

**MINUTES  
CITY OF DEKALB  
CITY COUNCIL REGULAR MEETING  
JANUARY 9, 2023**

The City Council of DeKalb, Illinois held a Regular meeting on January 9, 2023, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

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

Mayor Barnes called the meeting to order at 6:00 p.m.

Recording Secretary Ruth Scott called the roll, and the following members of the City Council were present: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Cohen Barnes.

City Clerk Sasha Cohen was present but left the meeting at 8:14 p.m.

Others in attendance included City Manager Bill Nicklas, City Attorney Matt Rose, and Transit Director Mike Neuenkirchen.

**B. PLEDGE OF ALLEGIANCE**

Shadow Gentry led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

MOTION: Alderman Verbic moved to approve the agenda; seconded by Alderman Larson.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

**D. PRESENTATIONS**

There were none.

**E. PUBLIC PARTICIPATION**

Mark Charvat spoke about the recently constructed traffic calming feature on Fairview Drive, stating residents in that area don't like it and encouraged Alderman Perkins to hold a ward meeting to address the issue.

At this point in the meeting there was brief discussion regarding whether or not a speaker request form was turned in for the next speaker. Sasha Cohen indicated the document was given to the Recording Secretary. The Recording Secretary informed Mayor Barnes that he had been given all speaker request forms that were personally handed to her. Mayor Barnes allowed the resident to address Council without the speaker request form.

A resident of DeKalb spoke of her concerns regarding the proposed sale of the building at the southwest corner of Grove Street and S. Fourth Street, which houses the senior center run by the Family Service Agency (FSA). She stated the center allows seniors to improve their lives through physical activity, social interaction, and mental stimulation.

## **F. APPOINTMENTS**

There were none.

## **G. APPROVAL OF THE MINUTES**

### 1. Minutes Submitted by the City Clerk

There were none.

### 2. Minutes Submitted by the Recording Secretary

Mayor Barnes read the following by title only:

#### a. Minutes of the Regular City Council Meeting of December 12, 2022.

MOTION: Alderman Perkins moved to approve the minutes submitted by the Recording Secretary; seconded by Alderman Faivre.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **H. CONSENT AGENDA**

Mayor Barnes read the following Consent Agenda items by title only:

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

MOTION: Alderman Smith moved to approve the Consent Agenda; seconded by Alderman Morris.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **I. PUBLIC HEARINGS**

There were none.

## **J. CONSIDERATIONS**

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

Mayor Barnes read the item above by title only.

Lydia Rush stated she was speaking on behalf of the senior citizen community and noted she felt the City was putting the needs of a developer before the needs of its senior citizens. She further stated the senior center has been a place that's helped her keep active and informed and given her a life that she can live longer and prosper from. Ms. Rush encouraged Council to vote no on the proposed sale of the property the senior center sits on if they care about the community's senior citizens.

Cheryl Coleman spoke to the proposed sale of the property stating the senior center is a place where seniors can meet and greet other people instead of being in their homes alone. She added if the City felt good enough to support the center for 40 years, what's wrong with not continuing the support.

Nancy Dougherty stated she moved to the area about a year ago and wondered where she could go to meet people, be active, and not sit at home. She added she attends the DeKalb 55 program three times a week, which allows her to sit and talk to people, as well as play games, watch movies, take trips, and be with each other.

MOTION: Alderman Faivre moved to bring this item to the floor for discussion; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The first parcel at 330 Grove Street, which was once DeKalb's post office, consists of two lots (lots 9 and 10) and has housed several social service agencies for over 40 years. The DeKalb County Youth Services Bureau (YSB) occupied the largest portion of the building as a tenant from the 1980s to the fall of 2022 and was never charged rent or utilities during their use of the facility. The portion of the building facing Grove Street has been occupied on a "handshake" lease with the FSA and has housed the senior center for many decades at no cost, including maintenance.

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 in the 1980s to house its 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.

Both buildings need new roofs and HVAC systems, which will cost the City tens of thousands of dollars and neither of the buildings produce any rent or utility payments to help offset the cost. City Manager Nicklas noted that just this past weekend, the "brain box" for the boiler quit working and parts aren't made for it anymore. Fortunately, the City's Public Works Department was able to find a suitable replacement parts that will last for a while, but they're not sure for how long.

The City Council first directed the City Manager to explore market interest in the purchase of the two buildings in 2019 to rid the City of idle or underutilized properties it 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 Street and 217 S. Fourth Street that leases would expire at the end of 2022 and 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, 2022, 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, as follows:

Rezzar Demolition of Oak Park 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.

Brian Fleming, American Dream Tax, proposed to establish a new company, DeKalb Business Group, LLC, to purchase and manage the two buildings and all of lots 8, 9 and 10 for commercial office purposes, as well as a day-care center and incubator for small businesses. Mr. Fleming offered to purchase the two properties as is for \$100,000 and rehabilitate both structures in line with City codes and ordinances at his sole expense. However, 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.

The FSA proposed to purchase only lots 9 and 10, which contain the building at 330 Grove Street, in order to maintain programming and services currently provided and expand with a youth drop-in center, youth mentoring services, and summer programs. The purchase price proposed was \$1.00 and the FSA submitted a certified check in the amount of \$0.20 to meet the retention requirement. The agency indicated it would need to spend up to \$200,000 for roof repair, HVAC upgrades, awning replacement, painting, carpet replacement, and electrical upgrades.

