Notices of Intent to Award”. These were relative to Contract A with Xylem Water Solutions (\$1,705,900) and Contract B with Leander Construction (\$19,908,967) for a total of \$21,614,867. Both of these awards were contingent on the IEPA’s approval of the contracts and finalizing the City of Sycamore’s Loan Documents.

The IEPA has forwarded the Loan Agreement allocating \$20,800,000 in revolving loan funds. The City is obligated to fund the difference (\$814,867) and any overages using reserves (approximately \$8.5 million of reserves are planned to be used for this project).

Concurrence on attached agreement, signed by the Illinois EPA, is required before any contract work can begin on the treatment facility.

City Council approval is recommended.

B. Resolution No. 781—A Resolution for Improvement by Municipality Under the Illinois Highway Code in the City of Sycamore, Illinois.

The attached resolution identifies parts of Hathaway Drive, Foxpointe Drive and Foxbend Drive as streets that will receive maintenance work in FY20 funded by motor fuel tax funds. These streets are only part of a longer list of streets that are on the City’s re-surfacing and maintenance list for the summer of 2019. The proposed FY20 budget includes an allocation of \$375,000 in

line-item 07-000-8316 and \$41,250 in eligible engineering services. The attached resolution includes the budgeted amount plus a contingency.

City Council approval is recommended.

C. Resolution No. 782—A Resolution Approving a Preliminary Engineering and Construction Guidance Agreement with Testing Services Corporation for Motor Fuel Tax Funds in FY20 for the City of Sycamore, Illinois.

In order to use motor fuel tax funds for the engineering of related street repairs, the Illinois Department of Transportation requires that an Engineering and Construction Guidance Agreement is approved for each firm.

Testing Service Corporation (TSC) is a professional firm that provides a variety of services in the Geotechnical Engineering, Construction Materials Testing and Environmental fields.

This agreement is required for services that will be expended from the Motor Fuel Tax Fund.

City Council approval is recommended.

D. Resolution No. 783—A Resolution Approving a Preliminary Engineering and Construction Guidance Agreement with Municipal Engineering Corporation for Motor Fuel Tax Funds in FY20 for the City of Sycamore, Illinois.

As noted in Resolution 782, the attached agreement is required to use motor fuel tax funds for engineering and construction guidance for street repairs. This agreement is with Municipal Engineering Corporation, a consulting engineering firm that has assisted the City with the annual Street Maintenance Program since inception in 2008.

This agreement is required for services that will be expended from the Motor Fuel Tax Fund.

City Council approval is recommended.

E. Resolution No. 784—A Resolution for Maintenance of Streets and Highways by the City of Sycamore Under the Illinois Highway Code from May 1, 2019 to April 30, 2020.

The attached resolution commits \$300,000 in motor fuel tax funds for several recurring maintenance costs in the FY20 budget.

The breakdown is shown below:

- a) Snow and ice control (salt purchases): \$130,000;
- b) A portion of salaries related to ongoing street maintenance and repair by the Public Works department: \$100,000; and
- c) Electrical costs for street light and signal maintenance: \$70,000.

City Council approval is recommended.

14. CONSIDERATIONS

A. Consideration of an Architectural Review Committee Recommendation to Award a Downtown Façade Improvement Grant to Ryan Weckerly of Morningstar Media Group Ltd. Located at 220 S. California Street.

Ryan and Karen Weckerly recently purchased the former Knodles Appliance Store located in the 200 block of S. California Street. The Weckerlys, who own Morningstar Media, plan to completely renovate the building which has been vacant the past seven years inside and out. From there Morningstar Media will move from its current location on Edward Street to 220 S. California Street and the Weckerlys will establish a new business called California Street Coffee at 224 S. California St.

In addition to a full interior renovation and build-out, improvements to the building's envelope including a new roof, façade, awnings, lighting, paint and windows are planned. Additionally, improvements are being made to the parking area on the corner of California and High Streets.



The portion of the project that is eligible for the Downtown Improvement Program is estimated to cost \$63,715 between the two businesses. Each project will be invoiced separately and is eligible for a fifty percent City match per building, up to \$5,000. The Architectural Review Committee considered the request on March 11th and voted 4-0 to recommend a grant of \$5,000 for 220 S. California Street.

City Council approval is recommended.

B. Consideration of an Architectural Review Committee Recommendation to Award a Downtown Façade Improvement Grant to Karen Weckerly of California Street Coffee Located at 224 S. California Street.

Ryan and Karen Weckerly recently purchased the former Knodles Appliance Store located in the 200 block of S. California Street. The Weckerlys plan to completely renovate the building and establish a new business called California Street Coffee at 224 S. California St.

Like the rest of the building improvements are being made to the envelope including a new roof, façade, awnings, lighting, paint and windows. This includes new awning and paint on the south façade that faces High Street.



