



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
NOVEMBER 14, 2022  
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**

**1. Introduction of Bob Redel as Director of the New Crime Free Bureau.**

City Manager’s Summary: City Manager Bill Nicklas has appointed Bob Redel as Director of the new Crime-Free Bureau, effective November 27, 2022. Mr. Redel is currently a commander with the DeKalb Police Department, and he will retire from that position and as a police officer prior to his assumption of the Director’s responsibilities.

Bob Redel has served the community of DeKalb well for over 28 years. He was hired in 1994 as a Patrol Officer and was promoted to the ranks of Sergeant, Lieutenant, Commander, and – from June 2, 2020, to May 1, 2021 – acting Police Chief. Mr. Redel also holds a bachelor’s degree in Criminal Justice and graduated from the FBI National Academy in 2014.

During his impressive public career with the City of DeKalb, Mr. Redel supervised many high-profile cases in collaboration with multiple agencies and amply demonstrated his ability to lead fair and thorough investigations and make difficult decisions with compassion. The leadership skills he developed over time were nowhere more evident than during his tenure as acting Police Chief. He assumed his duties as local activists were gathering in front of the Police station on W. Lincoln Highway to begin a march in protest over George Floyd’s murder on May 25, 2020. His first official act was to ask if all of those present – protesters, police officers, media, and others – would kneel and hold hands for nine minutes in solidarity against police brutality in America. During the summer of earnest and peaceful protest and marching in the City of DeKalb, Bob led the re-organization of the Police department toward greater community engagement, transparency, and behavioral health programs. He regularly met with community groups seeking greater diversity and inclusion in government and employment

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and mentored young officers learning the importance of de-escalation and empathetic listening.

In his decades of community work, Bob has come to know many of the community's landlords and apartment managers. He will seek accountability and fairness and will be dedicated to the collaborative process that recently prevailed in the revision of the Crime-Free ordinance.

## **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 October 24, 2022.](#)

### **H. CONSENT AGENDA**

1. [Accounts Payable and Payroll through November 14, 2022, in the Amount of \\$4,447,618.10.](#)
2. [Investment and Bank Balance Summary through September 2022.](#)
3. [Year-to-Date Revenues and Expenditures through September 2022.](#)
4. [Minutes of the Joint Review Board Meeting of July 22, 2022.](#)

### **I. PUBLIC HEARINGS**

#### **1. Truth in Taxation Hearing: FY2022 Annual Property Tax Levy.**

City Manager's Summary: A Truth in Taxation notice has been published. **Since the Truth in Taxation notice was published, the City has received reports from the County assessment office indicating that further review of township data concerning industrial EAV in 2022 has led to an unofficial upward adjustment in the overall community EAV. There is no proposed change in the City's levy for 2022.** This public hearing provides an opportunity for the public to comment on the proposed City corporate levy and the proposed aggregate levy, which includes the City and DeKalb Public Library levies. The key facts that residents and businesses should know are the following:

- **The proposed City corporate levy is \$7,119,130 or an increase of \$273,813 (4%).** This assumes the following:
  - No levy for general operations.

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- A levy of \$3,869,713 to partially meet Fire pension obligations.
- A levy of \$3,249,417 to partially meet Police pension fund obligations.
- The full abatement of the \$469,599 Library debt service.
- **The proposed DeKalb Public Library levy is \$2,975,905 or an increase of \$300,197 (11.2%).**
- **The combined or aggregate City and Library levies as proposed total \$10,095,035 or an increase of \$574,010 or 6.03% over the 2021 combined levies of \$9,521,025.**
- **No City property taxes will be extended for debt service or public building leases or costs.**
- **The City’s projected rate-setting EAV is \$780,000,000.** Of this amount, an estimated \$40,000,000 represents new construction. Final EAV numbers will not be released by the County until the late Winter.
- **The 2022 DeKalb Township multiplier is 1.0662.**

Assuming a rate-setting EAV of \$780,000,000, the proposed City levy of \$7,119,130 will result in a City tax rate of **0.91271** (\$7,119,130 divided by \$780,000,000), which is **7.44% lower** than the 2021 City rate of 0.98612 per \$100 EAV.