Pappas Development, LLC proposed to purchase both properties for \$100,000 with no contingencies and no financial assistance from the City with the intention to preserve the one-story building at 217 S. Fourth Street and remodel it to meet contemporary expectations for up-to-date commercial or retail use according to all applicable codes and ordinances. This space could be leased to business or not-for-profit tenants.

As for the structure at 330 Grove Street, Mr. Pappas proposed to have it demolished and prepared for a drive-through business with additional parking for employees and walk-in guests, with the goal of attracting a national brand to serve 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.

As indicated in this item's summary, City Manager Nicklas recommended the acceptance of the proposal from Mr. Pappas as it will generate sales and use taxes and offer new retail services to an area now undergoing positive changes in terms of business use, new housing, and restaurant services.

Continuing, City Manager Nicklas stated those being served are not being served well by the space, adding the City's human services budget, as well as the Community Development Block Grant (CDBG), has provided a lot of money to the FSA over the years so it's concerning that this is how DeKalb's senior citizens are being served. He offered there are lots of vacant spots in DeKalb that could serve them better.

Alderman Morris recused herself from the discussion and left the meeting at 6:30 p.m.

Alderman Larson stated she's been in the buildings and agrees that we should be doing better for the senior citizens. She added that a "no" vote doesn't mean Council is turning its back on them and thinks a better location can be found. Alderman Larson noted she's in favor of another use for the property, but that doesn't mean the City won't help make the transition better.

At this point in the meeting, some of the audience members expressed their frustration about losing their senior center, indicating they have no place else to go.

Speaking to FSA Executive Director Tynisha Clegg, Mayor Barnes asked if another location has been established for the senior center, or will it have to shut down if Council votes to sell the property to Pappas Development.

Ms. Clegg stated there are struggles. She also stated that the FSA received \$12,000 from the City last year and the funds received from the CDBG helped facilitate rental assistance for the community. As far as relocating, there's one other option but that would force them to decrease services.

Alderman McAdams stated he was disappointed when he found out the FSA only offered a \$1.00 bid, indicating he felt it rather insulting. Ms. Clegg agreed, indicating the FSA's board made that decision on recommendation from their legal counsel, knowing they will need to make at least \$100,000 in boiler system repairs, as well as other repairs.

Alderman McAdams stated the City doesn't want to put any more money into this building because it's not a good investment. He indicated his struggle with the vote because he wants to help everyone involved but there's also a financial issue to consider. Alderman McAdams asked why the FSA is only offering \$1.00 for the property if it's so valuable to them. Ms. Clegg stated she thinks the property is worth more than that.

Ms. Clegg, noting the building needs a new roof and HVAC system, addressed Alderman Larson, stating she wished she had had an opportunity to walk through the senior center because the FSA has made significant improvements to that portion of the building over the years and it's in much better shape than it was 20 years ago. Ms. Clegg further stated that the portion of the building where the YSB and Voluntary Action Center were housed is in need of a lot of work, such as new carpeting and paint.

Alderman Faivre asked Ms. Clegg, if the City were to give the FSA the property for \$1.00. with the issues it already has, what's the plan to keep the building open. Ms. Clegg replied they would take out a loan to keep the service operating and make the repairs needed.

Alderman Smith stated he was in the building a couple of weeks ago and this is a tough decision for him. He understands senior services are important but doesn't think going down this path is the best choice, and a better location can be found for the senior center.

At this point in the meeting some of the audience members continued to express their frustration about losing the senior center, indicating this is their home now.

Alderman Smith stated he's torn and bothered by this situation.

There were further comments of frustration from some of the audience members.

Noting the \$100,000 needed in repairs, Alderman Perkins asked if the FSA looked for other locations. Ms. Clegg replied the biggest challenge is that they would have to pay rent and for square footage they can't afford. She added that Elder Care Services has offered some of their space rent free with some utilities but then the FSA would have to reduce their services by 50% in capacity and they don't want to do that.

Alderman Perkins then asked if the FSA is prepared for all the capital requirements the current building needs. Ms. Clegg replied they anticipate they would need about \$200,000 to make the necessary repairs and would take out a mortgage to do that.

Ms. Clegg then stated the FSA renovated an old bank building at 1325 Sycamore Road in 2019 with funds from a capital campaign so that's not something they can do again so soon. Taking a mortgage on the current location seemed to be more feasible than trying to pay a significant monthly rent somewhere else.

Mayor Barnes stated he owns a commercial building and realizes there are a lot of costs involved. However, there are so many things wrong with this building and the lot it's on, and a lot could continue to go wrong just because of its age. He then asked if the FSA thinks they could absorb those costs. Ms. Clegg replied those are things they've taken into consideration knowing they would have to write additional grants. She added that just recently, had they already had ownership of the property, the FSA could have received a \$250,000 grant from the State of Illinois they were eligible for for improvements to the property.

Continuing, Ms. Clegg stated they are aware the building needs a lot of work, but they aren't walking into this blindly. The building means a lot to the community and with the merger of the YSB and the FSA, there are a lot of things they can do to grow and enhance services.

Alderman Verbic stated he understands where everyone is coming from as he took part in the YSB's services as a teenager for a place to go and get together with friends. He then asked if the FSA had considered a mortgage for new construction and investing money in new versus old property. Alderman Verbic further stated he expects the City's support to the FSA to continue and asked what else can be done responsibly to help beyond what's been done over the past 40 years. Ms. Clegg replied they had considered purchasing another building, but the cost of purchase and renovations would be excessive.

