

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
AUGUST 12, 2019**

The City Council of DeKalb, Illinois held a Regular City Council Meeting on August 12, 2019, 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 6:02 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 Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Staff present included: City Manager Bill Nicklas, City Attorney Matt Rose, and Deputy City Clerk Ruth Scott.

Jen Jenks Conley and Joe Conley sang "America the Beautiful" for the audience.

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

Mayor Smith led the Pledge.

**C. APPROVAL OF THE AGENDA**

Mayor Smith asked for additions, deletions, or other changes to the agenda.

**MOTION**

Alderman Verbic moved to change the order of items; specifically, to move Item L, Ordinances for First Reading, to immediately follow Item G, Consent Agenda. Alderman McAdams seconded.

**VOTE**

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

#### **D. PUBLIC PARTICIPATION**

Mark Charvat said the Attorney General is reviewing a closed session that occurred three weeks prior, on the topic of the City Clerk, to decide whether such a discussion was legitimate. He said he hoped for lively discussion that evening on matters of importance. Mr. Charvat also commented on an alert that was sent out from the City the previous weekend but with no additional information provided timely on social media.

Bessie Chronopoulos spoke on behalf of Kay Shelton, saying DeKalb has a reputation for being unfriendly to business, but not because of hours the Clerk holds. She observed that a previous council reduced the salary to discourage qualified people to run for the office, and called recent actions a “power grab” by the City Manager.

Dwayne Brown spoke in favor of a full-time elected clerk at a fair salary, saying it would bring stability back to the position, which has seen chaos for seven years. He noted citizens have twice voted down changing the elected clerk to an appointed one. He said the Clerk should remain an elected one in order to protect the rights of the citizens who overwhelmingly voted to keep it elected.

Charles Hillier spoke in opposition to bringing cannabis to DeKalb, and asked Council to vote against it. He said homelessness and the juvenile crime rate in Colorado Springs increased when cannabis was allowed in that community, and that unbanked proceeds of cannabis sales and abandoned properties have also become problems.

#### **E. PRESENTATIONS**

1. Court Appointed Special Advocates (CASA) FY2019 Human Services Funding Presentation.

Executive Director Jill Olson provided an overview of CASA’s services as guardian at law for children with abuse/neglect cases in the court system.

#### **F. APPOINTMENTS**

There were none.

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

1. Minutes of the Regular City Council Meeting of July 22, 2019.
2. Minutes of the Joint Review Board Meeting of April 26, 2019.
3. Accounts Payable and Payroll through August 12, 2019 in the Amount of \$5,540,688.33.

Mayor Smith read the items on the Consent Agenda.

## MOTION

Alderman Fagan moved to approve the Consent Agenda. Alderman McAdams seconded.

## VOTE

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

## L. ORDINANCES – FIRST READING

(These ordinances were moved during Agenda Approval for consideration following Item G, Consent Agenda.)

1. Ordinance 2019-054 Amending Chapter 3 “City Administration”, Section 3.14 “City Clerk”.

Mayor Smith read the ordinance by title only.

## MOTION

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

Mark Charvat said he agreed with comments made by Kay Shelton as read during Public Participation. He also referred to City emails, released in response to a Freedom of Information Act (FOIA) request, as embarrassing and revealing of what goes on behind closed doors, and said he hoped the ordinance would be voted down because it takes away the City Clerk’s responsibilities.

Dave “DK” Kolars said he wondered if the current City Clerk is the first Clerk not to keep full-time hours in a part-time job. He said he thought the application of the City Seal would be the last step in processing an application so would primarily be the responsibility of the department it originated from.

Mark Scott apologized to the Clerk for not knowing until recently how badly the City “butchered” the position. Mr. Scott called it non-compliance that the Deputy Clerk answers to the City Manager and not the Clerk, and said the Seal should be kept without others having access to it. He said he supports an elected, full-time Clerk.

