

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
AUGUST 24, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on August 24, 2020, 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 p.m. He announced City Clerk Lynn Fazekas would be attending remotely.

City Clerk Fazekas 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 City Attorney John Donahue.

**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 and deletions to the agenda.

Aldermen Finucane and Perkins asked for Item K.1. (Police Pension Board ordinance) be deleted from the agenda. Mayor Smith requested Item D (Public Participation) and Item E (Presentations) be switched in order as a courtesy to the presenter because he expected considerable public comment. Mayor Smith then asked for a motion.

**MOTION**

Alderman McAdams moved to pass the agenda with the requested changes. Alderman Faivre 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 agenda passed.

**D. PUBLIC PARTICIPATION**

Mark Charvat commented in person. Referencing the joint City Council-Finance Advisory Committee (FAC) meeting of the previous week, he observed the FAC participated little and left much undiscussed. He thanked Aldermen Morris and Verbic for their participation. Mr. Charvat also commented on the property tax rate, noting if the rate stays the same the City's portion of the tax bill will rise 4.3% or 4.4%. Lastly, he commented on the consideration of backyard chickens, saying Citizens Environmental Commission worked hard on this and why would Council not devote a Committee of the Whole for the discussion. He said his reading that the city manager does not want Council to discuss it gives the impression Council is working for the city manager lately.

## **E. PRESENTATIONS**

1. Downtown Flower Planting by Judy Schneider.

Ms. Schneider presented a slideshow of flowers planted downtown and talked about how the program has adapted in response to COVID-19 realities and concerns. She said a survey indicated most people support the program.

## **F. APPOINTMENTS**

1. Appointment of Kathleen Clark to the Citizens Community Enhancement Commission for the Completion of a Three-Year Term through December 31, 2022.

Mayor Smith referenced the previous removal from the agenda the appointment of Joyce Stuegia to the Police Pension Board, which he said was done at her request.

Mayor Smith read the remaining appointment item.

### **MOTION**

Alderman Finucane moved to approve the appointment. Alderman Morris seconded.

Mayor Smith explained the agenda at the last Council meeting had incorrectly assigned the appointment of Ms. Clark to Citizens Environmental Commission so this action corrected it.

### **VOTE**

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

## **G. CONSENT AGENDA**

1. Minutes of the Committee of the Whole Meeting of August 10, 2020.
2. Minutes of the Regular City Council Meeting of August 10, 2020.
3. Accounts Payable and Payroll through August 24, 2020 in the Amount of \$2,296,205.71.
4. Investment and Bank Balance Summary through June 2020.
5. Year-to-Date Revenues and Expenditures through June 2020.
6. Hospitality Recovery Program Update.
7. Freedom of Information Act (FOIA) Report – July 2020.
8. Resolution 2020-091 Authorizing a Payment to the DeKalb County Community Foundation on Behalf of the DeKalb Municipal Band for Services Beginning January 1, 2020, through December 31, 2020 in the Amount \$43,250.

Mayor Smith read each item of the consent agenda.

#### MOTION

Alderman Verbic moved to pass the consent agenda. 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 the consent agenda passed.

### **H. PUBLIC HEARINGS**

1. Public Hearing: Vacation of an Alley between Oak Street and Locust Street, East of N. Fourth Street (Agora Tower).

Mayor Smith read the subject of the hearing and opened the hearing at 6:28 p.m.

City Manager Nicklas said he believed the alley might never have been used as an alley.

After ascertaining that no one else to speak to the subject, Mayor Smith closed the hearing at 6:30 p.m.

### **I. CONSIDERATIONS**

1. Consideration of the Regulation of 5G Installations.

City Manager Nicklas said doing something now would give the City some control over how the installations get built as regards rights of way and safety. He suggested Council may want to refer the matter to the city attorney.

2. Consideration of a Request for Tax Increment Financing Assistance for Elevator Repairs at 155 N. Third Street.

City Manager Nicklas described two options: Council could make a grant under the Architectural Improvement Program (AIP) with its cap of \$50,000, or treat it as a redevelopment project to grant up to 50% of total repair costs expected to be \$297,000.

Larry Apperson identified himself as an officer of Community Coordinated Child Care (4C) not-for-profit housed in the building. He said he supports the use of TIF funds for this purpose, as it is critical for being able to serve clients, comply with Americans with Disabilities Act, and receive mail deliveries.

Aldermen discussed the deferred maintenance aspect of the situation, as well as the lack of discernable return on investment, as weighed against the public interest in keeping the building habitable and maintaining its value. Some aldermen voiced support for a grant of \$25,000 or \$50,000.

Mayor Smith declared consensus in favor of a formal consideration of a \$50,000 grant.

3. Consideration of Consumer Interest in Raising “Backyard Chickens” in DeKalb.

Mayor Smith said the City received 12 letters in support of backyard chickens and that Council members had seen all of them. He asked if Council would support his stating the names of the supporters instead of reading the letters. However, some aldermen said they wanted the letters to be read, saying a precedent for it has been set.