Alderman Faivre stated he doesn't want to be the one to give a "white elephant" (an unwanted gift) and thinks the other Council members would agree, especially if there's a better opportunity someplace else. He added that other not-for-profit agencies have come forward and asked the City to donate a building but then they had no funding to complete the project and he doesn't want that to happen to the FSA. Ms. Clegg replied it's not financially feasible to tear the building down and rebuild, nor is a capital/renovation campaign feasible in the current financial environment and atmosphere. However, a \$30,000 community foundation donation or a \$20,000 donation to make repairs is something they can do. Ms. Clegg added the FSA isn't looking at the building and not seeing its flaws.

Alderman Larson stated she's looking at a net City of DeKalb. If the City were to choose to go with the FSA bid, it's possibly taking away \$99,000 in income to DeKalb. But if the City goes with a developer and gets \$100,000 and gives that to the FSA, perhaps they could find a slightly better building.

City Manager Nicklas stated the City could go in a lot of directions at this point. A tenant in the 217 S. Fourth Street building is looking for a new space and a local realtor recently provided a list of available properties, and he thinks properties provided on that list would work better for a senior center. City Manager Nicklas further stated the City could give the FSA \$10,000 to hire a realtor to do the work and he'd be happy to help.

Continuing, City Manager Nicklas stated conversations with the social service agencies have been taking place since last May. Further, in 2018 the social service agencies occupying the building in question were approached by City administration and asked if they would be willing to offer anything for rent or utilities and not one of them made an offer. He added it's the job of those offering direct services to think ahead on behalf of those they're serving. The City doesn't provide the direct services, but it's been supporting the concept through the building tirelessly. It's now time for others to step up.

There were comments of frustration from some of the audience.

Mayor Barnes called point of order, stating Council is having an open and honest discussion about figuring this out to everyone's benefit. The City has provided this service for 40 years and there are a lot of not-for-profit organizations it hasn't done this for, adding if we offer it for one, we should

offer it to all. Mayor Barnes further stated he isn't comfortable giving away a building that's a wreck.

Continuing, Mayor Barnes stated the City would love to help the FSA find a new location. Reflecting on City Manager Nicklas' comments, Mayor Barnes stated conversations have been taking place since last May to figure out what's best for the entire community. He added the City isn't a landlord. It runs on sales tax, which is the primary go to money to be able to do incredible things within the community. The more economic development created, the more sales tax generated, the more dollars in the general fund. It was noted that Council will be considering items later in this meeting that would provide funding to other non-for-profit organizations such as New Hope Baptist Church and the J.F. Glidden Homestead Historical Center. Further, the City has increased its human services funding from \$150,000 to \$200,000 for social service agencies. Sometimes there are hard decisions to make for the best interest overall and figuring out how to do it in a way that's fair and equitable to all citizens and in the way we can be most comfortable with.

Mayor Barnes then provided a recap of the discussion so far, noting Alderman Larson's comments about providing monetary assistance to the FSA to find a new location.

City Manager Nicklas stated the City doesn't have \$100,000 unless it sells the property. Further, there are other competing uses. Working with a local realtor, he's confident a new location can be found, but there will most likely be rent involved. He then recommended that the City assist with some of the costs of helping the FSA find a new location.

Mayor Barnes asked City Manager Nicklas about next steps. City Manager Nicklas replied that Council should make a decision on the merits presented at this meeting. Tenants were advised seven months ago of the City's intentions, and the RFP process was followed. For the integrity of the process, he feels that Council should consider the three proposals made. Of the three, he's made a recommendation for Council consideration to award the RFP to Pappas Development.

Mayor Barnes reminded Council of the issue at hand, stating they could move forward with awarding the RFP to Pappas Development for \$100,000, and then find a way to work with the FSA on finding a new location. He also noted that further conversation could take place if Council isn't ready to make a decision at this meeting.

Alderman Larson asked if Council had to accept the proposals presented at this meeting. City Manager Nicklas replied that Council could hold the item over for further discussion or make a decision at this meeting, but action would have to be taken at some point on the proposals by choosing one or throwing them all out and starting over.

Alderman McAdams provided a summary of how the RFP process works. He then stated when an organization decides to respond to an RFP, it should be a reasonable offer, adding the offer of \$1.00 isn't equitable compared to the recommended proposal.

Alderman Verbic stated he supports the Pappas Development recommendation but wants to give the FSA \$10,000 from those proceeds to assist with finding another location.

Mayor Barnes reiterated that conversations regarding this issue have been ongoing for seven months, which brought us to the point of an RFP.

Alderman Perkins stated he's in no rush to do anything and would like to flush out the options.

City Manager Nicklas commented that no one can make the decision for the FSA on the direction they choose to go as far as location needs. By FSAs own admission, services are in flux due to

changes in the YSB and they're not sure how much space will be needed to provide those services, as well as space for the senior center. If the FSA were to decide that remaining in the current location really is their best option, what happens if the boiler breaks down and they don't have enough money to make the necessary repairs? Will residents start commenting that the City sold the FSA an inferior building? He added that, unfortunately, the building is sick.

