

**MINUTES
CITY OF DEKALB
CITY COUNCIL REGULAR MEETING
MARCH 13, 2023**

The City Council of DeKalb, Illinois, held a Regular meeting on March 13, 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 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.

Others in attendance included City Manager Bill Nicklas and City Attorney Matt Rose.

Sasha Cohen was absent.

B. PLEDGE OF ALLEGIANCE

Shadow Gentry led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

MOTION: Alderman Larson moved to amend the agenda by moving item K.6. (Resolution 2023-030) to item K.1.; seconded by Alderman McAdams.

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 regarding alleged misconduct by Alderman McAdams and asked for his censure.

Derek Van Buer spoke regarding alleged misconduct by Alderman McAdams and asked Council to consider passing a Code of Conduct ordinance.

Ray Gentilcore spoke to the rise of crime in DeKalb due to the building of high-rise apartments and suggested Council put more money into the Police Department to address the issue. He also spoke to his perception of loss of businesses in the downtown area, suggesting it's because there's no diagonal parking. He further spoke to issues with the burning of leaves, etc., which causes breathing issues for some.

Mayor Barnes offered his contact information in order to set up an appointment to speak about Mr. Gentilcore's concerns.

F. APPOINTMENTS

There were none.

G. APPROVAL OF THE MINUTES

Mayor Barnes read the minutes by title only.

1. Minutes of the Regular City Council Meeting of February 27, 2023.

MOTION: Alderman Verbic moved to approve the minutes as submitted by the Recording Secretary; seconded by Alderman McAdams.

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 March 13, 2023, in the Amount of \$2,563,457.54.
2. Investment and Bank Balance Summary through January 2023.
3. Year-to-Date Revenues and Expenditures through January 2023.

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

I. PUBLIC HEARINGS

There were none.

At this point in the meeting, item K.6. was discussed.

Resolution 2023-030 Approving a Purchase and Sale Agreement with Michael Wood for Real Estate Located Next to 205 Industrial Drive (PIN 08-24-353-006).

Mayor Barnes read the resolution by title only.

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

Attorney Kevin Buick spoke on behalf of the petitioner, stating the background information provided for this item is sufficient and that he or the petitioner are happy to answer any questions Council may have.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City purchased land over 50 years ago in anticipation of connecting Simonds Avenue and Industrial Drive with a city street. Since then, most of what might have become right-of-way has been purchased by industrial property owners to the east and west of a remaining strip of land. The now-landlocked strip is approximately a half-acre in area and has been used by

the various owners immediately to the north for years as an informal, graveled access surface for parking rental trucks. Elliott & Wood, the owner of the property immediately south of the landlocked City parcel, is interested in acquiring the parcel to install a legitimate second drive to the company's maintenance facility. With private ownership to the north, south and west, and the abandonment of the projected right-of-way to the east many years ago, the parcel has no value to the City. There is no record of any recorded right-of-way coterminous with the City parcel, so to transfer the property the Council can simply approve a real estate contract with Elliott & Wood.

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.

J. CONSIDERATIONS

Mayor Barnes read the following by title only:

1. Consideration of a Staff Proposal Regarding Video Gaming in the City of DeKalb.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item is a follow-up to the discussion had at the February 13, 2023, Council meeting, during which discussion centered on various questions such as the number of video gaming establishments (VGEs) that should be allowed in DeKalb, the number of video gaming terminals (VGTs) allowed within each VGE, and where accessory VGTs can be located.

Based on that discussion, it was recommended that Council limit the number of VGEs in DeKalb to 10, allow VGTs in businesses holding a bar liquor license, not allowing VGTs in gas stations, food and fuel establishments, or liquor stores, prohibiting VGTs in current and future restaurants, and limiting the number of VGTs in any approved establishment to six.

Dwayne Johnson spoke to the large sum of revenue collected by the State of Illinois via video gaming and the positive effect it has on municipalities and users. He suggested Council allow the free market to determine the number of VGTs in DeKalb and where they are placed.

