

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
OCTOBER 12, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on October 12, 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.

Mayor Smith identified the elected persons who were attending remotely, Alderman Carolyn Morris and City Clerk Lynn Fazekas.

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, and Mayor Jerry Smith.

Alderman Mike Verbic and Alderman Tony Faivre were absent.

Staff present included: City Manager Bill Nicklas, City Attorney John Donahue, and Director of Utilities, Transportation and Engineering Bryan Faivre.

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. There were none.

MOTION

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

VOTE

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

D. PUBLIC PARTICIPATION

Bessie Chronopoulos thanked Alderman Perkins for attending the latest Planning & Zoning Commission meeting. She also thanked DeKalb Police for helping her deal with a

scam. Ms. Chronopoulos announced a resident-led remote joint meeting of the Fourth and Fifth Wards to take place later in the month.

City Attorney Donahue advised if Council members would refrain from talking about City business during the joint ward meeting, no violation of the Open Meetings Act would occur even if several aldermen attended.

E. PRESENTATIONS

There were none.

F. APPOINTMENTS

There were none.

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of September 28, 2020.
2. Accounts Payable and Payroll through October 12, 2020 in the Amount of \$296,217.81.

Mayor Smith read each item of the consent agenda.

MOTION

Alderman Perkins moved to pass the consent agenda. Alderman McAdams seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Morris, Mayor Smith. Nay: none. Absent: Verbic, Faivre. Mayor Smith declared the consent agenda passed.

H. PUBLIC HEARINGS

1. Public Hearing on the Formation of Special Service Area 30 Consisting of Parcel Identification Numbers 08-15-128-004, 08-15-128-009, 08-15-128-010, 08-15-128-011, 08-15-128-012, and 08-15-176-025 (Hunter Ridgebrook Properties and 912 Edgebrook Drive).

Mayor Smith read the title of the public hearing and opened the hearing at 6:12 p.m.

Steve Bauer, who identified himself as an attorney for Meltzer, Purtill and Stelle, spoke on behalf of Hunter Ridgebrook Properties, LLC, and said he was just engaged by Hunter that same day. He stated the hearing is premature and should be continued for at least 30 days for three reasons. Firstly, he said no settlement agreement had been executed between "Hunter Ridge" and City of DeKalb and therefore there was no waiver of the right to object. Secondly, he said it appeared the public notice of the hearing was defective, as there was no legal description of the property attached to the notice as required by the SSA tax law. Lastly, Mr. Bauer repeated he had been newly engaged by Hunter with no opportunity to review the relevant material nor to communicate with appropriate City personnel. He again requested a continuance of the public hearing.

City Manager Nicklas said he saw no reason to delay the hearing over the insertion of a new attorney, and recommended Council proceed because DeKalb's attorney had assured the City is "on firm ground." He said the purpose of the hearing is to give people an opportunity to voice an opinion on the proposal.

Alderman Morris asked what firm had been involved in the settlement conferences. City Manager Nicklas said he could not remember the name of the firm, but he said a DeKalb County judge signed the order.

Alderman Morris said she agreed there should be no delay, and she noted there is a procedure in place if Mr. Bauer has a grievance.

Alderman Morris asked whether the SSA could be removed in the future if it were no longer needed, and the city manager said yes.

Joseph Mitchell asked if there was any way to prevent Hunter from passing the costs of the SSA onto tenants, whom he said are "not of the most means." City Attorney Donahue answered there is nothing in the statute that would prevent it.

Steve Bauer said he still had a question whether the public hearing notice included with the agenda was the complete notice. He said the boundaries of the area by legal description was not a document included with the notice. City Attorney Donahue responded, saying the City would have to look at the objections to the notice, adding that nothing was being approved that night and therefore there was nothing to be continued.

Mr. Bauer read the section of the tax law that lists the requirements for the notice of public hearing, including the legal description of the boundaries of the area. City Attorney Donahue responded the City would look into it.

Mayor Smith ascertained no one else wished to speak to the public hearing and closed the hearing at 6:24 p.m.

I. CONSIDERATIONS

1. Consideration of a Water Department Recommendation to Eliminate the Mailing of City of DeKalb Utility Bills to Residential Rental Tenants Beginning January 1, 2021, and Instead Mail all Utility Bills to the Respective Property Owners.

Mayor Smith asked for a motion on this consideration to ensure consensus of Council is clear.

MOTION

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

City Manager Nicklas explained it is confusion and costs that sparked the proposal. Also, this is the procedure described in City code, he said.

Alderman Morris asked whether tenants could view the accounts online. Director Faivre said they can if the landlord gives the tenant the account number. He said there have been issues with tenants setting up accounts in their own names.

VOTE

Motion to approve carried 6-0-2 on roll call vote. Aye: Smith, Perkins, McAdams, Morris, Finucane, Mayor Smith. Nay: none. Absent: Verbic, Faivre.

