

---

SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF September 16, 2019

---

**ROLL CALL**

Mayor Lang called the meeting to order at 7:00 p.m. and City Clerk Mary Kalk called the roll. Those Alderpersons present were: Josh Huseman, Rick Kramer, Pete Paulsen, Virginia Sherrod, Chuck Stowe, Alan Bauer, Steve Braser, and Nancy Copple. City Attorney Keith Foster was also present.

Mayor Lang thanked Deputy Chief Todd Turner and Firefighter Ian Wheeler for the demonstration of the Ecological Flame Generator that is used for fire extinguisher training.

**INVOCATION** – Pastor Joe Munro, Sycamore United Methodist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**MOTION**

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

**VOICE VOTE**

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

**APPOINTMENTS- None**

**AUDIENCE TO VISITORS - None**

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of September 3, 2019.
- B. Payment of the Bills for September 16, 2019 in the amount of \$542,645.65.
- C. Plan Commission Meeting Minutes from Regular Meeting of August 12, 2019.

**MOTION**

Alderperson Bauer moved to approve the Consent Agenda and Alderperson Stowe seconded the motion.

**ROLL CALL VOTE**

Mayor Lang called for a roll call vote to approve the motion. Alderpersons Huseman, Kramer, Paulsen, Sherrod, Stowe, Bauer, Braser, and Copple voted aye. Motion carried 8-0.

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

Rick “Spider” Kramer said that he has been diagnosed with cancer and will begin treatments tomorrow for the next six to eight weeks. He will do his best to be at the meetings.

Mayor Lang thanked Spider for sharing and asked the Council to remember Spider in their thoughts and prayers and that we are with him 100%.

Spider said that is why he loves this city!

**REPORT OF OFFICERS**

**City Manager – Brian Gregory** shared that the City will be issuing a Request for Proposal (RFP) for services to help with the Comprehensive Plan as they look to update it every five years. The last one was done in 2014 so they look to start it late this year and finish it 2020. There is a Special Use action item from the Planning and Zoning Commission (PZC) on the agenda. He shared that there were also two workshop items at the PZC for the St. Albans property where the fire was back in July and for the St. Mary’s Church “purple house” on the corner of Somonauk and Waterman Streets.

**Police Chief – Jim Winters** said this is Child Passenger Safety Week and the police department encourages anyone who transports little ones to stop the Police Department and have one of our officers, certified in car seat installation, check the seat for proper installation. On Saturday, there will be a cooperative Child Safety seat check at Hy-Vee from 10 am -1 pm

where certified officers will be available to inspect car seats for proper installation. He encouraged all parents, grandparents, or others who transport children to stop by. Today, they had an unannounced visit from an investigator from the Illinois Law Enforcement Training and Standards Board (ILESTB). ILETSB is the state agency that certifies police officers and enforces the many legislatively mandated training topics. They are happy to be informed that they are 100% complaint in all training. The agent advised that only about 50% of the agencies are 100% compliant in all areas with all officers. Credit to our officers who take training seriously and seek out advanced training as well as our sergeants and deputy chiefs that identify, schedule, and track the 3,000 + hours of training. Lastly, he sends best wishes to Spider as he moves forward in his journey.

**Deputy Fire Chief – Todd Turner** wished Spider good luck and said their prayers are with him. They received a grant from Country Financial for \$3,000 to purchase the prop for fire extinguisher training that was demonstrated before the meeting. The Fire Department Open House will be October 19<sup>th</sup> from 11am – 2 pm at station #2. He's looking forward to Fire Prevention Week October 6<sup>th</sup> – 12<sup>th</sup>, which is always the week centered around the October 8<sup>th</sup> anniversary of the Great Chicago Fire. There is a team of five-six Firefighters that have addressed every grade school child in all the grade schools to spread the word. This year's theme is Plan and Practice your Escape.

**Director of Public Works – Fred Busse** said the fall fire hydrant flushing program started today and the map and plan are on the City's website and signs will be placed in the immediate area when flushing. Well #9 just received its radium removal media exchange and will be back online by the weekend. Well #6 is slated to be pulled in the first week of October. He also said that while rechecking some hydrant flow data, they found valves that have been closed in the area of Foxpointe & Hathaway Drives. They didn't create any water quality issues, but they could tell that something wasn't right just by looking at the water model. It will be interesting when they complete the water model to see all the data and information they will be able to gain. It's hard to bite and spend tens of thousands of dollars for certain studies but this is definitely already paying off. He also added that everyone within Public Works gives Spider their best blessings.

