

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
APRIL 26, 2021**

The City Council of DeKalb, Illinois held a Regular meeting on April 26, 2021 in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak 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 and Transit Manager Marcus Cox.

**B. PLEDGE OF ALLEGIANCE**

Mayor Smith led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

Mayor Smith asked if the aldermen had any additions and/or deletions to make to the agenda; there were none.

**MOTION**

Alderman Verbic moved to approve the 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 agenda approved.

**D. PUBLIC PARTICIPATION**

Meryl Greer Domina, on behalf of 350Kishwaukee, thanked Mayor Smith for taking up issues regarding the climate and presented him with a plaque.

**E. PRESENTATIONS**

1. Honoring Elected Officials Leaving Service in 2021.

City Manager Nicklas presented Alderman Finucane with a plaque and thanked him for his service to the City of DeKalb from May 2013 through May 2021.

City Manager Nicklas presented Mayor Smith with a plaque and thanked him for his service to the City of DeKalb from May 2017 through May 2021.

City Clerk Fazekas was absent, so Mayor Smith read the plaque to be presented to her for her service to the City of DeKalb from August 2018 through May 2021.

## **F. APPOINTMENTS**

There were no Mayoral appointments.

## **G. CONSENT AGENDA**

1. Minutes of the April 12, 2021 Regular City Council Meeting.
2. Accounts Payable and Payroll through April 26, 2021 in the Amount of \$2,073,454.88.
3. Investment and Bank Balance Summary through February 2021.
4. Year-to-Date Revenues and Expenditures through February 2021.
5. Freedom of Information Act (FOIA) Report – March 2021.

Mayor Smith read each of the Consent Agenda items and asked if there were any requests to remove items for individual consideration; there were none.

### **MOTION**

Alderman Perkins moved to approve the Consent Agenda; seconded by Alderman Faivre.

### **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 passed.

## **H. PUBLIC HEARINGS**

There were no Public Hearings scheduled.

## **I. CONSIDERATIONS**

1. Consideration of Remarks by Departing Elected Officials.

Alderman Finucane reflected upon his eight years of service as Alderman to the City of DeKalb.

Mayor Smith reflected upon his four years of service as Mayor of the City of DeKalb.

## **J. RESOLUTIONS**

1. Resolution 2021-034 Authorizing the Approval of a Release and Settlement Agreement in the Elonte McDowell Lawsuit.

Mayor Smith read the resolution by title only.

### **MOTION**

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

City Manager Nicklas provided an overview of this item, stating the resolution identifies the result of a settlement conference held on March 25, 2021 before Magistrate Judge Margaret Schneider in the United States District Court. At the direction of the City's insurer, the City (and the City's former and current police officers who were individually sued in this litigation) agreed to settle this litigation for \$285,000.

#### 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 2021-035 Authorizing the Approval of a Settlement and Release Agreement in the "Hunter Properties" Ordinance Violation Citations.

Mayor Smith read the resolution by title only.

Yolanda Arrinyton spoke regarding poor living conditions at the Hunter property she and her family reside at, including urine and feces in the hallways.

Henry Fifer spoke regarding the poor living conditions at the Hunter property he and his girlfriend reside in, stating their apartment has mold due to recent flooding that went untreated.

Paulina Larrondo was registered to speak but chose not to when Mayor Smith called upon her.

Victoria Oldhaur spoke regarding the poor living conditions at the Hunter property she and her boyfriend reside in, stating that calls made for maintenance assistance are not returned.

Greg Martin spoke regarding the poor living conditions at the Hunter property he resides in with his wife. He noted that the building has a rodent problem.

City Manager Nicklas provided an overview of this item stating that City Attorney Matt Rose has represented the City in a number of settlement conferences before the DeKalb County Circuit Court, with the agreement referenced in this resolution being the end result. The terms of the agreement indicate the following:

- Within 42 months, Hunter will sell the properties known as Hunter Ridgebrook at 808-835 Ridge Drive and 832 Edgebrook Drive, Hunter Tri-Frat at 930-934 Greenbrier Road and 1024 W. Hillcrest Drive, Lincoln Tower at 1100 W. Lincoln Highway, and Hunter Hillcrest located at 1011-1027 Hillcrest Drive.
- Hunter will deposit an escrow amount of \$150,000, which will be paid to the City in proportion to the number of properties they fail to sell with a 42-month timeframe.
- Hunter will immediately undertake various repairs and security measures recommended by the City's Building, Fire and Police Departments.
- The City will have the option of purchasing any of the properties at their individually appraised value as determined by an agreed appraiser; and
- Both parties will waive and release any claims they may have against each other relating to all of the Hunter properties. However, this release will not impair the City's future code enforcement actions against Hunter.