Mayor Barnes stated while there's no urgency, at some point a decision needs to be made. If Council waits until the next Council meeting to decide, he isn't sure how much will change. He likes the idea of accepting the proposal provided by Pappas Development and then assisting the FSA with finding a new location.

Alderman Faivre recommended holding the item over to the February 27 Council meeting so the FSA can look at alternative locations.

Someone from the audience interrupted, stating DeKalb's name should be changed to Pappasville. Mayor Barnes said he didn't think that was funny.

Alderman Faivre continued, stating opportunity for the development of that corner falls in line with the plan of bringing development, business, and people to the downtown area so businesses can do better and generate more tax revenue. He added this decision will help support and generate revenue for future generations and thanked Mr. Pappas for his investment in the community.

Alderman Faivre suggested again that a decision be postponed to February 27.

Mayor Barnes asked Alderman Faivre if he was suggesting rejecting all proposals. Alderman Faivre replied he was not.

Alderman Larson said she agrees with postponing the decision to February 27, and with giving the FSA \$10,000 to find another location. She added that DeKalb needs people who are invested in its community, like Mr. Pappas.

Mayor Barnes, stating since Mr. Pappas' name was brought up in a not so positive way, asked Mr. Pappas if he grew up in DeKalb. Mr. Pappas replied he's been in DeKalb for 53 years and he raised his kids here. He added he understands this is a difficult decision but believes it's time for not-for-profit organizations to reach out to the private sector for funding. Mr. Pappas also noted there's lots of space in DeKalb, adding he can't imagine throwing money into the building in question because it's a dump and he wouldn't sell it to anyone.

Mayor Barnes commented on the properties Mr. Pappas has developed and redeveloped in DeKalb.

Brief discussion ensued between Mayor Barnes and Mr. Pappas regarding the opportunity everyone has to invest in their community.

Mayor Barnes thanked Mr. Pappas for the time and money he's invested in DeKalb.

Mayor Barnes asked for confirmation from Council that they would like to postpone the decision to February 27. Brief discussion ensued among Council.

City Manager Nicklas reiterated the task at hand, stating in 30 days Council is likely to hear that there's space or there isn't, as well as what the cost is or not.

Mayor Barnes interrupted City Manager Nicklas' comments to ask some in the audience to stop talking as it was difficult to hear.



City Manager Nicklas continued his comments, stating Council needs to do what's in their purview and make a decision on the three proposals presented. If they decide to throw them out, Council will need to direct him how to proceed.

Mayor Barnes commented he doesn't think Council wants to throw the proposals out, just delay the decision.

City Manager Nicklas stated in the interest of those invested in this item, there needs to be a difference in 30 days or why do this.

Discussion ensued about making a decision at this meeting or postponing.

Alderman McAdams suggested moving forward with the Pappas Development proposal and move forward.

City Manager Nicklas provided options for Council on how to proceed.

Alderman Verbic stated he's ready to move forward, otherwise the City won't have the funds to assist FSA with obtaining another location.

Mayor Barnes confirmed the motion on the floor to approve City Manager Nicklas' recommendation and move forward, with the intention of assisting the FSA.

Mr. Pappas stated Council has the proposals requested and feels they should make a decision at this meeting.

Mayor Barnes reiterated the motion on the floor.

Alderman Verbic asked if a motion was needed to approve the offer of assisting the FSA monetarily with finding another location. City Manager Nicklas replied he believes it's clear that the City wants to provide assistance.

There was a comment from someone in the audience that was inaudible to this writer. However, City Manager Nicklas replied it's hard to ignore 40 years of goodwill and what that has amounted to, so to say to Council that they're only good for \$5.00 is a gross insult. Mayor Barnes agreed.

Alderman McAdams commented he hates low ball offers so he won't vote for a \$5.00 offer.

VOTE: Motion carried by a 5-2-1 roll call vote. Aye: Larson, McAdams, Verbic, Faivre, Barnes. Nay: Smith, Perkins. Recused: Morris. Mayor Barnes declared the motion passed.

A short recess was called at 7:20 p.m. to allow those attending the meeting for this item to leave the room.

Mayor Barnes concluded the recess at 7:22 p.m.

## **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.

Mayor Barnes read the resolution by title only.

Andrew Tillotson, speaking on behalf of Sunrise DeKalb, a youth environmental group, expressed support for this item, noting as someone who's concerned about the environment, more public transportation means less emissions. He added additional transportation may incentivize those living in the suburbs to attend Northern Illinois University (NIU). Further he's and advocate for bringing a Metra station to DeKalb but any greater service to get to Elburn and facilitate that travel is a win for the environment.

Mr. Tillotson also spoke to the previous item, stating he knows there was a lot of spit balling about what can be done for a new senior center and encouraged Council to add an item on the next agenda for concrete action to facilitate the creation of a new senior center. He stated he's disturbed by what he feels was a non-answer from Council and believes those who attended this meeting for the previous item will be back. Mr. Tillotson further commented that elections are coming up and if Council doesn't bring something back, they do so at their own peril.

Mayor Barnes commented there's no peril needed as Council will be executing assistance to the FSA.

Parker Asselborn stated she was present to make a statement on behalf of Emily from the Sunrise DeKalb group. Key points to Emily's statement included that Metra is a key part of the sustainability plan with crucial environmental benefits and would have many economic benefits. Further, the train would be a safer mode of transportation, allow travel to Chicago for jobs and intern opportunities, as well as an accommodation tool for those who can't, or choose not to, drive into the city. DeKalb is one of the only two cities hosting a public university that doesn't have a direct train line to Chicago. DeKalb had a direct train to Chicago many years ago and many feel it's doable, and necessary, to bring it back.

