



**DEKALB CITY COUNCIL AGENDA
MARCH 9, 2020
6:00 P.M.**

DeKalb Municipal Building
City Council Chambers
Second Floor
200 S. Fourth Street
DeKalb, Illinois 60115

REGULAR CITY COUNCIL MEETING

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PUBLIC PARTICIPATION

E. PRESENTATIONS

1. [DeKalb County Health Department Presentation by Lisa Gonzalez, Public Health Administrator.](#)

F. APPOINTMENTS

1. [Appointment of Patrick Fagan to the Police Pension Board for the Completion of a Two-Year Term through May 31, 2021.](#)

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of February 24, 2020.](#)
2. [Accounts Payable and Payroll through March 9, 2020 in the Amount of \\$3,179,956.76.](#)

H. PUBLIC HEARINGS

None.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

I. CONSIDERATIONS

1. Consideration of Tax Increment Financing (TIF) Support for the Remodeling of Property at 260 E. Lincoln Highway.

City Manager's Summary: The former O'Leary's Restaurant at 260 E. Lincoln Highway closed in November 2018 and has been privately marketed since that time. The building, erected in 1937 by retailer J.C. Penney, was remodeled as a restaurant and bar in the early 2000s and remains in that condition today. Local businessmen Tom Weaver and Ryan Gifford have a contract to purchase the property and convert the premises to a family-oriented restaurant to be known as the "El Jimador Mexican Grill." The contract purchasers are seeking some City TIF assistance to help with the interior and exterior remodeling.

The Proposed Project

The first-floor restaurant area is about 4,870 square feet in area, and the second floor has a banquet area of about 3,800 net square feet. The two floors are accessible and served by a hydraulic elevator. The contract purchasers are focusing their remodeling plans on the first floor and exterior. By "opening up" the first-floor plan they are seeking to add another 35 seats to reach a total of about 185 seats at full capacity on the main floor. They are also interested in continuing the land lease with the City for a 710 square foot portion of adjacent public property on the west side of South Third Street that has been an outdoor dining area since May 2018. The outdoor area has seating for about 40 diners. Architectural renderings of the exterior facades and a revised first floor plan are attached.

At the request of the City administration, the contract purchasers recently submitted an expense sheet for the TIF eligible improvements they propose to make to the property. A copy is attached. The projected total of all TIF-eligible improvements is \$124,100.

The TIF Funding Request

The contract purchase price is \$560,000. Combined with the TIF-eligible expenses of \$124,100, the combined acquisition and remodeling cost is estimated to be \$684,100. The applicants have requested TIF funding in the amount of \$273,640, which is 40% of the overall project costs, including 100% of the acquisition cost.

In evaluating the return on any TIF investment the Council will want to consider the incremental sales and property tax revenues generated from the remodeled restaurant over the standard 20-year life of a "forgivable loan." The property taxes generated by 260 E. Lincoln Highway in 2019 totaled \$10,180 based on an EAV of \$88,960.

A conservative estimate of the building's new EAV after the remodeling investment would be approximately \$150,000 and would generate property taxes at today's rate (11.86 per \$100 EAV) of about \$17,790 per year or an increase of an estimated \$7,610 per year (or an incremental increase of \$152,200 over 20 years).

In addition, gross sales for the presently vacant main floor alone might generate \$1,372,500 per year (average \$25 bill times 180 customers, assuming dinners and lunches, over 305 working days). If the gross sales are multiplied by 4.75% (1% MROT, 1.75% home rule and 2% restaurant/bar) the annual sales and use tax revenues would total \$65,194 per year. Over 20 years, the sales tax return would conservatively total \$1,303,875.

Although land acquisition costs are a TIF-eligible expense, the Council has always been sparing in its inclusion of such costs, considering the theoretical possibility of arrangements between buyer and seller. The applicants have included 100% of the acquisition cost in their calculation of the overall project price. The result is a "forgivable loan" request (\$273,640) that is more than the estimated cost of all the TIF-eligible remodeling improvements (\$124,100).

