



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
FEBRUARY 13, 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 of the Regular City Council Meeting of January 23, 2022.](#)

**H. CONSENT AGENDA**

1. [Accounts Payable and Payroll through February 13, 2023, in the Amount of \\$3,144,533.44.](#)
2. [Investment and Bank Balance Summary through December 2022.](#)
3. [Year-to-Date Revenues and Expenditures through December 2022.](#)
4. [Joint Review Board Meeting Minutes of October 2022 Meeting.](#)

**I. PUBLIC HEARINGS**

None.

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

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## J. CONSIDERATIONS

### 1. Consideration of a Status Report on the Expanded School Resource Officer Program.

City Manager's Summary: On June 27, 2022, the Council approved Resolution 2022-049 authorizing an intergovernmental agreement (IGA) with the DeKalb Community Unit School District No. 428 pertaining to school resource officers (SROs). The DeKalb Board of Education had previously approved the IGA on June 22, 2022. The principal terms are as follows:

- The agreement has a term of three years and may be rescinded by either Party provided written notice is given at least 90 days before the beginning of the next Fall school term.
- The IGA funds five School Resource Officers (SROs) for the fall term of 2022. Previously, three (3) SROs were funded – one for the high school, one for the middle school, and one for the six elementary schools within the DeKalb corporate limits.
- The new contingent of five SROs are assigned as follows: two SROs in the high school, one SRO in each middle school, and one SRO for the six elementary schools within the DeKalb corporate limits. The City of DeKalb will not provide funding for SROs in the Malta or Cortland political jurisdictions.
- The parties may mutually agree, in writing, to reduce the number of SROs during the term of the agreement, provided such reduction is agreed at least 90 days in advance of the beginning of the next Fall school term.
- The District will reimburse the City in an amount equal to seventy-five percent (75%) of the total cost of each SRO including base salary, benefits, and overtime pay directly arising from the SROs' work in the District. These costs may be amended at the beginning of each school year in relation to the following: applicable changes in salary and benefits as defined by the City's collective bargaining agreement with the DeKalb Fraternal Order of Police, Lodge 115, annual actuarial changes in the individual pension costs, and annual changes in the City's group health care costs.
- The District will reimburse the City for a pro rata share of the Police Department's acquisition of two additional police vehicles, within the standard police package including light bars and a variety of electronic equipment, similar to but not greater in cost than the package for other patrol vehicles. Because such vehicles will be available over a 24-hour period throughout the year, the District's one-time upfront cost shall not exceed 75% of 33% (or, 25%) of the combined vehicle cost and the cost of related upfitting. In the event that the Parties agree to a reduction in SROs from the five officers identified in Section 3 of the IGA during the three-year term, the City will consider a pro rata reimbursement toward the District's share of the original vehicle cost.

Additionally, the following non-economic terms are featured in the Intergovernmental Agreement:

- Code of Conduct. The agreement required the distribution of a revised code of conduct to all parents and students prior to the start of the 2022-2023 school year and to the parents or guardians of all future students as new enrollments occur. The District was also obliged to distribute a "parent/student handbook" including the District disciplinary policies and rules, to each student's parent(s) or guardian(s) within 15 days of the beginning of the 2022-2023 school year.

- Citations. Ordinance violations issued by the SROs will be integrated with a rigorous community service program operated by the District. In the event of a potential criminal or security issue, the SRO shall proceed with criminal law enforcement actions in cooperation with District officials. Representatives from the City and District will meet on a regular basis to brief cases and discuss any issues that may arise under the Agreement.
- Indemnity. The District shall indemnify and hold the City harmless from any damages (including reasonable attorney’s fees) or actions relating to the negligent or intentional acts or omissions of the District. Such indemnity shall also extend to any negligent or intentional acts of the SROs that violate the Agreement.

The essential terms of the IGA were in place by the first day of the Fall 2022 term, including the assignment and training of the City’s two additional SROs. The background for the SRO involvement in 2022 and for the same Fall period in 2021 is attached. Incidents are summarized by type in the following table:

