

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
JANUARY 27, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on January 27, 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 6:00 p.m.

Executive Assistant Ruth Scott 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, Transit Manager Marcus Cox, and City Attorney John Donahue.

**B. PLEDGE OF ALLEGIANCE**

Mayor Smith led the pledge.

**C. APPROVAL OF THE AGENDA**

Mayor Smith indicated that item E.1. "Proclamation: School Choice Week – January 26 – February 1, 2020" would be removed from the agenda due to concerns raised by Alderman Morris and DeKalb Community Unit School District 428 Superintendent Jamie Cravens.

**D. PUBLIC PARTICIPATION**

Resident Joe Mitchell spoke regarding the September 2019 incident between a DeKalb police officer and an individual who was being arrested, stating that justice has not been served.

Mayor Smith thanked Mr. Mitchell for his comments, adding he appreciates everything Mr. Mitchell does for the community.

**E. PRESENTATIONS**

1. Proclamation: School Choice Week, January 26 – February 1, 2020.

This item was removed (see comments above).

2. Barb City Manor Annual Report by Executive Director Maureen Gerrity.

Ms. Gerrity provided an overview of activities and projects during FY2019, one of which was celebrating their 40<sup>th</sup> anniversary. She thanked the City of DeKalb for being a supportive financial partner.

#### **F. APPOINTMENTS**

There were none.

#### **G. CONSENT AGENDA**

Mayor Smith read the following titles in their entirety:

1. Minutes of the Committee of the Whole Meeting of January 13, 2020.
2. Minutes of the Regular City Council Meeting of January 13, 2020.
3. Accounts Payable and Payroll through January 27, 2020 in the Amount of \$2,389,870.85.
4. Investment and Bank Balance Summary through November 2019.
5. Year-to-Date Revenues and Expenditures through November 2019.
6. FY2019 Human Services Funding Report – Fourth Quarter.
7. Freedom of Information Act (FOIA) Report – December 2019.
8. 2019 City Manager Fee Waiver Report.

#### **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, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the consent agenda approved.

#### **H. PUBLIC HEARINGS**

There were none.

## I. CONSIDERATIONS

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

City Manager Nicklas provided an overview of this item, submitted for further consideration after discussion at the January 13, 2020 Committee of the Whole meeting. He noted that TIF funding in the form of 30%, 40% or 50% were being provided as options.

Alderman McAdams indicated that while most in Ward 5 overwhelming support the project, he wants to make sure TIF funds are spread wide and urged Council to support the 30% option.

Alderman Verbic indicated he would also support the 30% option. He further stated that at one time, 25% funding was the maximum and suggested research from other communities and what their maximums are.

Alderman Morris stated that perhaps focusing on percentages isn't the direction that should be taken. She suggested a different matrix with a return on investment over a certain period of time. She also stated that perhaps lifetime financial cap should be considered.

Alderman Finucane stated that given the number of years the Balli's have been in business in DeKalb, he would lean more towards 50% funding.

Alderman Smith stated that 50% funding wasn't unreasonable.

Alderman Faivre stated his support of 40% funding, which would provide money for other projects. He further stated that the City is happy to support other projects and urged those with projects in mind to come forward.

Brief discussion ensued regarding inspections done on the property and the payback timeframe.

### MOTION

Alderman Finucane moved in support of 40% funding with a 10-year payback and a claw back to be included in the agreement; seconded by Alderman Verbic.

### VOTE

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

City Manager Nicklas indicated he would bring this item back as a resolution at the February 10, 2020 Regular meeting.

## **J. RESOLUTIONS**

1. Resolution 2020-009 Authorizing an Amendment to Resolution 2018-138 Approving an Intergovernmental Agreement with Northern Illinois University for the Coordination of Integrated Transit Services to Include Advertising on Fixed Route Vehicles.

Mayor Smith read Resolution 2020-009 by title only.

### **MOTION**

Alderman Morris moved to approve the resolution; seconded by Alderman Finucane.

City Manager Nicklas provided a brief overview of this item referencing the background information provided in the agenda packet. Both the City and Northern Illinois University have access to 25% each of the advertising space available on the buses, and 50% is set aside for commercial advertising.