**Treasurer/Asst. to the City Manager – Adam Orton** said the August Treasurer's Report, on a cash-basis, has a benchmark of 33%. With the fourth installment of property tax received, it brings it to 56%. The State Sales Tax and the Home Rule Tax are 33% and 31.7% respectively. Overall revenues year to date sit at 39% but at 36% when weighted with property taxes. Overall expenditures are at 32%. August saw small decreases for both pensions however both funds remain in positive territory for the fiscal year.

**Building & Engineering Director – John Sauter** said the Meijer project is moving along as much of the underground utility work is complete. All of the walls are in place and work is underway on the roof structure for the main store. Their plan is to complete as much of the exterior work before the weather turns, so hopefully the weather cooperates. He said that Old Mill Park and the new Soccer Complex on Airport Road are also progressing nicely. Site work is underway at Old Mill Park and underground utility work will begin this week. Underground utility work is substantially complete at the Soccer Complex and work on the entrance, parking lot, storage building, and gazebo will start soon. Lastly, he said, "Spider, you know we are with you friend, so hang in there".

**Director of Human and Administrative Resources (DHAR) – Maggie Peck** reported that 25 applicants finished the first process for the Police Officer entry level position. Chief Winters and she will be overseeing the testing that will take place Saturday, 9-21-19. They are hoping to have oral interviews the first week of October. Kudos to Chief Winters and his staff for their compliance. She is very happy to hear that from a Safety Committee standpoint. As part of the Give Back Campaign, the City will be partnering with Mayor Lang's initiative "Kids Work Day", October 12<sup>th</sup>. They welcome anyone who would like to participate to come out and be part of that community day. She told Spider that her thoughts are with him.

**City Engineer – Mark Bushnell** said that he appreciates everyone's patience with all the road construction. With the exception of sealing the patches, the IDOT work is done. Microsurfacing in Fox Pointe will be completed mid-week. The smoke testing of sanitary sewers was originally scheduled for this week but is delayed due to the recent rainfalls. It has been rescheduled for the week of October 7<sup>th</sup> and should last one week. He said that even though Spider will try to make the next meetings, he looks forward to shaking his hand before each meeting.

## **REPORTS OF STANDING COMMITTEES**

Finance – Alan Bauer - no report

Public Safety – Pete Paulsen - no report

Public Works – Chuck Stowe - no report

## **PUBLIC HEARINGS - None**

### **ORDINANCES**

**A. Ordinance No. 2019.20—An Ordinance Amending Title 9, “Building Regulations,” of the City Code of City of Sycamore to Adopt the 2015 International Building Code, the 2015 International Residential Code for One and Two-Family Dwellings, the 2015 International Fire Code, the 2015 International Plumbing Code, the 2015 International Mechanical Code, the 2015 International Fuel and Gas Code, the 2015 International Pool and Spa Code, the 2015 International Existing Building Code, the 2015 International Property Maintenance Code and the 2014 National Electrical Code and Modify the 2014 Illinois Plumbing Code in the City Code of the City of Sycamore, Illinois. Second Reading.**

City Manager Brian Gregory said this was discussed on First Reading at the last meeting. This ordinance would effectively replace Title 9 adopting the 2015 International Code Series along with the 2014 National Electrical Code and update the 214 Plumbing Code. The Building and Engineering Department began working with the City of DeKalb and DeKalb County in an effort to adopt the same code series. Some changes are outlined in the agenda. He thanked the Builder’s Association, City of DeKalb, who spearheaded the effort, Building & Engineering Department, John Sauter, Mark Bushnell, and their teams for all the review they did in preparing and making sure it aligned with the nuances that Sycamore has, as well in the code. He said this is a win-win for the city and for those doing business in the city.

Mayor Lang said that this is a great example of governmental units working together teaming up to make it simpler.

### **MOTION**

Aldersperson Stowe moved to take Ordinances 2019.20, 2019.21, 2019.22, 2019.23, and 2019.24 in omnibus fashion and Aldersperson Paulsen seconded the motion.