Three options are offered by the City staff for the Council's consideration:

Option A

- 25% of acquisition cost: \$140,000
- 25% of estimated remodeling cost: \$31,025
- Total: \$171,025

Option B

- 30% of acquisition cost: \$168,000
- 30% of estimated remodeling cost: \$37,230
- Total: \$205,230

Option C

- 40% of acquisition cost: \$224,000
- 40% of estimated remodeling cost: \$49,640
- Total: \$273,640

Recommendation

The City Council and general public are aware that TIF#1 closes at the end of FY2021. After that point, the average amount of annual incremental TIF income that is available for projects will drop from about \$3,750,000 per fiscal year to about \$550,000 per fiscal year, as the much smaller TIF #3 becomes the heart of the City's TIF program. As TIF#1 nears an end, it is important to review the remaining commitments and TIF revenue available for projects such as the proposed O'Leary's remodeling.

The table below shows the commitments and a few question marks for TIF support for private property rehabilitation in FY2020 and FY2021:

FY2020 TIF#3 Projects	Est. \$	FY2021 TIF#3 Projects	Est. \$
Budget	3,778,250	Budget	2,875,000
<i>Private Prop. Rehab</i>		<i>Private Prop. Rehab</i>	
Plaza DeKalb	350,000	Agora Tower	1,375,000
Egyptian	500,000	Other Rehab Projects:	
Agora Tower	1,625,000	The House	?
Former DeKalb Clinic Sewer Relocation	150,000	McCabe's	?
Lovell Tire	142,091	Lord Stanley's	?
Hometown Bar & Grill	150,000	E. Lincoln Highway	?
Balli	216,800	W. Linc: 1 st to Pearl	?
AIP Program	53,250	AIP Program	50,000
Total	3,187,141	Total	1,425,000
Available	591,109	Available	1,450,000
<i>Public Infrastructure</i>		<i>Public Infrastructure</i>	
IL Rt. 38 Downtown	500,000	IL Rt. 38 Downtown	1,500,000
FY2020 TIF#1 Projects		FY2021 TIF#1 Projects	
DeKalb Airport TIP	1,000,000	DeKalb Airport TIP	1,000,000

There is room in the FY2020 TIF #3 Budget for any of the three options described above.

City Council direction is requested. [\(Click here for additional information\)](#)

J. RESOLUTIONS

1. Resolution 2020-019 Authorizing a Pre-Development Agreement with Ventus Tech Services, LLC.

City Manager's Summary: Developer Jerry Krusinski has attracted another high-impact industrial prospect to the Chicago West Business Park and contiguous acreage. Specifically, an internationally renowned knowledge-based company, doing business as Ventus Tech Services, LLC, is considering developing approximately 500 acres south of the Ferrara development on Gurler Road as part of a competitive site selection effort. If the site is chosen, the Company would commit to an initial investment of more than \$800 million to construct an approximately 900,000 square foot facility, with the option to expand thereafter. The skilled workforce will consist of high wage technology professionals.

Assistive services available upon request.

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The attached “Pre-Development Agreement” establishes the DeKalb City Council’s intent to appropriately annex and re-zone 500-acre site, and to extend incentives including a property tax abatement program that is tied to job creation and retention goals, minimum square footage goals, and project wage levels.

Background

Fundamentally, any community’s commitment to industrial development boils down to how that commitment is tangibly delivered. Three key factors are the community’s incentive package; the way it helps its industrial partners navigate relevant regulatory processes and approvals; and the physical infrastructure that will serve business prospects in any prime industrial location.

With respect to location, the site is wholly within Afton Township, and lies very close to the Peace Road and Annie Glidden I-88 interchanges. With respect to relevant incentives, the 500-acre site falls within the DeKalb County Enterprise Zone.