Samuel Lepic stated he's lived in DeKalb for 23 years and has always wished for a Metra train line. He's spoken with people at NIU that drive from Chicago to DeKalb and back again five days a week. He also noted that NIU isn't in the greatest spot, and all can recognize the declining student numbers, adding that having access to Metra in DeKalb could be a way to curb that.

MOTION: Alderman Morris moved to approve the resolution; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. In consultation and partnership with NIU, the City circulated an RFP on October 19, 2022, 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 DeKalb.

The deadline for submittals in response to the RFP was December 1, 2022. The City received inquiries from 20 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 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. The City received two proposals, one from Sam Schwartz Consulting with a proposal price of \$98,379, and the other from SRF Consulting in the amount of \$120,693.41. Both 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 NIU administration, City staff recommended a contract with Sam Schwartz Consulting in the amount of \$98,370. The contract will be paid from the Transportation Fund (200-30-37-63900).

The study is conceived in three phases. Phase I would determine potential ridership in the DeKalb County area. Phase II would focus on supplemental data to provide the basis for a realistic case for more, diversified public transportation service, and Phase III would invite the consultant teams to outline realistic short-term and longer-term plans to address the identified transportation needs.

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

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.

Alderman Faivre indicated his support of the study and thanked City staff for making the connections needed to proceed.

Alderman Faivre, noting the increase in the trips to Elburn as mentioned above, asked how the City can get the word out about DeKalb's transit system, adding he's received emails that the bus schedule is out of date. Mr. Neuenkirchen replied by first stating the additional trips to Elburn would not have been possible without Council approving the hourly rate increase for bus drivers. He also stated the transit schedule app is up to date, noting that Assistant Transit Manager Brian Van Hine has spent two months going through and geo coding everything.

Alderman Faivre stated he's excited to get the results of the study.

Alderman McAdams provided his history of riding the Metra. He stated this is an integral thing DeKalb can do, and Ward 5 is in favor of it.

Alderman Smith confirmed there is an app for the transit schedule, which is up to date constantly. Mr. Neuenkirchen stated the app is an older technology, but Transit has applied for funding to get more up to date software.

Alderman Smith indicated his support for this item.

Alderman Verbic also indicated his support and asked City Manager Nicklas how NIU and DeKalb County will be participating financially to support these efforts. City Manager Nicklas replied there are certain criteria the City needs to have to make us a credible entity. The RTA and Metra will be the ones making the decision. The City is rapidly becoming an economic and viable competitor but has to prove the ridership is there.

There was brief discussion between City Manager Nicklas and Mr. Neuenkirchen regarding ridership and increased trips to and from Elburn.

City Manager Nicklas continued, stating it's too early to tell what financial support the City will receive. The time to ask will be when the City receives information from those making the decision that we're on the right track. He noted that it will only get more expensive from here. If the City receives the go ahead, it may cost \$80,000,000 to \$100,000,000 to build it so we will need other partners. The other half of the equation will be operating it.

Mayor Barnes stated the City has received a letter of support from NIU, adding that NIU has been a great partner in assisting the City with contact information and connections thus far. He also noted that NIU is the only large public university in Illinois that doesn't have passenger rail service.

Alderman Faivre asked if the fees being paid to Sam Schwartz Consulting are federal funds entrusted to the City and not direct taxpayer dollars. City Manager Nicklas confirmed that was correct.

Mayor Barnes stated he's excited about this project.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

Mayor Barnes recused himself from this item and left the meeting at 7:49 p.m.

Alderman Faivre read the resolution by title only.

MOTION: Alderman Smith moved to approve the resolution; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet, providing a history of the business, which relocated from Maple Park to DeKalb in 1945. The layout of the building hasn't changed substantially since that time and the owners are interested in a major remodeling to enlarge and upgrade the bathrooms, the heating/air conditioning system, and the electrical system. Funding for these improvements will be taken from the Fund 400 program (400-00-00-69199) and the project will substantially improve access, safety, and the conditioned air in the building.

There were no questions or comments from Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre. Nay: None. Recused: Barnes. Alderman Faivre declared the motion passed.

Mayor Barnes returned to the meeting at 7:53 p.m.

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

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Larson.

Sasha Cohen spoke to this item, stating the background information provided includes a number of falsehoods, the first being that a series of absences this year were without notification or explanation. He added that on June 27, 2022, July 5, 2022, and August 8, 2022, emails were provided to the Recording Secretary that contained public comment regarding the meeting, notification that he would not be in attendance, notification that he was not abandoning his duties, and asserting the role of city clerk.

Continuing, Mr. Cohen stated he attempted to assert the role of clerk by accepting candidate filing documents for the 2023 election, but he was blocked from doing so, which led to him taking legal action. He further stated there was no reasonable contention that he is not asserting or acting as

city clerk at this time, adding perhaps two months ago, prior to his return, Council may have had more reasonable grounds for doing so, but at this point the circumstances and facts have changed. Mr. Cohen stated he believes this item is a retaliatory action for the pending litigation and an attempt to remove him from serving at the electoral board meeting scheduled for January 13. He considers himself the city clerk and will continue to assert that role and responsibility.