The estimated DeKalb Public Library rate for 2022 is **0.38153** (\$2,975,905 divided by \$780,000,000) which is **1.02% lower** than the 2021 Library rate of 0.38546.

The following table puts the proposed City tax rate of 0.91271 in the context of the recent history of City tax rates:

<b>Recent City Property Tax Levies and Rates</b>			
<b>Year</b>	<b>Rate-Setting EAV: City</b>	<b>City Levy</b>	<b>City Rate</b>
2011	582,504,715	4,196,890	0.7205
2012	533,805,903	4,244,718	0.7952
2013	485,923,623	4,270,457	0.9809
2014	464,966,381	4,270,540	1.0245
2015	468,077,742	5,094,730	1.1942
2016	503,861,829	5,565,384	1.2021
2017	529,629,464	6,004,594	1.2268
2018	547,947,687	6,017,140	1.1883
2019	585,726,839	6,269,649	1.1541
2020	610,333,062	6,522,507	1.06868
2021	694,171,673	6,845,317	0.98612
2022	780,000,000	7,119,130	0.91271

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The following table depicts the trend in actual City tax dollars paid by a homeowner with a house worth \$321,000+ in 2022 if the City's rate is 0.91271 and the Library's rate is 0.38153:

City of DeKalb							
Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	DeKalb Rate	DeKalb Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	1.1549	\$1,101.11
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	1.06868	\$1,063.21
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.98612	\$997.92
2022	\$107,197	1.0662	\$114,293	-\$6,000	\$108,293	0.91271	\$988.40
DeKalb Public Library							
Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	Library Rate	Library Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	0.38683	\$368.81
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	0.38772	\$385.73
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.38546	\$390.07
2022	\$107,197	1.0662	\$114,293	-\$6,000	\$108,293	0.38153	\$413.17

In 2022 (for taxes paid in 2023), the combined City and Library rate is projected to be 1.29424, a reduction of 5.64% from the combined 2021 rate of 1.37158. ([click here for additional information](#))

**J. CONSIDERATIONS**

None.

**K. RESOLUTIONS**

**1. Resolution 2022-107 Approving a Collective Bargaining Agreement with the DeKalb Fraternal Order of Police, Lodge #115, Illinois Fraternal Order of Police Labor Council for the Period from January 1, 2023, through December 31, 2023.**

City Manager's Summary: The 2020-2022 collective bargaining agreement between the City and the DeKalb Fraternal Order of Police, Lodge 115, Illinois Fraternal Order of Police Labor Council (the Parties) expires on December 31, 2022. In early July, the Parties agreed to open a collective bargaining process to revise and extend the labor agreement, and the first bargaining session was held in early August. A tentative agreement was reached in September through a collaborative process that occurred during a very volatile economic environment nationwide.

The attached agreement is highlighted in yellow to indicate the proposed revisions. The principal revisions are as follows:

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- **A one-year term (January 1, 2023, through December 31, 2023).** The Parties are agreed that it would be preferable to pursue a multi-year contract extension in the third quarter of 2023 as core inflation has presumably moderated.
- **A Cost-of-Living Adjustment (“COLA”) of 2.5% in 2023.** The Parties agreed that the continuing volatility in financial markets makes COLA adjustments very difficult to objectively calculate at present. Equity adjustments in the eight-step wage schedule were also made to bring the City to the median average for similar steps in comparable northern Illinois cities, to stay competitive for talented applicants.
- **New language to account for the seniority and pay of lateral hires** (i.e., certified officers leaving other departments to work in DeKalb). Lateral hires with four or more years of continuous service leading up to their hire may be appointed at Step D (#4) of the wage schedule. Lateral hires with less than 4 years of continuous service may not be hired beyond Step B (#2) of the wage schedule.
- **“Banked” overtime may accumulate up to 200 hours.** This accrual level is consistent with comparable cities and the DeKalb Fire Department standard. Such compensatory time has been a benefit to the employer in lieu of overtime, which has risen in recent years owing to the increasing volume of Police calls. The banked time may be used to take time off at a future date (example: 24 hours of overtime still equals 36 hours in the bank). As the volume of work increases, the banked hours may rise faster because the opportunities for time off recede to maintain shift levels. The higher “bank” level is reflective of the dedication of the department personnel to keep shift levels stable.
- **Sick Leave Pay Outs may increase from 720 hours to 800 hours upon 30-days’ written notice of a retirement or resignation.** The current contract calls for a 14-day employee notice. The additional time reflects the value of an advance start in re-filling positions.
- **Members may voluntarily elect to participate in incentivized wellness opportunities while employed in several ways:**
  - As in the current contract, members who elect to undergo an annual physical exam by their personal physician will receive \$100. Additionally, members who elect to schedule and attend a meeting with a mental health professional of their choosing will receive \$100. Finally, members who elect to participate in and pass the Peace Officer Wellness Evaluation Report (P.O.W.E.R.) test will receive \$100.
  - **Section 115 Trust.** For the first time, in cooperation with the National Public Pension Fund Association (NPPFA), members using less sick hours will be proportionally incentivized to contribute to 115 Trust accounts to offset future health costs at pre-tax levels. Members will pay in voluntary amounts, which can be carried into retirement. Additionally, the City will add funds annually while the member is employed according to the following incentive schedule:
    - a) If a member uses 0 hours of sick leave in a calendar year, the City shall contribute 80 hours of pay at the Member’s 40-hour rate to that member’s 115 account.
    - b) If a Member uses 20 or less hours of sick leave in a calendar year, the City shall contribute 60 hours of pay at the Member’s 40-hour rate to that Member’s 115 account.

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- c) If a Member uses 40 or less hours of sick leave in a calendar year, the City shall contribute 40 hours of pay at the Member's 40-hour rate to that Member's 115 account.
- d) If a Member uses 60 or less hours of sick leave in a calendar year, the City shall contribute 20 hours of pay at the Member's 40-hour rate to that Member's 115 account.

Lodge 115 members voted on the new contract several weeks ago and recommended its approval by the Council. **City Council approval of the proposed one-year labor contract with FOP Lodge 115 and the Illinois Fraternal Order of Police labor Council is recommended.** ([click here for additional information](#))

**2. Resolution 2022-108 Authorizing a Communications Site Lease Agreement with New Cingular Wireless PCS, LLC for Space on the East Water Tower Located at 1119 Oak Street Including Land for Equipment, Rights-of-Way for Ingress, Egress and the Installation and Maintenance of Utility Wires, Poles, Cables, and Conduits.**

City Manager's Summary: As Bryan Faivre, the Assistant Director of Public Works for Utilities and Transportation, writes in his background memorandum, New Cingular Wireless PCS, LLC (AT&T) has requested permission to place cell antennas on the City's East Water Tower located at 1119 Oak Street to improve service and area coverage. Over the past few months, Mr. Faivre has negotiated the terms of a lease agreement that would be acceptable to both parties and could be brought before Council for consideration (see Exhibit A). A summary of the proposed terms and conditions of the lease agreement is detailed below:

1. The initial term is for five years at a monthly rental of \$33,996 to be paid in equal installments.
2. The rent for each successive year shall increase by 2% over the preceding year.
3. The agreement shall automatically be extended for five additional five-year terms unless New Cingular Wireless gives written notice at least 60 days prior to the end of the current term.

