



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
JANUARY 9, 2023  
6:00 P.M.**

DeKalb Public Library  
Yusunas Meeting Room  
309 Oak Street  
DeKalb, Illinois 60115

Pursuant to Chapter 2 "City Council", Section 2.04 "Council Meetings", persons wishing to address the City Council during this meeting are required to register with the Recording Secretary by filling out and submitting a Speaker Request form, copies of which are located on the table just outside the meeting room, along with copies of the agenda. Comments will be limited to three (3) minutes. Further information for addressing the City Council can be found on the Speaker Request form.

**A. CALL TO ORDER AND ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF THE AGENDA**

**D. PRESENTATIONS**

None.

**E. PUBLIC PARTICIPATION**

**F. APPOINTMENTS**

None.

**G. APPROVAL OF THE MINUTES**

1. Minutes Submitted by the City Clerk – None

2. Minutes Submitted by the Recording Secretary

a. [Minutes of the Regular City Council Meeting of December 12, 2022.](#)

**H. CONSENT AGENDA**

1. [Accounts Payable and Payroll through December 27, 2022, in the Amount of \\$2,879,175.11.](#)

2. [Accounts Payable and Payroll through January 9, 2023, in the Amount of \\$1,586,274.16.](#)

3. [Investment and Bank Balance Summary through November 2022.](#)

Assistive services, including hearing assistance devices, available upon request.

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4. [Year-to-Date Revenues and Expenditures through November 2022.](#)
5. [Freedom of Information Act \(FOIA\) Report – November 2022.](#)

## I. PUBLIC HEARINGS

None.

## J. CONSIDERATIONS

### 1. Consideration of Proposals for the Rehabilitation or Redevelopment of 330 Grove Street and 217 S. Fourth Street.

City Manager's Summary: For many decades, the City of DeKalb has owned several buildings on multiple lots across from the former city hall property on S. Fourth Street. As depicted in the graphic below, one is the sprawling yellow brick building at the corner of Grove Street and S. Fourth Street that was built in the 1960s for the U.S. Post Office and has been occupied by several local social service agencies for more than 40 years. This parcel consists of two lots (Lots 9 & 10 of Block 16) as shown on the [boundary survey](#) and is known as 330 Grove Street. The DeKalb County Youth Services Bureau occupied the largest portion of the building as a tenant from the 1980s to the fall of 2022 and was never charged rent or utility costs for their use of this public facility. The portion of the building facing Grove Street has been occupied on a “handshake” lease with the Family Service Agency and has housed the Senior Center for many decades – also at no cost.

The other parcel is a one-story office building at 217 S. Fourth Street (Lot 8) that was built for private commercial purposes in the 1970s and purchased by the City of DeKalb in the 1980s to house the Community Development offices. The building was vacant from the Fall of 2014 but was re-opened as the “Belonging Center” in the spring of 2021.



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Both buildings are tired and in need of new roofs and HVAC systems. For such rehabilitation, the City is facing tens of thousands of dollars in repair costs, and neither of the buildings produces any rents or utility payments to help offset such costs. The City Council first directed the City Manager to explore market interest in the purchase of the two buildings in 2019, as part of a broader initiative to divest the City of idle or underutilized properties that the City had acquired. For over a year, the lot at 217 S. Fourth Street was listed by a local commercial broker but no offers were received. In May 2022, the Council asked the City Manager to notify the tenants at 330 Grove and 217 S. Fourth that leases would expire at the end of calendar year 2022, at which time the Council would consider proposals for either (a) the commercial re-use or (b) the demolition and redevelopment of either or both properties in a manner consistent with the redevelopment underway on the former city hall property.

A [Request for Proposals \(RFP\)](#) dated November 28 was [publicly advertised](#) and circulated. A walk-through of the properties for interested bidders was held on December 8, 2022, and the deadline for submittals was December 28, 2022. In advance of the deadline, four responses were received. One response was submitted by a demolition firm, [Rezzar Demolition](#) of Oak Park, which simply offered a demolition bid but was not responsive to the principal purpose of the RFP with respect to the purchase and future use of the lots.

The other three responses are summarized below. Full copies of the proposals are appended in the on-line Agenda background.