Combined, the portion of the project that is eligible for the Downtown Improvement Program is estimated to cost \$63,715 between the two businesses. Each project will be invoiced separately and is eligible for a fifty percent City match per building, up to \$5,000. The Architectural Review Committee considered the request on March 11th and voted 4-0 to recommend a grant of \$5,000 for 224 S. California Street.

City Council approval is recommended.

C. Consideration of an Architectural Review Committee Recommendation to Award a Downtown Façade Improvement Grant to Kishwaukee Bible Church, Owner of the Building Located at 201 W. State Street.

Kishwaukee Bible Church is planning significant exterior improvements to the building it owns at 201 W. State Street in downtown Sycamore. Planned exterior improvements include reflashing and installing a fibrated aluminum roof coating, replacing the existing rusted gutter, tuckpointing existing masonry, painting and facia. The improvements are aimed at maintaining the building using its present colors and materials and includes repairing any damage.

While the majority of the roof work is ineligible for the program, the portion of the project that is eligible is estimated to cost at least \$39,074, more than qualifying for a \$5,000 matching grant. The Architectural Review Committee considered the request on March 11th and voted 3-0 to recommend the grant request of \$5,000 for 201 W. State Street.

City Council approval is recommended.

D. Consideration of a Fire Department Recommendation to Adjust Ambulance Fees.

Each year, the City Council is presented recommendations to adjust ambulance user fees. Ambulance fees help to offset a portion of the City’s cost of providing ambulance service which are driven mainly by labor, equipment, medical supplies, and vehicle costs. When reviewing the fee structure several factors are taken into account including the overall cost of service and the fees that others charge both locally and among the industry.

Ambulance fees have commonly been charged based on the level of service performed. The levels of service are Basic Life Support (BLS), Advanced Life Support 1 (ALS 1), Advanced Life Support 2 (ALS 2), Treat No Transport, and ALS Intercept. Rates have also varied between residents (including Fire Protection District residents) and non-residents, with a mileage charge added. This is calculated per “loaded mile” meaning that a patient is under transport.

During a recent review, Andreas Medical Billing (AMB) noted that nearly two-hundred Fire Departments (including DeKalb, Elburn, Oswego, and Montgomery) have moved to a single billing rate in the range of \$1,200-\$1,800 regardless of the type of service provided. This is primarily due to the rising cost of the service and the fact that the same firefighter/paramedics and ambulance responds to basic life support and advanced life support calls for service. AMB noted that \$1,800 is the industry “standard” that insurance companies will reimburse entities for emergencies medical services.

In FY18, the Sycamore Fire Department responded to 2,281 calls of which 1,796, or 78.7% were related to emergency medical services. During the same period the operations of the Fire Department was \$3,925,932 *without* including a proportionate cost of dispatch service (\$708,393 between police and fire), the capital equipment costs (i.e. an ambulance costs roughly \$190,000) and worker’s compensation insurance. While it is difficult to measure the cost of a single call, basic math suggests that 78.7% of the department’s expenditures equal \$3,089,708. When this is divided by the 1,796 calls the operating cost per call would be \$1,720.

A total of \$604,763 in ambulance fee revenue was collected in FY18; offsetting roughly 20% of the cost of the service. It should be noted that increasing the fee to \$1,720 does not mean the City recovers all costs as there are several factors that reduce the revenue collected, such as Medicare assignments, patients without insurance, etc. Many communities continue the differentiation between residents and non-residents by waiving any “out-of-pocket” costs for those within city or fire protection limits after insurance makes payment. Regardless of the type of treatment received, residents of the City or Fire Protection District would not incur any additional cost for the service after insurance, Medicare or Medicaid makes payment.

To cover the rising costs of providing ambulance service and align with the direction the ambulance billing industry is moving, the Fire Department proposes increasing the fee to \$1,720 for Basic Life Support and Advanced Life Support 1 and 2 as follows:

| Residency Status | BLS | | ALS 1 | | ALS 2 | | Mileage (per loaded mile) | |
|------------------|---------|----------|---------|----------|---------|----------|---------------------------|----------|
| | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed |
| Resident | \$650 | \$1,720 | \$825 | \$1,720 | \$950 | \$1,720 | \$13 | \$13 |
| Non-Resident | \$850 | | \$1,050 | | \$1,200 | | \$14 | \$14 |

The fee for bariatric lift assist is recommended at one-half of the standard call for service (\$860; previously \$700) and no changes are proposed to either the ALS Intercept or Treat, No Transport charges.

As noted above, residents (including those serviced by the Sycamore Fire Protection District) would not have any costs after insurance assignment.