**City Council approval is recommended.** The monthly lease payments will be recorded in Fund 410 to help fund fleet replacements. ([click here for additional information](#))

**3. Resolution 2022-109 Authorizing the Purchase of Genesis (eForce) Battery Operated Extrication Equipment from Equipment Management Company in an Amount Not to Exceed \$36,607 Using Funds from the Ground Emergency Medical Transportation (GEMT) Fund (Fund 130).**

City Manager's Summary: The Genesis eForce extrication equipment is more powerful, more efficient to use, and requires less storage space in the City's Fire apparatus. The complement of tools includes a spreader, cutter, and a telescopic ram. This more powerful modern "eForce" equipment is helpful on emergency scenes because modern automobile safety designs require the use of more sturdy metals in strategic chassis locations. If approved, the equipment will be assigned to the Department's second replacement fire engine, which arrives from Rosenbauer in early January 2023.

The quote provided by Equipment Management Company (EMC) for the Genesis eForce battery-powered extrication equipment was the only quote that met the specifications of the Department's specification committee and maintenance team. Chief Thomas reports that a

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significant price increase is likely after January 1, so he has recommended the acceptance of the EMC bid in the amount of \$36,607. The equipment is expected to be shipped in three to five months. Funds for this purchase are available in the Ground Emergency Medical Transportation (GEMT) Fund, or Fund 130.

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

**L. ORDINANCES – SECOND READING**

None.

**M. ORDINANCES – FIRST READING**

**1. Ordinance 2022-061 Authorizing the 2022 Levy and 2023 Collection of Taxes in and for the Corporate and Municipal Purposes and Special Service Areas of the City of DeKalb for Tax Year 2022.**

City Manager’s Summary: Since the 2018 levy, the City has levied property taxes annually only to fund a portion of the annual police and fire pension contributions. No taxes have been levied for general corporate purposes. The 2022 proposed tax levy continues this trend. Additionally, the DeKalb Public Library has submitted their tentative tax levy, and tax levies for the individual Special Service Areas are included.

At the October 19, 2022, Finance Advisory Committee (FAC) meeting, several City property tax levy scenarios were presented to the Committee for discussion and feedback. The levy that was recommended was \$7,119,130 (combined police and fire pension), which represents a 4.0% increase from last year’s levy. The City’s aggregate levy includes a pass-through amount (\$2,975,905) for DeKalb Public Library operations as noted in the table below:

2022 Aggregate & Special Purpose Levies	2022 Tax Levy Extensions (\$)	2021 Tax Levy After Abatements (\$)	Increase / Decrease Over Prior Year’s Extension (\$)	Increase / Decrease Over Prior Year’s Extension (%)
Corporate	\$0	\$0	\$0	0.00%
IMRF	\$0	\$0	\$0	0.00%
Social Security	\$0	\$0	\$0	0.00%
Fire Pension	\$3,869,713	\$3,720,878	\$148,835	4.00%
Police Pension	\$3,249,417	\$3,124,439	\$124,978	4.00%
Public Library (pass-through)	\$2,975,905	\$2,675,708	\$300,197	11.22%
<b>Total Aggregate &amp; Special Purpose Levy</b>	<b>\$10,095,035</b>	<b>\$9,521,025</b>	<b>\$574,010</b>	<b>6.03%</b>

Based on a projected rate-setting City-wide EAV of \$780,000,000, this levy should result in a City tax rate of 0.91271, a 7.44% decrease from the 2021 City rate of 0.98612. The Library’s tax rate for 2022 would be 0.38153, which is 1.02% lower than the 2021 rate of 0.38546. The combined City and Library tax rate is projected to be 1.29424, which would be 5.64% lower in total than the 2021 combined rate of 1.37158. Despite the overall tax levy increasing, the rate is expected to decrease due to the higher EAV.