- a) [Brian Fleming, American Dream Tax](#). Mr. Fleming proposes to establish a new company, DeKalb Business Group, LLC, to purchase and manage the two existing buildings and all of Lots 8, 9 & 10 for commercial office purposes. He proposes to house his financial services and tax return office in one of the two buildings, as well as a day-care center and incubator for small businesses. Mr. Fleming has offered to purchase the two properties, as is, for \$100,000 and would rehabilitate both structures in line with city codes and ordinances at his sole expense. Mr. Fleming did not submit a certified check in an amount not less than 20% of his total proposal price, which was a requirement of the RFP.
- b) [Family Service Agency \(FSA\)](#). The Family Service Agency proposes to purchase only Lots 9 & 10 which contain the building at 330 Grove, originally built for the U.S. Post Office and housing the Senior Community Center and Youth Services Bureau for over forty years. The FSA hopes to acquire only the building and surrounding lot at 330 Grove Street; the FSA did not offer to acquire the lot and building at 217 S. Fourth Street.

According to their attached proposal, the FSA intends to “maintain programming and services currently provided” (e.g. Club 55, a food pantry, a Thrift Shop, a warming and cooling center, and regular counseling from Prairie State Legal and LIHEAP) and to expand with a youth drop-in center, youth mentoring services, and summer programs.

FSA proposes to purchase the building for \$1.00. The agency assumes it will need to spend up to \$200,000 for roof repair, HVAC upgrades, awning replacement, painting, carpet replacement, and electrical upgrades. FSA submitted a certified check in the amount of \$0.20 to meet the retention requirement for a bid of \$1.00.

- b) [Pappas Development, LLC](#). The principal of Pappas Development, John Pappas, has proposed to purchase both properties for \$100,000 with no contingencies and no financial assistance from the City. His intention is to preserve the one-story building at 217 S. Fourth and to remodel it to meet contemporary expectations for up-to-date commercial or retail

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use, and according to all applicable codes and ordinances. This space could be leased to business or not-for-profit tenants.

Additionally, Mr. Pappas proposes to demolish the structure at 330 Grove and prepare the lot for a drive-through business (see attached concept plan) with additional parking for employees and walk-in guests. His goal is to attract a national brand serving the downtown and surrounding residential properties, as well as DeKalb visitors and shoppers. Mr. Pappas submitted a certified check in the amount of \$20,000 to meet the RFP retention requirement for a bid of \$100,000.

Recommendation: The proposal from Mr. Pappas is more dynamic in terms of generating sales and use taxes and offering new retail services to an area now undergoing positive changes in terms of business use (e.g., Gehrke Construction), new housing (City Hall Suites), and restaurant services (Lincoln Inn). Mr. Pappas has dramatically demonstrated his capacity for transforming downtown sites as well as the successful renovation of existing properties.

**The City Manager recommends Council acceptance of the proposal from Mr. Pappas for the purchase and redevelopment of the lots at 330 Grove Street and 217 S. Fourth Street.** ([click here for additional information](#))

## K. RESOLUTIONS

### 1. **Resolution 2023-001 Approving a Consulting Contract with Sam Schwartz Consulting, LLC for a Comprehensive Public Transportation Study in the Amount of \$98,379.**

City Manager's Summary: In consultation and partnership with Northern Illinois University, the City of DeKalb circulated a Request for Proposals (RFP) on October 19 to solicit professional proposals for a commuter rail feasibility study. The purpose of the study is to identify potential ridership, capital costs, and operating requirements as a basis for defining the financial feasibility of a commuter connection to the City of DeKalb.

The study is conceived in phases. Phase I will determine potential ridership in the DeKalb County area and analyze the following:

- Any previous study recommendations regarding this subregion's public transportation systems including metropolitan planning authority (DSATS) studies;
- Any "park and ride" pilot projects serving DeKalb County;
- Existing land uses and planned developments that might be traffic generators;
- Existing traffic on the area's state highways and I-88;
- Any planned roadway improvements on arterial streets;
- Stakeholder interviews with local and regional public officials and business leaders, human service providers, educational leaders, DSATS members, and convention and visitor bureaus;
- Current and projected demographic data and employment patterns; and

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- Maps and other visual graphics that depict demographics and ridership markets.

The Technical consultants will present this information in a logical and comprehensive way to the DeKalb/NIU team.

*Deliverable: An Existing Conditions and Market Assessment*

Phase II will focus on supplemental data to provide the basis for a realistic case for more, diversified public transportation service. The supplemental data will include, but is not limited to, the following:

- The number of households in the study area;
- The number of households with potential mobility needs (e.g. carless, elderly, low-to-moderate income families);
- Home permits and the potential for further housing growth;
- Areas with higher numbers of public transit users;
- Areas with major traffic generators, including NIU, Kishwaukee College, major shopping centers, senior housing, major employment centers, etc.;
- Total number of employed and employers;
- Number of employees by employment sector.

