



City of SANDWICH, ILLINOIS

City Hall Annex · 128 East Railroad Street

Committee-of-the-Whole Council Meeting

June 5th, 2023 immediately following Regular Council Meeting

MINUTES

Mayor Latham called the meeting to order at 7:20 PM. Roll call was taken:

Present: Mayor Latham, Clerk Li, Aldermen Arnett, Erickson, Fritsch, Johnson, Kreinbrink, , Robinson & Whitecotton

Absent: Alderman Littlebrant

Quorum established

Also Present: Attorney Gottschalk, City Administrator Penman, Interim Police Chief Bleichner, & EMA Director Ciciora

Mayor Latham and Alderwoman Johnson attended the latest public hearing on the proposed solar garden to be located on Pratt Road in opposition of the project. The project will be located ¼ mile from the City's boundaries in DeKalb County. Mayor talked about the impact the project would have on the commercial corridor according to the City's Master Plan. The petitioner nor property owners showed were present at the hearing. Questions were also posed relating to the underground pipeline that affects the property. After much debate, the County Board committee decided to extend the meeting June 28th. It appears there may be another meeting prior to the committee presenting their recommendation to the Dekalb County Board. Alderwoman Johnson reported there is an opposition petition that is in circulation.

Foster, Buick, Conklin, Lundgren & Gottschalk Law Group: Attorney Gottschalk explained that under new laws, there is little a property owner or municipality can do to prevent the installation of solar fields. Other location options are being investigated. Attorney Gottschalk reiterated from previous discussions; the more people that attend the hearings, the better the outcome for the City.

City Clerk Li attended the annual IIMC (International Institute for Municipal Clerks) in Minneapolis May 15th-18th. Numerous classes were offered including technology. Clerk Li, confessing to be a technological dinosaur, is introducing a QR (quick response) Code on billing statements that should lessen the burden on City Hall. She is investigating if the City should continue to outsource invoice printing or process in-house.

Clerk Li distributed educational booklets to the Council that she obtained in Minneapolis. In a cartoon format, she explained the message is easily understood and informative. The booklets were on urban planning and GIS (geographic information system) mapping.

City Treasurer: Open Position

City Administrator Penman highlighted matters that will be presented at the June 19th meeting, including continued discussion on the International Building Code for first reading, engineering agreement with HLR (Hampton, Lanzini & Renwick) on grant-issued projects, the Opera House roof and gutters, and continued air conditioning issues at City Hall. Arrangements are being made for downtown plantings by volunteers as part of the beautification program.

City Department Reports:

EMA Tom Ciciora - No report

Interim Chief Bleichner distributed a comprehensive activity report covering January - May, 2023 that listed the type of service call by specific month including adjudication court matters. Minor calls were not listed. On June 22nd, a sergeant will be retiring, and another officer has indicated he may be resigning causing replacement openings.

Engineering: City Administrator Penman advised updates on identifying projects that were listed on the distributed staff report. Department heads continue to meet every two weeks with Curt Dettmann, Project Manager at EEI (Engineering Enterprises).

Aldermen Reports:

Alderman Johnson questioned if the City could offer a program to recycle small batteries. The City has investigated recycling matters, but discovered such would come at a cost. She also advised that she will be gone until July 10th, and will be available for the July 17th meeting.

Alderman Johnson reported that the Finance Committee had a discussion pertaining to meeting times and approval invoice payment by the Council. Prior to combining Regular and Committee-of-the-Whole meetings to twice monthly, the Finance committee would meet following the COW meeting. The following week, invoices would be approved for payment at the Regular meeting. After hearing negative feedback that the Council does not have enough time to review invoices prior to approval, the Committee considered reviewing bills at a schedule Finance Committee meeting, and postpone the Council's approval to pay until the following Regular meeting, two weeks following the initial Finance Committee meeting. The Finance Committee want to review the recommendation prior to initiation.

