

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

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

Mayor Smith announced the elected persons who were participating remotely by phone due to COVID-19 concerns. They were: Alderman Carolyn Morris, Alderman Tracy Smith, and City Clerk Lynn Fazekas.

City Clerk Fazekas called the roll, and the following members of City Council were present remotely (as identified above) or in person: 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.

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

Mayor Smith led the Pledge. Mayor Smith then led a moment of silence for the passing of former Third Ward Alderman Gary Wiggins.

C. APPROVAL OF THE AGENDA

Mayor Smith asked for a motion to approve the agenda with a change in the order of business, specifically to consider the ordinances following the public hearing.

MOTION

Alderman Finucane moved to approve the agenda as proposed. Alderman Verbic seconded.

VOTE

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

D. PUBLIC PARTICIPATION

Alderman Finucane read a comment submitted by John Pappas, in which Mr. Pappas thanked first responders and recognized the loss of lives of police officers and fire fighters in service to the public.

Jerry Krusinski, who commented in person, spoke in support of Project Ventus and commended the organizations and taxing bodies involved.

Mayor Smith read a comment submitted by Mike Embrey, who commended community response to the current crisis, including assistance both from and for small businesses.

E. PRESENTATIONS

1. Proclamation: International Firefighter's Day – May 4, 2020.

Mayor Smith read the proclamation and said he would forward it to Fire Chief McMaster.

2. Proclamation: A Community Combats COVID.

Mayor Smith read the proclamation and said it is available at the City's website also.

F. APPOINTMENTS

Mayor Smith made no appointments during this meeting.

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of April 13, 2020.
2. Accounts Payable and Payroll through April 27, 2020 in the Amount of \$2,426,849.14.
3. Investment and Bank Balance Summary through February 2020.
4. Year-to-Date Revenues and Expenditures through February 2020.
5. Freedom of Information Act (FOIA) Report – March 2020.

Mayor Smith read the consent agenda and asked if Council members wanted to remove any of the items for separate consideration. There were no such requests.

MOTION

Alderman Perkins moved to approve the consent agenda. Alderman Faivre 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 consent agenda passed as presented.

H. PUBLIC HEARINGS

1. Public Hearing Regarding the Vacation of a Portion of Crego Road.

Mayor Smith read the subject of the public hearing and opened the hearing at 6:27 p.m.

Alderman Perkins read a comment submitted by Mike Hammett of Crego Road. In it, Mr. Hammett said he would argue the timing of the vacation. He pointed out that Crego Road carries significant traffic, including agricultural shipments and visitors to Afton Forest Preserve. He said a significant amount of time could pass without accessibility to Crego before the new road to the east would be finished, and he called the new road “an incredibly worse option than the existing road.”

Scott McAdams read a comment submitted by Ron Naylor, who lives in the Fifth Ward. Mr. Naylor said he supports the Ventus Project generally, except for the transportation elements, particularly the Crego Road vacation and what he called “the sketchy new road extensions east of the site.” He also said he opposes the termination of Peace Road at Gurler Road, saying another site could be found that does not eliminate the future extension of Peace, which he called a “major regional arterial road.” Mr. Naylor called for Council to postpone final action and suggested a separate public hearing be scheduled on termination versus southerly extension of Peace Road.

City Manager Nicklas defended the choice of site, saying it requires security and that Crego is a minor township road. Mr. Nicklas said the county does not have plans to extend Peace Road and the proposed new road would be closer to Peace Road. He added that owners of neighboring properties are mostly okay with the plan.

Finding that no one else wished to speak, Mayor Smith closed the hearing at 6:31 p.m.

I. CONSIDERATIONS

1. Consideration of a Revised Staff Proposal for Street Maintenance in the City of DeKalb in Fiscal Year 2020.

City Manager Nicklas explained proposed changes to the schedule. He said the recommended option is “B,” which involves bringing the option back to Council for approval for a waiver of bidding on a supermajority vote.

Mayor Smith obtained consensus for "Option B" to be brought back. He then reminded Council that to bring "Option B" to the table, Council must first reject Resolution 2020-034 and Resolution 2020-035 (below).

J. RESOLUTIONS

1. Resolution 2020-034 Authorizing the Award of a Bid to Curran Contracting Company in the Amount of \$1,573,616.64 for Street Resurfacing on Seventh Street, Thirteenth Street and Fourteenth Street, Including Various Other Minor Segments, with Staff Authority to Approve Change Orders Up to a Combined Project Total of \$1,600,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to vote affirmatively on a motion to disapprove Resolution 2020-034 and Resolution 2020-035 in omnibus form. Alderman Verbic seconded.

