



**DEKALB CITY COUNCIL AGENDA  
MARCH 23, 2020  
6:00 P.M.**

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

**REGULAR CITY COUNCIL MEETING**

**Please Note: On March 16, 2020, Illinois Governor JB Pritzker issued executive order 2020-07 which declared that during the duration of the Gubernatorial Disaster Proclamation pertaining to the coronavirus outbreak, “the provisions of the Open Meetings Act, 5 ILCS, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that ‘members of a public body must be physically present’ is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended.” The executive order further states that when a public meeting is considered necessary by the governing body, “public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well as their activities relating to COVID-19.” The City of DeKalb has taken prudent steps to assure that virtual Council member attendance and public access are assured within the intent of the Governor’s executive order.**

- A. CALL TO ORDER AND ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF THE AGENDA**
- D. PUBLIC PARTICIPATION**
- E. PRESENTATIONS**
  - 1. 2020 Census Video.**

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.

## F. APPOINTMENTS

1. **Appointment of Lynn Neely as Chair of the Finance Advisory Committee for a Two-Year Term through December 31, 2022.**
2. [Appointment of Scott Carlson to the Airport Advisory Board for a Four-Year Term through December 31, 2024.](#)

## G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of March 9, 2020.](#)
2. [Accounts Payable and Payroll through March 23, 2020 in the Amount of \\$2,594,465.94.](#)
3. [Investment and Bank Balance Summary through January 2020.](#)
4. [Year-to-Date Revenues and Expenditures through January 2020.](#)
5. [Freedom of Information Act \(FOIA\) Report – February 2020.](#)
6. **Resolution 2020-028 Authorizing the Execution of a Workers' Compensation Lump Sum Petition and Order in the Amount of \$59,354.59 (Eric Blanken).**

City Manager Summary: On January 24, 2018, Eric Blanken was injured while working as a Firefighter with the City's Fire Department. Mr. Blanken underwent medical treatment for this injury.

The City has reached a tentative agreement on a proposed settlement of the Workers' Compensation claims, which is subject to approval by the City Council, and also subject to approval by the Illinois Workers' Compensation Commission Arbitrator.

The proposed settlement contemplates reimbursement for \$56.59 in out of pocket medical expenses and a permanent partial disability payment totaling \$59,298. The settlement also contemplates that future medical treatment would be closed and an agreement to hold Mr. Blanken harmless for any medical bills paid by the City's group medical insurance carrier. In the absence of settling this claim, it is likely to proceed to a contested hearing, with an uncertain outcome and in which the City would incur further defense costs.

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

**H. PUBLIC HEARINGS**

None.

**I. CONSIDERATIONS**

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

City Manager's Summary: On March 9, the City Council considered several options for TIF support for the proposed remodeling of the former O'Leary's Restaurant. Some detailed background was provided for the Council's discussion, including a brief summary of the likely TIF funds available in FY2020 and FY2021, before TIF #1 is terminated on December 31, 2021. This summary is re-printed below:

<b>FY2020 TIF#3 Projects</b>	<b>Est. \$</b>	<b>FY2021 TIF#3 Projects</b>	<b>Est. \$</b>
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 <sup>st</sup> 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
<b>FY2020 TIF#1 Projects</b>		<b>FY2021 TIF#1 Projects</b>	
DeKalb Airport TIP	1,000,000	DeKalb Airport TIP	1,000,000

The three options presented to the Council on March 9 were as follows:

Option A

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

Assistive services available upon request.

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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

In the Council discussion on March 9, there was little support for a forgivable loan that included reimbursement for acquisition costs (the contract purchase price is \$560,000). The applicants had requested \$273,640 which included \$124,100 in TIF-eligible remodeling costs and \$149,540 in acquisition costs.

Some additional options are described below:

Option D: Fund the Estimated TIF-Eligible Remodeling Costs and a Re-Configuration of the Outside Fencing to Widen Pedestrian Passage on the Adjacent Sidewalk – \$129,100.

Option E: Fund the Estimated TIF-Eligible Remodeling Costs Only – \$124,100.

