

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
AUGUST 26, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on August 26, 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 6:00 p.m.

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman Bill Finucane, Alderman Tracy Smith, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Carolyn Morris arrived at 6:01 p.m.

Staff present included: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney John Donahue, Community Services Director Joanne Rouse, and Transit Manager Marcus Cox.

The City showed the audience a video of the National Anthem as sung by Grace Verbic at the August 1, 2019 Chicago White Sox Baseball Game.

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

Mayor Smith led the Pledge.

C. APPROVAL OF THE AGENDA

Mayor Smith asked if there were changes to be made to the agenda.

MOTION

Alderman Morris moved to have item K.1. (Ordinance 2019-054) set as first reading rather than second reading because of substantial changes made to it since first reading was passed two weeks previously. Alderman McAdams seconded.

VOTE

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

MOTION

Alderman Finucane moved to approve the agenda as presented. Alderman Fagan seconded.

VOTE

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

D. PUBLIC PARTICIPATION

George Christensen said he doesn't see any benefit from taking away the right to an elected clerk and the item is a waste of time.

Michelle Foster said citizens have said they want the clerk to be elected. She asked her Alderman, Tracy Smith, to listen to his constituents.

Dave "DK" Kolars said he is upset Alderman Morris' move to amend to first reading did not pass, because the ordinance is a completely different document.

E. PRESENTATIONS

1. Proclamation: Landlord, Tenant and Property Owners Housing.

Mayor Smith read the proclamation in full. He presented it to Larry Apperson, Human Relations Commission (HRC) Chair.

Larry Apperson said HRC has become aware that some rental property owners are not maintaining their property owners. He said the proclamation calls for a joint effort to promote safe and sanitary conditions, and that we can't afford to have substandard housing, including student tenants. Says this is doable. Mr. Apperson introduced Jacob Maahs of the DeKalb Tenants Association.

Jacob Maahs spoke about black mold and illegal evictions. He said tenants don't know their rights, need better education and enforcement.

John Hagens said he was a victim whose apartment had unpainted walls, no heat, and failed several inspections. Mr. Hagens said he ended up losing everything and he lost 50 lbs. He said he has a small claims court case and will let other people know how to deal with similar situations.

Roxanne Jenkins said she lived in an apartment on Ridge that was not affected by fires but did have mold, and things were not fixed, including broken locks. She said she paid \$40 for a parking pass but the lot was not maintained and she fell down several times. Ms. Jenkins said she lives in Sycamore now.

Caprisha Williams identified herself as a student and told Council she is trying to find another place with better conditions. She said she wants to inhabit a space that's comfortable and not to be sick.

Ryan Ziegelbauer said residents and students need recourse for bad conditions in apartments, which in his case included painted-over black mold and a roof that floods and got his mattress wet that very day.

Debbie Bogacki said after her Ridge Road apartment changed hands, cameras didn't work, doors didn't lock, and people got high in the hallways. She said it is hard to get her things back since the fire and condemnation, and another apartment she moved into had "garbage" left in it, but were things belonging to a student who was a resident and came back. She has some money to move, but asked where she is going to go.

Tamara Person-Hescott called herself and others "the face of homelessness." She listed conditions such as holes in ceilings, silverfish, and doorbells not working, and said she has children with special needs. She said some tenants are terrible, but she is not one of the vandals.

James Mason decried 30 years of mismanagement, NIU's dropping enrollment and property taxes for the current rental environment.

Dave Rathke identified himself as a small landlord. Mr. Rathke listed some of the maintenance tasks he has had to do as a landlord. He said large rental corporations operate outside the law, incurring fines and legal fees that are still less than the costs of fixing things. He called formation of the tenants group a positive move and suggested at some point tenants might stop paying rent to respond, "Not in our community."

2. #Proudly DeKalb: Introducing Judy Schneider, a DeKalb Treasure.

City Manager Nicklas introduced Ms. Schneider, who gave a visual presentation about the many volunteers and vendor partners who do the donating, planting, and seasonal cleanup in arrangements downtown.

F. APPOINTMENTS

There were none.