Bessie Chronopoulos pointed to previous referendums and said voters overwhelmingly want the position to remain elected and answerable to the people. Ms. Chronopoulos said no one on Council understands the Clerk’s job because they’ve not experienced a full-time elected Clerk for about seven years. She said the Clerk’s Progress Report, issued in June, would be an excellent starting point for a public discussion of the Clerk’s Office.

Steve Kapitan said naming the position of the Clerk in the ordinance would be more appropriate than stating the Clerk's name, and current compensation means the requirement that the Clerk fulfill full-time office hours in person would likely violate minimum wage law. He said the current issue is that of an underpaid, part-time clerk. He asked that Council defeat the ordinance and give the issue the deliberation it deserves.

Herb Rubin said debate between an elected Clerk or appointed Clerk does not address the underlying need to delineate between administrative tasks that can be delegated, and those a Clerk must perform. He said Council and Clerk must sufficiently empower the Deputy to ensure the Office functions during all working hours. Mr. Rubin also advocated for rules to remove a Clerk who fails to perform, and suggested Council might wish to postpone its decision until it clarifies the division of responsibilities.

John Anderson talked about what happens to elected Council, particularly the Mayor as the only citywide elected office besides the Clerk, if others got "teed off" at them. He said he did not think the office could be changed until the next election because democracy.

City Manager Nicklas said the Clerk's duties will be carried out by Deputy Clerk Ruth Scott under these ordinances.

Mayor Smith read a statement about disagreement between City Clerk and City Manager, and referenced a recent editorial by Daily Chronicle General Manager Eric Olson.

#### MOTION

Alderman Finucane moved to amend the ordinance by removing Section 3, Paragraph A, which references appointment of the city clerk. Alderman McAdams seconded.

#### VOTE

Motion to amend failed 3-4 on roll call vote. Aye: McAdams, Morris, Finucane. Nay: Fagan, Verbic, Faivre, Smith. Mayor Smith declared the motion defeated.

#### VOTE

Original motion carried on roll call vote. Aye: Verbic, Faivre, Smith, Fagan, Mayor Smith. Nay: Morris, Finucane, McAdams. Mayor Smith declared the motion passed.

#### MOTION

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

#### VOTE

Roll call vote was 5-3. Aye: Verbic, Faivre, Smith, Fagan, Mayor Smith. Nay: Morris, Finucane, McAdams.

Alderman Finucane suggested Council rules require a two-thirds majority to waive second reading. Attorney Rose advised that even if this rule is part of the local code, Council doesn't need to follow such a constraint because of Home Rule.

Alderman McAdams moved to postpone the vote on the waiver, but Council decided that the requisite number of votes had not been reached, so the Alderman withdrew his motion. Mayor Smith declared the waiver of second reading failed.

2. Ordinance 2019-055 Providing that the City Clerk Shall be an Appointed Officer of the City of DeKalb.

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman Finucane moved to postpone the vote on the ordinance. Alderman McAdams seconded.

Attorney Rose advised that there needed to be a vote to pass the ordinance to comply with Provision of Section 5-2-19 of the Illinois Municipal Code.

#### VOTE

Motion to postpone failed 3-4 on roll call vote. Aye: Morris, Finucane, McAdams. Nay: Faivre, Smith, Fagan, Verbic.

#### MOTION

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

Steve Kapitan said he could not understand what Section Two says.

City Attorney Rose explained the ordinance is an act under the city's Home Rule authority and thereby supersedes conflicting state legislation.

John Anderson asked what happens when a referendum is on the ballot, or whether Home Rule prevents one. He said the City Clerk should be elected.

#### VOTE

Motion carried 5-3 on roll call vote. Aye: Smith, Fagan, Verbic, Faivre, Mayor Smith. Nay: McAdams, Morris, Finucane. Mayor Smith declared the motion passed.

3. Ordinance 2019-056 Amending Chapter 51 "Traffic", Schedule C "Parking Prohibited", and Schedule F "Limited Parking – Central Business District", as they Pertain to Regulating On-Street and Public Lot Parking in Downtown DeKalb.

Mayor Smith read the ordinance by title only.

#### MOTION

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

Steve Kapitan noted there are limits of parking restrictions to affect non-parking behavior. He asked how many reserved parking permits had been purchased.