**City Council support for either Option D or Option E is recommended.**

## J. RESOLUTIONS

- 1. Resolution 2020-029 Authorizing a Permanent Bus Stop Easement Agreement with DeKalb 1 Preservation LP in an Amount Not to Exceed \$2,760 for the Purchase of Three Permanent Bus Stop Easements Located within the University Village Subdivision.**

City Manager Summary: As Transit Manager Marcus Cox explains in the attached background memo, the City staff are requesting authorization to enter into an agreement with DeKalb 1 Preservation LP for the purchase of three (3) permanent bus stop easements located within the University Village Subdivision in an amount not to exceed \$2,760. Two of the three easement locations have existing bus shelters; the third location may be used for the future construction and installation of a bus shelter. Federal grant funding provides the support for these easement acquisitions.

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

**2. Resolution 2020-030 Authorizing a Professional Services Agreement with Engineering Enterprises, Inc. for Engineering Design of Lincoln Highway Lane Reconfiguration in an Amount Not to Exceed \$152,500.**

City Manager Summary: The City's FY2020 TIF #3 budget (262-00-00-83900) contains an allocation of up to \$500,000 for capital improvements, including the preliminary engineering, surveying, and utility work associated with the reconfiguration of Lincoln Highway through the downtown from First Street to Fourth Street. The purpose of this reconfiguration is to broaden the sidewalk areas on either side of this corridor to make it more pedestrian friendly and to slow the rush of traffic through a corridor that is intended to be a destination and not a raceway. The concept, which is strongly supported by the Downtown Merchants Association, is to gain sidewalk space by reducing the roadway from four lanes to three lanes, with a middle turn lane. The "eyebrows" at the intersections would be broadened, the parking aisles would be slightly wider, and the sidewalks would be 5 to 6 feet wider, in this concept. A conceptual plan is attached for the Council's review. Special engineering attention will be given to retaining the same underground utility locations to avoid relocation expenses.

The concept has been an ongoing topic of conversation with the Downtown Merchants Association for the past year, and there is strong support for any design which encourages sidewalk sales, shopping, and "hanging out" in the downtown business district.

City Engineer Zac Gill has conducted preliminary discussions with the Illinois Department of Transportation (IDOT), District 3, to gauge their interest. Although the department will be opposed to diagonal parking on this stretch of IL Rt. 38, we are encouraged to proceed to the next step which is to bring more detailed, preliminary drawings and cross-sections that will be reviewed by IDOT prior to any state-level approvals. The attached resolution would provide the funding for such preliminary engineering in the amount of \$152,500. It also includes cost parameters for future construction engineering and project management, if the Council and IDOT concur in a decision to proceed with such a project. Engineering Enterprises is on the City's list of pre-qualified engineering firms.

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

**3. Resolution 2020-031 Authorizing 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 in an Amount Not to Exceed \$200,000.**

City Manager Summary: As City Engineer Zac Gill writes in the attached memorandum, the City has received State and Federal funding approval to initiate improvements to portions of the Peace Road corridor south of IL-38. In

order to qualify for those funds, and to help advance coordination with other agencies and developers, it is necessary for the City to complete a full Phase I and Phase II engineering design for IDOT approval. The physical scope of the project includes the upgrade to the Peace Road and Fairview Drive intersection, widening of the approach legs, and a complete surface overlay from Fairview Drive to IL-38.

The cost of the engineering services is \$200,000 and has been earmarked in the five-year projection of City MFT expenditures. DeKalb County will reimburse approximately 28% of the cost, and 10% will be funded through local development agreements.

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

**4. Resolution 2020-032 Authorizing the Award of Bid to Keycode Media to Provide a Broadcast Center at the DeKalb Public Library in an Amount Not to Exceed \$45,000.**

City Manager's Summary: Barring further restrictions on local enterprise owing to COVID-19, the City plans to move to the new downtown city hall on Friday, April 3. From the earliest Council conversation about this relocation of city hall, the public has known that the future meetings of the Planning & Zoning Commission and City Council will be held in the Yusunas Room of the DeKalb Public Library. In preparation for the first meetings in the Library, additional technical work needs to be done to create a broadcast center in the Yusunas Room. On January 13, the Council approved a relocation budget that included a not-to-exceed allocation of \$65,000 for the audio-visual equipment required to televise its meetings.

The hardware that records and broadcasts the meetings at 200 S. Fourth Street was purchased in 2008. Moving to a new location provides an opportunity to upgrade some of our equipment with equipment now standard in the industry. Such upgrades should provide longevity that small custom solutions don't provide. An RFP was created by Jeremy Alexander, the City's Technical Services Supervisor, to solicit proposals for the design, equipment, installation, and training for the new broadcast center. The RFP was published on the City's website, per the City's purchasing manual. The RFP required the incorporation of some of our existing equipment to provide a broadcast quality consistent with what is currently provided.