<b>SRO Comparison, Fall Term 2021/2022 vs. 2022-2023</b>			
<b>Type of Activity</b>	<b>2021</b>	<b>2022</b>	<b>Diff.</b>
Behavioral Health Issue/Suicidal Subject	2	12	10
Fighting in City	21	17	-4
Juvenile Disorderly/Disorderly Conduct	37	36	-1
Domestic Trouble/Domestic Battery	0	6	6
Battery: Simple	29	20	-9
Battery: Aggravated	1	0	-1
Criminal Sexual Abuse/Assault	4	0	-4
Sex: Child Pornography	1	0	-1
Theft: Lost/Mislaid Property, Building	14	21	7
Robbery	1	1	0
Burglary from Motor Vehicle	0	1	1
Lost/Found Property	4	8	4
Deception: Use of Credit Card	1	0	-1
Drugs	16	29	13
Intoxicated Subject	0	1	1
Tobacco Products Violation	0	2	2
Arson	0	1	1
Obstructing Identification	1	0	-1
Violation: No Contact Order	1	0	-1
Trespass to Land	1	1	0
Criminal Damage (Property, Vehicle)	5	10	5
Suspicious Incident	9	10	1
Suspicious Activity Involving Weapon	4	1	-3
Suspicious Activity Involving a Child	11	4	-7
Suspicious Activity Gang	0	1	1
Weapons	0	2	2
Harassment through Electronic Means	6	1	-5
Juvenile Runaway/Missing	1	4	3
Child Custody	1	1	0
Assist Citizen	0	1	1
Assist Other Agency (Govt or Police)	6	2	-4
Civil Matter/Misc. Information	1	3	2
Accident	8	9	1
Driving Complaint	1	0	-1
<b>Total</b>	<b>187*</b>	<b>205</b>	<b>18</b>

\*A “Compass” program was discontinued in 2022 and is not included.

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## BOARD OF EDUCATION DATA

The Board of Education recently received and discussed a report from Kyle Gerdes, the District's Director of Student Services, regarding the impact of the new Student Code of Conduct and Parent/Student Handbook during the Fall term. Relevant excerpts from that report are attached as a PowerPoint presentation in the agenda background and are summarized below:

**Citations:** Illinois State Board of Education (ISBE) policy now prohibits the police from serving citations to students on school grounds and during a student's class time. If appropriate, Police Officers arrange to meet offending students and their parent(s) or guardian(s) at the DeKalb Police Department to serve tickets for ordinance violations or more serious state offenses.

From the start of the Fall term to the Winter break, the DeKalb Police count of citations in 2021 and 2022 is shown in the table below:

August to December	2021-2022 School Year	2022-2023 School Year
Total Citations	33	21

**Discipline Referrals:** The District's comparative count of physical altercations from the start of school in the Fall to the Winter break in the 2022 and 2023 school years is shown in the table below:

August to December	2021-2022 School Year	2022-2023 School Year
Physical Altercations - All Schools	245	367
Physical Altercations - High School Only	70	76

**Incidents of Aggression:** An incident of aggression is defined in ISBE parlance as any time that a student touches another student in unwelcome fashion, which would include pushing, hitting, kicking, or physical fighting. The comparative occurrences and students involved for the Fall term of the 2021/2022 and 2022/2023 school years are shown in the table below:

2021-2022			2022-2023		
Month	Occurrences	Students	Month	Occurrences	Students
August	48	41	August	75	69
September	245	171	September	271	203
October	248	183	October	289	212
November	228	182	November	247	178
December	204	149	December	243	193
January	152	116	January	190	157

**Arrests:** Arrest by the DeKalb Police Department for physical altercations from the start of school to the Winter break in the 2021/2022 and 2022/2023 school years are compared in the table below:

August to December	2021-2022	2022-2023
Arrests	33	0

During the fall 2022/2023 school term, the District administration reports the following:

- The relationship-building between SROs and students has improved.
- More conduct violations are being reported to school officials because of the better SRO coverage and collaboration with the District's additional disciplinary staff.

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- The implementation of the new code of conduct has increased documented violations. In effect, another cycle of experience may be needed with the new level of security on the part of the schools and the DeKalb Police Department to establish a reliable baseline with respect to the different types of incidents.

**City Council review and discussion is welcome. Representatives of the District will be present to address any questions with respect to the school data.** ([click here for additional information](#))

**2. Consideration of the Impact of Video Gaming Establishments in the City of DeKalb.**

City Manager’s Summary: At the City Council meeting of January 23, the City Manager was directed to prepare a detailed report on the City’s licensed video gaming establishments, as regulated by Chapter 38, Section 38.27 of the Municipal Code. With the timely assistance of Executive Assistant Ruth Scott who manages the City licensing program for video gaming terminals, the following summary has been prepared for Council review and guidance.