Alderman Morris, noting concern from the community on what the next steps are, provided some clarification of the agreement, stating it gives the City the option to purchase the four properties referenced and sets it up so that Hunter is required to sell them. She added that the City has been dealing with this issue with Hunter for many years and working on this agreement for a long time.

#### 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 2021-036 Authorizing the Transfer and Assignment of an Agreement from Illinois Convenience & Safety Corporation (IC&SC) to View Chicago Transit, LLC as it Pertains to the Placement of Bus Shelters along Transit Routes in DeKalb.

Mayor Smith read the resolution by title only.

#### MOTION

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

City Manager Nicklas provided the history of this item, noting the City first entered into an agreement with IC&SC in December 2004 for the installation and maintenance of bus shelters within the DeKalb Urbanized Area in exchange for advertising on those shelters.

In March 2021, the president of IC&SC notified the City that the business was being sold to View Chicago Transit, LLC. Therefore, the agreement referenced in this resolution will allow IC&SC to transfer its rights to View Chicago. In turn, View Chicago will provide all the privileges the City was entitled to receive from IC&SC and the City will retain the same contractual rights if View Chicago fails to perform. The agreement will be up for renewal again in January 2024.

#### 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 2021-037 Authorizing a Second Amendment to the Transit Service Provider Agreement with Transdev Services, Inc.

Mayor Smith read the resolution by title only.

#### MOTION

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

City Manager Nicklas provided an overview of this item, noting the agreement amendment would authorize revisions in transit service hours without reducing rider coverage, as well as generating a savings that can be used to increase driver base wages to a level equivalent to comparable transit operations in the region. The incentive for the change is based on the increasing challenges in hiring and recruiting CDL holders.

Alderman Smith stated that CDL drivers are a commodity. This action will help Transdev keep a solid staff. Alderman Smith also thanked Transit Manager Cox for the information he provided regarding this item.

Alderman Perkins to what degree has ridership increased. Transit Manager Cox stated there was a 54% decrease in ridership in 2020 due to the COVID pandemic from almost a million in 2019. While we won't see a large increase right away, it's still important to provide the needed services.

Alderman Smith noted that this amendment will have no effect on the City's budget as the funding for the City's transportation services is provided by the federal government.

#### 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.

5. Resolution 2021-038 Authorizing an Intergovernmental Agreement with the Illinois Department of Transportation (IDOT) for Cost Sharing of Intersection Signalization from July 1, 2021 through June 30, 2031.

Mayor Smith 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 stating the City has had an agreement with IDOT for more than 20 years for the maintenance on traffic signals on state-marked routes that pass through DeKalb. This agreement will assure the City's payment for its maintenance efforts for another 10 years.

#### 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.

6. Resolution 2021-039 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Patrick McLean for the Property at 201-203 E. Locust Street in the Amount of \$1,850.00.

Mayor Smith read the resolution by title only.

#### MOTION

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

City Manager Nicklas provided an overview of this item stating this AIP grant will assist in the re-siding, reroofing of the flat portion of the roof facing Locust Street, and the resurfacing of the asphalt parking lot.

#### 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.

7. Resolution 2021-040 Authorizing an Engineering Services Agreement with KLM Engineering Services for Coating Inspection and Construction Engineering Related to the Painting and Repair of the South Water Tower in an Amount Not to Exceed \$34,014.

Mayor Smith read the resolution by title only.

#### MOTION

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

City Manager Nicklas provided an overview of this item stating that City staff is requesting the approval of an agreement with KLM Engineering for coating inspection and construction engineering for the painting and repair to the south water tower.

#### 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 no ordinances for second reading.

### **L. ORDINANCES – FIRST READING**

1. Ordinance 2021-016 Amending Chapter 51 “Traffic”, Schedule C “Parking Prohibited”, Section 18 “No Parking at Any Time Except For Residents: Tow Zone”, and Schedule E “Limited Parking”, Subsection “Ten Minutes, for the Purpose of Loading and Unloading Persons”, as it Pertains to Parking Restrictions for Portions of Barb Boulevard.

Mayor Smith read the ordinance by title only.

#### MOTION

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

Mike Tritle, a resident of Barb Boulevard, spoke about the issues the neighborhood is experiencing due to overcrowded parking during sports events.