*Deliverable: An Evaluation of Transportation Needs*

Phase III invites the consultant teams to outline realistic short-term and longer-term plans to address the identified transportation needs. These broad plan concepts will have potential capital and operating costs included.

*Deliverable: A **Final Report** with a Recommended Five-Year Plan and Implementation Strategy. All Deliverables from the various phases of the Technical Scope will be compiled in the Final Report.* The consultant's Final Report will suggest logical means to address funding and logistical challenges revealed in these findings.

Finally, the Project will have a public involvement scope. The consultant will engage regional stakeholders in active ways. The consultants will present preliminary findings about the public transportation needs in the Elburn to DeKalb corridor, across the County of DeKalb, and among stakeholders throughout northern Illinois who are interested in public transit to and from higher education and jobs in the DeKalb County region.

*Deliverables: Brochures, Media Releases, Public Meeting Announcements, Social Media Project Pages, and a Project Website.*

The deadline for submittals in response to the RFP was December 1. The City received inquiries from twenty individuals representing consultants and institutional planners familiar with the work focus. The City also consulted with representatives of Metra's planning offices to generally describe the intent of the study. In that conversation, it was confirmed that the ridership portion of the study should focus on a number of factors including the commuting

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needs of local residents and many NIU students, faculty and staff, as well as the commuting needs of employees of the new industrial businesses locating in DeKalb. By the deadline, the City received two proposals as follows:

Company	Location	Proposal Price
Sam Schwartz Consulting	S. Wacker Dr., Chicago	\$ 98,379.00
SRF Consulting	W. Randolph St., Chicago	\$120,693.41

Both consulting firms have deep credentials and experience in the kind of transit study the City is seeking. Both also have very substantial testimonials from previous clients in the northern Illinois region. **After consultation with the NIU administration, the City team including the City Manager and Transit Director Mike Neuenkirchen recommend a contract with Sam Schwartz Consulting in the amount of \$98,370.00. The contract will be paid from the Transportation Fund (200-30-37-63900).**

It should be noted that the City can help in testing the appetite for commuting by making the present connection to and from the Elburn station more convenient and accessible. Starting the first of January, the bus shuttle will increase from two trips in the morning and afternoon to five trips during weekdays.

**City Council approval is recommended.** ([click here for additional information](#))

## **2. Resolution 2023-002 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Sullivan's Tavern, 722 E. Lincoln Highway.**

City Manager's Summary: The Sullivan family opened its bar and restaurant business in Maple Park in 1927. The business was moved during World War II to Sycamore, and then relocated to N. Sixth Street in DeKalb in 1945. The tavern was eventually established at its present location at 722 E. Lincoln Highway in 1952. The layout of the building on E. Lincoln Highway has not changed substantially since that time, although periodic remodeling has kept the bar and restaurant appealing to the family's customers. The family is interested in a major remodeling now to enlarge and upgrade the bathrooms, and also upgrade the heating/air conditioning system and electrical system.

When the City Council reviewed the proposed FY2023 Budget in November, the City Manager proposed a pilot AIP grant program for non-TIF commercial areas. Among the areas that might be targeted would be commercial strips on DeKalb's east side and S. Fourth Street corridor where the City's TIF program did not reach or failed to make an impact in terms of private rehabilitation of older properties. A modest program with a budget of \$70,000 was created in Fund 400, the Capital Projects Fund (400-00-00-69199).

The Fund 400 program guidelines mirror the City's TIF AIP program. Eligible projects may receive up to \$25,000 in matching funding based on the project impact and qualified improvements. Elements of the project are placed within a three-tier system that provides matching funds on a percentage basis. A 50% reimbursement rate is assigned to eligible major capital improvements. A 25% reimbursement rate is assigned to eligible minor capital improvements. A 10% reimbursement rate is assigned to defray the costs of deferred maintenance.

The Sullivan family has submitted plumbing, HVAC and electrical budgets totaling \$53,884 (see attached). A general contractor (Finnan Construction) has been selected to manage the project.

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The project will substantially improve access, safety, and the conditioned air in the building, which has entertained generations of DeKalb residents and families.

**City Council approval of the maximum matching grant in the amount of \$25,000 is recommended.** ([click here for additional information](#))

### **3. Resolution 2023-003 Censuring City Clerk Sasha Cohen for Abandonment of His Official Duties as City Clerk.**

City Manager's Summary: On April 6, 2021, Sasha Cohen was elected DeKalb City Clerk. Circuit Judge Ron Matekaitis of the 23<sup>rd</sup> Judicial District administered the Clerk's oath of office on May 10, 2021. At that time, Mr. Cohen solemnly affirmed that he would "faithfully discharge" the duties of City Clerk to the best of his ability.