Mark Charvat spoke to this item, stating Council doesn't have the authority to censure the city clerk. Noting the information provided in the agenda summary about Mr. Cohen not filing an Economic Interest Statement to DeKalb County in 2022, Mr. Charvat stated that Mayor Barnes and Alderman Perkins didn't file theirs by the May 1, 2022, deadline.

Mayor Barnes asked Mr. Charvat to stay on topic, noting this item was in reference to Mr. Cohen. Mr. Charvat replied he was staying on topic, stating he hopes Council plans to censure both Mayor Barnes and Alderman Perkins.

Continuing, Mr. Charvat noted that in 2022, Mr. Cohen showed up for a Council meeting to perform his duties as city clerk but wasn't allowed to do so, noting that Mayor Barnes holds part of the blame. He further stated that he isn't defending everything Mr. Cohen has done but wants to point out that Mayor Barnes is the cause of this.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet, stating he was clear to point out in his background of Mr. Cohen's absences, including seven in 2021, of which four were without notice and unexplained. In the middle of 2021, Mr. Cohen offered an apology, stating he wanted to do the right thing and then was absent without notice for 23 of the 26 meetings through this past November.

City Manager Nicklas then stated he thinks it's illogical to trust that Mr. Cohen has the best interest of the residents of DeKalb in mind, nor trust that he is working in a professional manner. The evidence is deep and strong that Mr. Cohen has no interest in serving the public he was sworn to faithfully serve during his tenure.

Continuing, City Manager Nicklas spoke briefly about censure, stating it's a statement of this body that they don't approve and find this to be so extraordinary in its lack of respect for the people to be served and recognize that this isn't the person who should be credited as the one Council trusts to record the proceedings of these meetings.

Alderman McAdams stated Council has remained as quiet as it could for as long as it could and it's a relief to finally be able to address this issue in public. He provided a brief history of his father's career as the city clerk for the Village of Midlothian, stating he was honored to perform what he considered to be a serious obligation to his community.

In 2019, City Council debated the role of the clerk where discussion centered around the question, "does DeKalb need a city clerk"? Alderman McAdams stated at that time he voted yes, but if he had to vote again on the topic, he wouldn't vote the same way. He noted his father contacted him after that vote and stated he had never heard of any city, village or town that used their city clerk as a watchdog or an agitator for policy. He found it was unusual that DeKalb viewed their clerk in that way and felt the role of the office was to take the minutes, make sure people had the documents they needed, and answer the questions they had. He also thought it was inappropriate for our clerk to be at odds with the Mayor and Council as a matter of policy.

Alderman McAdams claimed that former clerk Lynn Fazekas told him she wouldn't be fulfilling any of his document requests unless they fit her conspiracies, which he thought to be the most unprofessional thing he's heard anyone say about their work.

Continuing, Alderman McAdams recalled the day he came to file his candidate documents for the 2023 election and found himself standing outside City Hall with Mr. Cohen waiting to be let into the building. At that time, he tried to offer Mr. Cohen unsolicited advice that he should just start doing his job and when people questioned his troublesome pass to apologize and say it was just a youthful indiscretion. Alderman McAdams claimed that Mr. Cohen replied he had no intention of doing anything constructive and he wasn't going to run again, finding more meaning in campaigning work. Alderman McAdams claimed he then asked Mr. Cohen if he was still collecting his paycheck from the City and Mr. Cohen said he was, to which Alderman McAdams claims he told him he had quite a racket going for himself, and Mr. Cohen seemed both amused and proud of this crime.

Alderman McAdams concluded his statement by adding that he used to work in collections, and therefore his next statement is an attempt to collect a debt and any information obtained will be used for that purpose. At that, Alderman McAdams stated to Mr. Cohen the City wants its \$16,000 back and doesn't want to pay him another dime. He added that DeKalb's taxpayers work too hard for their money to give it to a grifter.

Alderman Morris noted her emotion regarding this topic because she feels Mr. Cohen has spit in the eye of democracy. He's taken the taxpayer's trust and the City's trust, along with everyone who supported him, walked all over it, and spit on the freedom she values very highly. She's upset by this because he committed that he would do better than this. In this role, there's an opportunity to make an elected office more accessible for people and she believes instead he has made it less accessible and that's what is so disgusting about it.

Alderman Verbic stated it's unfortunate that Council is having this discussion, stating he will be supporting censuring Mr. Cohen as city clerk. However, that's not good enough for him and referenced Illinois Municipal Code 65 ILCS 53.1-10-50, stating it's clear that this Council at a future date should hold a hearing to discuss potential abandonment of office by Mr. Cohen as city clerk. Based on the facts that he's seeing over time with this clerk, it's clear Mr. Cohen has abandoned the office. As the corporate authority in the State of Illinois, this Council has the ability to declare whether or not the office is abandoned or if it's being served.

Alderman Larson stated in the beginning of his term, Mr. Cohen indicated he wasn't provided with the support and proper training needed. However, when there was something on the agenda he cared about, Mr. Cohen's notes were meticulous and beyond reproach. She added that the Council doesn't always have easy decisions to make, but they make them because that's their job and what they agreed to do when they were sworn in.

Concluding her comments, Alderman Larson stated it's beyond frustrating, aggravating and disgusting what Mr. Cohen has done to the entire city of DeKalb, and it sucks.

