

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
OCTOBER 9, 2017**

The City Council of DeKalb, Illinois held a Regular meeting on October 9, 2017, in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Smith called the meeting to order at 7:20 p.m.

A. ROLL CALL

City Clerk Herrmann called the roll, and the following members of the City Council were present: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Finance Director Molly Talkington, Police Chief Gene Lowery, Deputy Fire Chief Jim Zarek, Community Development Director Jo Ellen Charlton, Public Works Director Tim Holdeman, Transportation Planner Brian Dickson, and City Clerk Susanna Herrmann.

B. PLEDGE OF ALLEGIANCE

Police Detective Mark Nachman led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA – ADDITIONS / DELETIONS

There were no additions to or deletions from the agenda.

MOTION

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

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

D. PUBLIC HEARINGS

There were none scheduled.

E. SPECIAL ITEMS OR PRESENTATIONS AND CITIZEN'S COMMENTS

1. Special Items

a. Proudly DeKalb

Christine Wang, speaker of the Northern Illinois University (NIU) Student Association, discussed the launch of the #NoShameCampaign and provided a brief background of its development. She stated that the campaign is designed to raise awareness and eliminate the stigma of mental illness, both within the community and nationally. She provided statistical information regarding the many impacts of mental illness and asked Council to sign the #NoShameCampaign pledge to end the silence and stand up for mental health.

Mayor Smith asked Ms. Wang what community agencies she has participated in discussion with, or intends to. She replied that the group is focused on launching the campaign internally at NIU before reaching out to other community organizations. She stated that they intend to reach out to Northwestern Medicine in the near future while they continue to focus on the issue of psychiatric care.

Alderman Noreiko thanked Ms. Wang for her articulate presentation and expressed hope that people listening and watching will take her words to heart.

Police Chief Lowery noted that the Police Department was recently awarded a Department of Justice grant for \$75,000 to begin the process of planning a collaborative law enforcement and mental health response to the behavioral issues presented in the community. He offered to include Ms. Wang, and other members of her group, in discussions relating to mental health services the Police Department will provide.

City Manager Gaura added that she is currently wearing a #NoShameCampaign armband and also encouraged Council to sign the Pledge.

b. Annie Glidden North Revitalization Plan Task Force (the Task Force) Update.

Alderman Finucane provided a brief overview of this item, noting some of the concerns that were mentioned from community members who attended a recent meeting. He reported that approximately 85% of the Task Force members were present at the community meeting and he is working with City staff to improve attendance.

Alderman Jacobson added that there were close to 200 residents at the meeting, and he stated that one of the most notable comments was that "a lot of the people who were at the meeting had been living in those neighborhoods for many years and some of them did not even know their neighbors."

Alderman Jacobson continued, expressing excitement towards the community's engagement in the meeting and commented that the open and honest discussion that took place is necessary in discovering the needs of residents in the Annie Glidden North corridor.

Alderman Finucane clarified that there were no violations of the Open Meetings Act during the conduction of these community meetings.

Alderman Noreiko noted that some residents expressed that there could be value in televising the Task Force meetings.

City Manager Gaura stated that currently, the City does not have the technology to provide off-site televising. She also mentioned that televising these meetings could change the nature of discussion.

2. Presentations

- a. Proclamation: Fire Prevention Week, October 8 - 14, 2017.

Mayor Smith read aloud the proclamation and presented it to Deputy Fire Chief Zarek.

3. Approval of the Mayor's Appointments

There were none.

Mayor Smith noted that there was a vacancy in the Finance Advisory Committee.

4. Public Participation

There was no one registered to speak.

F. CONSENT AGENDA – OMNIBUS VOTE

Mayor Smith read the following items on the Consent Agenda by title only:

1. Approval of City Council Minutes

- a. Minutes of the Committee of the Whole Meeting of September 11, 2017.
b. Minutes of the Regular City Council Meeting of September 11, 2017.

2. Receive & File

- a. Accounts Payable and Payroll through October 9, 2017, in the Amount of \$2,413,462.60.

MOTION

Alderman Fagan motioned to approve the items listed on the Consent Agenda; seconded by Alderman Verbic.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

G. ITEMS FOR SEPARATE ACTION

Alderman Fagan left the dais at 7:45 p.m.