Alderman Kreinbrink opened discussion on Chapter 70-2 of the Municipal Code regarding driveways. He met with Scott Colle, homeowner of 223 E. Center Street regarding the project at the corner of Center Street and Lafayette Street. Through the discussion with Mr. Colle regarding the excavating and ditch line, the concrete apron to his property was going to be removed and replaced with asphalt. Under Chapter 70-2, if there is an unimproved roadway (no curb nor gutter) but a sidewalk is present, there are two options: replacement will be all asphalt or asphalted from the sidewalk to the roadway. The reasoning for asphalt is easier to manipulate should there be future road construction and easier to match the grade. In reviewing driveways along Lafayette, Alderman Kreinbrink noted several grade variations affecting concrete versus asphalt driveways. Because Lafayette Street is scheduled for repaving, theoretically concrete could be used as the replacement and would match the roadway grade.

Question was also posed who is responsible for sewer repairs. The homeowner is responsible from the sidewalk to the house, and the City is responsible from the sidewalk to the roadway including if the sewer line is located opposite side of the roadway. Water Supervisor, Brian, Voelkel, was in the audience and approached the Council advising that in the past, the City has conducted sewer locates for residents under special circumstances. The City is unable to conduct a sewer lateral and is forced to outsource at an estimate \$350 per call. The City does not charge the homeowner this cost; however, Alderman Kreinbrink wondered if it would be worth the equipment purchase of \$5,000 and staff training to avoid unnecessary charges to the homeowner.

Alderman Kreinbrink concluded that the resident should have been advised of maintenance work being conducted on his property, and should not have learned from the engineering company. He advised that there are similar concrete and paver-designed driveways that will be affected by the Lafayette Street project. Attorney Gottschalk asked if these homeowners had followed the Municipal Code and obtained driveway permits. She stressed that if no permit was obtained, the City following the Municipal Code via asphaltting driveway apron replacements. Is the City approving permits, for example, that do not follow the Code? Mayor recommended that Building Official pull driveway permits for review.

Alderman Robinson asked if Lafayette Street repaving will occur prior to the Latham Street project, and will Lafayette Street become an alternate route for Latham Street traffic. Lafayette Street is ready to commence; ComEd is still relocating poles on Latham Street. Because of the time of year, high voltage lines can only be inoperable two days at a time creating limited down time. It was noted that ComEd is on their 4th project manager for the Latham Street project.

Alderman Robinson recommended that under New Business, outdoor dining, beer gardens and food trucks can be discussed as one general topic.

New Business:

Discussion of Ordinance 2021-13 / Article VI, Section 22-95 "Outdoor Dining": This Ordinance was created to coincide with Covid allowing restaurants to better serve the community by utilizing the adjacent right-of-way for outdoor dining. The Ordinance is specific stating the business must be a restaurant in order to offer outdoor dining. Council may want to consider how to offer outdoor dining when there is no restaurant present. Under the current Ordinance, Sports Page and Vinez would be excluded from offering outdoor dining. As another example, Vinez does not offer food on site, but do have a food truck presence; however, Vinez has no access to a public right-of-way as defined in the Ordinance. Alderman Robinson recommended a moratorium on outdoor dining and food trucks because Ordinances were created during the Covid pandemic, and circumstances have now changed. Examples of allowable outdoor dining included Rosetti's Pizza, Bull Moose Bar & Grille, Brenda's Custard Edgebrook Country Club, and Sidetrack'd Bar & Grill.

Attorney Gottschalk emphasized that the City must following the Illinois Liquor Control Act. Examples provided by Alderman Robinson did not involve setting up business in a private

parking lot as Vinez has requested unlike the other establishments that have their own patio area. Council needs to seek other ways of implementing Vinez request, should this be a desire. Statewide, outdoor dining regulations ended May 1st coinciding with Covid restrictions. Attorney Gottschalk noted that Class E liquor license does allow outdoor dining, perhaps the Class A liquor license be amended to allow outdoor dining.

Mayor Latham summed up the discussion by noting the Ordinance for outdoor dining may need modification due a different environment than that when the Ordinance was initiated. Regarding food trucks, the mayor was under the impression that no permit or license is required if the City is hosting an event with a food truck presence. He asked the Council if they want to review that Ordinance in addition to beer garden requirements. Alderman Kreinbrink favored the permitting process to be continued as well as enforce health department permits.

Discussion of Section 6-51 Beer Gardens: Was not discussed apart of mentioning under outdoor dining herein.

