

**MINUTES  
CITY OF DEKALB  
COMMITTEE OF THE WHOLE MEETING  
SEPTEMBER 26, 2016**

The City Council of DeKalb, Illinois held a Committee of the Whole meeting on September 12, 2016 in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Rey called the meeting to order at 5:02 p.m.

**A. ROLL CALL**

City Clerk Jennifer Jeep Johnson called the roll and the following members of the City Council were present: Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson arrived at 5:03 p.m. Alderman Dave Baker arrived at 5:16 p.m.

Also present were: Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, Fire Chief Eric Hicks, Public Works Director Tim Holdeman, Human Resources Director Cris Randall, Principal Planner Jo Ellen Charlton, Economic Development Planner Jason Michnick, City Engineer John Laskowski, Assistant Transportation Planner Jessica Hyink, I&T Technician Jeff Birtell, and City Clerk Jennifer Jeep Johnson.

**B. ITEMS ALSO ON THE REGULAR AGENDA**

There were none.

**C. CONSIDERATIONS**

1. Proposed Complete Streets Policy.

Mayor Rey introduced City Engineer Laskowski to provide information on this item.

City Engineer Laskowski provided background on Complete Streets and explained that the idea is to incorporate all forms of transportation (vehicles, bicycles, pedestrian, trains, airport, etc.) for all users regardless of age, other limiting factors, or preferred type of transportation.

City Engineer Laskowski also provided a visual representation for what a complete street looks like, highlighting the various components. He further explained that Complete Streets would be implemented strategically, rather than on every roadway. He further explained the considerations for what would make a street a good candidate for transition to a complete street.

Assistant Transportation Planner Hyink further detailed why DeKalb should implement Complete Streets, explaining that it would bring the City in cooperation with State and Federal Roadway goals.

Assistant Transportation Planner Hyink also explained that Federal and State grant funds are looking for cities with Complete Street components on the books, making DeKalb more competitive for those funds. She further explained that the concept is in line with the 2025 Strategic Plan, furthering the City's goals regarding safety, accessibility, and aesthetics for the entire community.

Assistant Transportation Planner Hyink explained that there are some places in the community that aren't as friendly for users, providing a visual representative of a mother trying to cross Dresser Road with a stroller, highlighting the need for safer travel.

Assistant Transportation Planner Hyink further explained that the goal of transportation is to connect people to places, and not just drivers. She explained that people will spend more time in the community, and spend more money within it, if they are safe and travelable. She stated that studies have also indicated that a higher walk score increases home values, retails and commercial places, as well as apartments. She explained that DeKalb is considered a car dependent community at present.

Principal Planner Jo Ellen Charlton provided information on her experience with Complete Streets in Forest Park. She provided information on various aspects that Forest Park implemented, highlighting how it benefitted the whole community, especially in terms of pedestrian safety, and improved traffic congestion.

Joel Mauer for Live Healthy DeKalb County, spoke in favor of implementing Complete Streets into DeKalb. He provided examples of where the City has already improved connectivity within the community and offered that some details will need to be further fleshed out, including incorporating bike racks, etc. Mr. Mauer endorsed the project, and encouraged Council to move forward.

Brief discussion ensued as to how state designated highways are affected by Illinois Department of Transportation funding, versus non-state highways.

Mayor Rey stated that consensus had been reached to move forward with the development of the Complete Streets Policy.

2. Discussion of City Ordinance Fines for Possession of Cannabis and Drug Paraphernalia.

City Attorney Frieders explained that Illinois has passed some changes to legislation regulating the Cannabis Control Act, and at Council's direction from a previous meeting, staff had reached out to various other college towns to see what, if any deviations they have made from State Law, as it expressly empowers cities to regulate in a different fashion.

City Attorney Frieders provided the current fine structure. He also provided the results from the research from other communities, as well as how the charges of offenses have traditionally been dealt with.