Mayor Smith read the following resolutions by title only:

1. Approval in Omnibus Form of Resolutions 2017-116 (Children's Learning Center, \$10,000); 2017-117 (Elder Care Services, \$5,000); 2017-118 (Hope Haven, \$12,000); 2017-119 (Safe Passage, \$15,000); and 2017-120 Voluntary Action Center, \$18,000), Authorizing Agreements for Community Development Block Grant Year 24 Public Services Funding from April 1, 2017, through March 31, 2018, in the Amount of \$60,000.

MOTION

Alderman Finucane motioned to approve Resolutions 2017-116, 2017-117, 2017-118, 2017-119, and 2017-120; seconded by Alderman Faivre.

Community Development Director Charlton provided an overview of this item, stating that that the CDBG Annual Action Plan use of funds for Program Year 24 included up to \$61,350 for Public Services Funding. She added that the total allocation for Public Services Funding is capped at 15% of the total allocation by U. S. Department of Housing and Urban Development (HUD) regulations and this year the City will allocate \$60,000 to fund these services.

Community Development Director Charlton continued, explaining that grants are awarded to programs that meet HUD eligibility guidelines, address a national objective, and are consistent with local objectives as stated in the Five Year Consolidated Plan 2015-2019. She added that these contracts are being brought forward for Council action approximately seven months later than normal due to the delay in notification of the 2017 CDBG allocation by HUD. She stated that the grant amounts for sub-recipients could not be finalized until confirmation of the annual allocation amount was received and the impact of the late agreements is that payouts for the first two quarters under these agreements will be happening very quickly. She also stated that payments will be processed upon receipt of the quarterly reports and back-up documentation submitted by each agency, which will be reviewed to ensure grant requirements are being met.

Alderman Noreiko noticed that the Children's Learning Center (CLC) and Elder Care Services requested significantly more than the recommended amount and she wondered why those two programs have experienced such a drastic cut in funding. Community Development Director Charlton responded that those two programs had increases in their allocated funding last year.

Alderman Faivre asked Community Development Director Charlton if the City provides additional funds to organizations through the Community Development Fund. Community Development Director Charlton replied that there is nothing restricting community entities from receiving funds outside of the Block Grant.

Discussion ensued between Alderman Faivre and Community Development Director Charlton regarding reporting requirements.

Mayor Smith mentioned that he is required to sign off on any distributions of the Community Block Grant and he is aware of the regulations they carry. He shared his experience with awarding these types of grants.

VOTE

Motion carried on a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Marquardt, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Fagan. Mayor Smith declared the motion passed.

Alderman Fagan returned to the dais at 7:54 p.m.

2. Resolution 2017-121 Authorizing an Intergovernmental Agreement with the Illinois Department of Transportation on Behalf of the DeKalb Sycamore Area Transportation Study for Metropolitan Planning Organization Funding from July 1, 2017, through June 30, 2018, in an Amount Not to Exceed \$266,539.

Mayor Smith read Resolution 2017-121 by title only.

MOTION

Alderman Faivre moved to approve Resolution 2017-121; seconded by Alderman Fagan.

Transportation Planner Dickson provided an overview of this item, stating that the DeKalb Sycamore Area Transportation Study (DSATS) is responsible for prioritizing federal transportation investments in the region, providing policy direction on regional transportation issues, and developing comprehensive transportation plans for the area. He explained that during the formation process, the City agreed to serve as the fiscal agent for DSATS, and as the fiscal agent, the City also designates a City Official as the DSATS Director who oversees all operations of the Metropolitan Planning Organization (MPO). He continued and stated that the DSATS program is entitled to annual allocations of federal planning funds from the Federal Highway Administration (FHWA) and the

Federal Transit Administration (FTA). For State Fiscal Year 2018 (SFY2018), DSATS will receive \$213,231 in federal planning funds for its planning activities and \$53,308 in SFY2018 state grant funds. To access these funds, the DSATS Policy Committee approved a Unified Planning Work Program (UPWP), which describes the activities to be undertaken during the grant period. In SFY2018, DSATS will use these funds to support all required MPO activities including:

- Special studies looking at ways to improve area transportation.
- DSATS area traffic counts.
- DSATS staff salaries.
- All staff activities to support DSATS operations.
- DSATS office expenses.