Discussion of Chapter 54 as it relates to Peddler / Solicitor licensing: Clerk Li had shared an ordinance sample defining a “no-knock list”. She recently had a solicitor inquire to see the City’s no-knock list that sounded good in theory. Once investigated, she felt such a list would become impractical given that most solicitors do not obtain a permit to solicit, and the monitoring the list would be an added burden on staff. Council agreed to move forward with modification to the Municipal Code by increasing the solicitor’s permit from \$25/solicitor to \$50/solicitor. Solicitation hours would be amended to 10 AM until 6 PM or dusk, whichever occurs first. The violation fine would remain at \$750/per solicitor and no soliciting will be allowed on Sunday. The City will investigate ordering “no solicitor” signs for residents that are interested.

Discussion on potential downtown parking locations: A business owner had approached the mayor requesting additional parking that was felt was not in the best interest of the city. However, Mayor Latham addressed the Council advising downtown parking issues to be addressed. The City owns property for future parking lot development, and the mayor urged a decision needs to be made how to proceed.

Discussion on Streetscape Plan for downtown: The Mayor wants to invite a streetscape engineering company to give a presentation in July on the development of an affordable streetscape design for the downtown area.

Discussion of potential changes to Ordinance 2022-06 as it relates to mobile food venders: Discussed herein under New Business.

Discussion of Section 70-2 “Driveways” as it relates to current specifications and requirements: Discussed under Alderman Kreinbrink’s aldermanic report.

Discussion of possible amendments to portions of Section 34-1; 34-7; 62-1(3); 62-4 (g)(1)(a) of Sandwich Municipal Code as it relates to regulations of leaf burning within the city limits: Council will restrict burnings from noon until 6 pm or dusk, whichever comes first. No burning

will be allowed on Sunday nor the week of the Sandwich Fair. Council sought clarification of no burning on holidays by questioning the definition of “holidays - City holidays, federal holidays, or other recognized, celebrated holidays.

Announcements: Next meeting for the Finance Committee will be on Monday, June 19th at 6:30 PM. The Regular Council meeting will meet at 7 PM on the same date immediately followed by the Committee-of-the-Whole meeting.

Sexual harassment training will be held on a choice of two dates, June 19th at 5:00 PM or Wednesday, June 21st at 10 AM.

Audience Comments: Jason Davis, co-owner of Vinez, questioned if he can put tables in the private parking lot for serving liquor. After the Mayor contacted Mr. Davis for being in violation allowing alcoholic beverages leave his premises to sit outside, their business has declined by 25% since the tables have been removed. His argument was why other establishments are allowed to serve food and alcohol outside until 1 AM and questioned by he cannot. He further argued he does not see the difference between a park bench sitting outside a business compared to tables sitting outside his establishment. He stressed he felt targeted, and the City was treating him unfairly. Compounding the frustration, after Mr. Davis received an email from the Mayor, another co-owner came to city hall to complete an outdoor dining application and pay for the permit. Staff was unaware an application existed nor what the cost would be for licensing. Mr. Davis stressed his establishment is a benefit to residents by bringing in food trucks offering a variety of foods. He added that many of the food trucks will no longer frequent Sandwich because they have to acquire a permit and are unable to determine if sales will be cost effective. If Mr. Davis cannot put tables outside his establishment, he asked what ordinances he is in violation.

Resident, Scott Colle, complained about the city ordinance regarding the asphaltting of driveway apron replacement as part of the Lafayette Street repaving regardless if the original apron is gravel or concrete. Mr. Colle says he now has a gravel approach and wants his concrete driveway made whole. Blaming a bad engineering design that omitted proper drainage on Center Street, the city had to enter Mr. Colle’s property for maintenance repairs. A culvert was installed that at 18 inches deep, creates a safety hazard. Mayor Latham encouraged Council members to view the property to better understand the repairs made in the City’s right-of-way.

Adjournment: There being no further business to come before the Council, **motion made by Alderman Robinson and seconded by Alderwoman Johnson to adjourn the Committee-of-the-Whole council meeting at 9:37 PM. Motion carried unanimously on voice vote.**

/s/ Denise Li – City Clerk