**Chapter 38, Section 38.27, Paragraph 8 of the Municipal Code allows a maximum of 10 video gaming establishments (VGEs) and each VGE is allowed a maximum of six video gaming terminals (VGTs). Currently there are nine “fully licensed” VGEs in DeKalb. “Fully licensed” is defined as those VGEs holding a valid City of DeKalb bar liquor license, a State of Illinois liquor license, and a State of Illinois gaming license.**

The nine current licensees are noted in the following table:

Business Name	Business Address	Number of VGTs
Athena’s	1704 Sycamore Rd.	6
Charley’s	1792 Sycamore Rd.	6
Chip’s	122 E. Hillcrest Dr.	6
Lucky Poker	1812 Sycamore Rd.	6
Lucky Poker	3260 Sycamore Rd.	6
Maisy’s	854 S. Fourth St.	6
Jazzy’s	870 W. Lincoln Hwy.	6
Shelby’s	2581 Sycamore Rd.	6
Suzi’s XIII	2410 Sycamore Rd.	6

One VGE, CJ’s Gaming Bar at 2022 Sycamore Road, holds a conditional City-issued bar liquor license pending approval of a City-issued Fire Life Safety license and State of Illinois gaming license. The liquor and gaming licenses for CJ’s were approved by City Council in December 2022. Once fully licensed, this will be the City’s tenth VGE.

Other liquor license holders in DeKalb with VGTs as an accessory use are:

Business Name	Business Address	Number of VGTs
American Legion Post (PENP)	1204 S. Fourth St.	5
DeKalb Elks Lodge (PENP)	209 S. Annie Glidden Rd.	5
DeKalb Columbus Club (PENP)	1336 E. Lincoln Hwy.	5
DeKalb Moose (PENP)	1231 E. Lincoln Hwy.	6
Fatty’s Pub & Grill	1312 W. Lincoln Hwy.	4
Hometown Sports Bar & Grill	241 E. Lincoln Hwy.	6
KJ’s Tap	518 E. Lincoln Hwy.	6
Mason Indoor Golf	1500 Sycamore Rd.	6
Mardi Gras Lanes	1730 Sycamore Rd.	6
Molly’s Bar & Bottle Store	1000 W. Lincoln Hwy.	4
Sullivan’s Tavern	722 E. Lincoln Hwy.	6

PENP = Public Entity/Non-Profit establishments currently pay \$25 annually for each licensed VGT.

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DeKalb presently has 113 active video gaming terminals.

For the years 2018 through 2022, the City received the following in VGT earnings per establishment:

Establishment	2018	2019	2020**	2021	2022	Total 2018 - 2022
American Legion	\$5,774.95	\$6,097.12	\$4,289.76	\$7,457.89	\$6,051.54	\$ 29,671.26
Athena's	Not Open	Not Open	Not Open	\$20,986.56	\$20,838.41	\$ 41,824.97
Charley's	\$18,430.48	\$20,605.15	\$13,741.48	\$26,150.61	\$29,843.41	\$ 108,681.13
Chip's	Not Open	\$399.39	\$9,759.24	\$30,026.78	\$43,530.67	\$ 83,716.08
CJ's (Former Owners)	\$28,827.52	\$31,051.05	\$19,782.11	\$9,988.39	***	\$ 89,649.07
DeKalb Columbus Club	\$4,453.72	\$4,882.02	\$828.43	\$2,116.17	\$3,562.06	\$ 15,842.40
DeKalb Elks	\$3,308.01	\$4,551.21	\$1,881.18	\$4,941.71	\$6,063.04	\$ 20,745.15
DeKalb Moose	\$6,483.72	\$6,349.58	\$3,305.64	\$7,288.11	\$9,909.90	\$ 33,336.95
Fatty's	\$5,759.23	\$5,934.63	\$1,750.97	\$5,933.86	\$6,606.53	\$ 25,985.22
Hometown	\$7,469.46	\$9,837.21	\$4,359.10	\$11,418.03	\$10,879.36	\$ 43,963.16
Jazzy's	\$12,786.48	\$14,938.96	\$11,075.30	\$25,965.75	\$26,612.44	\$ 91,378.93
KJ's Tap	\$14,305.97	\$15,706.89	\$8,397.23	\$16,161.56	\$16,167.77	\$ 70,739.42
Lord Stanley's (Former Owner)	\$10,398.98	\$14,255.38	\$9,269.55	\$13,522.36	No VGTs	\$ 47,446.27
Lucky Poker (1812)	\$9,972.72	\$14,610.85	\$9,069.83	\$21,357.33	\$19,279.78	\$ 74,290.51
Lucky Poker (3260)	\$16,345.14	\$23,038.02	\$13,645.36	\$36,759.44	\$33,914.24	\$ 123,702.20
Maisy's	Not Open	\$12,666.13	\$15,197.11	\$40,763.28	\$53,859.35	\$ 122,486.87
Mardi Gras Lanes	\$9,777.32	\$8,732.01	\$5,112.59	\$10,221.55	\$12,155.02	\$ 45,998.49
Mason Indoor Golf	Not Open	Not Open	Not Open	\$3,039.67	\$2,581.52	\$ 5,621.19
Molly's	\$1,546.08	\$1,552.59	\$863.13	\$2,398.74	\$2,160.73	\$ 8,521.27
O'Leary's (Closed)	\$3,957.62	Closed	Closed	Closed	Closed	\$ 3,957.62
Shelby's	\$23,735.65	\$18,036.22	\$14,229.27	\$33,599.17	\$33,919.10	\$ 123,519.41
Sullivan's	\$16,139.39	\$17,453.38	\$7,949.13	\$18,615.93	\$30,413.19	\$ 90,571.02
Suzi's	\$17,643.69	\$15,385.00	\$10,024.06	\$24,286.14	\$22,847.55	\$ 90,186.44
Twin Tavern (Bar Closed)	\$13,390.24	\$14,965.61	\$5,008.32	\$3,490.67	Closed	\$ 36,854.84
	\$230,506.37	\$261,048.40	\$169,538.79	\$376,489.70	\$391,195.61	\$1,428,689.87