Mayor Barnes stated that Council has the responsibility to choose and set the tone of the community.

Alderman Larson suggested adding language to the ordinance that limits the time an establishment has to act on a license once approved.

Brief discussion ensued.

Alderman Verbic stated that while he will follow Council consensus on this topic, there's a lot of money at stake and the private market should determine what the saturation point is for VGEs and VGTs in DeKalb.

Referencing Mr. Johnson's comments, Alderman Faivre stated that video gaming isn't a positive activity, noting gambling addictions and its drain on social services for recovery. Further, only a very small portion of the revenue stays in DeKalb. He concluded his comments by stating he finds video gaming distasteful, and he isn't in support of it.

Mayor Barnes commented on studies recently published by the Illinois Municipal League (IML) regarding video gaming terminals. He added that a significant amount of money spent on video gaming leaves DeKalb, and he'd like to capture those dollars in another way.

Alderman Larson stated her major concern is the number of VGEs and she'd like to see them limited.

City Manager Nicklas indicated an ordinance addressing the recommendations will be brought before Council in the near future.

K. RESOLUTIONS

1. Resolution 2023-022 Amending Resolution 2022-023 to Extend the Deadline for the Issuance of a Package Liquor License with Supplemental Drive-Through Licensure for Blue Ridge LLC – 1221, Located at 1221 W. Lincoln Highway.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. At the February 27, 2023, meeting, Council tabled this resolution so the City Manager could provide an amendment that would extend the deadline for the issuance of a package liquor license with drive-through liquor licensure under certain conditions. The conditions involve the petitioners submitting a final development plan and final plat for review by the Planning and Zoning Commission (PZC) and approval by Council no later than June 1, 2023, the issuance of a building permit no later than June 1, 2023, and the issuance of a temporary occupancy permit no later than six months after the date of the issuance of the building permit.

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.

2. Resolution 2023-023 Amending Resolution 2022-023 to Extend the Deadline for the Issuance of a Bar Liquor License with Supplemental Licensure for Video Gaming for Blue Ridge LLC – 1221, Located at 1221 W. Lincoln Highway.

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. At the February 27, 2023, Council meeting, this resolution was also tabled for amendments. Approval of this resolution regarding video gaming licensure and a supplemental bar liquor license was recommended.

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.

3. Resolution 2023-027 Approving an Intergovernmental Agreement with the DeKalb Public Library for the Use of the Library for a Mural Project.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item pertains to an intergovernmental agreement (IGA) with the DeKalb Public Library regarding the use of space at no charge at 309 Oak Street for the creation of decorative glass components to be used in the City Hall mural project in 2023. The IGA provides appropriate indemnities to the library and names the City as an additional insured. The IGA also allows the library to promote the mural project in its various media, including its website, fliers, and social media.

There were no questions or comments from Council.

Mayor Barnes noted his excitement regarding the 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.

4. Resolution 2023-028 Authorizing the Purchase of a 2023 Stepp Manufacturing Hot Patch Trailer from Brown Equipment for the Public Works Department in an Amount Not to Exceed \$31,638.

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 Public Works Street Division is requesting approval to purchase a new hot patch trailer for street repair operations. Funding for the purchase comes from savings created by Andy Raih, the City's Assistant Public Works Director for Streets, Facilities and Airport Operations.

Alderman Faivre thanked the Public Works Department for the lengths they go to with regard to the upkeep and repair of City vehicles to save DeKalb taxpayers 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.

5. Resolution 2023-029 Authorizing the Purchase and Equipping of 75 Motorola APX 7000 Portable Radios from the City of Elgin for the DeKalb Fire Department in the Amount of \$112,500 Using Ground Emergency Medical Transportation (GEMT) Funding (Fund 130).