Keycode Media was the only company to respond to the RFP. After several conversations between our IT staff and Keycode Media, we were able to agree on a final proposal that uses as much of our existing equipment as possible. In the absence of competing proposals, our staff compared the equipment pricing with online stores and found that Keycode Media's equipment pricing is below retail pricing on all the items listed in their quote. This proposal includes the

new equipment, installation, and training necessary for the establishment of the new broadcast system at the DeKalb Public Library.

The Keycode Media price is \$42,816. The City's IT staff recommend a not-to-exceed total of \$45,000 to allow for unanticipated costs during the installation of the equipment at the Library.

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

## **K. ORDINANCES – SECOND READING**

### **1. Ordinance 2020-016 Authorizing Comprehensive Amendments to Chapter 14 “Rooming Houses”.**

City Manager Summary: At the March 9 City Council meeting, the Council reviewed Chapter 14 amendments that were prepared and recommended by the City's Building Department and shared in detail with the owners and managers of the City's 65 rooming houses. In response to some reasonable suggestions from local realtor Jerry Wahlstrom, the attached revisions have been further amended, with the most recent revisions in “blue” and the original revisions remaining in “red.”

Specifically, upon the thorough review of City Attorney Matt Rose, the zoning references to permitted occupancy levels were made consistent with the pertinent references in the City's Unified Development Ordinance (UDO). For example, in accordance with the UDO, 4 and 5 unrelated persons would be permitted (depending on the geography of the location), rather than 3 and 4.

In addition, the application and inspection periods were slightly adjusted to give owners and managers a few more weeks to meet important deadlines. For example, all repairs and inspections will be wrapped up by August 15, rather than August 1.

**City Council approval on second reading is recommended.** [\(click here for additional information\)](#)

## **L. ORDINANCES – FIRST READING**

### **1. Ordinance 2020-017 Providing Relief Related to Executive Order 2020-07 by Amending Chapter 38 “Intoxicating Liquors” to Add a New Section 38.35 “Provisional Package Liquor License” and Amending Section 38.08 “Term of Licenses and License Fees.**

City Manager Summary: Through a media release issued on March 15, 2020, Governor JB Pritzker took aggressive action to combat the spread of the COVID-19 virus by closing all bars and restaurants in the entire State of Illinois from the close of business on March 16 through Monday, March 30. This

closure order prohibits the serving of food and liquor to customers on the premises but does allow restaurant kitchens to remain open so they can provide pick-up meals, drive-through meals, or deliveries. Further guidance was offered through the Governor's Executive Order 2020-07, issued on March 16.

The full economic impact of this executive order will not be known for many months, but the negative impact on local business owners and their employees – many of whom work part-time without benefits – is very significant, and will increase if and when the closure is extended. Many financial and health experts agree that the scope of the coronavirus or COVID-19 will not be fully demonstrated in Illinois for several months.

Because the local hospitality industry provides hundreds of jobs and supports many DeKalb families, the City Manager recommends a short-term remedy to help sustain many of our local restaurants and their employees. The proposal would only apply to restaurants with state and local liquor licenses to serve alcohol with meals. Under the proposal, the following would be permitted:

- Beer and wine only could be sold with carry-out meals, allowing the customer(s) to be carded on the premises by servers twenty-one (21) years of age or older;
- This provision would not apply to deliveries and drive-through sales, to ensure that the customer's legal age was verified by a trained server.
- The food sold with the beer and wine sales would constitute full meals, and not snacks;
- The Liquor Commissioner would review and approve the applications for such temporary package liquor licenses with the consultation of the City Manager or designee;
- The permission to engage in such package sales would "sunset" on June 30.
- The temporary package license would cost \$250.

Payment of fees on installment plan. The City Manager proposes further relief through an amendment to Section 38.08, which defines the license renewal period and related fees. The City Manager recommends the option of allowing the payment of renewal fees in three installments as opposed to two, as currently defined in the Municipal Code.

There are 14 DeKalb restaurants and bars with liquor licenses expiring on April 30, 2020. Currently the City's Municipal Code allows for the payment of renewal fees in two installments with a \$250 supplemental fee. If businesses choose

the three-installment payment option, the \$250 supplemental fee would be waived. The City staff will keep track of the due date for each installment plan and provide an invoice two weeks prior to the due date. Further, the three-installment payment option would be made available to all liquor license holders through December 31, 2020.