\*\*Due to the COVID-19 crisis, video gaming operations were suspended effective March 16, 2020

\*\*\*Gaming license revoked by the State of Illinois Gaming Board

The City also collects approximately \$96,017 in City liquor and VGT license renewal fees annually.

Along with liquor and VGT licenses, some of the establishments listed also hold live entertainment, catering permits, and/or amusement licenses. None of the City's VGEs hold entertainment or catering permits. Annual fees for these supplemental licenses are as follows:

- Live Entertainment Permit: \$396 per year.
- Catering Permit: \$396 per year.
- Amusement Device License (includes dart boards, pool tables, etc.): \$25 per device per year.

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**Locations where VGTs are authorized but not installed:**

- Blue Ridge LLC (formerly Haymaker Enterprises, Inc.) was approved for a bar liquor license with supplemental licensure for video gaming in 2018. Extensions were granted in 2020 and 2022, pending the build out of the entertainment space. The current extension expires March 12, 2023; thereafter, the business owners would need to come back before Council to receive another extension. This business address is 1221 W. Lincoln Highway.
- Lord Stanley's, at 142 E. Lincoln Highway, was approved for a supplemental video gaming license in 2021. As of January 2022, the business has yet to receive a State of Illinois gaming license and there are no active VGTs on site.
- Twin Tavern, at 1028 S. Fourth Street, holds a valid State of Illinois gaming license but the bar is now closed and there are no active VGTs on site.

A video gaming establishment (VGE) is obliged to report the addition of amusement devices (specifically dart boards). An email was recently sent to all businesses holding City-issued liquor and VGE licenses that detailed the City's requirements for having such devices. At least two VGEs that had not reported the use of amusement devices have come forward and paid the required fees. Two other VGEs are known to have amusement devices but have yet to submit the required fees. The Police Department completes periodic compliance checks of all VGEs and other licensed games.

On occasion, VGEs allow patrons to stand outside with their alcoholic drinks while smoking. These issues are addressed with the owners when discovered and typically the owners are urged to take additional steps to ensure that all alcoholic drinks stay inside.

Other issues that have arisen in recent years concern irregularities between VGE personnel information in the City's licensing records and the actual persons managing the establishments. By law, all ownership and management information must be up to date, as a matter of accountability and to establish emergency contact information. Chapter 38 clearly states that 1) all VGE owners and managers must pass a background investigation prior to license approval, and 2) new managers must be reported to the City within 10 days of hire. Upon review of the application, if the owner hasn't listed a manager, they're asked if they plan to be at the store from open to close every operating day. However improbable this may be, the applicants typically reply they will. It's suspected there are managers within some VGEs who have not passed a background investigation.

**Related Considerations:** Apart from the essential question about whether the City should maintain the Chapter 38 allowance for 10 video gaming establishments, other matters of interest include the following:

- The City receives an average of one to two calls per week asking about liquor/video gaming license availability. Some ask to be put on a waiting list; however, the Council has not authorized a waiting list.
- Some established restaurants and package liquor stores, as well as gas stations, have inquired about adding VGTs to their customer spaces. Currently, the City does not allow the addition of VGTs in those businesses.
- Established businesses holding a City-issued liquor license (mainly bars) have complained that the City is issuing too many liquor licenses (with or without supplementary gaming), which is cutting into their business profits. They've commented that they'd like to see the City put a limit on the number of liquor licenses issued, as well as a limit on the number of licenses within an area, e.g., the downtown area.

