

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

The City Council of DeKalb, Illinois held a Regular City Council meeting on January 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 6:01 p.m.

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

Present also were: City Manager Bill Nicklas, Interim Assistant City Manager Ray Munch, Police Chief Gene Lowery, Acting Fire Chief Jeff McMaster, Acting Finance Director Robert Miller, Community Development Director JoEllen Charlton, Principal Planner Dan Olson, and City Attorney Dean Frieders.

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

Alderman Faivre led the Pledge.

C. APPROVAL OF THE AGENDA

MOTION

Alderman Fagan moved to postpone Consent Agenda Items 10, 11, and 12 for consideration on January 28. Alderman Noreiko seconded.

VOTE

Motion to amend was approved on 7-0 roll call vote. Aye: Finucane, Fagan, Noreiko, Verbic, Faivre, Jacobson, Smith. Nay: none.

MOTION

Alderman Finucane moved to approve the agenda as amended. Alderman Fagan seconded.

VOTE

Motion was approved on 7-0 roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Smith. Mayor Smith declared the agenda approved.

D. PUBLIC PARTICIPATION

Michael Embrey spoke about special events and differentiated those that contribute to the local economy. For example, he said parades don't impact the economy because everybody does them, while DeKalb's hosting of Drum & Bugle Corps does. Mr. Embrey listed new and continuing events of major local impact for the coming year.

E. PRESENTATIONS AND CITIZENS' COMMENTS

1. Proudly DeKalb: Recognition of the Annie Glidden North Revitalization Plan Task Force.

City Manager Nicklas and Community Development Director Charlton presented Certificates of Appreciation to Task Force members.

Herb Rubin, chair of the Task Force, summarized the accomplishments and recommended some next steps. He emphasized the long-term nature of the project.

F. APPOINTMENTS

1. Appointment of Joyce Stupegia as Third Ward Alderman Until Her Successor Qualifies and Takes Office.

MOTION

Alderman Noreiko moved to approve the appointment. Alderman Finucane seconded.

Mayor Smith gave a brief comment about Ms. Stupegia's bio, activities, and how the appointment came about.

VOTE

Motion was approved on 7-0 roll call vote. Aye: Noreiko, Verbic, Faivre, Jacobson, Finucane, Fagan, Smith. Nay: none. Mayor Smith declared Ms. Stupegia the new Third Ward Alderman.

Alderman Stupegia immediately took the Oath of Office and was seated on the dais.

G. CONSENT AGENDA

1. Minutes of the Committee of the Whole Meeting of November 26, 2018.
2. Minutes of the Regular City Council Meeting of November 26, 2018.
3. Minutes of the Special Joint City Council and Finance Advisory Committee Meeting of December 4, 2018.
4. Minutes of the Committee of the Whole Meeting of December 10, 2018.

5. Minutes of the Regular City Council Meeting of December 10, 2018.
6. Approval of Executive Session Minutes.
7. Accounts Payable and Payroll through January 14, 2019, in the Amount of \$4,415,565.44.
8. Investment and Bank Balance Summary through October 2018.
9. Year-to-Date Revenues and Expenditures for All Funds through October 2018.
10. ~~Resolution 2019-001 Authorizing an FY2019 Tourism Agreement with the DeKalb County Convention and Visitors Bureau in the Amount of \$50,000 for Tourism Activities Beginning January 1, 2019 through December 31, 2019. *Postponed to January 28 meeting.*~~
11. ~~Resolution 2019-002 Authorizing a Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$45,000 for the Purpose of Facilitating Community Events Beginning January 1, 2019 through December 31, 2019. *Postponed to January 28 meeting*~~
12. ~~Resolution 2019-003 Authorizing a Funding Agreement with the DeKalb County Economic Development Corporation in the Amount of \$45,000 for Economic Development Services Beginning January 1, 2019 through December 31, 2019. *Postponed to January 28 meeting*~~
13. Resolution 2019-004 Authorizing the Staffing of Three Internships and Three Airport Line Service Positions.
14. Resolution 2019-005 Dissolving the Annie Glidden North Revitalization Plan Task Force.

MOTION

Alderman Stuepegia moved to approve the Consent Agenda. Alderman Fagan seconded.

VOTE

Motion was approved on 8-0 roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Smith. Nay: none. Mayor Smith declared the motion carried.