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

- 2. Ordinance 2020-018 Amending Chapter 38 “Intoxicating Liquors”, Section 38.07 “Classifications of Liquor Licenses”, by Adding License Classification “Auditorium”, and Amending Section 38.08 “Term of Licenses and License Fees”.**

City Manager Summary: Egyptian Theatre, Inc. has requested a liquor license for the benefit of their patrons. Currently, the Theatre has to contract with local restaurants with the appropriate liquor and catering licenses to serve alcohol at special events. The proposed revisions to Chapter 38 of the DeKalb Municipal Code would permit the Egyptian to serve alcohol in the same manner as competing venues across Northern Illinois and Chicago, while observing appropriate safeguards for their underaged guests.

City Attorney John Donahue has developed the language of the attached ordinance.

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

- 3. Ordinance 2020-019 Amending Chapter 23 “Unified Development Ordinance” Authorizing Text Amendments to Article 13 “Signs” and Article 18 “Appeals and Variances”.**

City Manager Summary: On February 10, 2020 the Council’s Committee of the Whole discussed proposed amendments to the sign regulations in the Unified Development Ordinance. The Council agreed with the proposed changes and there was a consensus to forward the amendments to the Planning and Zoning Commission where a public hearing would be held.

A hearing was held on March 4 in front of the Commission and, by a vote of 5 to 0 (Chair Maxwell and Commissioner Buckley were absent) the Commission recommended City Council approval of text amendments to Article 13 “Signs” and Article 18 “Appeals and Variances” of the UDO, per Exhibit A in the staff report (see attached). There were no comments from the public during the hearing. The proposed amendments have been shared with the DeKalb Chamber of Commerce, the Government Affairs Director for the Illinois Realtors Association (Northern Illinois Area) and other community business leaders.

The details of the proposed revisions that were presented to the Commission are listed in the background memorandum attached to this Agenda item.

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 and Zoning Commission's recommendation is requested. ([click here for additional information](#))**

**4. Ordinance 2020-020 Approving a Special Use Permit for a Vehicle Tow Facility and Storage Yard Located at 110 Industrial Drive (J&S Tri-State Recovery and Towing).**

City Manager Summary: The property in question formerly housed a sign shop (The Sign Shop of DeKalb). The applicant has submitted a site plan showing the proposed vehicle storage area, which will be mainly south of the existing building. The UDO also requires that junkyards, salvage yards and vehicle wrecking yards have their activities within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater. The UDO also states no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level. Parking will be provided for five vehicles in front of the building, including a handicap space. A total of four parking spaces are required by the UDO based on the number of employees on the maximum shift. The parking spaces will have to be striped and a handicap space added with appropriate signage prior to final occupancy of the towing operation. A total of four tow trucks will be used initially and the applicant is going through the licensing process for towing operations located in Chapter 35, "Towing," of the DeKalb Municipal Code.

In 2009 the City approved a special use permit for Lovett's Towing at 1837 E. Lincoln Highway to allow for an expansion of the existing towing facility. In 2015, the City approved a special use permit for a vehicle tow and storage yard at 1888 State St. (Tri-State Towing). Further details on these Council actions can be found in the attached background memo from Principal Planner Dan Olson. It should be noted that many of the operational conditions approved in the special use permits for Lovett's Towing and Tri-State Towing are included in this special use request.

The Planning and Zoning Commission held a public hearing regarding the petition at their meeting on March 4, 2020. By a vote of 5 to 0 (Chair Maxwell and Commissioner Buckley were absent) the Commission recommended City Council approval of a special use permit for a vehicle tow facility and storage yard to be located at 110 Industrial Drive according to a site plan dated February 25, 2020 and labeled as Exhibit A in the staff report.

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

**5. Ordinance 2020-021 Approving a Special Use Permit for a Drive-Through Restaurant with an Outdoor Seating Area, and Approving a Final Plan for 2411 Sycamore Road (Raising Cane's Chicken Fingers).**

City Manager Summary: The applicant, 2411 Sycamore LLC, is proposing to demolish the former Applebee's Restaurant building at 2411 Sycamore Road to construct a new 3,357 square foot Raising Cane's Chicken Fingers Restaurant with a drive-through and outdoor eating area. Raising Cane's is a fast-food restaurant chain specializing in chicken fingers that is based out of Baton Rouge, Louisiana. The company has about 450 restaurants in 27 states. They have approximately 10 locations in the Chicago area with the closest ones along Randall Road in Batavia and Rt. 59 in Naperville.