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The City will also levy for six Special Service Areas. SSA #29 was activated in April 2020 to fund road repairs in the Market Square Shopping Center. SSA #30 was activated in December 2020 to fund public safety and security improvements at Hunter Ridgebrook, and it is expected that this will be the final year of that levy. The SSAs are detailed in the following table:

Estimated Tax Levy	2022 Tax Levy Extensions (\$)	2021 Tax Levy Extensions (\$)	Increase / Decrease Over Prior Year's Extension (\$)	Increase / Decrease Over Prior Year's Extension (%)
<i>Special Service Area Levies</i>				
SSA #3 - Heritage Ridge	\$1,000	\$1,000	\$0	0.00%
SSA #4 – Knolls	\$5,500	\$5,500	\$0	0.00%
SSA #6 - Greek Row	\$12,000	\$15,500	-\$3,500	-22.58%
SSA #14 - Heartland Fields	\$2,000	\$2,500	-\$500	-20.00%
SSA #29 - Market Square	\$50,000	\$50,000	\$0	0.00%
SSA #30 - Hunter Ridgebrook	\$50,000	\$50,000	\$0	0.00%
<b>Total Special Service Area Levies</b>	<b>\$120,500</b>	<b>\$124,500</b>	<b>-\$4,000</b>	<b>-3.21%</b>

The City is also required to levy for the principal and interest of bonds issued by the municipality. It is the City's standard practice to abate all debt service levies immediately after their adoption, except for debt related to the 2013 Library expansion project. For the 2022 levy year, the debt service payment (\$469,599) for the Library debt will be paid from General Fund revenues, as in the 2021 levy year, to hold the City tax rate down.

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

**2. Ordinance 2022-062 Abating Taxes Levied for Corporate Purposes of the City of DeKalb for the Tax Year 2022 (Bonds).**

City Manager's Summary: When a municipality issue a bond, a Bond Order is filed with the County Clerk that determines the amount to be levied each year until the bond is paid off. The City currently has six bond issues outstanding, which automatically levy property taxes for the debt service. It has been the past practice of the City to use other revenue sources to pay for annual principal and interest payments. As a result, the City can abate the taxes levied for debt upon approval of the annual tax levy.

The outstanding bonds are identified below:

- **GO Refunding Bonds of 2010C.** In December 2010, the City issued \$5,415,000 of General Obligation Refunding Bonds to refinance prior debt at a lower interest cost. The original obligations were issued to finance storm sewer construction, road reconstruction, park land, and initial costs for the Police station. The bonds mature on January 1, 2023, and no additional levies are provided for in the bond ordinance.
- **GO Bonds of 2012A.** In October 2012, the City issued \$9,905,000 of G.O. Refunding Bonds for the purpose of construction of the new Police Station on W. Lincoln Highway. The bonds mature on January 1, 2030.

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- **GO Refunding Bonds of 2019.** In October 2019, the City issued \$3,925,000 of G.O. Refunding Bonds to refinance the 2010B bonds at a lower interest cost. The bonds mature on January 1, 2028.
- **GO Refunding Bond of 2020.** In November 2020, the City issued \$1,900,000 of G.O. Refunding Bonds to retire the principal of bonds due in 2021 to alleviate fiscal pressure caused by the COVID-19 pandemic. The bonds mature on January 1, 2030.
- **2013A GO Bonds / GO Refunding Bonds of 2022 (Library).** In 2013, the City Council approved the issuance of \$6,685,000 in bonds to help with the DeKalb Library expansion. Since the Library cannot issue debt on their own, the City issued the bonds and annually levies a property tax on behalf of the Library. However, the City also annually abates the tax levy and pays the debt service for the Library. In June 2022, the City Council authorized the refunding of the 2013A Bonds through the issuance of the GO Refunding Bonds, Series 2022. The City will make the January 1, 2023, and January 1, 2024, debt payments on the 2013A bonds and the remainder of that issue will be paid by the 2022 bond proceeds.