Since his swearing-in, which is typically a moment of pride and humility for a newly elected official, Mr. Cohen has not faithfully discharged his duties by any known standard of professional ethics. Instead, his petulance and abandonment of his official duties is clear and consistent with Mr. Cohen's stated intention, which he voiced in 2021, to disrupt constitutional practices as a "proud anarchist."

The record of Mr. Cohen's abandonment of his duties is public and deep. In 2021, he missed 7 of the 19 Council meetings after his swearing-in. Four of the seven absences were without notice and unexplained. In 2022, Mr. Cohen was absent for 23 of the 26 meetings through November 28. Though he suddenly appeared at the last Council meeting on December 12, he left shortly after the public comment period and did not perform any of his official duties. From April 25 through November 28 – a stretch of 18 consecutive Council meetings – not one word was heard from him officially to explain his absences, although he took time on social media in July to criticize the City's Police Department after a very successful drug and weapons seizure with a post proclaiming that "all cops are bastards."

The Illinois Open Meetings Act requires municipalities to keep written minutes of all their open and closed meetings. The record of what took place in a public meeting is not just a journal of votes and roll calls, but also an important chronicle of the substance of the matters discussed and the action taken on them. On October 14, 2019, the Council approved Ordinance 2019-059, which revised the roles of the part-time City Clerk and the full-time Executive Assistant. As a result of that action, the Executive Assistant had the duty "at all times" to be responsible to ensure that all the duties of the City Clerk were executed faithfully in the Clerk's absence. On November 8, 2021, as a result of the repeated absences and erratic performance of Mr. Cohen as City Clerk, the Council unanimously appointed Ruth Scott as acting Recording Secretary. On November 22, 2021, the Council unanimously approved Ordinance 2021-049, which amended Chapter 3 "City Administration", Section 3.14 "City Clerk", to memorialize the appointment of the Executive Assistant as the Council's permanent Recording Secretary to assure that the duties of the City Clerk would be effectively performed.

To her lasting credit, Executive Assistant and Recording Secretary Ruth Scott has selflessly and diligently assumed all of the Clerk's duties. In particular, she has faithfully taken Council minutes and appropriately recorded them during Mr. Cohen's many long absences.

In fact, such service is nothing new for the Executive Assistant. Since September of 2014, Ms. Scott has fulfilled the role of City Clerk or Deputy Clerk in one capacity or another and continues to do so today. Specifically, she performs the following duties:

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- Assists with the preparation and posting of Council agendas;
- Takes Council minutes and records the approved copies;
- Monitors OMA training for Council members, the City Clerk, City staff, boards and commissions;
- Prepares the annual schedule of public meetings and locations per state statute;
- Prepares the annual Economic Benefit Statement information for the City of DeKalb, which is then provided to the County Clerk's office;
- Codifies Municipal Code amendments;
- Helps to facilitate the election process every two years;
- Fulfills the City Clerk's role at Council meetings;
- Maintains copies of official public bonds;
- Receives and tracks legal notices sent to the City;
- Processes new and renewal licenses and permits, as well as event requests for a variety of local events;
- Maintains official copies of ordinances, resolutions, and agreements in Central Records, which she created in 2015 to provide a location for staff to access records quickly and efficiently;
- Attests and notarizes signatures for the Mayor and City Manager;
- Records documents with the County Clerk's office as needed;
- Administers oaths in the absence of the City Clerk; and
- Serves as recording secretary for the TIF Joint Review Board, Economic Development Commission, and the Finance Advisory Committee.

The Council has relied on Ms. Scott to perform all the duties of Clerk during much of 2021 and nearly all of 2022, and Ms. Scott is trusted to continue to serve the public in this multi-faceted way in the future. Although the list is long, the duties outlined above do not constitute a full-time job. Ms. Scott's other duties on behalf of the City Manager constitute more than one-half of her regular work week. Moreover, all of these duties are performed by a credentialed professional who was hired after a professional search and vetting process.

Finally, it should be noted that Sasha Cohen has ignored other duties as a public official as defined by state statute. At this writing, he has not completed the Sexual Harassment Training required of public officials in Illinois for the years 2021 and 2022. Additionally, he has not filed a Statement of Economic Interest with the DeKalb County Clerk's office since December 2020, despite repeated notices from the DeKalb County Clerk's office. A failure to file the statement may be subject to criminal prosecution and result in fines or forfeiture of office.