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The breakdown of liquor license categories is as follows:

License Classification	Current Number Issued
Auditorium	1
Bar	19
Bar/Hospitality	2
Grocery Store/Large	1
Grocery Store/Medium	2
Grocery Store/Small	2
Hospitality	6
Liquor Production	1
Package	6
PENP (Public Entity/Non-Profit)	11
Restaurant/Low ABV (Alcohol by Volume)	3
Restaurant/Bar	3
Restaurant/Full	6
<b>Total</b>	<b>63</b>

**City Council direction is requested.** An analysis of the City's licensed tobacco establishments can also be prepared at the Council's direction.

## K. RESOLUTIONS

### 1. Resolution 2023-018 Approving a Retail Tobacco Store License for Dina 5 Inc., d/b/a Smoker's Choice, 1180 W. Lincoln Highway.

City Manager's Summary: Marguerite Jumah has submitted an application for a retail tobacco store at 1180 W. Lincoln Highway. Retail tobacco stores are defined as a business that either has 30% or more of its revenue or more than 25% of its floor area devoted to tobacco products and accessories. On November 14, 2022, Council approved a special use permit for this location upon recommendation of the Planning and Zoning Commission and City staff.

If the license is approved, the City will receive an initial issuance fee of \$3,735 and annual renewal fees of \$350.

**City Council approval is recommended,** subject to the conditions outlined in the resolution. ([click here for additional information](#))

### 2. Resolution 2023-019 Authorizing the Waiver of Competitive Bidding and Approving the Purchase of Water Meters and Radio Transmitters from Badger Meter Inc. and Core & Main in an Amount Not to Exceed \$80,000.

City Manager's Summary: The Utilities Division has budgeted \$80,000 for the purchase of water meters as part of the FY2023 budget (line item 620-00-00-85100). As Assistant Public Works Director Bryan Faivre writes in his background memorandum, the Utilities Division uses a drive-by meter radio system to gather meter reads from over 11,000 water meters currently in use. Replacement of the water meter and radio device typically occurs every 15 to 20 years, at which time the accuracy of the water meter begins to decrease and the battery life of the radio transmitter has been exhausted. Once the battery stops functioning, the radio ceases to transmit and the drive-by reading equipment can no longer read the water meter. Accounts that have radio transmitting devices that no longer function require the water bill to be estimated until the radio device can be replaced, and an actual meter reading can be taken off the face of the water meter.

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The meter radio transmitters, mobile drive-by reading equipment, and utility billing software applications the City uses are specific to each meter company. Badger water meters purchased directly through the Badger Manufacturer, as well as Sensus Meters, obtained through their distributor Core & Main, allow for a direct connection of the Orion radio transmitter to the meter without any modification. Most meters within the City are Badger meters; however, the design of the Sensus meter at times may be better suited than that of the Badger for some larger meter applications of six inches in size or greater.

Accordingly, the Water Division is requesting that the Council waive competitive bidding and proceed with the purchase of the water meters and radio devices through Badger Meter Inc. and Core & Main to replace failing devices and to keep a limited supply on hand for future replacement. It is estimated that of the \$80,000 budgeted for FY2023, approximately \$60,000 would be spent on purchases of Badger water meters and Orion radio devices, and the remaining \$20,000 would be spent on Sensus brand water meters purchased through Core & Main.

Because the warranty period for water meters begins upon purchase and not installation, the Division prefers not to keep a large supply on hand. The budgeted amount of \$80,000 for the purchase of water meters will not fund a single order but will be used on an as-needed basis throughout the fiscal year as in previous years.

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

### **3. Resolution 2023-020 Approving a Limited Solar Farm Lease for Northern Tier Farm Partnership.**

City Manager's Summary: The attached resolution amends the development agreement with DeKalb Taylor Solar, LLC, which was approved by the Council on December 13, 2021, via Ordinance 2021-052. According to that agreement, the due diligence or "development period" for DeKalb Taylor Solar extends to December 31, 2023. It appears now that the construction period will not begin until the latter part of this year, at the earliest. Accordingly, it is to the City's advantage to lease the 48-acre DeKalb Taylor Solar site within the DeKalb Taylor Airport planning area for farming in 2023. On November 28, 2022, the City Council approved a three-year farm lease agreement with Northern Tier Farm Partnership for the farmland around the Airport. Assistant Public Works Director Andy Raih and Airport Manager Renee Riani recommend that the City lease the 48-acre the DeKalb Taylor Solar site for 2023 at the Northern Tier price of \$382.165 per acre, and that the base lease with DeKalb Taylor Solar be amended accordingly.