### **VOICE VOTE**

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

**B. Ordinance No. 2019.21-An Ordinance Amending Title 3, "Business and License Regulations," Chapter 7, "Electrical Contractors," and Establishing Chapter 25, "Mobile Homes and Mobile Home Parks," of the City Code of the City of Sycamore, Illinois. Second Reading.**

**C. Ordinance No. 2019.22-An Ordinance Amending Title 4, "Public Health and Safety," Chapter 3, "Nuisances," Section 1, "Nuisances Declared," of the City Code of the City of Sycamore, Illinois. Second Reading.**

**D. Ordinance No. 2019.23-An Ordinance Amending Title 5, "Police Regulations," Chapter 4, "Miscellaneous," Section 15, "Noise," of the City Code of the City of Sycamore, Illinois. Second Reading.**

**E. Ordinance No. 2019.24-An Ordinance Amending Title 8, "Water and Sewer," Chapter 2, "Water Use and Service," Section 8, "Taps and Water Service Pipes," of the City Code of the City of Sycamore, Illinois. Second Reading**

### **MOTION**

Aldersperson Stowe moved to adopt Ordinances 2019.20, 2019.21, 2019.22, 2019.23, and 2019.24 and Aldersperson Paulsen seconded the motion.

### **ROLL CALL VOTE**

Mayor Lang called for a roll call vote to approve the motion. Alderspersons Huseman, Kramer, Paulsen, Sherrod, Stowe, Bauer, Braser, and Copple voted aye. Motion carried 8-0.

**F. Ordinance No. 2019.25-An Ordinance Authorizing a Request by Joel and Halie Howells for a Special Use Permit to Operate a Professional Office at the Property Located at 240 Edward Street in Sycamore, Illinois (PIN 06-32-380-007). First and Second Reading.**

City Manager Brian Gregory said this comes from the Planning and Zoning Commission (PZC) with a favorable recommendation by a vote of 11-0. Joel Howells, who is present, along with his wife Halie, own Wellspring Center for Counseling currently

operating in Elgin. Joel is a Sycamore native and he and his wife are hoping to open a second location in Sycamore at 240 Edward Street, formerly Morningstar Media. That property is zoned residential and has operated under a special use permit. In June, an amendment was made to the Unified Development Ordinance (UDO) to make professional offices a special use in R-1, R-2 and R-3 residential districts provided that a special use for professional offices previously existed for the property in question. Wellspring Center provides counseling for individuals, families, and couples. They plan to have four therapists working regular business hours from 8 am to 5 pm and evening appointments. There is off-street parking in front and in back which would meet their current needs and future needs if they bring on additional therapists. He referenced the Special Use criteria:

*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.*

The staff compared that criteria and that potential use against how Morningstar used the property and thought the conditions would be similar. A public hearing was held at the PZC last week and there was one question from a neighbor about the type of counseling and the neighbor seemed satisfied with the business model and what is being proposed.

#### **MOTION**

Alderman Huseman moved to waive First Reading on Ordinance 2019.25 and Alderman Sherrod seconded the motion.

#### **VOICE VOTE**

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

#### **MOTION**

Alderman Huseman moved to approve Ordinance 2019.25 and Alderman Sherrod seconded the motion.

#### **ROLL CALL VOTE**

Mayor Lang called for a roll call vote to approve the motion. Aldermen Huseman, Kramer, Paulsen, Sherrod, Stowe, Bauer, Braser, and Copple voted aye. Motion carried 8-0.

#### **RESOLUTIONS - None**

#### **CONSIDERATIONS**

##### **A. Consideration of an Administration Recommendation to Award the Bid for the City's 2019 Tree Planting Program.**

City Manager Brian Gregory said this year's 50/50 tree planting program went to bid and the one bid received was from Stan's Garden Center, who has been the vendor for the program for all but one year and there are two groups of tree as per the agenda. The City pays for 50% of the cost of the tree and planting as part of the program. Staff recommends the program be limited to a maximum of one tree per residence through October 2nd. Orders will be taken at the City Clerk's Office at which time the resident will receive a stake to be placed in the front yard to indicate the desired location of the tree. Each tree will be planted between October 9<sup>th</sup> and November 8<sup>th</sup> and is guaranteed for one year.

<b>Company Name</b>	<b>Address</b>	<b>Bid Amount</b>
<b>Stran's Garden Center</b>	<b>Sycamore, IL</b>	<b>\$20,630.00</b>

Alderman Braser asked if we used it all up last year.

City Manager Brian Gregory said there were two left.

#### **MOTION**

Aldersperson Braser moved to award the bid to Stan's Garden Center for \$20,630 and Aldersperson Paulsen seconded the motion.

### **ROLL CALL VOTE**

Mayor Lang called for a roll call vote to approve the motion. Alderspersons Huseman, Kramer, Paulsen, Sherrod, Stowe, Bauer, Braser, and Copple voted aye. Motion carried 8-0.