The DeKalb County Enterprise Zone was certified by the Illinois Department of Commerce and Economic Opportunity and authorized to begin operations on January 1, 2016, in accordance with the Illinois Enterprise Zone Act (20 ILCS 655/1 et. seq.). The purpose was to deliver a pre-approved package of local and state incentives in a timely fashion, already vetted by participating local taxing bodies, as new or expanding businesses were performing their own due diligence about the advantages of DeKalb County. The original designating units of government were DeKalb, DeKalb County, the Town of Cortland, Genoa, Sandwich, Sycamore, and Waterman. The allowable land area in this “zone” is 15 square miles for the entire county. Presently, 13.89 square miles of DeKalb County fall within the Enterprise Zone, including the area of interest to the knowledge-based Company south of Gurler Road. Literally thousands of acres identified by participating DeKalb County municipalities are eligible for Enterprise Zone benefits. These parcels do not have to be contiguous.

The DeKalb County Enterprise Zone is generally coordinated by an Advisory Board consisting of the DeKalb County Economic Development Corporation’s executive committee, together with representatives from each participating taxing body. The number of participating local taxing bodies has increased to 25 since 2016.

The administration of the Zone and its relations with businesses and contractors seeking the Zone’s benefits is coordinated by the staff of the DeKalb County Economic Development Corporation, supervised by executive director Paul Borek.

The general benefits offered by the DeKalb County Enterprise Zone are as follows:

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- Property Tax Abatement. Different packages are available, depending upon whether the business is a logistics firm, a manufacturing firm, a knowledge-based firm, a high impact knowledge-based company to be located in the “Interstate Competition Market” (ICM) that lies 3.5 miles on either side of the median of I-88, or a high-impact ICM manufacturing and distribution center. To qualify for a property tax abatement, each category of business must meet differing criteria regarding minimum floor space and minimum job creation, along with starting wage thresholds.

In this instance, according to the most recent revisions to the Enterprise Zone program, in order to receive the pre-approved property tax abatement package the Company must:

- invest a minimum of \$800 million;
- construct at least 900,000 square feet of new building space;
- maintain a level of 95% of its employment target, or see its abatement reduced on a pro rata basis. For example, if employment falls from 95% to 90% of the Company’s target level, then in the following tax year the Company gets only 90% of its abatement. This pro ration would continue until the employment level dropped below 50% of the target, after which no abatement would be authorized in the following tax year, or until the employment level rose above the 50% nadir; and
- pay an average wage that is 160% of the Illinois minimum wage in effect on January 1 of each year.

Additionally, the Company cannot file an objection to its assessments or the Enterprise Zone abatement ends.

The DeKalb County Enterprise Zone also offers the following state incentives:

- State Sales Tax Exemption. Building materials used in new construction are exempt from state and local sales tax. This results in a savings of 6.25% state-wide, and an additional savings in home rule communities like DeKalb which impose a home rule sales tax. The DeKalb home rule tax rate is 1.75%. Items that are permanently affixed to real property such as steel, lumber, plumbing, electrical, HVAC, masonry, glued down carpets, paint, wallpaper, and related items are eligible.
- Investment Tax Credit. An investment tax credit of 0.5% against the Illinois income tax liability is also available for qualifying investments in buildings, structural components, boilers, and computer installations. The credit can be carried forward for up to 5 years if Illinois income tax liability is not present during the initial years of operation.

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- Natural Gas Use Tax Exemption. An exemption exists for “wheeled” or open market natural gas transactions.