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**Recommendation: The City Manager recommends the approval of the attached resolution, which censures Sasha Cohen for his dereliction and abandonment of his public duties.** The fundamental prerequisite for public service is an open mind, a dedicated commitment to public service, and a courteous approach. Mr. Cohen's performance as City Clerk does not inspire any confidence that he has the capacity to learn or embrace these essential professional skills.

The constitutional office of City Clerk is not impacted by this action, but the attached resolution makes clear the Council's intent "at all times" to trust the full-time Executive Assistant and Recording Secretary to perform the duties of the City Clerk whether or not Mr. Cohen is absent or present, for the balance of the Clerk's elected term. ([click here for additional information](#))

**4. Resolution 2023-004 Authorizing an FY2023 Funding Agreement with the DeKalb County Economic Development Corporation (DCEDC) in the Amount of \$35,000 for Economic Development Services Beginning January 1, 2023, through December 31, 2023.**

City Manager's Summary: The FY2023 City Budget that was approved on December 12, 2022, set aside \$35,000 (Community Development: 100-40-41-63700) in support of the DeKalb County Economic Development Corporation. The City of DeKalb was a founding member of the DeKalb County Economic Development Corporation in the late 1980s and has significantly benefited from the agency's business attraction and retention efforts ever since. DCEDC is the strategic planning arm of the DeKalb County government and continues to be a vital clearinghouse for business prospects and commercial brokers interested in development sites in our community and our planning area. The DeKalb City Manager is automatically a member of the agency's executive committee, and the DeKalb Mayor is an ex-officio member of the board of directors.

The corporation's role as an initial point of contact for industrial and commercial prospects is very valuable, as in the case of the recent Ferrara, Meta, and Amazon projects. The organization's ongoing administration of the DeKalb County Enterprise Zone and its surveys of DeKalb County's labor market and business activity are also very important. Long-range planning in concert with all county communities continues (the DeKalb County Thriving and Branding initiatives) and the City substantially benefits from the comprehensive data it generates.

**City Council approval is recommended.** ([click here for additional information](#))

**5. Resolution 2023-005 Authorizing an FY2023 Tourism Agreement with the DeKalb County Convention and Visitors Bureau in the Amount of \$35,000 for Tourism Activities Beginning January 1, 2023, through December 31, 2023.**

City Manager's Summary: The FY2023 City Budget that was approved on December 12, 2022, also set aside \$35,000 (Community Development: 100-40-41-63700) in support of the DeKalb County Convention and Visitors Bureau.

It should be noted that each municipal dollar is matched by a dollar from the Illinois Office of Tourism. In recent years, such events have included the biannual IHSA high school football championships and IESA state wrestling championships. The CVB markets these and other events in DeKalb County through a variety of media, including the annual DeKalb County CVB Guide.

The City of DeKalb is a key beneficiary of the CVB marketing, but at the same time contributes disproportionately as compared to the 14 municipalities in the county. In the period 2010 through 2022, the City of DeKalb contributed \$570,000 to the CVB including the \$35,000 in 2022. On an annual basis, the City’s \$35,000 exceeds the combined contributions of DeKalb County (\$15,000), the City of Sandwich (\$5,500) and Sycamore (\$5,000 funded by the Sycamore Chamber).

**City Council approval is recommended.** [\(click here for additional information\)](#)

**6. Resolution 2023-006 Authorizing an FY2023 Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$35,000 for the Purpose of Facilitating Community Events Beginning January 1, 2023, through December 31, 2023.**

City Manager’s Summary: The City Manager is an ex-officio member of the Chamber Board of Directors. For over 20 years, the City government has supported Chamber events management. In 2000 the City of DeKalb allocated \$15,000 to the Chamber for this purpose and to promote local tourism. This allocation became an annual grant and was accompanied by grants to the former Mainstreet DeKalb and Renew DeKalb as shown in the following table:

Year	Chamber Tourism	Mainstreet DeKalb	Renew DeKalb	Chamber Events Mgt.
2000	\$15,000			
2001	\$20,000			
2002	\$20,000			
2003	\$20,000	\$25,000		
2004	\$50,000	\$25,000		
2005	\$50,000	\$25,000		
2006	\$50,000		\$50,000	
2007	\$50,000		\$50,000	
2008	\$50,000		\$50,000	
2009	\$50,000		\$45,000	
2010			\$45,000	
2011			\$45,000*	
2012			\$45,000*	
2013				\$45,000
2014				\$45,000
2015				\$45,000
2016.5				\$22,500
2017				\$45,000
2018				\$45,000
2019				\$35,000
2020				\$35,000
2021				\$35,000
2022				\$35,000
<b>Total</b>	<b>\$375,000</b>	<b>\$75,000</b>	<b>\$330,000</b>	<b>\$387,500</b>

\*Indicates TIF funding.

