



# City of SANDWICH, ILLINOIS

City Hall Annex • 128 East Railroad Street

**Committee-of-the-Whole Council Meeting**  
*May 15<sup>th</sup>, 2023 immediately following Regular Council Meeting*

## MINUTES

Mayor Latham called the meeting to order at 8:11 PM. Roll call was taken:

**Present:** Mayor Latham, Deputy Clerk/City Administrator Penman, Aldermen Arnett, Erickson, Fritsch, Johnson, Kreinbrink, Robinson & Whitecotton

**Absent:** Clerk Ii; Alderman Littlebrant

Quorum established

**Also Present:** Attorney Gottschalk, Interim Police Chief Bleichner, & EMA Director Ciciora

**Mayor Latham:** Mayor Latham presented evidence to Dekalb County Planning about Solar Field North of Pratt Road between East and West Sandwich Road.

Supt. Grube, Administrator Penman and Mayor Latham have all completed Substance Abuse Training for Supervisors training with IDOT.

Mayor Latham mentioned that many of the downtown flower beds have been adopted and that we are working on getting plants for groups to plant.

**Foster, Buick, Conklin, Lundgren & Gottschalk Law Group:** Attorney Gottschalk has scheduled sexual harassment training for Council Members and staff on June 5<sup>th</sup> at 5:00 pm in the Council Chambers. As second date is being rescheduled.

**City Clerk Ii:** No report

**City Treasurer:** The position is vacant after the April 4<sup>th</sup> election. Council will consider eliminating the position altogether, and if so, the question will be posed on a voter ballot at the next election.

**City Administrator Penman:** Dekalb County Foundation Grant for upgrades to the downtown. Working with Police Department.

Onboarding community enforcement official this week

**City Department Reports:**

EMA Tom Ciciora - No report

**Police Chief** – Discussion with regard to traffic control signs. No signs were in place on E. 1<sup>st</sup> Street at Dekalb. Traffic Study done in past, but was left silent to that intersection. North of that a Stop sign would be

1<sup>st</sup> Street at Green Street - no current sign, but that is not unique. Chief Bleichner recommended installation of a Yield sign instead of a stop sign Chief was to follow the ordinance to install the signs.

Alderman Robinson stated that the concern comes from the Manufacturing plant when changing shifts as that tends to get congested and a sign might reinforce that

Mayor said the process is to have the change posted, it is to be posted, ordinance, notify with a flag, and then a sign is installed.

Mayor Asked if he has completed his “ride a longs” and encouraged all council members to do a ride a long,

### **Aldermen Reports:**

Alderman Arnett – Noted that he has discussed leaf burning with a number of people. The majority of those he spoke to are open to some change. Pointed out that if they are burning trash that is in violation and police should be called. Mayor Latham noted that we will be going over the leaf ordinance

Alderman Kreinbrink – Excited about the upcoming roadway improvements. Latham St., Lafayette, Main St. thanking staff for getting the projects to this point.

Alderman Robinson inquired about the traffic signal project on Route 34 as to what was included in the scope of work.

### **New Business:**

The mayor read through Leaf burning Ordinance

#### **Section 62-4 Disposition of garbage, Rubbish...**

(c) noted all trash is to be disposed of in a can, not just in garbage bags.

(g) Combustible materials Landscape Waste, “Slow burning

Alderman Whitecotton stated he has been in contact with individuals and he is looking to propose changing Section (g) to reduce the hours to noon to 6:00 pm or sundown whichever occurs first.

Alderman Robinson – Likes the noon to 6, not sure about Sundays, noted he knows many people who work 6 days a week and only are able to do yard work on Sundays. Also pointed out that we should better define what holidays would be observed. Alderman Whitecotton suggested “City Holidays”

Mayor noted that recreational fires are still allowed, and that no matter what we pass, we need to ensure that we enforce it.

Alderman Krienbrink mentioned that with the leaf collection service that is offered that the number of people that burn leaves has become fewer. He brought up other ideas/options in addition to the services being offered: 1. Suggested odd and even day rotation for burning (some weekends Saturday and some weekends Sunday) 2. Noted that some waste haulers take yard waste as part of their trash service. 3. Could the city find a place for residents to haul them and dump them.

Mayor Latham mentioned that this ordinance has been altered five times and that any change we make may need to be considered as a pilot program to see how well it works.

Atty Gottschalk mentioned that most of the complaints we have heard is when individuals are in violation of section (g) (2) which states –

**(2) Prohibited burning.** It is unlawful for any person to burn wet cardboard or paper, rags, feathers, wet or green leaves, green weeds or grass at any time. The burning of any material such as rubber, tires, leather, tar paper, old batteries or any material which emits an offensive odor when burned is unlawful. Such material, with the exception of food cans and food cartons or any material which draws flies, may be placed in open containers and hauled away to be deposited in accordance with the regulations of the city council.