He added that the Policy Committee, the decision-making body for the DSATS program, approved the final UPWP at its June 14, 2017, meeting and approved the request that the City Council approve this IGA at their September 13, 2017, meeting. He noted that IDOT has been delayed in sending out contracts to grantees due to the implementation of the Grant Accountability and Transparency Act (GATA). He also noted that approval of this contract will occur in October, but any costs incurred since July 1, 2017, in performance of this grant, will be reimbursed. He recommended that Council approve the Resolution and the IGA for the MPO grant funds to be made available for the operation of DSATS from July 1, 2017, through June 30, 2018.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

3. Ordinance 2017-041 Amending Chapter 17 "Administrative Hearing Procedure", by Adding Section 17.08 "Appeal of License Denial", and Section 17.09 "Standards for Consideration of Licensure". (*First Reading*)

Mayor Smith read Ordinance 2017-041 by title only.

MOTION

Alderman Noreiko moved to consider Ordinance 2017-041; seconded by Alderman Faivre.

City Attorney Frieders provided an overview of this item, stating that the proposed Ordinance relates to standards for licensure issued by the City through staff consideration and approval, and provides information relating to the relevant standards of consideration, as well as a process for appeal of denials. He gave a brief background of this item, stating that the City currently has many licenses, permits, and approvals that are granted through staff action, without any consideration by the City Council such as mass gathering permits, solicitor or canvasser permits, outdoor liquor special event permits, and other

similar matters. He stated that in the review of such applications, two considerations have arisen:

- First, as staff completes review, the City does not presently have a list of the factors that are, or should be, evaluated with regard to consideration of approval. Applicants do not have a basis to know what information will be reviewed, or on what basis they will be potentially approved or rejected, other than the (often limited) language of the enabling ordinance creating the permit.
- Second, there have been circumstances where an applicant has been denied a permit and has sought to have some further review or consideration occur. The City does not presently have any mechanism for such review for the vast majority of permits that exist. Some permits have an existing due process procedure. For example, where a building permit is denied, the building code has an express mechanism to appeal that determination. Where a Rooming House license is denied, the applicant has the right to appeal that decision through an administrative hearing. However, most licenses do not have such express appeal processes. This can create conflict with license and permit applicants. Moreover, in reviewing current trends in municipal case law, the absence of any review or appeal process could be considered a potential violation of due process rights of license or permit applicants.

City Attorney Frieders continued, listing the factors considered when issuing or denying licenses:

- Public Safety (information that bears upon public safety relating to the license).
- Compliance with Codes (whether the application and proposed event/activity complies with applicable codes).
- Relevant History (whether this applicant previously conducted similar events, and whether there concerns arising out of those events).
- Criminal History (where a background investigation is required, has it produced evidence of relevant criminal history that bears upon the applicant's ability to perform the duties required if the license were issued).
- Evidence of Judgment, Decision-making or Character (where relevant to the license, has the application process produced evidence suggesting that the applicant lacks proper judgment to undertake tasks requiring significant exercise of judgment).
- Outside Factors (if a mass gathering event is proposed, are there other similar events proposed for the same date and time, and will the City have adequate resources to manage all such events).

- Date, Time, Location and Demand (is the proposed time and location of the licensed activity appropriate, and can the City meet the demand for public services that it will entail).
- Insurance and Security (whether the applicant has proposed to provide any form of insurance, bond or security that may be required to protect public interests or guarantee against damage to public or private property).
- Clarity of Application (whether the applicant has fully described the proposed licensed activity in a fashion that allows its careful consideration).
- Inspection of Premises (whether the City has had access to inspect a given location proposed for licensed activity and whether it is safe for the activity, or whether license approval should be conditioned upon the evaluation or inspection of improvements immediately prior to the activity).
- Degree of Planning and Compliance with Timelines (for complicated or large scale licensed activities, whether the applicant has demonstrated a complete and thoughtful approach to the licensed activity and its planning).
- Public Facility Considerations (whether the proposed licensed activity is likely to have any impact on public facilities, and whether appropriate considerations have been made for the mitigation of such impact).
- Other Relevant Information (whether other situational specific relevant information has been provided, and how such information bears upon the application).

Alderman Noreiko thanked staff for their effort in creating an interactive process for applicants.

City Attorney Frieders added that staff has put forth a significant effort to simplify this process and he explained the reasoning for the rigor in the Municipal Code regarding event licensures and permits.