On January 13, the City Council approved four ordinances (2020-001; 2020-002; 2020-003; 2020-004) that supported the extension of the DeKalb County Enterprise Zone to the 500-acre site of interest to Ventus Tech Services, and approved the enhanced tax abatement benefits that can be realized by any qualifying high-impact industrial projects within the expanded Enterprise Zone. In the past month, all of the taxing bodies that would levy taxes on the Halverstadt, Wennlund and Faivre parcels identified on the attached map after annexation to the City of DeKalb have agreed to the revised Enterprise Zone package of benefits. These taxing bodies include the following:

- ✓ The City of DeKalb
- ✓ The County of DeKalb
- ✓ The DeKalb County Forest Preserve District
- ✓ Afton Township
- ✓ Afton Township Road & Bridge District
- ✓ Afton-Pierce Multi Township District
- ✓ Kishwaukee College
- ✓ Kishwaukee Water Reclamation District
- ✓ DeKalb Park District
- ✓ DeKalb Public Library

Action Needed

We are still learning details about the number of buildings the Company will likely construct over the next 20 years or more, but based on our conversations with Company representatives and information we have gleaned from our research into similar-sized data centers in the Midwest, we are confident that the complex will be capital-intensive, with per-square-foot construction costs at about \$90 rather than the \$45 typically used for manufacturing businesses. Conservatively speaking, we believe that the combined square footage of the various buildings in the first 20 years would have the option to expand to at least 2,000,000 sq. ft. and could generate an overall EAV of about \$40 million per building. The attached spreadsheet compares the proposed knowledge-based company’s projected property tax generation with that of the top 5 industrial companies long-established in DeKalb (Nestle, Target, 3M, Goodyear, and Panduit). The new Ferrara complex is not included in that spreadsheet. As you can see, the proposed knowledge-based company is projected to yield tax revenue for participating taxing bodies – even with a 55% share of the annual taxes generate – comparable to the five current industrial companies combined over the next 20 years.

Recommendation

Ventus Tech Services is considering developing approximately 500 acres south of the Ferrara development on Gurler Road as part of a competitive site selection effort. If the site is chosen, the Project would commit to:

- An initial capital investment of more than \$800 million;
- The construction of an approximately 900,000 square foot facility, with the option to expand;
- The creation of 50 jobs.

With City Council support for the attached pre-development agreement, the Company can focus on the next legal steps to formally apply for annexation and rezoning of the three large farm parcels on which it hopes to construct a truly transformational campus. The development terms identified in the attached resolution will become a part of the annexation agreement and ordinance. **City Council approval is strongly encouraged.** ([Click here for additional information](#))

2. Resolution 2020-020 Authorizing a Revised Intergovernmental Cooperation Agreement for the Metropolitan Planning Organization in the DeKalb Urbanized Area of DeKalb County, Illinois.

City Manager's Summary: For many years, the City of DeKalb and other local taxing bodies have joined together to plan local, federally funded transportation improvements in line with state and federal laws and procedures. The umbrella for such joint planning and management is generally known as a "metropolitan planning organization" (MPO) and the specific name of the local MPO is DSATS (the DeKalb Sycamore Area Transportation Study). The attached resolution authorizes the Mayor to sign a revised intergovernmental agreement (IGA) that clarifies membership and voting and provides a more readable explanation of the purpose of the IGA. Currently, Mayor Jerry Smith, Council Member Bill Finucane, and City Manager Bill Nicklas are the three authorized DeKalb representatives on the organization's policy committee.

City Council approval is recommended. ([Click here for additional information](#))

3. Resolution 2020-021 Approving a Bar Liquor License for TE & OP LLC, d/b/a Athena's Palace, 1704 Sycamore Road, with Supplemental Licensure for Video Gaming.

City Manager's Summary: The new owners of TE & OP LLC, d/b/a Athena's Palace at 1704 Sycamore Road have submitted a liquor license application, as well as a gaming license application for up to six video gaming terminals. The application has been reviewed and received a positive recommendation from

the Liquor Commissioner and Interim Police Chief, and the owners have successfully completed their background checks.

Upon approval of the liquor license and supplemental gaming license, the City will receive an initial issuance fee of \$10,766, with annual renewal fees of \$2,692. The City will also receive an initial fee of \$500 per video gaming terminal (\$3,000), with annual renewal fees of \$250 per video gaming terminal (\$1,500).