Mayor Latham stated that we should rewrite the ordinance and work to educate people, and possibly send out information with the water bill.

The question was raised as to the amount of the fine for violations.

Alderman Fritsch asked about the Ringlemann Smoke scale which measures the density of smoke based on visibility.

Alderwoman Johnson briefly brought up the topic of parkway trees and what incentives we can provide to encourage residents to use the leaf pickup.

Further discussion commenced around options for potential leaf collection in the spring. It was determined that it may not be the best idea as the debris that accumulates over the winter had the potential to damage the machine.

After reading the remainder of the ordinance, and section 62-5 Burning on public property.

**Sec. 34-1. Nuisances generally;** was discussed. And Section 34-7 Smoke

Atty Gottschalk mentioned in Section 1-5 if no specific fine is listed in any section the fine is \$750 per day. She suggested that we may want to enter a specific fine for leaf burning. The mayor suggested that we place a different fine other than \$750.

Alderman Robinson mentioned that through the adjudication process it would likely not fine the full amount for first time offenders. The maximum fine is \$750. Alderman Kreinbrink agreed that keeping the fine high gives the adjudication official the flexibility to set the fine as required.

It was pointed out that the goal is compliance, not an effort to collect fines. The importance of educating the public was stressed with ideas including a press release,

A revised proposal is to be brought back for consideration that includes:

- a. Reduced hours from Noon to 6:00 pm or sundown whichever is earlier.
- b. Limiting days of the week to Monday – Saturday
- c. No Burning on Sundays or “City” Holidays (Will need to be defined).

Attorney Gottschalk will draft the revisions to the Ordinance to bring to the next meeting.

**Solicitor’s Permit Ordinance 2022-11** - Chapter 54 of the Municipal Code as it relates to solicitors. Currently, the city charges \$25/day per solicitor for a maximum of ten days. No solicitation is allowed on Sundays. Clerk Li has canvassed neighboring communities of similar population and found that Sandwich is more restrictive than most.

Mayor Latham began reviewing Ordinance 2022-11 with the Council.

**54-21 Hours of solicitation** – Currently solicitation is not allowed between 8:00 pm – 8:00 am. Discussion commenced as to if the hours should be shortened for soliciting possibly 10 am – 6 pm or sundown whichever is earlier.

**54-22 Penalty** – It was discussed that the penalty is established by section 1-5 which provides for a fine not to exceed \$750 per solicitor per day.

Suggestion was to send “No Solicitor” stickers in the water bills.

**Section 54-50 – Application** – no comments on the information requested to apply for a permit.

**Section 54-51 – Fees:** It was discussed that there are two fees.

1. An application fee that is not specifically stated in ordinance, but the Council agreed should cover the cost to the City to issue the permit and conduct the background check in addition to the staff time required to process the permit.

2. The application fee is separate from the permit fee and is currently \$25 per day per solicitor. The Council discussed various approaches to what the application fee should be.

Alderman Whitecotton recommended \$75 application fee and \$50 per day per person permit fee. A question was asked as to how much the background check costs the city to conduct.

Alderwoman Johnson asked what is the City's cost to process the background check. It was estimated at \$39 per person by the time the staff time, the background check (\$28) fingerprinting fee (\$10)

Attorney Gottschalk reminded the Council that Solicitor's have a first Amendment Right to solicit. She also confirmed that she had checked with some of the other communities she represents and found that typically the fees are around \$25 per solicitor per day.

**Section 54-52. Bond.** Mayor Latham posed the question as to whether the \$300 bond was high enough to cover any penalties or any recovery fees that the City might incur due to the solicitors working in the community. It was asked if the bond should be made payable to the City of Sandwich.

Alderman Kreinbrink asked what the bond was for. It was stated that it is to pay any fines or costs associated with potential fraud or if the solicitor did not follow through on the sale. Council discussed raising the bond to \$750 per solicitor. As that is the potential fine per solicitor per day. The question was raised as to whether the bond should be per solicitor or per solicitor per day. The question was raised as to whether the bond should be \$5,000 per solicitor. Attorney Gottschalk was asked to determine what other communities do for the bond.

**54-53 Application review and issuance** – (a) Alderman Fritsch asked if the 24-hour requirement was realistic for the police to turn around the application. (The Council concurred that it should be changed to two business days (48 hours) if it can be confirmed that is reasonable for staff to turn it around.

**54-54 Denial** – No specific comments with regard to how and why a permit may be denied. Discussion as to what actions could disqualify a solicitor from receiving a permit.

**54-55 Expiration and renewals** – The Council asked Attorney Gottschalk to look into how renewals are handled by other communities. As renewals can be issued currently within 300 days. Mayor Latham asked attorney Gottschalk to research and recommend different application renewal processes.