In recent years, the annual grant in support of Chamber events has included the Farmer’s Market, Santa’s arrival, and other downtown events.

**City Council approval is recommended.** [\(click here for additional information\)](#)

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**7. Resolution 2023-007 Authorizing a Payment to the DeKalb County Community Foundation on Behalf of the DeKalb Municipal Band for Services Beginning January 1, 2023, through December 31, 2023, in the Amount of \$41,088.**

City Manager's Summary: The Legislative budget in the City's FY2023 Annual Budget contains an allocation of \$41,088 for the DeKalb Municipal Band, founded in 1854. The Band has performed continuously for a longer period than any other municipal band in the State of Illinois. In 2022, the Band established a pass-through fund with the DeKalb County Community Foundation to encourage private donations. Going forward, this pass-through fund will be the vessel for annual contributions – either public or private. The City's FY2023 contribution will cover the expenses of the band during the summer of 2023.

**City Council approval is recommended.** ([click here for additional information](#))

**8. Resolution 2023-008 Authorizing an Intergovernmental Agreement with the DeKalb Public Library for the Administration of Employee Health Insurance.**

City Manager's Summary: On behalf of the DeKalb Public Library Board of Directors, executive Director Emily Faulkner has approached the City of DeKalb to enroll eligible Library employees on the City's plan for appropriate administrative fees, and according to the reciprocal responsibilities defined in the attached intergovernmental agreement (IGA). For many years, Library employees were covered under the City's plans, with the Library and their employees paying their respective employer and employee costs but without compensation for the City's administration of the Library benefit through the City's Human Resources department. At the Library's request, this arrangement ended in mid-2022 when the Library pursued another plan and assumed the full administrative duties and tasks.

As the attached letter from executive director Emily Faulkner explains, the Library has now determined that they will be able to provide better service to their employees at less cost if an agreement is again struck with the City, including an administrative fee of \$500 per year per covered Library employee to fund the efforts of the City's HR department. It should be noted that the City's HR department provides "good hands" service to all plan participants. This means that the service is not limited to the enrollment of members, but also daily attention to the health insurance needs of employees, their spouses, their dependents, and retirees.

The attached letter from Emily Faulkner lays out savings that the Library will earn from this IGA. The City's administrative costs should be adequately covered in 2023 by the stipend of \$500 per employee per year. The term of the IGA is for one-year, with automatic renewals for one year unless terminated by either party not less than 60 days before the end of the twelve-month term. City Attorney Matt Rose and Human Resources Director Michelle Anderson have reviewed the proposed IGA and are satisfied with the attached draft.

**City Council approval is recommended.** ([click here for additional information](#))

**9. Resolution 2023-009 Authorizing the Purchase of a 2023 Freightliner LR8-56 Aerial Truck from Global Rental Company in an Amount Not to Exceed \$148,720.**

City Manager's Summary: As Assistant Public Works Director Andy Raih writes in his background memorandum, the aerial truck previously owned by the Street Division served the City for over 25 years, but the large boom could no longer be certified as required by the annual safety test. The Division located a slightly used aerial (one previous owner) with low miles and hours that was available for rent with the intent to purchase it in January through

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the FY23 Fiscal Budget. This used unit provides an opportunity to acquire a replacement at a reduced cost, and in a shorter time frame than new vehicles of this description.

The quote for the purchase price of a new aerial truck from Freightliner was \$171,980. Half of the rental cost paid by the City last Fall is credited against the purchase price of the Freightliner vehicle. Additionally, the City's 1997 unit was put up for auction by Global auction services, and the sale proceeds can be credited against the purchase price of the new vehicle. Accounting for the trade-in value and rental credit, the final out-of-pocket cost for the Freightliner aerial truck will be \$148,720.00.

**City Council approval is recommended.** ([click here for additional information](#))

## L. ORDINANCES – SECOND READING

None.

## M. ORDINANCES – FIRST READING

- 1. Ordinance 2023-001 Authorizing the Distribution of American Rescue Plan Act 2021 Funds to the Preservation of the Egyptian Theatre in the Amount of \$50,000 from Fund 110 (110-00-00-69700).**

City Manager's Summary: At the regular City Council meeting of November 28, 2022, the Council considered a number of potential uses for uncommitted American Rescue Plan Act (ARPA) monies and prioritized their use. A consensus of the Council determined that among the priority uses was a one-time \$50,000 ARPA grant to the Egyptian Theatre. The attached ordinance authorizes payment of this ARPA grant.