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

### **4. Resolution 2023-021 Approving the Transportation Improvement Program (TIP) for Federal Fiscal Years 2024-2028 at the DeKalb Taylor Municipal Airport.**

City Manager's Summary: Each year, the Public Works Department submits a revised five-year plan for airport capital projects to the Illinois Department of Transportation, Division of Aeronautics (IDOT-DOA), for review and approval. The current plan is the FY2024-2028 Transportation Improvement Program (TIP), which is attached. The Public Works staff and Airport Advisory Board chair typically presented the City's priorities to IDOT-DOA at their Fall meeting on October 19, 2022. Because of the extended timeframe for the receipt of federal dollars that flow through state departments of transportation, 2023 projects may not actually be funded until 2024 or 2025.

One project that was on previous TIP documents was the replacement of perimeter fencing to keep wildlife out of the airport runway areas, and to enhance airport security. Although this project had fallen off the federal priority list for the DeKalb airport in favor of larger paving projects, it is still an essential task to enforce the City's current airport rating. U.S. Representative Lauren Underwood was aware of the fencing project and the City's interest in its realization, and after several years of dedicated negotiation in Congress she was able to deliver a federal commitment for \$1,125,000 to replace a large part of the airport's perimeter fencing. Congresswoman Underwood formally announced this important federal award on Friday, January 20, 2023. The City will be able to afford the local share when it is required at the end of this year or the beginning of 2024.

With respect to the projects that IDOT-DOA has identified on the City's TIP, further aircraft parking apron work is planned in the next few years, but the highest priority is the milling and re-surfacing of the "short" east-west Runway 9/27, which is showing significant wear. The substantial local share for these paving projects has not been identified yet. With the termination of TIF #1 at the end of 2021, a reliable funding source for airport improvements was lost, and airport capital projects have competed with other City capital projects, including street paving, for limited, recurring general capital dollars.

Nevertheless, the very substantial state and federal commitments to further re-paving projects at the DeKalb Taylor Municipal Airport are welcome and should not be wasted. It is fiscally prudent to adopt the proposed FY2024-2028 TIP with the expectation that the rehabilitation of Runway 9/27 will be started in 2024. The overall budget is \$2,640,000 with a federal share of \$2,376,000, a state share of \$132,000, and a local share of \$132,000 (90% federal, 5% state, 5% local).

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

## **L. ORDINANCES – SECOND READING**

None.

## **M. ORDINANCES – FIRST READING**

### **1. Ordinance 2023-010 Approving a Special Use Permit for a Cannabis Business Establishment (Cannabis Dispensary) at 305 E. Locust St. (Canndid Spirit Too, LLC).**

City Manager's Summary: The petitioner, Canndid Spirit Too, LLC represented by Crystal Anderson, is requesting approval of a special use permit for a cannabis business establishment (cannabis dispensary) in the vacant building at 305 E. Locust Street. The building is approximately 3,700 square feet in area and the applicant will initially take up about 75% of the floor space. A future retail area is proposed at the southeast corner of the building. The subject site is zoned "CBD" Central Business District and cannabis dispensaries are a special use in the district. A "Cannabis Business Establishment" is defined in the Unified Development Ordinance (UDO) as "an adult-use cannabis dispensing organization and a medical cannabis dispensing organization."

Canndid Spirit Too, LLC was issued a conditional license by the Illinois Department of Financial and Professional Regulation in July 2022 for BLS Region #14, "Northwest Illinois Nonmetropolitan", which includes DeKalb County. Canndid Spirit Too, LLC will be doing business as Excelleaf Dispensary. The agent for the LLC is Crystal Anderson and the managers are Crystal Anderson, Nakia McAdoo, Brian Garner, and Maria Davis. The petitioners do not currently operate any other cannabis dispensary; however, they do have

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.

two other cannabis licenses: one Adult Use Craft Grower License and one Adult Use Transporter License. The applicants note they are transitioning to the cannabis industry from the healthcare industry. In addition to being Advanced Practice Nurses for over 60 collective years, they have each run a variety of businesses including a real estate company, a staffing company, and a medical legal consulting business.

Cannabis business establishments (cannabis dispensaries) are regulated in the UDO in Article 7.18. They are required to be set back at least 250 feet from a nursery school, pre-school, primary or secondary school, daycare center, daycare home, or an academic building or residence hall of a State University. The proposed location meets the setback requirements of the UDO. The William R. Monat Building to the south across Locust Street is owned by NIU and is considered a research and outreach facility, not an academic building. It contains the Center for Governmental Studies and other offices.

