

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
JANUARY 13, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on January 13, 2020, in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Smith called the meeting to order at 6 p.m.

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Staff present included: City Manager Bill Nicklas, Assistant City Manager Ray Munch, Chief Building Official Dawn Harper, and City Attorney John Donahue.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Chief Building Official Harper led the Pledge.

C. APPROVAL OF THE AGENDA

Mayor Smith asked for additions or deletions to the agenda. None were offered.

MOTION

Alderman Verbic moved to approve the agenda. Alderman Smith seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the agenda approved.

D. PUBLIC PARTICIPATION

Brian Oster identified himself as a local business owner and as president of the Chamber of Commerce. He spoke about resolutions on the agenda involving grants to not-for-profits that are not 501(c)(3) organizations and therefore not as able, in his opinion, to make up for lost funding. Mr. Oster said he would like to see the grants stay at 2019 levels, noting that activities of both the DeKalb County Economic Development Corporation and DeKalb County Convention and Visitors Bureau have a direct impact on

City revenues, and that loss of City funding to them would also mean losses to their matching grants.

E. PRESENTATIONS

1. Proclamation: 2020 Census and the Complete Count Committee.

Mayor Smith read the proclamation, which is about the importance of participating in the Census and an endorsement of the efforts of the Committee. He then presented it to Assistant City Manager and Committee member Ray Munch.

F. APPOINTMENTS

1. Appointment of Brian Scholle to the Economic Development Commission for a Three-Year Term through December 31, 2022.
2. Appointment of Trixy O'Flaherty to the Planning and Zoning Commission for a Five-Year Term through December 31, 2024.
3. Appointment of Max Maxwell as Chair of the Planning and Zoning Commission for a Two-Year Term through December 31, 2021.
4. Appointment of Jeff Richardson as Chair of the Economic Development Commission for a Three-Year Term through December 31, 2022.
5. Appointment of Clare Kron as Chair of the Citizens' Environmental Commission (No Term Limit).

Mayor Smith obtained consensus of Council to vote on the appointments in omnibus fashion. He then read each of the five proposed appointments.

MOTION

Alderman Finucane moved to approve the appointments. Alderman Perkins seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the appointments approved.

G. CONSENT AGENDA

1. Minutes of the Special Joint Meeting of the City Council and Finance Advisory Committee of November 18, 2019.

2. Minutes of the Special Joint Meeting of the City Council and Finance Advisory Committee of November 20, 2019.
3. Minutes of the Regular City Council Meeting of December 9, 2019.
4. Accounts Payable and Payroll through December 23, 2019 in the Amount of \$5,106,036.25.
5. Accounts Payable and Payroll through January 13, 2020 in the Amount of \$4,178,143.22.
6. Investment and Bank Balance Summary through October 2019.
7. Year-to-Date Revenues and Expenditures through October 2019.

Mayor Smith read each item of the consent agenda by title.

MOTION

Alderman McAdams moved to approve the consent agenda. Alderman Smith seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the consent agenda approved.

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

1. Consideration of Proposed Transit Changes to Route 12 (Elburn Shuttle Service) and Route 19 (Park 88 and Southern DeKalb Bus Service).

City Manager Nicklas said this change would incorporate a stop at Schnucks Grocery and allow pedestrian access to Taylor Street. Council consensus was to allow this to proceed. Alderman McAdams credited resident Fred Menke with the idea.

2. Consideration of Several Suggestions for Revisions to Chapter 38, "Intoxicating Liquors".

Cameron Dye identified himself as one of the owners of Aroma's Hookah Bar. He said the change of the legal smoking age from 18 to 21 years has hurt their business. Mr. Dye named four other hookah bars in Illinois that allow admission of 19 year olds and informed

Council he had submitted a petition (now filed with the City Clerk) signed by 63 of his customers in favor of the change to allow patrons under 19. He also said his establishment would be seeking a BYOB license.

Interim Police Chief Petragallo said the Department is reaching out to see how admittance of 19-year-olds to bars is working elsewhere.

It was explained that a threshold of 19 years rather than 18 makes it less likely that high school students would be admitted. Council members also established that if the City allows 19-year-olds it would not be a mandate; bar owners could decide whether to admit under-21s.

Council members expressed concern about enforcement and impacts to other business, but also approval of the concept and of the city manager's process suggestions, including holding a public hearing on the proposed changes.

3. Consideration of a Tax Increment Financing (TIF) Funding Request from the Balli Family for the Rehabilitation of the Property at 206 E. Lincoln Highway.