### **B. Consideration of the Sycamore Public Library's Annual Report Presented by Executive Director Monica Dombrowski.**

Executive Director Monica Dombrowski introduced Public Relations & Marketing Manager Jill Carter and Business Manager Mary Holtrop, who was present. Kim Halsey, the new Adult Services Manager, was not present and she regrets to report that Julie Halloran, Youth & Teen Services Manager will be leaving in the next couple of months. She covered their new mission statement and the highlights of the year as presented in the agenda. Some highlights include: adding Creative Bug, My Promo Receipt, and a Mobile Book Bike. They had 123,371 visitors and 205,691 total item circulations. They completed several building projects, developed several strategic partnerships, and are creating a series of videos for big events and new services.

Aldersperson Copple asked if those videos would be done by the Spartan TV kids and on Channel 14.

Monica Dombrowski said yes, it will be the middle schoolers and up who make the videos. The videos will also be on all the social media channels and their website.

Mayor Lang said to keep up the good work.

### **C. Consideration of an Administration Request for Discussion Regarding Recreational Cannabis Dispensaries in the City of Sycamore.**

City Manager Brian Gregory said this consideration is meant to provide some information regarding the new state law; the Cannabis Regulation and Tax Act (Public Act 101-27) that was signed in June legalizing and regulating production, consumption, and sale of cannabis in Illinois, which will go into effect on January 1, 2020. The first question any municipality has to decide is whether or not to allow or prohibit the sales of adult recreational cannabis in our community. The City, through Special Use permit, allows medical cannabis dispensaries. At this point, there is not a medical cannabis dispensary in our district, which includes DeKalb County. He pointed out though that the state law makes it legal to use recreational cannabis within the parameters. Locally, municipalities aren't weighing in, aren't being asked to weigh in, or can't weigh in on whether we should allow or prohibit the use rather just the sales in our community. He said that we can prohibit sales but just not the use and it will either be allowed or prohibited through a local ordinance. There are rules, as with medical cannabis, about certain areas where recreational cannabis cannot be used. As we go through the process, depending on direction, he will go over those rules and the zoning rules because, if the Council allows it, they can locate those dispensaries through the use of the zoning regulations. Certain zoning districts, a dispensary could be permitted through Special Use permit only. Provisions could be added as to proximity to public buildings, daycares, or however they want to do it. This can be utilized on site where a recreational cannabis dispensary might be. Regarding the tax, he said that if the City authorizes the retail sale of adult-use cannabis by approved dispensing organizations, the Act allows for the imposition of a municipal tax under the Municipal Cannabis Retailers' Occupation Tax Law. The tax may be up to 3% of the gross receipts of cannabis products and must be imposed in 0.25% increments.

At this point it appears that the 1% state local sales tax will also apply, as would the City of Sycamore's 1.75% home rule sales tax. If the City permitted cannabis businesses and imposed a local tax at the full 3%, the total local tax on cannabis products could be 5.75%. Dispensary revenue estimates vary widely from \$1 million to \$10 million per year which would equate to anywhere between \$57,500 to \$575,000 per year using local tax rates. He said it would be a safe assumption that that larger numbers come from the more populated areas, so likely the City's revenue source, if allowed, would be on the lower end of that range. He reviewed as per the agenda that the state will also derive revenues from state taxes and license fees imposed on cannabis business establishments, with a portion of those proceeds distributed to local governments, including municipalities, to fund crime prevention programs, training and interdiction efforts. These state taxes and license fees will be imposed in addition to the above described Municipal Cannabis Retailers' Occupation Tax, and all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government. So there are two separate pieces; the local piece is that which the City could utilize as they see fit and the local government distributive fund which has a purpose outlined in the state

law. He said, not tied directly to the decision, direction, or discussion, but said there are a lot of questions of expungements of local law enforcement records which are outlined in the background. He reviewed the facts from the agenda:

### ***Facts Regarding the Implementation of Recreational Cannabis in Illinois***

*Illinois currently has 21 cultivation centers and approximately 56 medical cannabis dispensaries. (There are 60 dispensary licenses). Four that weren't ever granted. The State is initially allowing those to medical cannabis dispensaries to sell recreational cannabis, but that taxation would be different between the two. He said the State will add 75 more licenses with 47 of those within the Chicago-Naperville-Elgin region, of which Sycamore is a part of. In all likelihood, much of that emphasis will likely go to the Chicago side of the region. There will be up to 500 licenses added post January 2022.*

*Forty-five (45) more dispensaries and nine (9) more cultivation centers will be approved for opening on January 1, 2020. Forty (40) "Craft Grower Licenses" shall be issued by July 1, 2020.*