Council approval of the licenses is recommended, subject to the conditions described in the resolution. ([Click here for additional information](#))

4. Resolution 2020-022 Approving a Restaurant/Bar Liquor License for Brinker Restaurant Corporation, d/b/a Chili's Grill & Bar, 2370 Sycamore Road.

City Manager's Summary: Chili's Grill & Bar, located at 2370 Sycamore Road, has applied for a liquor license permitting its use as a Restaurant/Bar establishment under new ownership. Chili's has been in operation at 2370 Sycamore since 2017. Recently, new owners have proposed to purchase the establishment and are seeking a new liquor license, as is required by the City's Municipal Code, Chapter 38, "Intoxicating Liquors." The new owners have successfully completed their background checks, and the business and security plan for the establishment remains unchanged. The facility has completed all conditions precedent to issuance of a liquor license, has obtained a satisfactory Fire-Life Safety inspection, and has received a positive recommendation from the Liquor Commissioner and Interim Chief of Police. The method of operation or liquor service for the new ownership will be identical to the former ownership.

Upon approval of the liquor license, the City will receive an initial issuance fee of \$10,766, with annual renewal fees of \$2,692.

Council approval is recommended, with conditions as described in the resolution. ([Click here for additional information](#))

5. Resolution 2020-023 Authorizing an 18-Month Extension to the Fuel Supply Agreement with World Fuel Services from June 29, 2020 to December 31, 2021.

City Manager's Summary: The Airport Division of the Public Works Department is requesting Council approval to extend the current fuel supplier's branding agreement with World Fuel Services by 18 months. The extension would allow time for the new airport manager and the Airport Advisory Board to evaluate other providers in the region and identify the DeKalb Airport's longer-range needs. It would also align the eventual contract with the City's fiscal year. The

current agreement provides aviation fuel and related services at the DeKalb Taylor Municipal Airport (DTMA).

The current Fuel Supplier's Branding Agreement expires on June 28, 2020. The Airport Board proposed this option for Council consideration at their last regular meeting on Tuesday, February 25, 2020.

City Council approval of the Airport Board's recommendation is requested. ([Click here for additional information](#))

6. Resolution 2020-024 Authorizing the Purchase of One Chevrolet Traverse Transit Staff Support Vehicle Based on the State Bid Contract Pricing in an Amount Not to Exceed \$28,000.

City Manager's Summary: The City's Transit Division staff are seeking authorization to purchase a 2020 Chevrolet Traverse to be utilized as a staff vehicle. The requested vehicle will replace a 2007 Ford Escape Hybrid with approximately 61,000 miles. The FY2020 Adopted Budget funds this purchase with passenger fares from the City's fixed route system in the amount of \$35,000. The purchase price of the 2020 Chevy Traverse through the state bid system is \$27,222. The Transit staff are seeking approval of an expenditure not-to-exceed \$28,000 to account for minor upgrades during the procurement process. The use of bus fare revenue spares the City's general capital funds.

City Council approval is recommended. ([Click here for additional information](#))

7. Resolution 2020-025 Approving a Collective Bargaining Agreement with the DeKalb Fraternal Order of Police, Lodge #115, Illinois Fraternal Order of Police Labor Council for the Period from January 1, 2020 through December 31, 2022.

City Manager's Summary: The current collective bargaining agreement between the City and the Fraternal Order of Police (FOP) expired on December 31, 2019. The process to reach a successor agreement began in September of 2019 when City management and the FOP leadership came together and agreed to engage in a process known as Interest Based Bargaining (IBB). The IBB process is much different than the traditional collective bargaining process in that it eliminates the "us vs. them" mentality and encourages collaboration to resolve issues brought to the table by either or both sides. Weekly IBB sessions resulted in agreement on a variety of issues. By February of 2020, both sides had tentatively agreed on terms for a three-year contract to be retroactive to January 1, 2020. The notable elements of the agreement are as follows:

- The term of the collective bargaining agreement shall extend for three years, from January 1, 2020 through December 31, 2022.