Steve Kapitan thanked the Balli family for their contributions to DeKalb's downtown. However, this project appears to him as a way to enhance the sales price of the property, in which case it would be an inappropriate use of TIF, he said.

Rosa Balli described the history of her family's acquisition of downtown buildings and buildouts. Ms. Balli said the family is asking for 50% of the project costs to be picked up with TIF funds and said payback of the TIF investment in equalized assessed value (EAV) of the property would occur in less than 10 years. She said the family will do \$150,000 in improvements to the first floor to attract a high-caliber, sustainable restaurant tenant with a 7-year lease.

Several Council members said they support the project, but felt the proposal to have the City pick up 50% of eligible costs in TIF funds is too high. They requested a matrix of the options as a starting point for discussing the percentage of funding that should come from the City.

4. Consideration of a \$1,000 General Fund Grant to Offset Moving Expenses for the DeKalb Area Agricultural Heritage Association (DAAHA).

Steve Faivre, treasurer of DAHAA, says the 6,000 items in the museum need to be moved by professionals. He added that DAHAA is having to move three years earlier than they're ready for and this is creating a cash flow problem for the organization.

Mayor Smith noted consensus of Council to make the grant.

5. Consideration of a Report on Plan Review Services Provided by HR Green from June 1, 2019 through December 1, 2019.

City Manager Nicklas said he is anticipating the bill will exceed the limit that is currently set, in large part due to the fast turnaround needed for Project Hammer. He asked for authorization to pay whatever the bill turns out to be.

Mayor Smith observed that the estimated overage is about \$960, but the city manager replied it could be more. Consensus of Council was to grant the authorization.

6. Consideration of a Remodeling Estimate for the New City Hall (Nehring Building).

Bessie Chronopoulos complimented Council on the way it is approaching the TIF discussion. Ms. Chronopoulos said she is not in favor of the move to the Nehring building, that it would limit people's access to their government. She said there has not been enough input and deliberation of other options, and she estimated the city hall will have to move again in 2-5 years. She said she'd rather see other local government sharing the current building.

City Manager Nicklas went over the estimates for the remodeling and repairs in Nehring, as well as for the broadcast center the City has agreed to install at the library. He said he was asking for authority to spend what has been budgeted for the purpose.

Discussion ensued over concerns about the cost of the broadcast center and about downsizing into another building and losing parking, meeting space, the fallout shelter and the shooting range. Alderman Morris said she does not see this plan as a permanent solution.

MOTION

Alderman McAdams moved for a voice vote on granting the spending authority. Alderman Morris seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith noted two "nays" came from Alderman McAdams and Alderman Morris.

J. RESOLUTIONS

1. Resolution 2020-001 Authorizing a Funding Agreement with the DeKalb County Economic Development Corporation (DCEDC) in the Amount of \$35,000 for Economic Development Services Beginning January 1, 2020 through December 31, 2020.

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to approve the resolution. Alderman Verbic seconded.

DCEDC Director Paul Borek reported the organizations' recent accomplishments and thanked the City for its support.

VOTE

Motion carried 8-0 on roll call vote. Aye: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

2. Resolution 2020-002 Authorizing a FY2020 Tourism Agreement with the DeKalb County Convention and Visitors Bureau (DCCVB) in the Amount of \$35,000 for Tourism Activities Beginning January 1, 2020 through December 31, 2020.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the resolution. Alderman Perkins seconded.

DCCVB Chair Brad Hoey announced the installment of the permanent executive director and reported DCCVB has moved into the DeKalb County Outreach Building. Mr. Hoey provided an overview for what a certified convention and visitors' bureau is. He said DeKalb County's is one of 46 such organizations in Illinois and markets DeKalb County to Chicagoland and beyond.

VOTE

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Perkins, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

3. Resolution 2020-003 Authorizing a Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$35,000 for the Purpose of Facilitating Community Events Beginning January 1, 2020 through December 31, 2020.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve the resolution. Alderman McAdams seconded.

Chamber Executive Director Matt Duffy gave an overview of Chamber events that showcased the community over the past year.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

4. Resolution 2020-004 Authorizing Human Services Agreements with Local Social Service Agencies for Human Services Funding Beginning January 1, 2020 through December 31, 2020.

Mayor Smith read the resolution by title only

MOTION

Alderman Perkins moved to approve the resolution. Alderman Faivre seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Faivre, Morris, Finucane, Perkins, McAdams, Verbic, Mayor Smith. Nay: none. Absent: Alderman Smith (recusal).