The subject property is 1.13 acres and is Lot 1 in the Oakland Place Re-subdivision, which is part of the Oakland Place Planned Development that was approved initially in 1993. The proposed restaurant will contain 95 seats inside and 26 outdoor seats. Access points to the site will be at the same locations for the former Applebee's. Access will be provided at the northeast, northwest and southwest portions of the site but will include additional restrictions for circulation due to the drive-through. The drive-through will have two lanes for ordering and will narrow down to one lane as customers enter the pick-up window. Cross access agreements exist for the shopping center to the west to allow access to the parking along the west side of the site and for the proposed garbage dumpster area. The existing landscaping will be removed along Sycamore Road and the north side of the site and will be replaced with new plantings that meet the requirements of the UDO. The few plantings along the west side of the site will be removed and the existing vegetation and berm along the south end of the property will be maintained. The UDO requires five stacking spaces for drive-throughs and the proposed layout will accommodate the required stacking spaces without interfering with the non-drive through traffic of the restaurant. The proposed building will include brick veneer and dry-vit in earth tone colors, with some wall art similar to their other locations. Roof-top mechanical equipment will be screened according to the UDO requirements. The Final Plan has been reviewed by the City staff and all questions have been adequately addressed.

The applicant is requesting a waiver to the parking requirements. The site plan shows 46 parking spaces and two handicap accessible spaces. According to the UDO regulations for fast food restaurants, 76 parking spaces are required based upon the formula of one parking space for every two seats (121 total seats) plus one space for every employee on the maximum shift (15 employees on maximum shift). The applicant has provided a traffic and parking analysis which indicates the parking demand at another Raising Cane's location in Oak Lawn (3,575 sq. ft.) showed a peak demand of 26 parking spaces although the restaurant had 41 spaces.

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.

The applicant also provided the parking information for their restaurants in Batavia and Naperville.

- Batavia – Randall Road
  - Gross Building Area: 3,343
  - Parking Required per Code: 33
  - Parking Provided/Approved by City: 28
  - Parking Ratio: 8.38 / 1,000 SF
  
- Naperville – Rt. 59
  - Gross Building Area: 3,745 SF
  - Parking Required per Code: 63
  - Parking Provided/Approved by City: 36
  - Parking Ratio: 9.61 / 1,000 SF
  
- DeKalb – Proposed
  - Gross Building Area: 3,357 SF
  - Parking Required per Code: 76
  - Parking Provided: 46 (plus 2 handicap spaces)
  - Parking Ratio: 14.29 / 1,000 SF

The number of parking spaces provided at the Batavia and Naperville locations are less than what is proposed for the DeKalb location. For almost the same sized restaurant the number of parking spaces provided at the Batavia location is 18 fewer spaces than DeKalb. The number of spaces provided at the Naperville location is 12 spaces less than DeKalb although the restaurant is about 390 square feet larger.

Basing the parking formula for fast food restaurants on the number of employees and the number of seats is not the most accurate way to judge the demand for parking, particularly for restaurants that rely heavily on their drive-through traffic. Raising Cane's estimates that 80% of their business is generated by their drive-through traffic. Based on the parking demand data from Raising Cane's locations in Oak Lawn, Batavia, and Naperville, the City staff and the Planning and Zoning Commission support the waiver on the parking requirements.

The Planning and Zoning Commission held a public hearing regarding the petition at their meeting on March 4, 2020. By a vote of 5 to 0 (Chair Maxwell and Commissioner Buckley were absent) the Commission recommended to the City Council approval of a special use permit for a drive-through and outdoor eating area and approval of a final plan for a Raising Cane's Chicken Fingers Restaurant to be located at 2411 Sycamore Road per the site plan dated January 24, 2020 and labeled as Exhibit A of the staff report and per staff comments that were listed in Exhibit B of the staff report.

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

**M. REPORTS AND COMMUNICATIONS**

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

**N. EXECUTIVE SESSION**

**None.**

**O. ADJOURNMENT**

**[FULL AGENDA PACKET](#)**