- One-time equity adjustments were made to the wage step schedule to make the City more competitive at the middle and upper ranges of the schedule, while maintaining our competitive advantage vis-à-vis comparable communities at the entry-level steps (Steps A & B).
- Effective January 1, 2020 (retroactive): cost of living increase of 2.5% for Step 3 through Sergeant.
- Effective January 1, 2021: cost of living increase of 2.5% for Step 3 through Sergeant.
- Effective January 1, 2022: cost of living increase of 2.5% for Step 3 through Sergeant.
- Language regarding overtime paid to Officers who begin their shift before their scheduled start time is amended to provide overtime compensation rounded up to the nearest hour (not to exceed two hours) if Officers are ordered to begin their shift before their scheduled shift start time.
- The current health insurance “opt-out” incentive is increased to \$5,000 per year for those opting out of Family/Single +1 coverage, and \$2,500 for those opting out of Single coverage. This option saves the City money: with the overall cost of the City’s family coverage presently at \$29,784.72 and the maximum employee contribution for the same coverage at \$5,956.94 (20%), the savings is obvious.
- Language regarding Fair Share membership is removed pursuant to a 2018 U.S. Supreme Court decision. Language will now indicate that the City and FOP agree to abide by applicable law regarding union membership.
- Vacation time accrual is increased to a maximum of six weeks upon reaching 25 years of service. Current language is five weeks at 18 years of service.
- An addition is made to the Wellness Bonus program to include optional incentives to participate in up to three wellness activities each year, those being a medical wellness visit with a doctor, a mental health check-up with a qualified professional, and passing an annual physical fitness test. All activities are to be completed off-duty at the member’s expense.
- Language is added to provide members with the ability to request that a particular disciplinary action be removed from their personnel file after three years. The Police Chief shall make the determination to remove or not remove, with the ability to appeal the decision to the City Manager.

Lodge #115 members voted unanimously in support of the proposed contract terms outlined above.

City Council approval is recommended. ([Click here for additional information](#))

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

8. Resolution 2020-026 Authorizing an Assignment of Agreement for Legal Services to Donahue & Rose, PC.

City Manager's Summary: On April 22, 2019, the Council approved a legal services contract with Rosenthal, Murphey, Coblentz & Donahue, effective July 1, 2019 and extending through June 30, 2022. Two of the firm's partners, John Donahue and Matthew Rose, have ably delivered the expected services in behalf of the firm.

Mr. Donahue and Mr. Rose have organized a new partnership and are requesting Council approval for the assignment of the essential terms of the current agreement to their new firm, Donahue and Rose, PC, on the same terms and conditions, and for the remainder of the original contract term.

Paragraph 14 of the existing legal services contract permits such an assignment. Messrs. Donahue and Rose wish to begin their new relationship with the City upon Council approval of the attached agreement.

City Council approval is recommended. [\(Click here for additional information\)](#)

9. Resolution 2020-027 Authorizing an Agreement with Fly America for Interim Airport Manager Responsibilities.

City Manager's Summary: As the Council is aware, Tom Cleveland has resigned as Airport Manager, effective February 28, 2020. A search for his successor is currently underway, and an interview team consisting of Airport Board Liaison Tony Faivre, Airport Board members Bob Owens and Melissa Gallagher, Facilities Director Andy Raih, Pilot Bruce Griffith, Human Resources Generalist Michelle Brening, and the City Manager will soon interview finalists for the position.

In the interim before the appointment of a new Airport Manager, the City Manager recommends the assignment of the general Airport operational oversight to the City's Fixed Base Operator, Jeffrey Kohlert, president of Fly America, Inc. The firm has served as the City's fixed base operator for many years and is a natural substitute until the selection process is completed. It is estimated that the new Airport Manager will begin his or her service in less than 60 days.