Alderman Finucane asked if Voluntary Action Center (VAC) buses were included. Transit Manager Cox indicated they were not, but indicated it was something that could be considered in the future.

### **VOTE**

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

2. Resolution 2020-010 Authorizing an Amendment to Resolution 2019-121 as it Pertains to an Agreement with the Illinois Convenience and Safety Corporation (IC&SC) and the Addition of a Bus Shelter on Health Services Drive.

Mayor Smith read Resolution 2020-010 by title only.

### **MOTION**

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

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet. There was no further discussion amongst Council.

#### VOTE

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

3. Resolution 2020-011 Authorizing the Waiver of Competitive Bidding and Approving the Purchase of Water Meters and Radio Transmitters from Badger Meter Inc. and Core & Main in an Amount Not to Exceed \$50,000.

Mayor Smith read Resolution 2020-011 by title only.

#### MOTION

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

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet. There was no further discussion amongst Council.

#### VOTE

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

4. Resolution 2020-012 Authorizing a One-Year Extension to the Conditional Rezoning and Planned Development Preliminary Plan for a Solar Energy Facility for SunVest Solar Inc. Proposed Along the North Side of Gurler Road, East of S. First Street.

Mayor Smith read Resolution 2020-012 by title only.

#### MOTION

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

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet. There was no further discussion amongst Council.

## VOTE

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

## K. ORDINANCES – SECOND READING

There were none.

## L. ORDINANCES – FIRST READING

1. 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 Ordinance 2020-005 by title only.

## MOTION

Alderman McAdams moved to approve First Reading of the ordinance; seconded by Alderman Morris.

City Manager Nicklas provided a brief overview of this item, indicating the ordinance had been revised based on Council discussion at the January 13, 2020 Regular meeting.

## MOTION

Alderman Finucane moved to amend the ordinance by removing those sections that would allow the smoking of cannabis in smoke shops, smoke rooms, hotels and nursing homes; the motion died for lack of a second.

## VOTE

Motion carried by a 7-1 roll call vote. Aye: Morris, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Finucane. Mayor Smith declared the ordinance passed on First Reading.

City Manager Nicklas indicated the ordinance would be brought back for Second Reading at the February 10, 2020 Regular meeting.

2. Ordinance 2020-006 Authorizing an Amendment to Ordinance 2019-065 for the Northern Illinois University Annual Contribution for Integrated Transit Services.

Mayor Smith read Ordinance 2020-006 by title only.

## MOTION

Alderman Perkins moved to approve the ordinance on First Reading; seconded by Alderman McAdams.

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet. There was no further discussion amongst Council.

## VOTE

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

## MOTION

Alderman Finucane moved to waive Second Reading and approve the ordinance; seconded by Alderman Smith.

## VOTE

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

3. Ordinance 2020-007 Amending the FY2020 Budget and Approving the Purchase of Genesis Battery Powered Hydraulic Extractions Tools in an Amount Not to Exceed \$21,700.

Mayor Smith read Ordinance 2020-007 by title only.

## MOTION

Alderman Finucane moved to approve the ordinance on First Reading; seconded by Alderman McAdams.

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet.

Mayor Smith noted that the background information provided in the agenda packets have been excellent and thanked City staff for their hard work.

## VOTE

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

## MOTION

Alderman Finucane moved to waive Second Reading and approve the ordinance; seconded by Alderman McAdams.

## VOTE

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

4. Ordinance 2020-008 Proposing the Establishment of an Active Special Service Area (SSA) Number 29 for Market Square Shopping Center and Providing for a Public Hearing and Other Proceedings in Connection Therewith.

Mayor Smith read Ordinance 2020-008 by title only.

## MOTION

Alderman McAdams moved to approve the ordinance on First Reading; seconded by Alderman Smith.

City Manager Nicklas provided a brief overview of this item based on the background information provided in the agenda packet.

Brief discussion ensued regarding the amount each Market Square business would pay, with City Manager Nicklas indicating that smaller businesses wouldn't pay as much as the larger businesses.