G. CONSENT AGENDA

1. Accounts Payable and Payroll through August 26, 2019 in the Amount of \$2,909,232.38
2. Investment and Bank Balance Summary through June 2019.
3. Year-to-Date Revenues and Expenditures through June 2019.
4. Freedom of Information Act (FOIA) Report – July 2019.
5. Resolution 2019-123 Authorizing the Approval of a Bid and a Professional Services (Advisor) Agreement with Bourne Transit Consulting, LLC for On-Call Transit Consultant Services.

Mayor Smith read all the items on the consent agenda.

MOTION

Alderman Finucane moved to approve the consent agenda. Alderman Faivre 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 the consent agenda passed as printed.

H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

1. Consideration of Funding for the June 22, 2019 Balloons, Brews & Blues Event in the Amount of \$2,692.

Mayor Smith read the consideration.

City Manager Nicklas said Mike Embrey organized the first event, which had about 1,500 visitors.

MOTION

Alderman Verbic moved to approve the grant. Alderman Smith seconded.

VOTE

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

J. RESOLUTIONS

1. Resolution 2019-124 Authorizing a 2019 Subrecipient Agreement with the Children's Learning Center for Community Development Block Grant Funds in the Amount of \$12,000 for Funding the Transportation Program.
2. Resolution 2019-125 Authorizing a 2019 Subrecipient Agreement with Elder Care Services for Community Development Block Grant Funds in the Amount of \$8,000 for Funding the Choices for Care Program.
3. Resolution 2019-126 Authorizing a 2019 Subrecipient Agreement with Hope Haven for Community Development Block Grant Funds in the Amount of \$17,000 for Funding the Emergency Shelter Program.
4. Resolution 2019-127 Authorizing a 2019 Subrecipient Agreement with Safe Passage for Community Development Block Grant Funds in the Amount of \$15,000 for Funding for Emergency Shelter and Services Programs.
5. Resolution 2019-128 Authorizing a 2019 Subrecipient Agreement with the Voluntary Action Center for Community Development Block Grant Funds in the Amount of \$13,860 for Funding for the Summer Meals Program at University Village.

Mayor Smith read all five resolutions for consideration as an omnibus vote.

Aldermen Smith and Fagan left the room to recuse themselves.

MOTION

Alderman Morris moved to approve the resolutions. Alderman Faivre seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Absent: Fagan, Smith (recusals).

6. Resolution 2019-129 Authorizing an Agreement with DeKalb County as it Pertains to the Jurisdictional Transfer of Portions of Rich Road and Coltonville Road from DeKalb County to the City of DeKalb as Identified by the Illinois Department of Transportation (IDOT) Form BLR 05212.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to pass the resolution. Alderman McAdams 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 motion passed.

7. Resolution 2019-130 Authorizing a Tax Increment Financing Grant in the Amount of \$12,200 to the Hillside Restaurant, Located at 121 N. Second Street, for the Replacement of a Building Sewer.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution. Alderman McAdams seconded.

VOTE

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

8. Resolution 2019-131 Authorizing the Sale of Real Property Located at 850 N. 1st Street (P.I.N.: 08-14-329-021) in the in the Amount of \$800.00.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas said this is one of the properties listed in Resolution 122.

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.

K. ORDINANCES – SECOND READING

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 pass the ordinance. Alderman Faivre seconded.

Matthew Kapustianyk said taking a personal issue and turning it into a written policy is not the way to go. He said he wanted his Alderman to vote the wishes of residents, not the administration.

Craig Roman suggested the ordinance, which has changed, should be at first reading. Mr. Roman said the City Manager has no right to appoint a deputy clerk.

Peggy Hoyt identified herself as a former city clerk beginning in 1977, that she managed the job for 20 years, and it was the best job she ever had. Ms. Hoyt said she gave the job her all, and the people of DeKalb elected her five times, including when her deputy ran against her. She said she was authorized by the state statutes and elected by the people, for the people, not to answer to the mayor or city manager. She asked whether the City could turn back the clock in a manner of speaking, with a city clerk elected and appointing a deputy who has her back, and not answering to mayor or city manager.

Mark Scott said that two weeks previously, he had come to Council for the first time because this is an important issue to him. He said there is a specific reason and purpose the clerk is elected, that it shouldn't be for 10 hours a week, and the city manager shouldn't have control of the Seal. He stressed the position as an elected one following two or three referendums on the subject, and said he felt we have lost the American Way and need to get it back.