The table below outlines the GO Bond debt service that will be abated in levy year 2022:

Bond Series	2022 Tax Levy	2022 Abatement
2010C	n/a	n/a
2012A	\$895,381.26	100%
2019	\$937,067	100%
2020	\$46,110	100%
2013A - Library	\$355,350	100%
2022 - Library	\$121,447.50	100%

**City Council approval on First Reading only is requested.** [\(click here for additional information\)](#)

**3. Ordinance 2022-063 Amending Chapter 51 “Traffic”, Schedule Q “Speed Restrictions”, to Establish Speed Control Along and Adjacent to Peace Road.**

City Manager’s Summary: In anticipation of the reconstruction of Peace Road from the I-88 interchange to Illinois Route 38 in 2023, and in consideration of an intensifying volume of traffic on the Peace Road corridor in this section owing to the rapid development of significant industrial operations on Gurler Road and Peace Road, City Engineer Zac Gill has recommended the following changes in speed limits:

- a) A reduction from 55-mph to 45-mph from a point just south of the intersection of Peace Road and Illinois Route 38 southward to the I-88 interchange; and
- b) A reduction in speed from 45-mph to 35-mph from the I-88 interchange to Gurler Road, which is currently marked with a 35-mph speed limit.

The attached ordinance would also reduce the speed limit from 45-mph to 35-mph on Lincoln Highway on either side of the intersection with Peace Road to reduce speeds at this highly congested intersection.

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The background exhibits illustrate these proposed changes. **City Council approval is recommended.** ([click here for additional information](#))

**4. Ordinance 2022-064 Amending Chapter 51 “Traffic”, Schedule B “Through Streets, Stop Intersections and Yield Intersections”, to Establish a Three-Way Stop Condition for Fairview Drive as it’s Intersected by Monticello Drive, and Creating Yield Conditions for Streets Terminating at Dodge Avenue.**

City Manager’s Summary: Recent traffic-calming and safety improvements creatively designed by City Engineer Zac Gill for the intersection at Fairview Drive and Monticello Drive require **stop signs** to be fully effective. The attached ordinance will provide traffic control for the approach from Monticello Drive, as well as east and west-bound traffic on Fairview Drive. The latter will provide a safe crossing for pedestrians walking to and from the public park fields to the north of the intersection.

**City Council approval is recommended.** A photo depicting the Fall intersection improvements is shown below: ([click here for additional information](#))



**5. Ordinance 2022-065 Amending Chapter 51 “Traffic”, Schedule B “Through Streets, Stop Intersections and Yield Intersections”, to Establish Yield Conditions for Streets Terminating at Dodge Avenue.**

City Manager’s Summary: As City Engineer Zac Gill reports in his attached memorandum, residents of Dodge Avenue have complained about erratic driving and near-misses along Dodge Avenue as traffic enters from Holly Street, Home Street, and Elm Street. These intersections pose a de facto yield condition according to the Illinois Rules of the Road, but drivers at this location are consistently showing no regard for that time-worn standard. Since the connecting streets are minor approaches terminating at Dodge Avenue, no stop requirements are warranted. However, **“Yield” signs** to underscore the de facto assumption at this and similar intersections is reasonable. Although additional signage is not a panacea, it could promote more cautious driving.

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

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**6. Ordinance 2022-066 Approving a Special Use Permit to Allow the Resubdivision of a "TFR" Two-Family Residential Zoned Lot into Two Single-Family Attached Lots in Accordance with Article 5.03.06 of the Unified Development Ordinance and Approval of the Final Plat of the Manski Subdivision Located 202-204 Chamberlain Drive (Chris and Laura Manski).**

City Manager's Summary: The applicant is requesting approval of a special use permit and an accompanying final plat to re-subdivide a two-family (duplex) lot at 202-204 Chamberlain Drive into two, single-family-attached (zero-lot-line) lots. The property is zoned "TFR" Two Family Residential District and is 8,291 square feet (.19 acres). The applicant proposes to re-subdivide the property along the common wall of an existing two-family (duplex) residential structure built in the 1970s. The re-subdivision would create two lots, with one residential unit on each of the new lots. Lot 1 would be 4,300 square feet and Lot 2 would be 3,990 square feet. The resulting re-subdivision would allow each of the units and the lots on which they are located to be owned or sold individually.