City Council approval is recommended. [\(Click here for additional information\)](#)

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-013 Publishing the Official Zoning Map of the City of DeKalb.

City Manager's Summary: Pursuant to 65 ILCA 5/11-13-19, the City of DeKalb must annually publish the Official Map of the City. The Official Zoning Map of the City of DeKalb, as of February 21, 2020, is attached to this Ordinance.

City Council approval is recommended. ([Click here for additional information](#))

2. Ordinance 2020-014 Approving a Special Use Permit to Allow for a Drive-Through in Conjunction with a Coffee and Ice Cream Shop to be Located at 1406 Sycamore Road (Jim Mason- JLAR, LLC).

City Manager's Summary: The City's Unified Development ordinance (UDO) requires a special use permit for drive-through services to give the general public an opportunity to learn about, and speak to, certain characteristics of such operations, such as vehicle quays, voice amplification, etc. The proposed drive-through for a new ice cream and coffee shop in a small strip center at 1406 Sycamore Road (several doors down from the former Flappy's restaurant) requires such a public hearing.

The subject site and building are mostly surrounded by commercial uses including a restaurant, a video gaming establishment, cash store, retail uses, business and medical offices, the IL Secretary of State's Motor Vehicle licensing facility, and the Department of Human Services. Single-family residential uses lie further to the east of the site and a small multi-family development is to the northeast of the property. The nearest residential use to the proposed drive-through is approximately 300 feet. There are a total 189 parking spaces in the shopping center and parking is shared between the various parcels with some reserved spaces. Cross easements for ingress and egress and easements for parking exist on the site. Approximately 166 parking spaces are required based upon the parking formulas in the UDO for the various uses.

The UDO requires five (5) stacking spaces for drive-throughs. The proposed drive-through will accommodate five (5) stacking spaces without interfering with the traffic flow or parking for the shopping center. The City staff worked with the applicant to make changes to the site plan to modify the traffic flow in order to accommodate the drive-through.

On February 19, the Planning and Zoning Commission held a public hearing regarding the petition. By a vote of 5 to 0 (Commissioners Buckley and Doe were absent) the Commission recommended approval of a special use permit for a drive-through per the site plan dated February 14, 2020 (see attached).

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

City Council approval of the Planning & Zoning Commission recommendation is requested. ([Click here for additional information](#))

3. Ordinance 2020-015 Approving a Special Use Permit to Allow for a Private Therapeutic Day School to Locate in the Former Chesebro Elementary School Located at 900 E. Garden Street (DeKalb Community Unit School District #428).

City Manager's Summary: DeKalb Community Unit School District #428 wishes to locate a private therapeutic day school in the former Chesebro Elementary School at 900 E. Garden St., which requires a special use permit. The School District intends to lease the building to The Menta Group, which is a non-profit social service organization that serves students with special needs that require varying levels of therapeutic support.

The subject site is zoned "TFR" Two-Family Residential District and a private school is a special use in that zoning district. The Menta Group's therapeutic programs focus on the whole person by integrating academic, social, life skills and transition services. The Menta Group has operated in Illinois for over forty years and operates 15 other facilities in Illinois and eight facilities in Arizona. The School District reached out to The Menta Group to open a school in the DeKalb area for children with disabilities. The School District currently has 36 students in The Menta Group's Aurora facility. The location of a therapeutic day school in the former Chesebro School would allow parents and the school district to have their students closer to home and is a creative re-use of this vacant facility.

The Planning and Zoning Commission held a public hearing regarding the special use petition at their meeting on February 19, 2020. By a vote of 5 to 0 (Commissioners Buckley and Doe were absent), the Commission recommended City Council approval.