This model leads to the following net impacts:

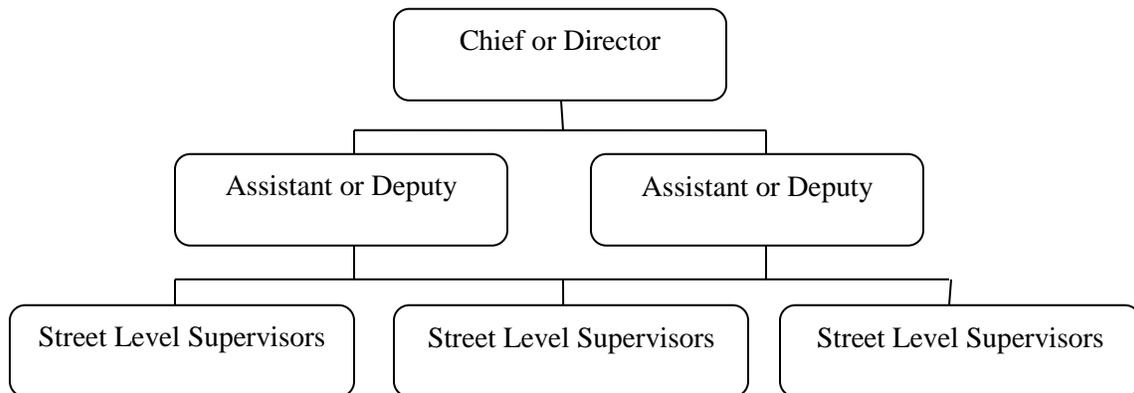
- The impact would be reduced on the resident as the City would write off the balance (deductible, co-pay, etc.) after insurance, Medicare or Medicaid payment is made.
- The City would continue to write-off balances for indigent accounts.
- The amount of labor associated with the account billing process, follow-up and collection efforts would be significantly reduced.
- With a flat billing rate, AMB would reduce its billing fee from 5% to 4%.

Any rate changes would go into effect on May 1, 2019 and require action at a future meeting.

City Council direction is requested.

E. Consideration of an Administration Presentation Outlining FY20 Restructuring.

Over the past three years, modifications have been made to the organizational structure with an ultimate goal of creating a similar leadership structure within the Police, Fire and Public Works Departments. With the proposed structural modifications outlined in the chart below, each department would have one Chief or Director, two Deputy Chiefs or Assistant Directors and street level supervisors based on a variety of factors (divisions, shifts, etc.). These changes would be effective on May 1st, the start of the new fiscal year.



The Fire Department has operated under this structure since 2010 and the only change planned for FY20 is to retitle the Assistant Fire Chief positions as Deputy Fire Chiefs. The job functions will remain the same; however the Deputy Chief titles will be consistent with industry norms and current practices.

The Police Department had a command structure consisting of the Chief, one Deputy Chief and two Commanders in recent years. The Deputy Chief position was vacated when the current Chief was promoted, with the Commanders absorbing many of the Deputy Chief's

responsibilities. With the proposed restructuring, the Commanders will be reclassified as Deputy Chiefs in FY20.

In Public Works, five managers including a Director, Assistant Director and three Superintendents made up the reporting structure as recently as 2018. At that time there was no street level supervisor rank in any of the divisions. With several retirements in the last fifteen months, the structure was modified to reduce the number of managers to three and create three street level supervisor positions. With the retirement of the Water Superintendent in late 2018, the remaining two Superintendents absorbed the duties within that division. In FY20, those Superintendents will be promoted to Assistant Director of Public Works. The street level supervisory positions were initially called Assistant Superintendents, but with the restructuring of the Superintendent positions, these have been re-titled as “Foreman” with the same duties and responsibilities under the AFSCME contract.

The decisions made in the past few years were aimed at creating parallel reporting structures within Police, Fire and Public Works. The proposed changes create natural peer groups across departments and provide consistency in succession planning efforts. Additionally, a compression model for management salaries is being created. Collectively, these changes result in a more efficient management model, with less managers, more street level supervisors and an overall cost savings.

City Council direction is requested.

F. Consideration of a Presentation of the 2018 Police Department Annual Report.

Police Chief Jim Winters will present the Police Department’s Annual Report. The report highlights the Department’s activity over the past year and offers a statistical comparison with prior years. The report will be available at the Police Department and on the City’s website.

G. Consideration of the Preliminary FY20 Budget.

Copies of the proposed FY20 City Budget have been distributed to the City Council, the local media and a copy has been placed in the reference section of the Sycamore Public Library where it is on record for interested citizens to review. Copies may also be obtained for cost at the City Clerk’s office or online at www.cityofsycamore.com.

The general fund, enterprise, special, capital and bond fund budgets will be reviewed. The City’s Department Heads will assist the City Manager in this review. A public hearing on the proposed budget, which may be revised following discussion, will be held on Monday, April 1st and action on the budget will be recommended on Monday, April 15, 2019.

H. Consideration of an Administrative Request for a Closed Session to Discuss Collective Negotiating Matters Between the Public Body and its Employees or their Representatives, or Deliberations Concerning Salary Schedules for one or more Classes of Employees.

15. OTHER NEW BUSINESS

16. ADJOURNMENT