Mayor Barnes commented that despite what some may think, he treats this seriously. No one is perfect and mistakes are made, but the heart is in the right place. He noted that Mr. Cohen has stated he's a self-proclaimed anarchist and now he (Mayor Barnes) understands that that really is what he's trying to do. Further, Mr. Cohen stated he notified people of his absences, yet he didn't notify Council, and at one point even notified the media of an absence. Mr. Cohen has walked out of a Council meeting even though it was recessed for Executive Session. Council has heard on numerous occasions how Mr. Cohen is going to do better, he's sorry, he messed up, and then interjects himself again just to cause more chaos.

As for the candidate filing process, Mayor Barnes stated Mr. Cohen didn't attempt to post any of the necessary information. He just showed up the day of, most likely to cause turmoil in the election process, which is a sacred institution in the United States. Council has slowly pulled duties away and still gets nothing but excuses about the lack of training, yet Mr. Cohen has spelled

his own name wrong in minutes, recorded votes of Council members that were absent from a meeting, doesn't take notes and writes "see You Tube". However, the City doesn't control You Tube and there's a possibility of them one day saying they don't want government information on their channel.

Continuing, Mayor Barnes stated minutes are the City's public record and the history of DeKalb. There have been times when someone has needed to go back decades trying to find out what a discussion was about. However, this Council *can* control having accurate minutes and seeing that City business is performed in a professional way, something they haven't gotten from Mr. Cohen. What Council has gotten is someone who wants to cause disruption and ultimately that's why this Council agenda is being presented.

Concluding his comments, Mayor Barnes stated Council can censure someone and doesn't agree and won't tolerate this kind of nonsense anymore in an elected official. He regrets and can't believe Council is in this position and can't comprehend how anyone can treat such a sacred obligation of being an elected official the way Mr. Cohen has.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

Mr. Cohen left the meeting at 8:14 p.m.

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.

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The FY2023 City Budget set aside \$35,000 in support of DCEDC. Their 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.

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

Mayor Barnes read the resolution by title only.

MOTION: Alderman Morris moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The FY2023 City Budget set aside \$35,000 in support of the DCCVB, noting 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, which the DCCVB markets along with other events in DeKalb County through a variety of media, including the annual DCCVB Guide. Further, the City is a key beneficiary of the DCCVB 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 DCCVB 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).

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

Mayor Barnes thanked DCCVB's Executive Director, as well as DCEDC's Executive Director, for the services given to this community.

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.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Smith moved to approve the resolution; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. 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. In recent years, the annual grant in support of Chamber events has included the Farmer's Market, Santa's arrival, and other downtown events.

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The FY2023 Legislative budget contains an allocation of \$41,088 for the DeKalb Municipal Band, which was founded in 1854. 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.



There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

Mayor Barnes read the resolution by title only.

MOTION: Alderman Smith moved to approve the resolution; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The DeKalb Public Library has approached the City asking that eligible library employees be added on the City's health insurance plan in return for appropriate administrative fees. 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 to the City. 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. The Library has now determined 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 Human Resources (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.

A letter included in the background for this item lays out savings the library will earn from this agreement. The City's administrative costs should be adequately covered in 2023 by the stipend of \$500 per employee per year. The term of the agreement 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 12-month term. City Attorney Rose and HR Director Michelle Anderson have reviewed the proposed agreement and are satisfied with the draft, also provided in the background for this item.

Alderman Faivre suggested finding ways to share resources with the library to save taxpayer dollars.

Alderman Perkins agreed with Alderman Faivre and wondered if there are more opportunities like this for sharing resources.

City Manager Nicklas stated perhaps he and the library's Executive Director, Emily Faulkner, can open a conversation to what sharing resources means and finding ways to provide functions at a lower cost.

Alderman Perkins added that perhaps things like IT functions and maintenance. He thinks there's opportunity there.

Mayor Barnes stated there's a lot of expertise that could lead to efficiencies.

City Manager Nicklas stated he would get the process started.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. 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 the FY2023 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 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.

Alderman Faivre commented this was a well-used vehicle and thanked Public Works for being good stewards of the community's money.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

#### **L. ORDINANCES – SECOND READING**

There were 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).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman McAdams moved to approve the ordinance on first reading; seconded by Alderman Larson.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet, reminding Council that at the regular City Council meeting of November 28, 2022, it considered a number of potential uses for uncommitted American Rescue Plan Act (ARPA) monies and prioritized their use. A consensus of Council determined that among the priority uses was a one-time \$50,000 ARPA grant to the Egyptian Theatre.

There were no questions or comments from Council.

VOTE: Motion carried by a 7-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: Verbic. Mayor Barnes declared the motion passed.

MOTION: Alderman Larson moved to waive second reading of the ordinance and approve; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: Verbic. Mayor Barnes declared the motion passed.

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).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Faivre moved to approve the ordinance on first reading; seconded by Alderman Larson.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. In addition to the Egyptian Theatre grant, there was Council consensus on November 28, 2022, to support a one-time ARPA grant of \$25,000 to the Stagecoach Players.

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading of the ordinance and approve; seconded by Alderman Morris.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Smith moved to approve the ordinance on first reading; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Council also determined by consensus on November 28, 2022, 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.

Mayor Barnes stated a recent ward meeting helped provide more information on this project.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading of the ordinance and approve; seconded by Alderman Perkins.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Faivre moved to approve the ordinance on first reading; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. Council determined by consensus on November 28, 2022, 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.