#### VOTE

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

#### MOTION

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

#### VOTE

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

### **H. PUBLIC HEARINGS**

1. 2019 Annual CDBG Action Plan Amendment.

Mayor Smith opened the public hearing at 8:06 p.m.

City Manager Nicklas explained the change is a formatting change, not a change to any dollar amount, but federal rules require a public hearing for this kind of change.

After ascertaining there were no members of the public who wished to speak to the item, Mayor Smith closed the public hearing at 8:08 p.m.

### **I. CONSIDERATIONS**

1. Confronting Chronic Disorderly Houses in the City of DeKalb.

City Manager Nicklas noted unusual occurrences at certain rental properties, such as arson and arson attempts, that have left residents dislocated. He described the Crime Free Housing Bureau and its success, due to aggressive enforcement, and a recent return to that focus. He said the City has been studying actions taken by Oak Forest, including background checks on prospective tenants and requiring tenants to have renters' insurance.

## **J. RESOLUTIONS**

1. Resolution 2019-119 Approving a Substantial Amendment to the Community Development Block Grant Annual Action Plan (One Year Use of Funds) for Program Year 26 (April 1, 2019 through March 31, 2020).

Mayor Smith read the resolution by title only.

### **MOTION**

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

### **VOTE**

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

2. Resolution 2019-120 Authorizing an Intergovernmental Agreement with the Illinois Department of Transportation for Architectural, Engineering and Construction Management Service Funds from the Downstate Public Transportation Fund in an Amount Not to Exceed \$150,000.

Mayor Smith read the resolution by title only.

### **MOTION**

Alderman Finucane moved to pass the resolution. Alderman Faivre seconded.

### **VOTE**

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

3. Resolution 2019-121 Authorizing an Amendment to the Agreement with the Illinois Convenience and Safety Corporation (IC&SC) as it Pertains to Updating Potential and Existing Bus Shelter Locations (Exhibit "B").

Mayor Smith read the resolution by title only.

## MOTION

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

## VOTE

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

4. Resolution 2019-122 Authorizing the Solicitation and Execution of Real Property Marketing/Listing Agreements for Various Vacant City Properties.

Mayor Smith read the resolution by title only.

## MOTION

Alderman Fagan moved to pass the resolution. Alderman McAdams seconded.

## VOTE

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

## **K. ORDINANCES – SECOND READING**

There were none.

## **L. ORDINANCES – FIRST READING**

These ordinances followed Item G, Consent Agenda, above.

## **M. REPORTS AND COMMUNICATIONS**

1. Council Member Reports.

Alderman Morris reported the residents of certain rental properties are still experiencing problems, such as not being able to enter the properties to pick up their belongings – or that their belongings have been stolen. She said she didn't want Council to forget them.

Alderman Finucane reminded everyone that Northern Illinois University student move-in day would be August 23, coinciding with the start of Corn Fest.

Alderman Smith reported he'd held a ward meeting at Oak Crest with Alderman Finucane.

Alderman Fagan reported on the CASA "50 Men Who Cook" fundraiser.



Alderman Verbic announced the beginning of school.

Mayor Smith reminded everyone of the daylong Council workshop on the coming Friday.

2. City Clerk Report.

Clerk Fazekas read public statements by former DeKalb City Clerks who described mistreatment by the City during their times in office.

3. City Manager Report.

The City Manager gave no report.

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

1. Personnel as Provided for in 5 ILCS 120/2(c)(1).

2. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

Mayor Smith read the items to be discussed during the closed session.

MOTION

Alderman Faivre moved to recess for closed session. Alderman McAdams seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared a recess at 8:50 p.m.

**O. ADJOURNMENT**

MOTION

Following the adjournment of Executive Session at 9:22 p.m., Alderman Finucane moved to adjourn the Regular Meeting. Alderman Fagan seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared the Regular Meeting adjourned at 9:22 p.m.

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**LYNN A. FAZEKAS**, City Clerk

Approved by City Council: September 9, 2019.