Upon advice of counsel, who suggested a vote to approve the resolutions separately, the aldermen withdrew their motion and second.

MOTION

Alderman Finucane moved to disapprove Resolution 2020-034. Alderman Verbic 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 disapproved.

2. Resolution 2020-035 Authorizing an Addendum for Engineering Services with Fehr Graham & Associates, LLC for the 2020 General Street Maintenance Program as Part of the 2019 Three-Year Services Agreement, with a Fee for FY2020 Not to Exceed \$210,000.

MOTION

Alderman Finucane moved to disapprove the resolution. 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 resolution disapproved.

3. Resolution 2020-036 Approving a Restaurant/Bar Liquor License for Pete's Place, Inc., d/b/a Glidden Hill Grill, 930 Pappas Drive.

Mayor Smith read the resolution by title only.

MOTION

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

K. ORDINANCES – SECOND READING

1. Ordinance 2020-023 Approving an Annexation and Development Agreement with Ventus Tech Services, LLC (Project Ventus).

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to approve the ordinance. Alderman McAdams seconded.

Mayor Smith read a comment submitted by Paul Callighan of the DeKalb County Economic Development Corporation (DCEDC) in support of the project, talking about the long-term potential including expansion of the tax base and good jobs. Speaking also in the context of his history with ComEd, Mr. Callighan assured there is ample electrical capacity for this endeavor.

Mayor Smith read comments submitted by Jerry Wahlstrom and Sue Elsner in support of Project Ventus, which stated there is a need to create a demand for high-end homes the community lost to Sycamore during the Great Recession.

Mayor Smith read a comment submitted by Paul Borek of DCEDC that recommended approval of the proposed zoning and annexation, noting use, abundant water capacity and location. He also spoke in support of the proposal to vacate a portion of Crego Road.

Alderman Verbic read a comment submitted by NIU President Lisa Freeman and NIU Vice President Gerald Blazey in support of the project and rezoning, pointing specifically

to diversification of the local economy, encouragement of employees to live locally, and creation of opportunities for entrepreneurial activities, partnerships, mutual collaboration, and high-wage jobs.

Matt Swanson, speaking in person, identified himself as living on Lynch Road near the project and as president of the DeKalb County Building & Construction Trades Council (DCBT) which he said represents 17 local unions. Mr. Swanson spoke in support of the project for the construction jobs it would create in building it and the well-paying jobs coming after it is built.

Lance McGill identified himself as a local resident and a representative of Operating Engineers Local 150. He said he is in favor of the project and would like to see the empty lots in his neighborhood become occupied.

City Manager Nicklas detailed the process, including the public hearing, first reading of the ordinance, and approvals by Planning & Zoning Commission and the taxing bodies participating in the Enterprise Zone. He also confirmed there are no residents on Crego Road within the subject site. He said residents of farms east of Crego like the proposal, especially the possibility of running utilities like water and fiber to that area.

VOTE

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

L. ORDINANCES – FIRST READING

1. Ordinance 2020-025 Approving the Annexation of Certain Property to the City of DeKalb (Project Ventus).

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas gave an overview of the subject property.

VOTE

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

MOTION

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

2. Ordinance 2020-026 Approving the Zoning Petition of Ventus Tech Services, LLC to Rezone Certain Property to "PD-I" Planned Development Industrial, and to Approve Plans and Plat of Subdivision for the Development of an Approximately 970,000 Square Foot Data Center and Accessory Uses with an Option to Develop Additional Data Center Buildings and Associated Developments, and Approving the Zoning Petition of the City of DeKalb to Authorize Text Amendments to Chapter 23 "Unified Development Ordinance" of the Municipal Code of the City of DeKalb to Add "Data Center" into the List of Permitted Uses Allowed within the City's Industrial Zoning Districts (Project Ventus).

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas noted the final plan depicts multiple phases and road improvements, and that Planning & Zoning Commission recommended approval.

VOTE

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

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: Faivre, Morris, Finucane, Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

3. Ordinance 2020-027 Vacating a Certain Portion of Crego Road in the City of DeKalb (Project Ventus).

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve first reading. Alderman Verbic 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 passage of first reading.

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: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

4. Ordinance 2020-028 Authorizing Amendments to Ordinance 2019-004 to Modify Setbacks and Other Provisions, and to Approve a Final Plat of Resubdivision for the Northland Plaza Shopping Center on Sycamore Road (B33 Northland Plaza, LLC).

Mayor Smith read the ordinance by title only.