Alderman Morris stated she's excited about this project and remembers attending listening sessions regarding the AGN area where this project was mentioned. She added it's thrilling to see it come to fruition.

Alderman McAdams also indicated his support, adding it will be a fantastic addition to the community.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading of the ordinance and approve; seconded by Alderman Perkins.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Faivre moved to approve the ordinance on first reading; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet, noting these amendments are requested in order to clean up and clarify some wording in the following Municipal Code chapters: Chapter 2 "City Council"; Chapter 3 "City Administration"; Chapter 21 "Combined Planning and Zoning Commission"; Chapter 22 "Building Code Review Board"; Chapter 44 "Landmark Commission"; Chapter 45 "Airport Advisory Board"; Chapter 46 "Citizen Police Review Board"; Chapter 49 "Human Relations Commission"; Chapter 50 "Citizens' Environmental Commission"; Chapter 54 "Financial Administration"; Chapter 59

“Economic Development Commission”; and Chapter 65 “Citizens’ Community Enhancement Commission”.

Alderman Morris stated she’s opposed to replacing “City Clerk” with “Recording Secretary” in the Chapter 2 amendment.

City Manager Nicklas stated the focus of Council’s decision at this meeting to censure the city clerk was about the person, not the role. At this point there’s no talk of changing the duties, not without a referendum. He explained that the duties have already been spelled out in two separate ordinances.

Mayor Barnes stated that “City Clerk” has already be replaced with “Recording Secretary” in a few other chapters and he saw this amendment as a way to make things more uniform.

Alderman Morris stated she appreciated the clarification.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Perkins moved to waive second reading of the ordinance and approve; seconded by Alderman Verbic.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Faivre moved to approve the ordinance on first reading; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This ordinance, as well as the following ordinance, are companion pieces. This ordinance would amend 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. 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 amendment will make them legal and conforming so long as no tobacco products are smoked on the premises. The following ordinance makes a similar adjustment in the City’s Unified Development Ordinance (UDO). No other changes have been made or suggested.

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Faivre moved to waive second reading of the ordinance and approve; seconded by Alderman Larson.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman McAdams moved to approve the ordinance on first reading; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. As noted above, this ordinance brings the appropriate passages of the UDO 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, 2022, to permit the sale of tobacco products within an attached commercial building provided that no smoking was allowed on the premises. The Planning and Zoning Commission have recommended approval of this revision.

There were no questions or comments from Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Perkins moved to waive second reading of the ordinance and approve; seconded by Alderman Faivre.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Verbic moved to approve the ordinance on first reading; seconded by Alderman Smith.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. In 2015, the City amended the 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” and Chapter 23 “Unified Development Ordinance”, City codes required a retail tobacco store to be in a freestanding building that does not have any other tenants. With Council approval of Ordinance 2023-006 and Ordinance 2023-007, Council can proceed to consider the special use request from Mr. Silat, who indicates 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 through 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 has recommended approval of a special use permit for this retail tobacco store.

Alderman Verbic welcomed Mr. Silat and his business to Ward 6.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading of the ordinance and approve; seconded by Alderman Perkins.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **N. REPORTS AND COMMUNICATIONS**

### **1. Council Member Reports.**

Alderman McAdams reported a recent health scare and thanked Northwestern Medicine for providing him with good care.

Alderman Larson noted a few of her relatives came to DeKalb for a show at the Egyptian Theatre and commented on how good the downtown area looked. Alderman Larson thanked the Public Works Department for making DeKalb look so fabulous.

Alderman Faivre encouraged residents to take care of shoveling their sidewalks after a snow fall, commenting that they should also be looking in on their neighbors to see if they need assistance with shoveling.

Mayor Barnes stated Council is frequently accused of not listening and not being transparent with the public. However, he was glad Council was provided the opportunity to listen and have an open dialogue with some of the public at this meeting, which caused them to adjust their final course of action on one particular item based on that input. He thanked Council for their interaction with the public and doing what's right for the community. He also thanked City staff because he sees some of the emails and voicemails they get. It's tough at times but there are a lot of people who love everything the Council and staff are doing and want to see that continue. No one is perfect and it would be nice to receive a little bit of grace when a mistake is made, however, some can't find it in their heart to do that. The City continues to function well and keep the ball moving forward and he's proud of Council and staff and all they do, adding 2023 is going to be another amazing year.

### **2. City Manager Report.**

City Manager Nicklas stated he's proud to be in the position he's in and he struggles to not be emotional. He knows the hearts of Council and City staff who do their job every day without fanfare. He added he's also proud to be in service to Council.

Continuing, City Manager Nicklas thanked Alderman Morris for her comments to the clerk. He also thanked Council for all they do.

#### **O. EXECUTIVE SESSION**

Mayor Barnes read the following by title only:

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

Not acted on.

#### **P. ADJOURNMENT**

MOTION: Alderman Verbic moved to adjourn the meeting; seconded by Alderman Perkins.

VOTE: Motion carried by an 8-0 voice vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed and adjourned the meeting at 8:55 p.m.

Respectfully submitted,

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Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on January 23, 2023.

Click [here](#) to view the agenda packet for the January 9, 2023, Regular City Council meeting.

Click [here](#) to view the video recording of the January 9, 2023, Regular City Council meeting.