

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
OCTOBER 14, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on October 14, 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 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 Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

The seat of the alderman of the Fourth Ward was vacant, Alderman Pat Fagan having resigned September 26, 2019, upon moving his residence to another ward.

Staff present included: City Manager Bill Nicklas, City Attorney John Donahue, Interim Police Chief John Petragallo, and Transit Manager Marcus Cox.

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

Mayor Smith led the Pledge.

C. APPROVAL OF THE AGENDA

MOTION

Alderman Verbic moved to approve the agenda. Alderman Faivre seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: Finucane, Smith, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the agenda approved as printed.

D. PUBLIC PARTICIPATION

Leslie Conklin, who identified herself as a small business owner with a parking placard, talked about inconsistency in enforcement of downtown parking rules. She said police

give tickets overnight, but otherwise no one checks the three-hour spaces. Ms. Conklin suggested a loading zone might be needed, too.

E. PRESENTATIONS

1. Illinois Law Enforcement Accreditation Program (ILEAP).

Interim Chief of Police John Petragallo accepted the award. He credited former chiefs Bill Feithen and Gene Lowery, as well as Commander Jason Leverton, with work begun 10 years ago that led to the department's earning the top accreditation from ILEAP.

2. Voluntary Action Center (VAC) FY2019 Human Services Funding Report by Executive Director Ellen Rogers.

Ms. Rogers thanked the City for its long record of support of transit and nutrition programs and noted VAC must raise a certain amount locally as a match for federal funds. She said while transit programs capture a lot of state and federal dollars, cuts in funding have particularly impacted nutrition and there's a waiting list for the Meals on Wheels program.

3. CROP Walk – State of Hunger Event Results.

Jane Hapeman reported this year is the 50th anniversary of the Walk, which involves some 20 organizations, 80 walkers, and volunteers including scouts and the ham radio operators' group. Ms. Hapemen said \$28,000 has been raised so far, with more still coming in. She said 25% of proceeds go to food pantries and other local food agencies while other funds are sent to developing countries for assistance in agricultural pursuits.

F. APPOINTMENTS

1. Appointment of Nadine Franklin to the Human Relations Commission for the Completion of a Term through December 31, 2020.
2. Appointment of Sheela Prahlad to the Finance Advisory Committee for the Completion of a Term through December 31, 2021.
3. Appointment of Steve Becker to the Planning and Zoning Commission for the Completion of a Term through December 31, 2022.

Mayor Smith read each of the proposed appointments and suggested their approval in one (omnibus) vote.

MOTION

Alderman Finucane moved to approve the appointments in omnibus form. Alderman Morris seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: Smith, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the appointments approved.

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of September 23, 2019.
2. Accounts Payable and Payroll through October 14, 2019 in the Amount of \$1,762,991.54.

Mayor Smith read each item of the consent agenda.

MOTION

Alderman Smith moved to approve the consent agenda. Alderman McAdams seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the consent agenda passed as presented.

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

1. Extending the City Manager's Spending Authority in an Amount Not to Exceed \$40,000 as it Pertains to HR Green's Services.

City Manager Nicklas explained that current levels of activity soon will push expenses for plan review over the current \$20,000 limit of his spending authority.

MOTION

Alderman Finucane moved to approve the increase in spending authority. Alderman McAdams seconded.

VOTE

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

J. RESOLUTIONS

1. Resolution 2019-141 Authorizing the Waiver of Competitive Bidding and Execution of an Agreement with Layne Christensen Company for Repair and Replacement of Well Parts and Equipment in an Amount Not to Exceed \$64,675.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared the resolution approved.

2. Resolution 2019-142 Authorizing an Agreement with the Daley Policy Group for Legislative Assistance in Identifying and Securing Airport Improvement Program Federal Funds for the DeKalb Taylor Municipal Airport.

Mayor Smith read the resolution by title only.

MOTION

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

Steve Kapitan commented that he was skeptical of the value of the action and thought it might be helpful to know what has actually been funded.

City Manager Nicklas said the City is within reach of the long-term goal to be able to land commercial planes. He said there's some urgency to find another dedicated funding

source because tax increment financing funds to finance the local share will be phased out in two years and the City has no current capacity to bond out capital projects.

VOTE

Motion carried 7-0 on roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

3. Resolution 2019-143 Authorizing a Tax Increment Financing Agreement with Barb City Manor, Inc. for Facility Improvements at 680 Haish Boulevard in an Amount Not to Exceed \$249,039 through December 31, 2019.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

Motion carried 6-0-1 on roll call vote. Aye: Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Absent: Morris. Mayor Smith declared the resolution passed.