Alderman Smith noted the heavy buses that travel the interior roads of the shopping center and whether or not it's safe. He indicated support of SSA 29.

Alderman Verbic wondered the rationale of the business owners to not maintain the interior drives since it only benefits their businesses if they're in good condition.

Mayor Smith stated he's disappointed in the owners of the businesses he hopes that response from the business owners are positive.

Discussion ensued.

Alderman Morris indicated a responsibility to the residents of DeKalb to take care of these types of issues and noted she's proud to be a part of a Council who shares that same view.

There was brief discussion between Alderman Smith and City Manager Nicklas



regarding a streetlight in the Market Square area that was hit and never repaired.

Alderman Verbic asked if the City was allowed to add in a CPI (Consumer Price Index) or some type of percentage each year to graduate costs and expenses as they go up. He also indicated that engineering assessments should be done of roads each year.

Alderman Perkins and City Manager Nicklas briefly discussed the spreadsheet that was included in the background information.

#### VOTE

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

#### MOTION

Alderman Finucane moved to waive Second Reading and approve the ordinance; seconded by Alderman McAdams.

#### VOTE

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

### **M. REPORTS AND COMMUNICATIONS**

Noting two speak request forms that were submitted after the Public Participation portion of the meeting, Mayor Smith recognized the following residents:

Emil Scales spoke regarding the September 2019 incident between a DeKalb police officer and an individual that was being arrested, stating law enforcement accountability is needed.

Tiara Huggins wasn't present when called.

#### 1. Council Member Reports

Alderman Morris acknowledged Mr. Mitchell's comments and recognized the community that was present at the meeting. She invited them to call or email her with any questions or concerns. Alderman Morris further stated that this is a very big issue, which is very important to Council.

Alderman Finucane welcomed the community that was in attendance and recognized Mr. Mitchell's comments and concerns. He further indicated that Council does hear and listen to what the community says.

Alderman Finucane also indicated his disappointment that the School Choice proclamation was removed from the agenda.

Alderman McAdams reported he is the Council liaison for the Human Relations Commission (HRC), and stated Mr. Mitchell attended one of those meetings late last year. Further, the HRC is working on a process where residents can come in and review police department training policies and procedures.

Alderman Verbic thanked his colleagues for keeping an open mind and the discussion regarding items on this agenda. He also stated that we are one community and we need to keep in touch with how we can approve it for everyone.

Mayor Smith commented again on the removal of the School Choice proclamation, stating that future proclamations will be local in reference.

Mayor Smith also stated that he appreciates Mr. Mitchell and the response of the citizens that took the time to appear before Council regarding the September 2019 incident, noting that the men and women of police department will continue to work hard to maintain the trust that's been given them. He further noted that we are one community and while there may be different opinions, he hopes that Council members will be considerate and listen to each and every citizen that calls, for whatever reason.

In closing, Mayor Smith stated that the annual evaluation process of the City Manager is underway.

2. City Clerk Report

City Clerk Fazekas was absent. Executive Assistant Scott had no report.

3. City Manager Report

City Manager Nicklas reported that Airport Manager Tom Cleveland has tendered his resignation, effective at the end of February.

City Manager Nicklas also asked that residential and commercial sidewalks be cleared with 48 hours of a snow event, as indicated in the City's municipal code, Chapter 24.

## **N. EXECUTIVE SESSION**

Mayor Smith read the following Executive Session citations by title only:

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

### **MOTION**

Alderman Morris moved to recess for Executive Session; seconded by Alderman Smith.

### **VOTE**

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Mayor Smith declared a recess for Executive Session at 7:39 p.m.

## **O. ADJOURNMENT**

### **MOTION**

At the completion of the Executive Session, Alderman Finucane moved to adjourn the Regular meeting of City Council; seconded by Alderman Faivre.

### **VOTE**

Motion carried by a majority voice vote of those Council members present. Mayor Smith declared the meeting adjourned at 8:05 p.m.

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**RUTH A. SCOTT**, Executive Assistant

Approved by City Council: February 10, 2020.