Alderman Perkins read a letter from Briana Tallitsch, Ward 4, in support of an ordinance allowing chickens, which said they are no more disruptive than other pets, do not raise costs in the cities that allow them, and do not affect property values.

Alderman Finucane read a comment from Kimberly Shotick in support of backyard chickens. She wrote that she is disappointed it is not allowed because they are pets and educational companions. She asked the City to talk to officials in towns where it is allowed.

Mayor Smith read a letter from Diana Iazard, Ward 2, in support of chickens and she referenced a petition to allow them. She said she's disappointed DeKalb doesn't allow them and she listed nearly 20 Illinois municipalities that do.

Alderman McAdams read a letter from Jessica Ackerman, Ward 5, that urged Council to allow backyard chickens.

Alderman Morris read a comment submitted by Brittany Schaefer of Ward 2, who supported keeping chickens and said she moved from suburbs where chickens are allowed. She listed advantages such as compost and less food waste, and said costs to the City could easily be covered by a permit fee. She said she is disappointed with lack of response from some aldermen.

Alderman Verbic read a letter from Catherine Norris, Ward 6, who said support of chickens is consistent with DeKalb's vision statement and making DeKalb more desirable to young professionals. She said she found the response, "Move to the country," slightly offensive and silly, since chickens being allowed in other cities renders a move to the country unnecessary for achieving this benefit.

Alderman Smith read a comment submitted by Leah Truckenbrod of Ward 3, who wrote that she wants DeKalb to allow small flocks, feels it is a reasonable use of their private property, and the positive outweighs the negative, especially in times of uncertainty.

Alderman Faivre read a letter from J.J. Wett of Ward 2, who cited studies backing up benefits of backyard chickens. He said they can help eliminate food deserts and improve children's nutritional status and food security. He said DeKalb is classified as a food desert and that keeping chickens is nothing new.

Alderman Finucane read a comment submitted by John Salovesh of Ward 2, who supports backyard chickens and called on Council to do as much as it can to support residents in trying times. He suggested countering lack of resources for enforcement with annual registration fees, training and certification.

Alderman Perkins read a letter from Dana Walker of Ward 4, who wrote in support of backyard chickens and noted that surrounding communities have it, it is part of sustainable living, and good hygiene practices ensure they pose minimal threat.

Mayor Smith read a letter of support for backyard chickens from Citizens Environmental Commission Chair Clare Kron, who focused on illnesses besides salmonella, which she observed is not communicable. However, she said bird flu diseases can pass from chickens to humans and there must be a shift from large poultry operations in high-density

conditions to small flocks to limit outbreaks. Chair Kron also noted that many successful communities allow chickens.

Alderman Smith read a letter from Brett Truckenbrod, who in supporting backyard chickens said they can promote interest in agriculture. He called them important in times when supply chains are disrupted, and as pets he compared them favorably to cats and dogs.

There was considerable discussion by council, including the following points:

- Chickens as potential sources of diseases and attractants of predators.
- Concern about timing and whether the City should introduce a new program during the pandemic.
- Questions about number of residents who might support the keeping of chickens beyond the 500-plus residents who signed a petition in support of them.
- DeKalb's limited resources for enforcing a chicken ordinance and desire for a revenue-neutral plan.
- Concern that the city manager crossed a line in his comments to media in opposition to the proposal in advance of Council consideration.

Mayor Smith laid out three options for Council: a motion to move the consideration to ordinance form for a vote, a motion not to move the consideration forward at this time, or for Council to decide to do nothing.

#### MOTION

Alderman Finucane moved that Council have no further consideration of a chicken ordinance at this time. Alderman Faivre seconded.

#### VOTE

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

#### MOTION

Alderman Morris moved to consider backyard chickens in the future. Alderman McAdams seconded.

Mayor Smith suggested the wording "to consider backyard chickens in ordinance form at a future Council meeting," to which Alderman Morris agreed.

Alderman Finucane objected to the mayor's language, saying "ordinance" was not a part of Alderman Morris' motion and that the mayor was "putting words in her mouth." Mayor Smith asked Alderman Morris to repeat her motion.

#### MOTION

Alderman Morris moved to consider, in ordinance form, backyard chickens for future consideration. Alderman McAdams seconded.

Alderman Verbic said he would not support discussion of an ordinance but would support discussion of an advisory referendum on the matter.

Alderman Morris said she withdrew her motion in view of the apparent support for putting the matter on the ballot. Alderman McAdams withdrew his seconding of the motion.

#### MOTION

Alderman Verbic moved to bring back discussion of backyard hens leading to an advisory referendum, which would educate the community as to what it would mean and how much it would cost, so that the vote and results would be cost neutral to the City of DeKalb.

Alderman Verbic, asked by Mayor Smith to repeat the motion, said he moved to continue discussion of backyard hens leading to an advisory referendum so that the voter may decide the outcome and the voter be informed as to the cost-neutrality of the vote. Alderman Faivre seconded.

City Attorney Donahue confirmed for Council that, if approved, the referendum would appear on the ballot in the April 2021 elections.

City Manager Nicklas advised Council he could present a resolution declaring Council's intent to prepare an advisory referendum for the April election.