City Manager Nicklas provided an overview of this item stating discussions had been delayed due to the COVID pandemic, which closed most scholastic sports programs over the last year. Now that practices and sports events are being held again, parking is once again an issue. This ordinance identifies portions of Barb Boulevard in revised sections of Chapter 51 “Traffic” and restricts parking in defined zones.

City Manager Nicklas further stated that approval on first reading only is recommended in order to allow for the maximum amount of time for residents to review the proposed ordinance.

Tom Riley, also a resident of Barb Boulevard, spoke about speeding, noting that there’s no stop sign between First Street and Fourth Street. He further stated that the police

department is aware, and they will be posting a sign that will monitor drivers. Mr. Riley also spoke of the parking issues mentioned by Mr. Tritle.

Alderman Morris noted her support of this ordinance due to her experience with the parking issues on Barb Boulevard.

#### 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 on first reading. (This item will return for second reading on the May 10, 2021 agenda.)

2. Ordinance 2021-017 Amending Chapter 23 "Unified Development Ordinance", Article 7.06(8) "Fences", as it Pertains to Barbed Wire Fencing.

Mayor Smith 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 to this item, stating that due to security concerns among certain commercial and industrial uses, there have been requests for the use of barbed wire fencing not only in the side and rear yards but also in the front yards in order to protect the entire perimeter. The proposed language in the ordinance would allow barbed wire fencing in the front yard of "GC", "ORI", "LI", "HI", "PD-C" or "PD-I" districts when associated with an electrical power substation, transformer station, communications facility, publicly owned property, or a use requiring a secured entrance as determined the City Manager.

Further, the proposed language in the ordinance would allow the barbed wire supports to lean outward as long as the fence line is a least two feet from any adjacent property line. It was also noted that the Planning and Zoning Commission recommended Council approval at their April 19 meeting.

#### 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 on first reading.

#### MOTION

Alderman Finucane moved to waive second reading on this ordinance and approve; 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 ordinance passed.

## **M. REPORTS AND COMMUNICATIONS**

### 1. Council Member Reports

Alderman Morris thanked Mayor Smith and Alderman Finucane for their service to the community. She also asked those residents who spoke during the Hunter item to stay after the meeting so she could speak with them.

Alderman Finucane congratulated the incoming Council members and encouraged them to read the agenda material provided and do their own research. Alderman Finucane also mentioned the Give DeKalb County event on May 6. He also encouraged citizens to continue to wear their masks to prevent the spread of COVID-19.

Alderman Smith thanked the outgoing Council members for their support and service.

Alderman Perkins reported that 593 citizens voted in the April 6 election from his ward, stating every vote does count. He also thanked Mayor Smith and Alderman Finucane for their service.

Alderman McAdams thanked Mayor Smith and Alderman Finucane for their service. He stated that Alderman Finucane helped him navigate his new role during his first few days, and Mayor Smith was instrumental with constituent issues.

Alderman Verbic thanked Mayor Smith and Alderman Finucane for their service. He also announced that he will be hosting a Ward 6 meeting on May 12 from 6:00 p.m. to 7:30 p.m. at the Police Department, and indicated the new Police Chief, Dave Byrd, would be there to discuss issues within Ward 6, including Lincoln Towers.

Alderman Faivre thanked Mayor Smith and Alderman Finucane for their service over the years, as well as their teaching and guidance.

Mayor Smith read a note from resident Gary Mullis that stated he will miss the Mayor and hopes to see him at future events.

Mayor Smith congratulated and introduced Barb Larson as the incoming 2<sup>nd</sup> Ward Alderman and Cohen Barnes as the incoming Mayor, both who were in the audience. He also congratulated Alderman Perkins as the 3<sup>rd</sup> Ward Alderman, Alderman Verbic as the 6<sup>th</sup> Ward Alderman, Sasha Cohen as City Clerk, all who will be sworn in on May 10.

### 2. City Clerk Report

The City Clerk was absent.

### 3. City Manager Report

City Manager Nicklas thanked the local group known as the “trash squirrels” who pick up garbage throughout the community. He noted there are other groups that do the same under the leadership of the DeKalb Chamber of Commerce.

## **N. EXECUTIVE SESSION**

There was no Executive Session scheduled.

**O. ADJOURNMENT**

MOTION

Alderman Finucane moved to adjourn the meeting; seconded by Alderman Faivre.

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 motion passed and adjourned the meeting at 7:24 p.m.

Respectfully submitted,

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RUTH A. SCOTT, Executive Assistant

Approved by the City Council on May 10, 2021.