The building on the subject site formerly contained the DeKalb County Credit Union and most recently the Vibrant Credit Union. According to the UDO, the subject site is located in an area that is not required to have on-site parking. Nevertheless, there are three standard parking spaces and one handicap space proposed on the site at the east side of the building. There are approximately 340 public or semi-public parking spaces in a one block area (bounded by N. Fourth Street, Oak Street, N. Second Street and E. Lincoln Highway). The drive-through on the north side of the building will be removed and become a one-way access to N. Third Street. The applicant will be making modifications to the front entrance and sidewalk along E. Locust Street to make it handicap accessible. There is a 10-foot-wide public sidewalk outside the building along E. Locust Street. A four-foot-wide accessible concrete ramp and stairs will be added to allow access to the front door. A six-foot-wide area will remain for the public walk. The applicant will likely apply for funds from the Architectural Improvement Program (AIP) available in TIF #3 to help pay for the accessibility improvements.

The UDO has other requirements regarding all cannabis business establishments and the applicant has stated in their summary they will comply with all of them without variance. The business will operate during the hours as limited in the UDO, which are 6:00 a.m. to 10:00 p.m. As a condition of approval, City staff are recommending that a security plan be approved between the Police Department and applicant prior to final occupancy of the space. On-site consumption of cannabis is not permitted under the UDO.

Broadening the context somewhat, on April 27, 2020, the Council approved a special use permit for a cannabis dispensary at 818 W. Lincoln Highway (Junction Shopping Center) for NuMed Partners. The ordinance required the applicant to obtain a state-issued license within one year of the Council approval. Due to COVID-19 restrictions and legal delays in the granting of licenses at the State level, the applicant received two extensions from the City. The current extension expires on July 1, 2023. NuMed has now informed the City it has received a conditional state license for the new Zone #5, which placed DeKalb in the Chicagoland cannabis district.

The Planning and Zoning Commission held a public hearing regarding the special use petition at their meeting on February 6, 2023. By a vote of 3 to 1 (Commissioners Maxwell, Becker and Pena-Graham were absent) the Commission recommended City Council approval of a special use permit for a cannabis business establishment (cannabis dispensary) at 305 E. Locust Street as described above and shown on the attached site plan dated 1-09-23 (Exhibit A in the attached staff report). The vendor is subject to the following:

1. No onsite consumption of cannabis in the tenant space.

2. Compliance with the restrictions of Article 7.18 of the UDO for “Cannabis Business Establishments” and an approved security plan with the Police Department prior to a final certificate of occupancy.

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

**2. Ordinance 2023-011 Amending Chapter 23 “Unified Development Ordinance”, Article 12 “Off-Street Parking, Loading, and Storage Requirements”.**

City Manager’s Summary: As Planning Director Dan Olson writes in his background memorandum, the 2022 Comprehensive Plan called for the review of the City’s parking standards to ensure the parking requirements align more closely with actual parking demands. The plan also called for more flexibility in the placement of required landscaping around a parking lot.

The more substantial amendments proposed in the attached ordinance are summarized as follows:

Article 12.03 – Design and Location Requirements: The revisions allow alternate surfaces (e.g., chip seal) for areas primarily reserved for the outside storage of materials, equipment and vehicles in industrial and some commercial zoned areas. The current language requires a hard surface (asphalt or concrete) for these areas. The proposed amended language would allow these areas to have alternate surfaces as approved by the City Engineer with the following conditions.

- The relaxed standard would be permitted in the GC, LI, and HI Zoning Districts only.
- The general area of the alternative surface would not be traversed by the general public, and it would be located at least 50 feet from a residential-zoned area to avoid any dust.
- Outside storage areas with chip seal surfaces would be located no closer to the street than the principal building (i.e., not in the front yard).

Article 12.03.5 – Location of Parking Facilities: This revision allows apartments, fraternities, sororities, and other rooming houses to have their required parking spaces located within 300 feet of the lot if they can’t accommodate the parking on the principal site. The UDO currently allows this to be done for commercial properties only. With the Safe Streets Initiative in place and the limited parking for multi-family residences in many older parts of town, this amendment makes sense.

Article 12.03.6 – Setbacks of Parking Facilities: The UDO currently requires six-inch curbing around all parking areas. This requirement is related to the control of stormwater runoff in parking lots. The proposed amendment would allow the City Engineer to approve an alternative stormwater control and conveyance method. For example, the parking lot for the First United Methodist Church along N. Annie Glidden Road was not required to have curbing around a portion of their parking lot because the large surrounding lawn areas would provide adequate absorption.