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Fire Department has the opportunity to purchase Motorola APX 7000xe dual-band portable radios (including lapel microphone, battery and battery charger per unit) from the

City of Elgin at a discounted price. The radio packages are “slightly used” and would be valued at approximately \$4,000 each according to the City’s repair vendor. The asking price is \$1,500 per unit. These radios would replace the Fire Department’s Kenwood Viking VP900 radios, which have proven to be unreliable and expensive to repair.

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.

L. ORDINANCES – SECOND READING

There were none.

M. ORDINANCES – FIRST READING

1. Ordinance 2023-014 Publishing the Official Zoning Map of the City of DeKalb.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Illinois Municipal Code (65 ILCS 5/11-13-19) requires municipal authorities to annually publish an Official Zoning Map, which reflects changes reviewed and approved by the PZC and Council throughout the course of the past year. This is also the time to correct any map errors that may have been identified.

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 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.

2. Ordinance 2023-015 Amending Chapter 51, “Traffic”, Schedule F “Municipal Lot Parking”, as it Pertains to Frost Municipal Lot Parking Hours.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City’s Transit Division has been testing local interest by expanding the number and availability of bus trips on Route 12 to the Elburn Metra Station. Previously, Route 12 operated four times per day on weekdays. With the expanded service, Route 12 now runs 10 times daily on weekdays, operating between 5:25 a.m. and 8:00 p.m. However, the challenge has been a pick-up and drop-off location for “park and ride” users. The existing City parking lot

at the Union Pacific station on Locust Street between N. Sixth Street and N. Seventh Street, known as the Frost Lot, offers a current bus stop and room for all-day parking. Unfortunately, the current traffic ordinance bans parking in the Frost Lot between 2:00 a.m. and 6:00 a.m. on Tuesdays and Thursdays so the Street Division can sweep the lot. Approval of this ordinance alters the no-parking hours from 2:00 a.m. to 5:00 a.m., Tuesdays and Thursdays, to align with Route 12's first scheduled weekday stop at 5:32 a.m.

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

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 Verbic reported tree trimming at Prairie Park was fascinating to watch.

Alderman Perkins thanked City Engineer Zac Gill and Public Works Director of Utilities, Transportation and Engineering Bryan Faivre for the time they spent with him to discuss the City's water system and streets.

Mayor Barnes reported on recent meetings and events he's attended, including a meeting with area pastors with congregations in the Annie Glidden North area, which included discussion regarding landlords and tenants, a meeting with Samantha McDavid of the DeKalb School Board to discuss cooperation between the school district and the City of DeKalb, a meeting with the IESA regarding wrestling meets, an event at the Egyptian Theatre with the Illinois Arts Council to discuss funds available for municipalities, a summit with taxing bodies to discuss fiduciary responsibility and driving down DeKalb's tax rate to nine percent.

2. City Manager Report.

City Manager Nicklas thanked Mayor Barnes for convening the summit with area taxing bodies. He noted that DeKalb County will publish final rates for all local taxing bodies in about 30 days and then we will know where we are with 2022 taxing rates and how far we are from the nine percent goal.

City Manager Nicklas also reported that proposals for the City owned property in the Annie Glidden North area are due March 17, 2023. Further, the Request for Proposals for DeKalb refuse collection will be posted on March 17, 2023.

O. EXECUTIVE SESSION

Mayor Barnes read the following Executive Session exemption for the record:

1. Approval to Hold and Executive Session in Order to Discuss Executive Session Minutes as Provided for in 5 ILCS 120/2(c)(21).

MOTION: Alderman Morris moved to recess for Executive Session; 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 and recessed the Regular meeting at 7:07 p.m.

Following adjournment of the Executive Session, Mayor Barnes opened the meeting to the public at 7:35 p.m.

P. ADJOURNMENT

MOTION: Alderman Perkins moved to adjourn the Regular meeting; 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 and adjourned the Regular meeting at 7:35 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on March 27, 2023.

Click [here](#) to view the agenda packet for the March 13, 2023, Regular City Council meeting.

Click [here](#) to view the video recording of the March 13, 2023, Regular City Council meeting.