City Attorney Frieders explained that staff recommends increasing the threshold for a minor offense to 10 grams to match the State statute, as well as lowering the fines for such an offense. He further explained that the fees for someone proceeding into the court system for the first time should be lowered, but for repeat offenses it should remain the same. He provided the rationale for staff's recommendations, explaining that it had been developed in cooperation with the DeKalb Police Department.

DeWayne Brown stated his opinion that the City should be more progressive regarding its marijuana laws. He provided some data that he collected regarding cannabis from around the country.

Alderman Jacobson expressed his opinion that he believes that Mr. Brown's statistic were valid. He disagrees that the majority of marijuana users are criminal, and that there's a reason the State has taken a more progressive approach regarding cannabis. Alderman Jacobson inquired as to the current process for how the City handles marijuana possession.

Police Chief Lowery stated that no example is exactly the same as another, and that Officer discretion is at play. He disagreed with Alderman Jacobson's characterization that the City isn't progressive in this matter, stating that the City decriminalized marijuana ahead of the State, but that it is intended as a flexible issue to be dealt with as the matter evolves.

Police Chief Lowery further explained that the decriminalization has led to a marijuana violation being almost on the same level as a traffic ticket. He said there is certainly room to evolve, but he is comfortable with the recommendations made.

City Attorney Frieders added that there are a lot of stats on marijuana legalization available, but that each state is handling this issue differently. Illinois does not have any mechanism for legal non-medical marijuana, making it a fundamentally different issue than in some other states.

Further discussion ensued as to the process of dealing with a marijuana violation within DeKalb.

Alderman Jacobson stated his belief that the intent of the Illinois legislature is to decriminalize marijuana to the extent that it is effectively a parking ticket, but the City is putting college students into a position of being less marketable after graduation, based on how violations are currently dealt with.

Police Chief Lowery reiterated that the discussion is not over a misdemeanor, but an ordinance violation.

Further discussion ensued as to the process by which offenses are handled.

Alderman Baker provided an historical perspective on smoking in DeKalb, and wondered whether it would be possible to make marijuana totally legal within the City.

City Attorney Frieders explained that he isn't aware of any municipality having legalized marijuana ahead of their states, but if Council is serious about it, he will investigate the issue.

Further brief discussion ensued.

Alderman Marquardt stated that he might be in favor of altering the ordinance to reflect the State Statue a little more closely, but it is a lifestyle choice.

Brief discussion ensued as to the range of fees in the data compiled from other cities.

Alderman Noreiko stated she was not in favor of DeKalb being seen as the most progressive in this arena, and that she doesn't want to make decisions that primarily benefit drug dealers.

Further discussion ensued as to the potential impact of such laws.

Mayor Rey stated that consensus had been reached to examine options presented this evening.

City Attorney Frieders stated that staff would be returning with ordinance amendments to reflect the suggestions of Council.

Alderman Jacobson stated he wanted to examine mirroring State Law exactly, not just regarding fines, and that he's not sure the City even needs an ordinance, since prosecution can be done through State law.

Further Discussion ensued.

Mayor Rey stated that consensus had been reached, and that City Attorney Frieders would return with amendments to reflect Council suggestions.

**D. PUBLIC PARTICIPATION**

Lynn Bataldan of Creative Therapeutic spoke in favor of implementing Complete Streets in DeKalb. She stated it is a great way of implementing a new philosophy without requiring money up front and expressed that the City should want an inclusive community, available to all people, not just drivers.

**E. RECESS FOR EXECUTIVE SESSION OF THE CITY COUNCIL**

1. Approval to Hold an Executive Session to Discuss Personnel as Provided for in 5 ILCS 120/2(c)(1).
2. Approval to Hold an Executive Session to Discuss Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).

Neither of these items was acted on.

**F. ADJOURNMENT**

**MOTION**

Alderman Jacobson moved to adjourn; seconded by Alderman Noreiko.

**VOTE**

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed and concluded the meeting at 6:25 p.m.

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**JENNIFER JEEP JOHNSON, City Clerk**