

**CITY OF BYRON
MINUTES OF THE ADMINISTRATIVE COMMITTEE
WEDNESDAY, NOVEMBER 3, 2021, 5:15 PM
BYRON CITY HALL**

Alderman Hanlin called the meeting to order at 5:15 pm.

1. ROLL CALL –

MEMBERS PRESENT: Chairman Alderman Christy Hanlin, Alderman Jessica Nehring, Alderman Todd Isaacs

MEMBERS ABSENT: Alderman Cheryl Metz

OTHERS PRESENT: Clerk Caryn Huber, Attorney Aaron Szeto, Economic Development Director Larry Hewitt, Police Chief Todd Murray

CITIZENS PRESENT: Amy Eder, Ron Svartoi, Raul and Melissa Leon, Phil Anders, Kurt Larson, Dana Rohr, Becky Adams, Susan Steeves

- 2. APPROVAL OF AGENDA – NOVEMBER 3, 2021 – Alderman Nehring motioned to approve, as presented, the November 3, 2021, Administrative Committee meeting agenda. Seconded by Alderman Isaacs. Roll call vote: Isaacs, AYE; Nehring, AYE; Hanlin, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**

3. PUBLIC COMMENT –

Phil Anders – Mr. Anders addressed the subject of the UTV ordinance. He is speaking on behalf of a rider group of approximately 650 people in Ogle County. UTV riding as a sport is on the rise, and producers cannot keep up with the demand for vehicles. Currently there is a four month or longer waiting list for new vehicles. Many states, counties and cities have legalized the use of these vehicles on public roads. He understands the committee's concerns, but feels that once the guidelines are set, they will be followed by the majority of the riders. From his experience, the riders are self-policing in order to protect this privilege. His hope is that once cities have legalized the use of UTVs, the county will follow in order to connect the cities. Mr. Anders pointed out that not only will the stickers be a new source of revenue for the city, but most businesses will benefit from the revenue of additional people in town. He would like to see a plan that will benefit both the rider and the community.

- 4. APPROVAL OF MINUTES – OCTOBER 6, 2021 – Alderman Nehring motioned to approve, as presented, the October 6, 2021, Administrative Committee meeting minutes. Seconded by Alderman Isaacs. Roll call vote: Nehring, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**

- 5. PERFORMANCE BONDS FOR ROW EXCAVATIONS –** Attorney Szeto stated that his work is almost complete on updating the amounts of bonds required for companies working in our right of ways. Currently, the amount of bond required is \$1,000, which is not enough to cover major road work.

6. GREG & MICHELLE JOZEFOWICZ-PARADISE NUTRITION TIF APPLICATION –

Director Hewitt said the TIF agreement for Paradise Nutrition has been drafted and is in Dropbox. The project covers façade improvements, gutters, new windows, and a sign. Total

project cost is \$14,074.32. 75% of the total cost is \$10,555.74, which is the amount they are requesting. Attorney Szeto added that the agreement includes the stipulation that if they close within a year, they owe the city the total amount awarded them. If they close within the second year, they owe 50% of the amount awarded. Director Hewitt confirmed that there is adequate funding in the TIF account, and the amount will be awarded in a lump sum. **Alderman Nehring motioned to recommend that council approve the award for Michelle and Greg Jozefowicz, Paradise Nutrition, for \$10,555.74 as a TIF grant for façade improvements. Motion seconded by Alderman Isaacs. Roll call vote: Hanlin, AYE; Isaacs, AYE; Nehring, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**

7. **UTV ORDINANCE AND APPLICATION** – Attorney Szeto stated that a red-lined version of the UTV ordinance is in Dropbox. This copy incorporates the suggested changes discussed at the last committee meeting. In addition, suggestions from Chief Murray were included as a document in Dropbox. The definition of a UTV is a statutory definition that will change on January 1, 2022. In addition to including 2,000 lbs. as a weight maximum for gas-powered vehicles, the new definition also provides a weight limit of 3,000 lbs. for electric vehicles. If the ordinance is passed prior to January 1, 2022, it will need to be amended after the first of the year in order to match state statute. Other stipulations on the ordinance include: Operators need to be 21; Vehicles must be insured; any riders under 18 years must wear a helmet; Children, who otherwise have to be in a car seat or booster seat in a car, must also be in a car seat or booster seat in a UTV. The vehicles must be equipped with brake and headlights, seat belts, turn signals, etc. Additional suggestions from the committee include a stipulation that the Byron Park District and School District have requested that no UTVs be allowed to operate on their land, that UTVs are allowed to park in downtown parking lots and not on city streets, and that they are only allowed to operate until 11pm. Alderman Isaacs asked to clarify that the parking restriction applies to the downtown area only. Chief Murray added that the stickers will be numbered and color coded for different years. Alderman Isaacs asked about the wording of the revocations for violations. Chief Murray said that the 1st or 2nd violation can result in revocation depending on severity of the violation. Alderman Isaacs asked about the signature on the application. Chief Murray said that the signature applies to the applicant of the sticker, even though they may not be the only driver of the UTV. Discussion continued regarding the sticker fee, and it was decided that it would be \$100 for the first year, and then \$50 annually. Fees will be used for administrative costs and signage. Chief Murray feels that designating a route, keeping the noise level down, and limiting hours of operation, will give the ordinance the best chance to remain in place. Mr. Anders suggested considering offering reciprocity with surrounding towns (if you buy a sticker in one town it is good in other towns). The ordinance will continue to be discussed at the December committee meeting.
8. **ORDINANCE TO AMEND CHAPTER 17 TO ALLOW FOR SHORT-TERM RENTAL PROPERTIES** – Attorney Szeto said this ordinance allows for Airbnbs. Alderman Isaacs clarified that anyone that offers their home for a short term rental has to get a special use permit. Yes per Attorney Szeto. Alderman Isaacs also asked if these rentals qualify to collect hotel tax. Director Hewitt said that the hotel tax ordinance is in place and we need to implement it. There are six short term rentals in Byron now, and they will be notified once the tax is in place. Attorney Szeto will check on who is responsible for paying the tax to the city. **Alderman Isaacs motioned to recommend council approval to amend chapter 17 to allow for short-term rental properties. Motion seconded by Alderman Nehring. Roll call vote: Isaacs, AYE; Nehring, AYE; Hanlin, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**