**54-56 Identification Badges** – The Council discussed the current badges and that they are created by the Clerk, the concern is that the current badges appear that the City is endorsing the solicitor. Suggested bringing back different samples of possible badges to consider. It seems that the current badge has been mistaken as the solicitors working on behalf of the City of Sandwich. Suggestion was that the Badges need to be simplified and be able to be produced efficiently.

**54-57 Exhibition** – No changes suggested.

**54-58 Transfer** – No changes suggested

**54-59 Revocation** – Attorney Gottschalk was asked to review the current circumstances that can result in revocation of the permit and come back with better language. Attorney Gottschalk said that in her research Hours, Fees, application. She did not find any revoking is a letter from the mayor that can be revoked. No authority for putting a stop to a whole company based on the action of one person actions. Potential constitutional scrutiny.

**54-60 Notice and hearing for revocation and section 54-61 Appeals of denials, suspensions and revocations.**

Requested Attorney Gottschalk review the revocation process and appeal process for sound legal format and timing.

Hours What we want to charge for fees, how other municipalities revoke a permit. Found not authority to stop an entire group of solicitors based on the action of one person.

**54-62 Claims of Exemption** – No changes suggested

**Article IV. Roadside stands - Hawkers**

Mayor Latham ran through Article IV about Roadside stands – Hawkers. Attorney Gottschalk mentioned that this section was reviewed closely last year. This article addresses roadside stands, sweet corn vendors, etc.

**54-143 License Required/License fee** – No suggested changes

- (a) License is to be obtained from city clerk
- (b) Licenses are valid April 1 – March 31
- (c) Annual fee is \$250 per year
- (d) Police department runs background check

**54-144 Application for license** - No suggested changes

**54-146 Issuance of license** – No suggested changes

- (a) City has 30 days to notify applicant in writing of its decision to issue or deny the license.

**54-147 Special Event/License Fee** – No suggested changes

- Application for a temporary vending permit is to be made to City Clerk at least 7 days prior to the start of the event.
- Permit is good for the duration of the special event
- Any type event sale will be reviewed by the building official upon application for sign compliance and safe location
- License fee for up to 3 days is \$50

**54-148 Notification of name and address change** – No suggested changes

**54-149 Exemptions from Fees** No suggested changes

- Not-for profit, charitable and community organizations can apply to have fees reduced, waived, or have days extended.

**54-150 Exemptions** No suggested changes

**54-151 Claims of exemption** No suggested changes

- Any claims for exceptions are to be made to the building official by stating the statute or legal authority for exemption.

**54-152 Hours of Operation** – No suggested changes

- 7:00 am – 9:00 pm

**54-153 Littering and Trash removal** – only suggestion was to add “provided by vendor” to the end of section (a).

**54-154 Signs** - No suggested changes

- All off premise signs must comply with City Sign Ordinance does this refers to Article VII. – Sign Regulations?

**54-155 Suspension and revocation of license** – No suggested changes

- (a) List of reasons that license can be revoked is missing. No (b)

**54-156 Appeals** - No suggested changes

- (a) If city clerk denies license or permit or the Police chief suspends or revokes a license or permit it can be appealed to the City Council
- (b) Filing of the appeal stays the action of the police chief until the City Council makes a final decision unless Police Chief determines that continued operation is a threat to public health or safety.

**54-157 Renewals** – No Suggested changes

- Application for renewal will be granted if application is made prior to expiration of permit or license.
- Applications made after expiration date are issued as a new license.

**54-158 Construction** – No Suggested Changes

Mayor Latham made mention of a Street closure permit request by Sidetracked to have a street closure permit for June 3, 2023 to close Center Street between Main and Green Street for Honor Flight Chicago Fund raiser.

**Announcements:** Next meeting for the Finance Committee will be on Monday, June 5<sup>th</sup>, 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.

**Audience Comments:**

Resident, Bill Hall, spoke about the leaf burning. He stated that has lived at the NE Corner of 6<sup>th</sup> Street and Latham Street for 45 years. At one time they had 14 deciduous trees. He used to burn, until the leaf pickup was instituted. He expressed his desire to have leaf pickup begin

earlier and be done more frequently since there are days that due to weather, leaves cannot be collected. In those cases, if he misses the pickup, he does not have a choice, but to burn leaves,

Mr. Hall also commented on the number of semi-trucks that come from the North and South who continue to use 6<sup>th</sup> street as an entrance to access businesses located on 6<sup>th</sup> Street. His suggestion was to contact businesses located on 6<sup>th</sup> Street and ask that they contact their vendors that deliver to those locations and that they avoid 6<sup>th</sup> St.

Jeremy Boussolout, 614 Charlotte expressed that in his opinion an overall ban of leaf burning would better solve the issues at hand. By not banning leaf burning the City is pitting neighbor against neighbor in his opinion.

**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 9:18 PM. Motion carried unanimously on voice vote.**



Geoff Penman – Deputy Clerk