The mayor confirmed that the resubdivision was approved unanimously by Planning & Zoning Commission.

MOTION

Alderman McAdams moved to approve first reading. Alderman Faivre 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 passage of first reading.

MOTION

Alderman Verbic moved to waive second reading and pass the ordinance. Alderman Faivre 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 ordinance passed.

5. Ordinance 2020-029 Approving a Special Use Permit for a Cannabis Business Establishment for an Adult Use and Medical Cannabis Dispensary at 818 W. Lincoln Highway (NuMed Partners, LLC).

Mayor Smith read the ordinance by title only.

MOTION

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

Mayor Smith read a comment submitted by Ronald Grutter, who opposed granting the special use permit on moral grounds, saying having the store in a family-oriented area is wrong.

Mayor Smith read a comment submitted by Margaret Gormley asking for Council to oppose the permit due to concerns about asthma and nearby businesses visited by families, such as the laundromat.

Petitioner said customers include professors and other professionals, and that there is no smell. He also answered a question about traffic issues at other locales, saying the problem is too few dispensaries for the demand.

Alderman Smith voiced concern over the proximity of the proposed location to NIU.

VOTE

Motion carried 7-1 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Perkins, Mayor Smith. Nay: Alderman Smith.

MOTION

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

VOTE

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

6. Ordinance 2020-030 Establishing an Active Special Service Area for Market Square (SSA 29).

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas noted the City received no petition against the SSA, so it can move forward.

Aldermen discussed future consideration of SSAs for the Central Business District and as an automatic fallback for other developments where property owners are not taking care of their properties.

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 approve the ordinance. Alderman McAdams 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 approved.

7. Ordinance 2020-018 Amending Chapter 38 "Intoxicating Liquors", Section 38.07 "Classifications of Liquor Licenses", by Adding License Classification "Auditorium", and Amending Section 38.08 "Term of Licenses and License Fees". (Postponed from the 3/23/20 Regular meeting.)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve first reading. Alderman Perkins seconded.

City Manager Nicklas said there would be no package sales, and a limit of two drinks purchased at one time.

Council members discussed how these rules differ from those of the NIU Convocation Center, the proposed limit of one auditorium liquor license, and why movie theatres were not included in the proposal.

VOTE

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

MOTION

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

Alderman Morris questioned why this ordinance and inclusion of movie theatres needed to be handled separately. Discussion between Mayor Smith and the executive director of the Egyptian Theatre, Alex Nerad, clarified construction was nearly complete, the theatre expected to be ready for events near the end of May, and that approving the ordinance that evening would be advantageous to the theatre.

It was also suggested during discussion that DeKalb's liquor code requires significant amendments and this would present additional opportunities for consideration of expanding the ordinance.

VOTE

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

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Morris announced she has begun sharing interviews with leaders of local non-profit organizations to her Facebook page, the first one with Don Littlefield discussing the resource phone number "211."

Alderman Finucane said approval of the Ventus Project was a culmination of many efforts and he thanked individuals and organizations involved. The alderman announced the upcoming Give DeKalb 2020 event and reiterated COVID-19 precautions.

Alderman Perkins asked about addressing revenue and expense forecasts in upcoming meetings. The city manager said they would on May 11.

Alderman Verbic recognized DeKalb's Jordan Glasgow and his brothers, who played for Michigan and now have been drafted by the NFL.

Mayor Smith said the City is doing what it can to keep businesses open. He asked for consensus on steps he is authorized to take, and has taken, as liquor commissioner when it comes to allowing restaurants to offer packaged liquor for sale with food. The mayor also announced the upcoming schedule of DeKalb County Community Garden's GrowMobile stops in the county.

2. City Clerk Report

City Clerk Fazekas announced a phone conference of experts with state and local officials would be about COVID-19 and the November elections. She also talked about consequences of the October 2019 ordinance that removed authority from the clerk's office, including the fact that she has not signed any document for several months even while keeping regular office hours. She questioned the sudden pressure on her to break quarantine to sign the Ventus Project paperwork in that context.

3. City Manager Report

City Manager Nicklas thanked the Ventus team. He introduced the new airport manager. He announced the second Committee of the Whole meeting in May would be Interim Police Chief John Petragallo's last meeting, when he would present the department's latest annual report. The city manager also announced the cancelation of the Memorial Day parade and the possible further postponement of the move to the new city hall.

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

No executive session was authorized during this meeting.

O. ADJOURNMENT

MOTION

Alderman Verbic moved to adjourn at 9:05 p.m. Alderman Faivre seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared adjournment at 9:05 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: May 11, 2020.