5. Resolution 2020-005 Authorizing the Waiver of Competitive Bidding and Payment to LiftOff for the Renewal of the City of DeKalb Microsoft Office 365 Subscription in an Amount Not to Exceed \$40,956.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution. Alderman Faivre seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the resolution approved.

6. Resolution 2020-006 Adopting a Public Mural Policy for the City of DeKalb.

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to approve the resolution. Alderman McAdams seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

7. Resolution 2020-007 Authorizing an Amendment to Resolution 2019-108 for the Transfer of Two Rolling Stock Public Transit Vehicles from the City of DeKalb to Pace.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution. Alderman Finucane seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Perkins, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

8. Resolution 2020-008 Authorizing the Sale of Real Property Located at 315 N. Tenth Street (PIN 08-23-258-011) in the Amount of \$6,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to pass the resolution. Alderman Morris seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-001 Authorizing Boundary Modifications to the Area Known as the DeKalb County Enterprise Zone, Vacant Ground Addition, Option 2.

Mayor Smith read the ordinance by title only.

MOTION

Alderman McAdams moved to approve first reading. Alderman Finucane seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Perkins, Mayor Smith. Nay: none.

MOTION

Alderman Finucane moved to waive second reading and approve the ordinance. Alderman McAdams seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

2. Ordinance 2020-002 Approving a Second Amendment to the DeKalb County Enterprise Zone Intergovernmental Agreement.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to pass first reading. Alderman Morris seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared passage of first reading.

MOTION

Alderman Finucane moved to waive second reading and pass the ordinance. Alderman Perkins seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

3. Ordinance 2020-003 Amending the Property Tax Abatement Qualifying Criteria and Definitions in the DeKalb County Enterprise Zone.

Mayor Smith read the ordinance by title only.

MOTION

Alderman McAdams moved to approve first reading. Alderman Verbic seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none.

MOTION

Alderman Finucane moved to waive second reading and approve the ordinance. Alderman Morris seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none.

4. Ordinance 2020-004 Approving a Third Amendment to the DeKalb County Enterprise Zone Intergovernmental Agreement.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Verbic moved to pass first reading. Alderman Faivre seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none.

MOTION

Alderman Morris moved to waive second reading and approve the ordinance. Alderman Perkins seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Perkins, Mayor Smith. Nay: none. Mayor Smith declared the ordinance approved.

5. Ordinance 2020-005 Amending Chapter 35 "Towing", Chapter 52 "Offenses Against Public Peace – Safety and Morals", and Chapter 64 "Smoking Regulations" to Conform to New Cannabis and Tobacco Laws.

Mayor Smith read the ordinance by title only.

MOTION

Alderman McAdams moved to approve first reading. Alderman Smith seconded.

Council members and City Attorney Donahue discussed the pros and cons of prohibiting smoking of cannabis in smoke shops.

MOTION

Alderman Verbic moved to amend the ordinance by “striking bullets five and six” (item prohibiting smoking cannabis in any public place including smoke shops, and item prohibiting possession of cannabis paraphernalia by persons under 21 years of age). Alderman McAdams seconded.

Alderman Verbic commented this amendment would be more consistent with state law.

Following further discussion, City Manager Nicklas offered to bring the ordinance back in a revised form that reflects the prevailing view. Alderman Verbic and Alderman McAdams then withdrew their motion and second.

MOTION

Alderman Finucane moved to postpone first reading of the ordinance to the next meeting. Alderman Faivre seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Morris commented on the review of the intoxicating liquors chapter of City Code, saying there’s some urgency to it in helping businesses move forward. The Alderman also reported on talks to bring a farmers’ market to the Annie Glidden North (AGN) area, and announced she has just begun pursuit of a Master’s degree in Public Policy & Administration.

Mayor Smith outlined the performance evaluation process for the city manager and said it would be completed in February.

2. City Clerk Report

City Clerk Fazekas gave no report.

3. City Manager Report

City Manager Nicklas gave no report.

N. EXECUTIVE SESSION PURSUANT TO 5 ILCS (120/2)

1. Approval to Hold an Executive Session to Discuss Collective Bargaining as Provided for in 5 ILCS 120/2(c)(2).
2. Approval to Hold an Executive Session to Discuss Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

Mayor Smith read each item to be authorized for discussion in executive session.

MOTION

Alderman Faivre moved to recess for executive session. Alderman Smith seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared a recess for executive session at 8:42 p.m.

O. ADJOURNMENT

MOTION

Upon Council's return from executive session, Alderman Verbic moved to adjourn the regular meeting of City Council. Alderman Smith seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared adjournment at 9:14 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: January 27, 2020.