4. Resolution 2019-144 Authorizing the City Manager to Execute an Agreement with DeKalb County for Membership in the DeKalb County Fiber Optic Network.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Smith, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Mayor Smith declared the resolution approved.

K. ORDINANCES – SECOND READING

1. Ordinance 2019-059 Amending Chapter 3 “City Administration”, Section 3.14, “City Clerk”.

Mayor Smith read the ordinance by title only.

MOTION

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

Steve Kapitan called the ordinance unnecessary. He said he is concerned the conflict over use of the Seal has been used to change the structure of the clerk's office. He recommended the all parties return to the work Alderman Morris started, to establish a process for the structure during the next term of office.

Bessie Chronopoulos stated that the will of the people is to restore the clerk's office for the good of the City and passing this ordinance is unacceptable. She complimented Alderman Morris's efforts and said the process was undermined.

Alderman Morris said the City has not demonstrated harm in how the clerk's functions are done now, and that the ordinance degrades the role of the clerk.

VOTE

Motion carried 5-2 on roll call vote. Aye: Verbic, Faivre, Finucane, Smith, Mayor Smith. Nay: Morris, McAdams. Mayor Smith declared the ordinance approved.

2. Ordinance 2019-061 Amending Chapter 33 "Peddlers, Solicitors and Itinerant Merchants", Section 33.13 "Food or Beverage Vending Vehicle" as it Pertains to the Licensing of Food and Beverage Vending Vehicles, and Minor Text Amendments throughout the Chapter.

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared the ordinance approved.

L. ORDINANCES – FIRST READING

1. Ordinance 2019-064 Amending Chapter 23 “Unified Development Ordinance”, Article 5.09 “CBD” Central Business District”, as it Pertains to Text Amendments Making Private Parking Lots and Parking Structures a Permitted Use in the Central Business District.

Mayor Smith read the ordinance by title only.

MOTION

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

Council discussed the property that led to the need to add the permitted use of private parking lots to the UDO. City Manager Nicklas confirmed soil mitigation on the lot is considered finished unless there is excavation on the site. Excavation would require soil removal, testing, and possible further mitigation, he said, but construction of a parking lot would not.

VOTE

Motion carried 7-0 on roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared passage of first reading.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Finucane, Smith, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the ordinance approved.

2. Ordinance 2019-065 Authorizing the Northern Illinois University Annual Contribution for Integrated Transit Services.

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

Motion carried 6-0-1 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Absent: Smith (recusal).

MOTION

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

VOTE

Motion carried 6-0-1 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, McAdams, Mayor Smith. Nay: none. Absent: Smith (recusal). Mayor Smith declared the ordinance passed.

3. Ordinance 2019-066 Authorizing an Airport Ground Lease with Sydeo Networks, Inc. for a Secure Fiber Optic Cable Network Facility.

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

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

MOTION

Alderman Morris moved to waive second reading and approve. Alderman McAdams seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

4. Ordinance 2019-067 Authorizing the Exchange of Real Estate and Approving an Exchange of Real Estate Agreement (Portion of 912 Edgebrook and Blackhawk Road (PIN 08-15-101-013)).

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

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

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Smith, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

5. Ordinance 2019-068 Providing for the Termination of the City of DeKalb Tax Increment Financing District 2 (TIF 2) and the Dissolution of the Special Tax Allocation Fund for TIF 2 on December 31, 2019.

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

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

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith McAdams, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Morris announced an upcoming First Ward meeting.

Alderman Finucane said he volunteered at an NIU prospective students' event and fielded questions about housing and transit.

Alderman McAdams reported the Human Relations Commission discussed DeKalb's recent controversial arrest, and that he had attended the Fire Department's gala.

Alderman Verbic announced an upcoming meeting of the Finance Advisory Committee.

Mayor Smith said he will give his official report to the community after the first of the year. He also announced there are six residents of the Fourth Ward who are interested in serving as Alderman and that he probably will make the appointment during the first meeting in November.

2. City Clerk's Report

City Clerk Fazekas gave no report.

3. City Manager's Report

City Manager Nicklas announced he has moved into a house in DeKalb.

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

Approval to hold an executive session in order to discuss:

1. Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).
2. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

Mayor Smith read both items to be approved for executive session.

MOTION

Alderman Faivre moved to recess for executive session. Alderman Smith seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared a recess for executive session at 7:24 p.m.

O. ADJOURNMENT

MOTION

Upon return to the regular meeting following executive session, Alderman Smith moved to adjourn. Alderman Finucane seconded.

VOTE

Motion carried upon majority voice vote. Mayor Smith declared the meeting adjourned at 8:04 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by the City Council: October 28, 2019.