An amendment is also proposed to eliminate a five-foot interior yard parking setback when five or fewer parking spaces are added to an existing parking area. The new spaces cannot be closer to the lot line than the existing parking spaces. Again, this might help with the creation of a few more off-street parking spaces where on-street limitations are substantial.

This revision also allows driveways abutting an alley to take up to 80% of the lot width. The current regulation states a maximum of 40% of the lot width can be taken up by the driveway from a street, but it's not clear regarding driveways from an alley to a garage. Many existing driveways from an alley leading to a garage exceed 40% of the lot width. The proposed language allows the wider driveway widths along an alley since this is quite common at present, but not desirable in the front of a home along a public street.

Article 12.04 Landscape Requirements: The majority of the proposed amendments are focused on allowing more flexibility to the landscaping standards for parking areas. The quantity of landscape plantings has not changed; however, language was added to allow plantings in the most beneficial locations based upon site characteristics and the surrounding area.

Additionally, the proposed revisions remove the requirement to have landscape screening and a three-foot-high berm along a street frontage. The minimum setback for parking/paving is only 10 feet along a street right-of-way, which usually is not enough width for the required landscaping and berm. The amendment would give the option of landscape screening or a berm.

This proposed revision also allows up to 50% of the landscaping required in the side and rear yards to be re-located to other parts of the lot. This amendment will allow flexibility in the placement of landscaping based on site characteristics and building features. The amendment also allows flexibility regarding the placement of required landscaping in the interior areas of a lot.

Article 12.07 Supplemental Off-Street Parking and Loading Regulations: Amendments are proposed to allow the sharing of parking spaces between two or more non-residential uses when the demand for such uses will not occur at the same hours during the same days of the week. The proposed amendment states the total number of required parking spaces for all the uses shall not be reduced by more than 25% if it is found the uses operate at different times. For example, if two uses in a building require 20 spaces each (40 total), and it's found that the uses primarily operate at different times, the number of total required spaces can be reduced to 30. The shared parking arrangement must be approved by the Community Development Director or designee in the planning phase of a development or redevelopment.

Article 12.08 Schedule of Off-Street Parking and Loading Requirements: A reduction in the required parking for restaurants from one space for every two seats, plus one space for every employee on the max. shift to one space for every three seats, plus one space for every employee on the maximum shift, is also proposed. This option arose initially with the Raising Canes Restaurant, which needed a waiver to the UDO for parking. The UDO required 76 parking spaces based upon 95 indoor seats, 26 outdoor seats and 15 employees on the maximum shift. Raising Canes showed 46 parking spaces on their site plan. The restaurant provided a study of their other locations indicating the number of spaces proposed was adequate, and DeKalb's experience proves this out. Language is also proposed that eliminates the requirement for additional parking for temporary seasonal outdoor seating areas. Drive-through traffic has increased the past few years and there is less demand for parking for indoor dining patrons.

An amendment is also proposed to reduce the number of parking spaces required for multi-family developments. The current regulations require 1.5 spaces for efficiency and one-bedroom units, and for two-bedroom units another 2.5 parking spaces are required. Past apartment projects such as Plaza DeKalb, Isaac Suites, Agora Tower, and Arista Residences were reviewed. John Pappas was contacted and stated the actual demand is around 1.25

spaces per unit for his projects. The recommended change is 1.33 parking spaces per one-bedroom unit, 2.33 spaces for a two-bedroom unit and 3.33 spaces for a three-bedroom unit.

For Greek housing, group homes, and lodging houses the current requirement is one parking space for each occupant calculated on the licensed capacity of the building. Many of the fraternities and sororities that our staff reviewed are not fully leased and do not fill up their parking lots. The number of required spaces would be reduced to 0.85 spaces per occupant. When the Sigma NU Fraternity (1114 Blackhawk Road) was rezoned to the PD-R District in 2017, a parking waiver was granted. Approval was granted to allow the fraternity to provide 42 spaces when 45 spaces were required per the UDO. There have been no issues to date with the parking at the fraternity since it was rezoned. City staff also reviewed the parking demand at other Greek housing locations and are comfortable with the change.

The Planning and Zoning Commission held a public hearing regarding these text amendments at their meeting on February 6, 2023. By a vote of 4 to 0 (Commissioners Maxwell, Becker and Pena-Graham were absent), the Commission recommended City Council approval of text amendments to the UDO's parking regulations as described above.

**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**

None.

#### **P. ADJOURNMENT**

### **[REGULAR AGENDA PACKET – FEBRUARY 13, 2023](#)**