#### VOTE

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

### **J. RESOLUTIONS**

1. Resolution 2020-092 Authorizing the Waiver of Competitive Bidding and the Execution of an Agreement with Layne Christensen Company for Maintenance Inspection and Repair to Well No. 13 in an Amount Not to Exceed \$80,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution. Alderman Finucane 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 resolution passed.

2. Resolution 2020-093 Approving a "Restaurant – Low Alcohol by Volume" Liquor License for DeKalb Eggsperience Café, d/b/a Los Panchos Café, Located at 1406-A Sycamore Road.

Mayor Smith read the resolution by title only.

MOTION

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

3. Resolution 2020-094 Authorizing an Agreement with DeKalb Corn Classic and Kishwaukee Sunrise Rotary Club for the 2020 DeKalb Corn Classic 5k/10k and Taste of DeKalb Events on September 27, 2020.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to approve the resolution. 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 resolution passed.

4. Resolution 2020-095 Authorizing an Intergovernmental Agreement with DeKalb County Assigning the Funds for the 2020 Edward Byrne Memorial Justice Assistance Grant Program in the Amount of \$14,422 Solely to the City of DeKalb.

Mayor Smith read the resolution by title only.

MOTION

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

5. Resolution 2020-096 Authorizing a Supplement to a Professional Services Agreement with Wills Burke Kelsey Associates, Ltd. for Engineering Design of Peace Road Partial Widening, Overlay, and Improvements to the Intersection with Fairview Drive for an Increased Total Amount Not to Exceed \$222,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Perkins moved to pass the resolution. Alderman Verbic 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 2020-050 Amending Chapter 4 “Police Department”, Section 4.13 “Police Pension Board,” as it Pertains to the Residency of Members of the Police Pension Board Appointed by the Mayor.

Mayor Smith reminded the audience that, during agenda approval, this item had been removed from consideration at this meeting.

2. Ordinance 2020-052 Amending Chapter 52 “Offenses Against Public Peace – Safety and Morals” by Adding Section 52.05 “Criminal Housing Management.”

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas said DeKalb Area Rental Association is satisfied with the ordinance.

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.

**L. ORDINANCES – FIRST READING**

1. Ordinance 2020-051 Amending Chapter 8 “City Officials and Employees Ethics Act” as it Pertains to the Workplace Transparency Act.

Mayor Smith read the ordinance by title only.

**MOTION**

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

**VOTE**

Motion carried 8-0 on 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, 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.

2. Ordinance 2020-054 Amending Chapter 9 “Establishment of Fees” as it Pertains to Modifying the Filing Fees for Annexation, Zoning, and Plat Petitions.

Mayor Smith read the ordinance by title only.

**MOTION**

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

**VOTE**

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

**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: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none.

3. Ordinance 2020-055 Amending Chapter 38 "Intoxicating Liquors," Section 38.07 "Classifications of Liquor Licenses", by Adding New Classification "Laundromats."

Mayor Smith read the ordinance by title only.

**MOTION**

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

**VOTE**

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

**MOTION**

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

**VOTE**

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

4. Ordinance 2020-056 Vacating an Alley Between Oak Street and Locust Street, East of N. Fourth Street (Agora Tower).

Mayor Smith read the ordinance by title only.

**MOTION**

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

**VOTE**

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

**MOTION**

Alderman Perkins 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.

**M. REPORTS AND COMMUNICATIONS**

### 1. Council Member Reports

Alderman Morris commented that when the time comes to discuss equality, she hopes it could be discussed for as long a period of time as backyard chickens have been.

Alderman Finucane expressed his support for mask wearing and said he is concerned about campus coronavirus cases.

Alderman Smith reported good attendance at his recent ward meeting.

Alderman McAdams reported one of the artists involved with the mural project has been quarantined.

Alderman Verbic welcomed people back to NIU.

Alderman Faivre recommended reading the airport manager's report and said there has been an abundance of activity at the airport.

Mayor Smith said he had met that morning with NIU administrators, and he expressed concern about the virus and several large gatherings over the weekend. He said he would be reaching out to DeKalb Area Rental Association and others for assistance with safety issues.

### 2. City Clerk Report

City Clerk Fazekas announced publication of the Candidate's Guide to the April 6, 2021 Consolidated Election and said it is now available at the State Board of Elections site and the DeKalb County Clerk's site. She said the county clerk has posted that his office will make available the necessary forms as well.

### 3. City Manager Report

City Manager Nicklas introduced an item for Council consideration. He said despite sending notices to residents with overdue water bills to get on payment plans there are 500 delinquent accounts with a resulting shortfall to the Water Fund of \$170,000. He asked for Council guidance for what to do to the end of the year and how far to extend forgiveness.

There was brief discussion including a suggestion to send advice to these residents about how to seek funding help. Mayor Smith requested this consideration be put in writing.

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

No executive session was authorized during this meeting.

**O. ADJOURNMENT**

**MOTION**

Alderman McAdams moved to adjourn at 9 p.m. Alderman Verbic seconded.

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared adjournment at 9 p.m.

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LYNN A. FAZEKAS, City Clerk

Approved by City Council on September 14, 2020.