Mayor Smith mentioned the collaborative effort within the City staff regarding approval of these types of licensures and permits.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

H. NEW OR UNFINISHED BUSINESS

There was none.

I. REPORTS - COMMUNICATIONS

Alderman Finucane reported that NIU held an open house for prospective students that attracted approximately 2,000 visitors to the University's campus. He also commended Police Chief Lowery and the Police Department for their quick response to the shooting that occurred over the weekend. Lastly, he mentioned that the Fire Department is hosting a pancake breakfast on the following Sunday. Deputy Fire Chief Zarek added that the breakfast will take place at Fire Station One.

Alderman Marquardt reported that he will be attending the Fire Department pancake breakfast.

Mayor Smith discussed his dissatisfaction with communications in the City and mentioned that he has asked City Manager Gaura to find a replacement to former Management Analyst Lauren Stott. He mentioned that he has been in touch with staff from NIU regarding a Public Affairs show on the local Channel 14 to update the community on Council and staff activities.

City Attorney Frieders reported that a resident in the Third Ward expressed concern regarding dogs at large in her neighborhood and staff, along with Crime Free Housing, has been working with the resident to address this issue. He urged residents to contact the Police Department if they experience a similar issue, or to call 911 if it is an emergency. He also mentioned that Homecoming weekend was successful with an amazing response from the Police and Fire Departments. He stated that with an influx in visitors to the City there was an increase in calls for public service and both departments did a great job handling those calls. Finally, he informed Council that the administrative staff at the Fire Department, including Fire Chief Hicks, maintain their paramedic licensure, which assisted them in their response to the shooting earlier mentioned by Alderman Finucane.

City Manager Gaura updated Council and the community on her monthly meeting with the NIU Student Leaders Group. She stated that they are currently planning for the next NIU student event which will be in the AGN neighborhood with the topic being revitalization of that area. She added that her goal is to receive additional feedback from NIU students regarding their concerns in reference to the Revitalization Plan. She explained that as an outgrowth of that meeting, she discovered the #NoShameCampaign during discussion with Ms. Wang, who has attended almost all of the Student Leaders Group meetings. During that discussion, City Manager Gaura invited her to the City Council meeting to present the #NoShameCampaign, and extended that invitation to other students as well.

Police Chief Lowery echoed the comments made by City Attorney Frieders regarding NIU's homecoming and discussed a shooting that occurred in the evening on October 8, 2017. He stated that there has been a dramatic increase in gun violence in the City, as well as surrounding communities, despite the decrease in property crimes and other violent offenses.

Finance Director Talkington reported that the Finance Department has been conducting budget reviews with all the other City departments.

Deputy Fire Chief Zarek thanked Council and staff for their performance recognition and also mentioned the upcoming pancake breakfast hosted by the Fire Department.

Community Development Director Charlton mentioned the community meetings regarding the AGN Revitalization Plan and the possible development of early action items that have come out of those discussions.

Public Works Director Holdeman provided an update on current construction projects in the City, beginning with the completion of the Street Maintenance Program. Next, he reported that the water main project is going well and will be completed on schedule. He stated that the Public Works Department has installed water mains in four different projects and are now installing service lines that run from the mains to the houses. He also mentioned the continuation of the Kishwaukee Bike Path project and noted that workers encountered a collection of old sidewalk pieces and broken curb while laying the aggregate. He assured Council that staff is monitoring the additional cost associated with that issue. Finally, he reported that the IDOT construction project on Route 23 will not be completed on schedule and he urged drivers to be patient and to navigate safely.

J. RECESS FOR EXECUTIVE SESSION

1. Approval to Hold an Executive Session to Discuss the Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).
2. Approval to Hold an Executive Session to Discuss Personnel as Provided for in 5 ILCS 120/2(c)(1).

Mayor Smith read the titles above in their entirety.

MOTION

Alderman Verbic moved to hold an Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

Mayor Smith closed the meeting to the public at 8:29 p.m.

Mayor Smith opened the meeting to the public at 10:15 p.m.

K. ADJOURNMENT

MOTION

Alderman Fagan moved to adjourn the Regular Meeting; seconded by Alderman Jacobson.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed and the meeting adjourned at 10:15 p.m.

SUSANNA HERRMANN, City Clerk