Bessie Chronopoulos read a brief statement from Kay Shelton, which said the newly proposed ordinance would circumvent an elected clerk and that the position should be

restored to full time with appropriate pay. Ms. Shelton also pointed out that the same time period that saw turnover of seven clerks also saw turnover of six city managers.

Bessie Chronopoulos said in the council-manager form of government, the mayor and the clerk are elected at large, while the city manager runs the day-to-day business. She said results of referendums in 2006 and 2012 showed people understand the importance of an independent office that in the past had a strong presence. She said the public has a duty to speak out against the skewed ordinance.

Steve Kapitan called the amended ordinance inappropriate and unprofessional. He said if Council had passed it two weeks ago, it now would be facing the embarrassment of reversing the decision, and he questioned the process used to change the ordinance prior to the meeting. He attributed turnover of the clerk to poor compensation.

John Anderson said he didn't know what changes were made to the ordinance, but any change should trigger another first reading. He said aldermen should represent the people, not the city staff.

Dwayne Brown asked how many referendums the people need to have for an elected clerk. Mr. Brown noted there were never problems before with a full-time clerk and part-time doesn't work. He called for a full-time clerk with salary of \$68,000. He said any changes to the ordinance should have been made during first reading.

Mayor Smith said he'd met with the DeKalb State's Attorney, and that passage of the original ordinance would have put the City on "thin ice."

MOTION

Alderman Finucane moved to amend the fourth page, fifth line under "Deputy City Clerk," to read as "designated" rather than "authorized." Alderman McAdams seconded.

Discussion ensued as to what the hours and duties of the clerk should be, and whether the State's Attorney approved of the latest incarnation of the ordinance.

MOTION

Alderman Morris moved to table consideration of the ordinance to the September 9 meeting. Alderman Finucane seconded.

VOTE

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

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

MOTION

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

VOTE

Motion failed 0-7 on roll call vote. Aye: none. Nay: Smith, Fagan, McAdams, Verbic, Faivre, Morris, Finucane.

L. ORDINANCES – FIRST READING

1. Ordinance 2019-057 Authorizing a Zoning Map Amendment from the “LI” Light Industrial District to the “PD-C” Planned Development – Commercial District, and the Planned Development Preliminary and Final Plan Agreement (204 N. Fourth Street and 420 Oak Street – Agora Tower – Mooney Property) (PNG Development, LLC).

Mayor Smith read the ordinance by title only.

MOTION

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

Steve Kapitan reiterated a previous objection to include the purchase price in subsidy considerations. He also asked about parking on Locust Street, saying he hoped it would be public.

Alderman Fagan left the room to recuse himself.

VOTE

Motion carried 6-1-1 on roll call vote. Aye: Smith, McAdams, Faivre, Morris, Finucane, Mayor Smith. Nay: Verbic. Absent: Fagan (recusal). Mayor Smith declared the motion passed.

MOTION

Alderman Finucane moved to waive second reading and pass the ordinance. Alderman McAdams seconded. However, following brief discussion, Alderman Finucane withdrew the motion.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Morris thanked the people who came out to speak to the housing issues. She said the stories were horrific, but not unique.

Alderman Finucane said he was glad to reach a compromise on the city clerk. He also mentioned events of the week: corn fest, students returning, and the Barbs football opener this Saturday.

Alderman Smith said he had a great time at Corn Fest.

Alderman Faivre said this was the best year for Corn Fest weather-wise, and that he liked the new layout of the event.

Mayor Smith said he saw democracy in action with the attendance at meetings.

2. City Clerk Report

City Clerk Fazekas thanked members of the public for their support, and the media for its interest in the clerk issues.

3. City Manager Report

None.

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

1. Approval to Hold an Executive Session to Discuss Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

Mayor Smith read the item for consideration in authorizing executive session.

MOTION

Alderman Verbic moved to recess for executive session. Alderman Fagan seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared a recess at 8:41 p.m.

O. ADJOURNMENT

MOTION

Following adjournment of closed session, Alderman Morris moved to adjourn the regular meeting at 9:06 p.m. Alderman Verbic seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared the regular meeting adjourned at 9:06 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: September 9, 2019.