J. RESOLUTIONS

1. Resolution 2020-110 Authorizing the Award of a Contract to Virgil Cook & Sons, Inc. in the Amount of \$155,431.70 for the Installation of Solar Street Lighting in Annie Glidden North with Staff Authority to Approve Change Orders Up to a Combined Project Total of \$171,000.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas explained this project is possible because the City's Community Development Block Grant (CDBG) allocation was raised in response to the COVID-19 pandemic.

VOTE

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

2. Resolution 2020-111 Authorizing a Package Liquor License with Supplemental Drive-Thru Licensure for Haymaker Enterprises, Inc., 1221 W. Lincoln Highway.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas said this proposal had previously been approved but the deadline for project completion had passed, which necessitated approval of a new resolution.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: McAdams, Morris, Finucane, Smith, Perkins, Mayor Smith. Nay: none. Absent: Verbic, Faivre. Mayor Smith declared the resolution passed.

3. Resolution 2020-112 Authorizing a Bar Liquor License with Supplemental Licensure for Video Gaming for Haymaker Enterprises, 1221 W. Lincoln Highway.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none. Absent: Verbic, Faivre. Mayor Smith declared the resolution passed.

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-064 Adopting a Revised Pay and Benefit Schedule for Elected Officials.

Mayor Smith read the ordinance by title only.

MOTION

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

Bessie Chronopoulos opined that raising compensation might allow more people to run for office. She described what the clerk used to do and said following two or three referendums on the matter, this is what the public clearly has wanted.

Alderman Morris said when she was deciding whether to run for the office, she had to calculate whether the compensation would cover the costs, including childcare, and that being able to afford it was a concern. She said take-home pay after taxes is about \$4,500 per year. The alderman complimented the sentiment driving the proposal to reduce pay, but said there would be little in terms of savings, which suggests it is a symbolic gesture and at the same time would reduce equality of opportunity for those who consider running for office who must cover their costs. She said a salary cut would perpetuate the lack of diversity on Council and would be a decision against equal representation.

City Manager Nicklas referenced a discussion from a previous meeting in July during which the consensus was for Council to keep compensation the same, but since then two aldermen asked to bring forward a proposal for a 5% reduction across the board.

MOTION

Alderman Finucane moved to amend the ordinance to reduce compensation of elected officers by 10% and adjust the dollar amounts in the ordinance as follows: mayor, \$19,800; aldermen, \$4,860; and city clerk, \$7,200. Alderman McAdams seconded.

Mayor Smith declared that reducing the compensation of the aldermen would send the wrong message.

Alderman Finucane brought up a precedent for reduction of compensation during the Great Recession, and Alderman Morris responded that the precedent that was set resulted in a Council where she is the one exception to an all-white-male Council, and that she would be disgusted if the proposal went forward.

Alderman Smith asked if salaries were an issue, why weren't more people coming forward at the last election, and if that were the case Council should raise salaries. He said people were not coming out, so it was not about the money; and he raised the issue of people not having jobs during the pandemic. He said he wanted a considerable raise for the hours he put in. The alderman also addressed an audience member directly, saying he took offense at her comments and he knew what the clerk's office did.

Alderman McAdams said the City is in the middle of health and economic crises and it required shared sacrifice. He said people would serve even if there were no salary.

VOTE

Motion to amend carried 4-2-2 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams. Nay: Morris, Mayor Smith. Absent: Verbic, Faivre.

Instead of passing first reading by dispensing with the original motion as amended, the city manager said the city attorney was asking for a new motion and vote.

MOTION

Alderman McAdams moved to pass first reading on the ordinance as amended. Alderman Finucane seconded.

VOTE

Motion carried 4-2-2 on roll call vote. Aye: Smith, Perkins, McAdams, Finucane. Nay: Morris, Mayor Smith. Absent: Verbic, Faivre. Mayor Smith declared passage of first reading.

2. Ordinance 2020-065 Authorizing Boundary Modifications to the Area Known as the DeKalb County Enterprise Zone (Conserv FS).

Mayor Smith read the ordinance by title only.

MOTION

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

Paul Borek of DeKalb County Economic Development Corporation spoke in favor of the boundary modifications.

VOTE

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

MOTION

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

VOTE

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

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Finucane reminded everyone to wear masks and support local restaurants and bars. He announced free COVID-19 testing at DeKalb High School.

Alderman McAdams announced the mural project is nearly finished.

Mayor Smith reminded everyone to fill out the census and to participate in the upcoming virtual event “Belonging” that the City and NIU are sponsoring. He announced Halloween Trick or Treat hours of 3-6 p.m.

2. City Clerk Report

City Clerk Fazekas gave no report.

3. City Manager Report

City Manager Nicklas gave no report.

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

No executive session was authorized during this meeting.

O. ADJOURNMENT

MOTION

Following reports and communications, Alderman McAdams moved to adjourn the meeting. Alderman Smith seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none. Absent: Verbic, Faivre. Mayor Smith declared adjournment at 7:14 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council on October 26, 2020.