9. **MROZEK DOWNTOWN AIRBNB SPECIAL USE PERMIT**– ZBA discussed this matter at their meeting on October 14, 2021. They had no objection to allowing a special use permit for an Airbnb located at 126 W. Second St. Alderman Isaacs asked about parking overnight. Chief Murray said parking is prohibited between 3 and 5am on Second St., however, it is primarily enforced after snowfall to allow plowing, or when street sweeping is planned. Overnight parking is allowed in back of the building in the municipal parking lot. **Alderman Isaacs motioned to recommend council approval to allow the Mrozek downtown special use permit at 126 W. Second St. Motion seconded by Alderman Nehring. Roll call vote: Nehring, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**
10. **ORDINANCE AMENDING SECTION 17.48.180 TO AMEND ZONING FEES** – Attorney Szeto said we recently changed our ordinances regarding permit fees. Rather than specifying the fee amount in the ordinance, we now refer to the schedule of fees that may be changed from time to time by council. Because Section 17.48.180 refers to zoning fees, the subject needed to go before the ZBA. The ZBA voted to approve the change (vote tally is included in Dropbox). **Alderman Nehring motioned to recommend council approval to amend section 17.48.180 regarding zoning fees. Motion seconded by Alderman Isaacs. Roll call vote: Hanlin, AYE; Isaacs, AYE; Nehring, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**
11. **ORDINANCE AMENDING CHAPTERS 5.36 (PEDDLERS) AND 5.40 (SOLICITORS)** – Attorney Szeto explained that our current peddlers and solicitors ordinances include references to selling food. Because food is now covered in the mobile food truck ordinance, the peddlers and solicitors ordinances have been revised and references to food were removed. The insurance requirements have been increased from \$250,000 to \$500,000. There is a restriction in the peddlers ordinance that prohibits peddling from 8pm to 9am. The application, however, lists the hours as 7pm to 9am. After discussion, the committee recommends that the restricted hours be listed from 7pm to 10am. **Alderman Nehring recommends council approval to amend Chapters 5.36 (Peddlers) and 5.40 (Solicitors) as amended, with peddling and soliciting restricted between 7pm and 10am. Motion seconded by Alderman Isaacs. Roll call vote: Isaacs, AYE; Nehring, AYE; Hanlin, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**
12. **ORDINANCE AMENDING CHAPTER 5.10 TOBACCO** – Attorney Szeto explained that recommended changes to Chapter 5.10 are in an effort to match current state statute. The changes include raising the age to purchase tobacco from 18 to 21. Alderman Isaacs questioned the fact that the age to sell tobacco has been lowered from 18 to 16. After discussion, the age will remain at 16 to match state statute. Chief Murray added that we have not had any tobacco issues. There is a stipulation that tobacco cannot be sold 100 ft. from a school or child care facility. This distance can be increased if council chooses to do so, but it cannot be decreased. The committee decided to leave at 100 ft. to match state statute. **Alderman Isaacs motioned to recommend council approval to amend Chapter 5.10 tobacco as presented. Motion seconded by Alderman Nehring. Roll call vote: Nehring, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.**
13. **DOG PARKS** – Alderman Hanlin asked to reintroduce the topic of dog parks and boat docks. At one time, Exelon was offering a matching grant of \$2,500 to improve our boat docks. We were not awarded the grant, and the work was not done. A citizen had come to council several years ago to recommend adding a dog park to the community. She trains rescue dogs, and felt the dog park would allow them to host special events. Director Hewitt

and Forest Preserve Director Todd Tucker did research on the project. The Forest Preserve chose not to include a dog park at that time due to its proposed proximity to Stone Quarry, where children were typically present. Alderman Hanlin asked if the committee wanted to revisit this topic. Director Hewitt feels we should contact the Forest Preserve again. Stone Quarry does not exist anymore, and they were very positive about the dog park initially. Alderman Hanlin added that there is a resident that may be currently working with Director Tucker to place a dog park on Forest Preserve land on Townline Rd. Alderman Nehring is in favor of revisiting the idea of the dog park. Alderman Isaacs suggested we could implement an intergovernmental agreement if necessary. To start the discussion, Director Hewitt will contact Director Tucker.

14. BOAT DOCKS – Briefly discussed during discussion of dog parks.

15. ADJOURN – Alderman Isaacs motioned to adjourn the Administrative Committee meeting. Seconded by Alderman Nehring. Roll call vote: Hanlin, AYE; Isaacs, AYE; Nehring, AYE. Motion passed: AYE, 3; NAY, 0; ABS, 0.

Alderman Hanlin adjourned the meeting at 6:22 pm.

Respectfully submitted,

Caryn A. Huber, City Clerk of Byron, Illinois