City Council approval of the Planning & Zoning Commission recommendation is requested. ([Click here for additional information](#))

4. Ordinance 2020-016 Authorizing Comprehensive Amendments to Chapter 14 "Rooming Houses".

City Manager's Summary: The City of DeKalb has been licensing rooming houses at least since the 1960s. "Rooming houses," per se, are a mixed group of housing structures including fraternities, sororities, large old homes that were converted to multi-family residences in the 1960s and 1970s, and not-for-profits such as Barb City Manor and Safe Passage. These structures have several things in common:

- By lease or other arrangement, they have sleeping accommodations with meals provided for compensation;
- More than three persons not related by blood, marriage, adoption or other means of legal custody live together in a single housekeeping unit.

There are currently 65 licensed rooming houses in the City of DeKalb.

This ordinance is the outcome of ongoing discussions with rooming house owners and managers by the Fire Prevention Lieutenant who performs most of the annual licensing inspections, as well as Fire Chief Jeff McMaster, Chief Building Official Dawn Harper, and other Building department staff who participate in the process on an as-needed basis. By general agreement between the City staff and the owners and managers of the City’s rooming houses, some revisions to the annual inspection schedule and process are in order.

The proposed revisions, and a brief explanation of the reasoning behind them, follow. A redlined copy detailing the specific revisions can be found in the deep background for this agenda item.

- a) The annual schedule will be adjusted with thresholds that permit all parties to work out inspections before students begin their Fall classes, rather than during the Fall semester when sleeping rooms and service facilities are occupied and inhibit efficient inspection. Presently, the City inspectors have to line up inspections when classes are in session, doors are locked, and a variety of personal items may be strewn around a room. All parties have braved their way through this system for decades. The proposed system and the current system are compared in the chart below:

Schedule		
	Current	Proposed
Non-Refundable Renewal Fees Due	July 31	June 1
Renewal Applications Due	July 31	June 1
Inspection Period Begins	September 1	June 1
Inspection Period Ends	November 30	August 15
License Expires	November 30	August 15

- b) There is no change to the license fees, and because the proposed system would overlap the existing system in time, an accommodation will be made so no additional licensing cost is incurred.
- c) There are changes in the schedule of costs for owners or managers who fail to complete any necessary repairs after the third inspection. The table below illustrates that change:

Assistive services available upon request.

Fees		
	Current	Proposed
New License	\$300	\$300
Renewal License (20 or less)	\$150	\$150
Renewal License (21 or more)	\$200	\$200
Third Inspection	\$200	\$200
Fourth Inspection	\$300	\$500
Fifth or Subsequent Inspection	\$400	\$1,000

The higher charges after the third inspection are based on the premise that the owners and managers are supposed to have their houses ready for inspection on the first visit, not the fifth visit. The small staff of City inspectors cannot keep to a fair schedule that matches the convenience of the owners and managers if they have to make four, five or more visits to houses that are chronically late in complying with basic licensing conditions.

- d) The processing of rooming house licenses will be supervised by the Chief Building Official and not the Fire Chief. Most of the routine questions and answers concerning licensing status are presently directed to the Building department, and the Chief Building Official (CBO) is the supervisor of that department. The Fire Prevention Lieutenant, whose supervisor has been and will remain the Fire Chief, can rely on the Building department for administrative support as well as inspection assistance when he needs it. In addition, the collaborative weekly meetings that Dawn Harper has conducted with her inspection staff and the Fire Prevention Lieutenant will continue to bring a more informed and consistent City response. No changes are intended for the Fire Prevention Lieutenant's assignments or duties as defined in the collective bargaining agreement between the City and IAFF Local 1236.

All rooming house license holders were notified of the proposed revisions in late January, and all were invited to attend an informational forum that was held on Thursday, February 13, at 1:00 p.m. in the City Council Chambers.

City Council approval on first reading only is recommended. ([Click here for additional information](#))

M. REPORTS AND COMMUNICATIONS

- 1. Council Member Reports**
- 2. City Clerk Report**
- 3. City Manager Report**

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

N. EXECUTIVE SESSION

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

O. ADJOURNMENT

[FULL AGENDA PACKET](#)

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