In the "TFR" District, the UDO (Article 5.03.06) has several criteria for the proposed type of re-subdivision. Each new lot must comprise 3,500 square feet and a minimum lot width of 25 feet is required. The interior lot line setback is removed to accommodate the new lot line going down the common wall. A declaration of cross easements and common wall agreement is required to be submitted, which covers the maintenance, responsibilities, and liability of the common wall between the two units.

The proposed lots meet the 25-foot minimum lot width and the 3,500 square-foot minimum lot size requirements. The applicant has provided a Declaration of Cross Easements and Party Wall Agreement, which will be recorded with the final plat and would govern the maintenance of and liability for the common wall shared by the two units. The City Attorney has reviewed the agreement and it meets with his approval. The City has approved 11 similar special use requests in the "TFR" Two-Family Residential District since 2001. The TFR and MFR-1 Districts were amended in 1994 to allow this special use permit process.

The Planning and Zoning Commission held a public hearing regarding the special use petition and plat at their meeting on November 7, 2022. By a vote of 6 to 0 (Commissioner Pena-Graham recused herself) the Commission recommended City Council approval of a special use permit to allow the re-subdivision of a "TFR" Two-Family Residential lot into two single-family attached lots in accordance with Article 5.03.06 of the UDO for the property located at 202-204 Chamberlain Drive and approval of the Final Plat of the Manski Subdivision labeled as Exhibit A in the staff report.

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

**7. Ordinance 2022-067 Approving a Special Use Permit for a Retail Tobacco Store at 1180 W. Lincoln Highway (DINA 5 Inc. d/b/a Smoker's Choice).**

City Manager's Summary: The petitioner, DINA 5 Inc., d/b/a Smoker's Choice, represented by Omar Younis, is requesting approval of a special use permit for a retail tobacco store to be located in the building at 1180 W. Lincoln Highway. The petitioner has signed a lease for the building, which is approximately 1,800 square feet. The .72-acre site is zoned "LC" Light Commercial District. The building most recently contained the Beef Shack Restaurant, which closed initially in early 2020, re-opened in the summer of 2020, and closed again in late 2021.

In 2015 the City amended the Unified Development Ordinance (UDO) to create regulations for retail tobacco stores. They 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. 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 any 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. Finally, Chapter 64 “Smoking Regulations” of the Municipal Code has a requirement that a retail tobacco store must be in a freestanding building that does not have any other tenants. At the time of the UDO amendment in 2015, there were three existing retail tobacco stores licensed in the City. Lucky’s Tobacco, located at 110 E. Hillcrest Drive, and The Smoke Shop, located at 818 W. Lincoln Highway. Both pre-date the Ordinance change in 2015 and are considered legal non-conforming uses. The Hookah Bar (Aromas) located at 811 W. Lincoln Highway was established prior to 2015 also, but recently closed. The proposed location of the retail tobacco store at 1180 W. Lincoln Highway meets the setback regulations in the UDO and the freestanding building requirement in the Municipal Code.

The attorney for the petitioner has indicated that the applicant has over 10 years of experience operating clean, safe and reliable tobacco shops. The building will not be altered in conjunction with the proposed use. The drive-through of the former restaurant will not be used as part of the retail tobacco store. In addition, there will be no smoking in the establishment. The staff recommendation has the following conditions: prohibition of the use of the drive-through, a ban on smoking in the building, and prohibition of any expansion of the building without an amendment to the special use permit.

A retail tobacco store requires one parking space for every 250 square feet of floor area. The building is approximately 1,800 square feet in area, which equates to seven required parking spaces. There are 23 parking spaces on the site and one handicap space. Landscaping was added along W. Lincoln Highway a few years ago in relation to site modifications by the owner and there is a dumpster corral already on the property.

The Planning and Zoning Commission held a public hearing regarding the special use petition and plat at their meeting on November 7, 2022. By a vote of 6 to 1, the Commission recommended City Council approval of a special use permit for a retail tobacco store at 1180 W. Lincoln Highway

**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**

### **NOVEMBER 14, 2022, REGULAR AGENDA PACKET**

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.