**City Council approval is recommended.** ([click here for additional information](#))

- 2. Ordinance 2023-002 Authorizing the Distribution of American Rescue Plan Act 2021 Funds to Stage Coach Players in the Amount of \$25,000 from Fund 110 (110-00-00-69700).**

City Manager's Summary: In addition to the Egyptian Theatre grant, the Council consensus on November 28 was behind a one-time ARPA grant of \$25,000 to the Stagecoach Players. The attached ordinance authorizes payment of this ARPA grant.

**City Council approval is recommended.** ([click here for additional information](#))

- 3. Ordinance 2023-003 Authorizing the Distribution of American Rescue Plan Act 2021 Funds to the J.F. Glidden Homestead Historical Center in the Amount of \$25,000 from Fund 110 (110-00-00-69700).**

City Manager's Summary: The Council also determined by consensus on November 28 that a contribution to the Glidden Homestead barn re-roofing project was an appropriate use of ARPA funds. The estimated project cost for the re-roofing and decking repair of the barn, which is on the National Register of Historic sites, is \$50,000; the City Council authorized a one-time \$25,000 ARPA grant to help offset a portion of these costs.

**City Council approval is recommended.** ([click here for additional information](#))

Assistive services, including hearing assistance devices, available upon request.

COVID-19 Notice: The corporate authorities of the City of DeKalb intend to conduct this meeting in-person with a physically present quorum that is open to the public and in compliance with all applicable public health requirements. Pursuant to current public health guidelines, persons attending this meeting are not required to wear protective face masks/coverings.

**4. Ordinance 2023-004 Authorizing the Distribution of American Rescue Plan Act 2021 Funds to the New Hope Missionary Baptist Church in the Amount of \$100,000 from Fund 110 (110-00-00-63700).**

City Manager's Summary: Finally, the Council determined by consensus on November 28 that the community center planned by the New Hope Missionary Baptist Church was an appropriate target for ARPA funds. In last Fall's listening sessions before the Council and the Opportunity DeKalb board, residents of the AGN neighborhood identified a community center for AGN children and adults as a priority objective. The Council determined by consensus that a one-time grant of \$100,000 was a fitting City contribution to that neighborhood goal, as envisioned by the New Hope pastor, Dr. Joseph Mitchell, and his congregation. Funding is available in Line Item 110-00-00-63700.

**City Council approval is recommended.** ([click here for additional information](#))

**5. Ordinance 2023-005 Amending Various Chapters of the Municipal Code as it Pertains to Boards, Commissions, and Committees, Open Meetings Act Training, Public Participation, Removal of a Member, and Term Limits.**

City Manager's Summary: The various Municipal Code chapter amendments highlighted in the ordinance title can be summarized as follows:

- Chapter 2 "City Council": Replacing "City Clerk" with "Recording Secretary" where applicable.
- Chapter 3 "City Administration": Adding Open Meetings Act (OMA) training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Board of Local Improvements and Board of Fire and Police Commissioners at meetings.
- Chapter 21 "Combined Planning and Zoning Commission": Adding OMA training requirements for newly appointed and reappointed members and adding a time limit for addressing the Commission at meetings.
- Chapter 22 "Building Code Review Board": Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Board at meetings.
- Chapter 44 "Landmark Commission": Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Commission at meetings.
- Chapter 45 "Airport Advisory Board": Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Board at meetings.
- Chapter 46 "Citizen Police Review Board": Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Board at meetings.

Assistive services, including hearing assistance devices, available upon request.

COVID-19 Notice: The corporate authorities of the City of DeKalb intend to conduct this meeting in-person with a physically present quorum that is open to the public and in compliance with all applicable public health requirements. Pursuant to current public health guidelines, persons attending this meeting are not required to wear protective face masks/coverings.

- Chapter 49 “Human Relations Commission”: Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, and adding a time limit for addressing the Commission at meetings.
- Chapter 50 “Citizens’ Environmental Commission”: Adding OMA training requirements for newly appointed and reappointed members and ex-officio members, adding wording regarding the removal of a member or ex-officio member, and adding a time limit for addressing the Commission at meetings.
- Chapter 54 “Financial Administration”: Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, amending term limits, and adding a time limit for addressing the Finance Advisory Committee at meetings.
- Chapter 59 “Economic Development Commission”: Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, amending term limits, and adding a time limit for addressing the Commission at meetings.
- Chapter 65 “Citizens’ Community Enhancement Commission”: Adding OMA training requirements for newly appointed and reappointed members, adding wording regarding the removal of a member, amending term limits, and adding a time limit for addressing the Commission at meetings.