*By December 21, 2021 an additional 60 craft grower licenses shall be issued. These could be similar to micro-breweries in which cannabis can be grown, processed, and dispensed within the same premise. The cultivation area of these premises may be up to 5,000 square feet initially and may be expanded to 14,000 square feet upon approval of the Department of Agriculture. Increases in the number of licenses is discretionary by the Department of Agriculture but may not exceed 150 licenses.*

He said there is more information from the Illinois Municipal League (IML) and Q & A in the background. He will not get too deep into details until there is direction as to whether to allow or prohibit it. The appropriate next step would be to bring this back at the next meeting with a public hearing to provide ample opportunity to come forward and provide public input, either to allow or prohibit, before any decisions are made. From there, staff can move forward based on the direction.

Mayor Lang said Brian has put a lot of effort into this and thanked him for being thorough, courteous, and forthcoming.

Alderman Huseman asked if there is a "wait and see" approach. Perhaps if they opt out, this is something that the Council can address again in a year or at a later date.

City Manager Brian Gregory said as far as he know, there is nothing that prohibits the Council from opting out and reviewing it at a later date or that a decision has to be made by a certain date or that a decision is final.

Attorney Keith Foster said it can be done either way, they can opt in and opt out later.

Alderman Huseman said there are lots of variables and unknowns so it seems that we may have an opportunity to see what other towns do, the revenue they generate, and the adjustments made.

Alderman Bauer said over time, he has voted against changes with alcohol and gambling regulations. What he has seen over those votes is that the Council properly regulated those things and set zoning areas. Even though he was pessimistic, it has turned out ok. He said that he's ok with this. The tax revenue will be there and so it's no different than when Cook County imposed the soda tax and people would go out of the county to buy soda so we should probably collect the tax revenue.

Alderman Paulsen said that he looks forward to the public hearing but said "if it is done properly". He said that they have already approved medical dispensaries three, four, five times already and it's still not here or licensed. If we opt in and say we will allow this, there is no guarantee that we will get a license. He thinks the safeguards are there for handling the product and said let's have a public hearing and get the public input and see where it goes.

Alderman Stowe said that he agrees with most of what he has heard so far. The biggest concern about it is the Police enforcement and how they are going to verify if someone is under the influence. Not offering it for sale won't make a difference. If we don't allow any retailers here, the Police Department is still going to have the same problem. So we might as well collect the revenue and regulate it correctly. We need a public hearing to see what everyone else thinks.

Alderman Braser said they are not reinventing the wheel. It's been done in different states and different communities that it's fortunate that Illinois came out a little bit later and we are not the ones to put all the rules in place. There are few good models out there that they can look at and some others that they may not want to copy. The problem is, is that they better

start moving on it quickly because other communities are.

Aldersperson Copple said she would like to wait to hear what the public has to say.

Aldersperson Sherrod said that she is in agreement if they have the opportunity to regulate it. They have done such an outstanding job with alcohol and video games. Sycamore has gone over backwards in keeping things in tact that if they regulate this the City will be in conjunction with the Police. She would rather see Sycamore collect the revenue as the City has done an outstanding job on the money so far, so "why not cash in on it as everyone else is going to". She feels comfortable with how the Council has gone about regulating things so far and that she would enjoy what the public is going to say and go from there.

Alderman Kramer said that if it is legalized, asked why they would prohibit it. He said that it's no worse than alcohol and no worse than video gambling. He thinks that it's even less of a problem than alcohol. So, he reiterated, "if it's legal by the state, why should they prohibit it".

Mayor Lang said that there will be a public hearing at the next Council meeting on October 7<sup>th</sup>.

**D. Consideration of an Administration Request for Closed Session to Discuss Collective Bargaining and Personnel Matters.**

**MOTION**

Aldersperson Sherrod moved to enter into Closed Session at 8:05 p.m. and Aldersperson Huseman seconded the motion.

**VOICE VOTE**

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

**MOTION**

Aldersperson Huseman moved to enter back into Open Session at 8:41 p.m. and Aldersperson Sherrod seconded the motion.

**VOICE VOTE**

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

**OTHER NEW BUSINESS**

**ADJOURNMENT**

**MOTION**

Aldersperson Stowe moved to adjourn the meeting at 8:42 p.m. and Aldersperson Paulsen seconded the motion.

**VOICE VOTE**

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

Approve:

\_\_\_\_\_  
Mayor - Curt Lang

Attest:

\_\_\_\_\_  
City Clerk – Mary Kalk