**City Council approval is recommended.** [\(click here for additional information\)](#)

**6. Ordinance 2023-006 Amending Chapter 64 “Smoking Regulations”, Section 64.16 “Tobacco/Smoking Sales, Use, and Licensing”, as it Pertains to Retail Tobacco Stores.**

City Manager’s Summary: Ordinance 2023-006 and Ordinance 2023-007 are companion pieces. Ordinance 2023-006 amends the smoking regulations in DeKalb under Chapter 64 of the Municipal Code to allow tobacco sales in attached structures so long as the establishment does not permit smoking on the premises. The impetus for this minor revision is practical. There are a number of existing establishments selling tobacco products that are attached to other structures in small strip centers that are legal, but non-conforming. Such a zoning conundrum may make it difficult to sell such a property or finance its acquisition. The attached revision will make them legal and conforming so long as no tobacco products are smoked on the premises. Ordinance 2023-007 makes a similar adjustment in the City’s Unified Development Ordinance.

No other changes have been made or suggested.

**City Council approval is recommended.** [\(click here for additional information\)](#)

**7. Ordinance 2023-007 Amending Chapter 23 “Unified Development Ordinance”, Article 7 “Supplemental District Regulations”, Subsection 7.17.02 “Permitted Zoning Districts and Setback Requirements”, as it Pertains to Retail Tobacco Stores.**

City Manager’s Summary: As noted above, this ordinance brings the appropriate passages of the Unified Development Ordinance in line with the corresponding passages in Chapter 64 of the City’s Municipal Code. A public hearing was held before the Planning & Zoning Commission on December 19 to permit the sale of tobacco products within an attached commercial building provided that no smoking was allowed on the premises. By a vote of 6-0, the Commission recommended approval of this revision.

**City Council approval of the Planning & Zoning Commission recommendation is recommended.** ([click here for additional information](#))

**8. Ordinance 2023-008 Approving a Special Use Permit for a Retail Tobacco Store at 901 Lucinda Avenue (Jibrael Silat).**

City Manager’s Summary: In 2015, the City amended the Unified Development Ordinance (UDO) to create regulations for retail tobacco stores. Such stores are defined as businesses that either have 30% or more of their revenue or more than 25% of their floor area devoted to tobacco products and accessories. Retail tobacco stores are a special use in the CBD, LC, GC, ORI, LI, and HI Districts. They are required to be set back at least 200 feet from a residentially zoned property or a parcel occupied by a public or private school (K-12). In addition, no retail tobacco store can be located within 200 feet of another retail tobacco store. The proposed location of the retail tobacco store at 901 Lucinda Avenue meets the setback regulations in the UDO.

Prior to this Agenda and potential Council action to revise Chapter 64, “Smoking Regulations,” of the Municipal Code and Chapter 23 of the Unified Development Ordinance, city codes required a retail tobacco store to be in a freestanding building that does not have any other tenants. Provided the Council approves Ordinances 2023-006 and 2023-007, above, the Council can proceed to consider the special use request from Mr. Silat.

The petitioners indicate in their summary letter that they have over 20 years of experience with five other tobacco stores, including four in the Chicagoland area. They also note they are committed to customer satisfaction, safety, and compliance with state and local laws and regulations. There will be no smoking in the establishment and the proposed hours will be Monday-Saturday, 9:00 a.m. to 12:00 a.m., and Sundays from 10:00 a.m. to 10:00 p.m. The business will sell products consisting of tobacco pipes, glass products, CBD, cigarettes, and electronic vapor products.

The proposed changes will ban smoking in the tenant space and not allow an expansion of the space without an amendment to the special use permit. There is adequate parking to the east and north sides of the building.

The Planning and Zoning Commission held a public hearing regarding the special use petition at their meeting on December 19, 2022. By a vote of 4-2, the Commission recommended approval of a special use permit for the retail tobacco store at 901 Lucinda Avenue in tenant space 901-P.

**City Council approval of the Planning and Zoning Commission recommendation is requested. [\(click here for additional information\)](#)**

**N. REPORTS AND COMMUNICATIONS**

- 1. Council Member Reports.**
- 2. City Manager Report.**

**O. EXECUTIVE SESSION**

- 1. Approval to Hold an Executive Session in Order to Discuss Personnel as Provided for in 5 ILCS 120/2(c)(1).**

**P. ADJOURNMENT**

**[JANUARY 9, 2023, REGULAR AGENDA PACKET](#)**