H. PUBLIC HEARINGS

1. Public Hearing for a Substantial Amendment to the Community Development Block Grant (CDBG) Five-Year Consolidated Plan 2015 - 2019 and Amendment of the 2018 CDBG Annual Action Plan (One Year Use of Funds).

Mayor Smith opened the public hearing at 6:28 p.m. and read the title of the hearing.

City Manager Nicklas explained a one-year amendment to the Five-Year Consolidated Plan would authorize use of federal funds for badly needed sidewalk replacement on Harvey, Tyler, and Charter streets, and for a proposed demolition line item. Another amendment raises the loan limit of the private property rehab program from \$5,000 to \$15,000 where a loan up to \$5,000 would be forgivable, while a loan from \$5,001 to \$15,000 would be secured by a lien on the property. The City has satisfied all public comment requirements on the amendments, he said.

After ascertaining there was no one else who wanted to speak on this subject, Mayor Smith closed the hearing 6:32 p.m.

I. CONSIDERATIONS

There were none.

J. RESOLUTIONS

1. Resolution 2019-006 Approving an Employment Agreement for the City Manager.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the contract. Alderman Fagan seconded.

VOTE

Motion was approved on 8-0 roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Smith. Nay: none. Mayor Smith declared the motion carried.

2. Resolution 2019-007 Authorizing a Retail Tobacco Store License for Aroma's, Inc., 811 W. Lincoln Highway.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to pass the resolution. Alderman Faivre seconded.

VOTE

Motion was approved on 8-0 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed.

3. Resolution 2019-008 Concurrence and Support for a Permit from the Illinois Department of Transportation Authorizing Pizza Hut to Proceed with Work to Reconstruct the Commercial Entrance on 701 W. Lincoln Highway.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to pass the resolution. Alderman Noreiko seconded.

VOTE

Motion was approved on 8-0 roll call vote. Aye: Finucane, Stuepegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Smith. Nay: none. Mayor Smith declared the resolution passed.

4. Resolution 2019-009 Approving a Substantial Amendment to the Community Development Block Grant Five-Year Consolidated Plan 2015-2019 and an Amendment to the Community Development Block Grant Annual Action Plan (One Year Use of Funds) for Program Year 25 (April 1, 2018 - March 31, 2019).

Mayor Smith read the resolution by title only. (See Item H above for more information.)

MOTION

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

VOTE

Motion was approved on 8-0 roll call vote. Aye: Stuepegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none.

5. Resolution 2019-010 Authorizing the City Manager to Approve or Ratify a Tax Increment Financing District Audit Agreement and Related Agreements within Budgeted Sums.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas said he was recommending himself for this role as a practical matter following Council's pledge to commit funding to support a forensic audit of TIF funds that would be overseen by the DeKalb State's Attorney.

VOTE

Motion was approved 8-0 on roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Stuepegia, Smith. Nay: none. Mayor Smith declared the motion passed.

6. Resolution 2019-011 Authorizing a Settlement Agreement with Molly Talkington.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas highlighted payments for salary, health insurance, car allowance, and accrued benefit time contained in the agreement. The City would also issue a letter of reference. He said once the agreement is approved, Ms. Talkington would voluntarily withdraw Equal Employment Opportunity Commission (EEOC) charges and would no longer be employed by the City.

VOTE

Motion was approved 6-0-2 on roll call vote. Aye: Noreiko, Verbic, Faivre, Finucane, Fagan, Smith. Nay: none. Absent: Jacobson (recusal), Stuepegia (abstention). Mayor Smith declared the motion carried.

K. ORDINANCES

1. Ordinance 2019-001 Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by Any Other Method (421 Grove Street). (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas explained this is the last step in obtaining an Environmental Protection Agency (EPA) letter saying no further soil remediation is required at the site.

VOTE

Motion was approved 8-0 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Smith. Nay: none.

MOTION

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

VOTE

Motion was approved 8-0 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Smith. Nay: none.

2. Ordinance 2019-002 Authorizing a Zoning Map Amendment from the "HI" Heavy Industrial District to the "PD-I" Planned Development – Industrial District and Approval of a Planned Development Preliminary Plan for a Community Solar Garden to be Located Along the North Side of Gurler Road, Approximately 500 feet East of South First Street (SunVest Solar Inc.). (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Stupegia moved to approve first reading. Alderman Noreiko seconded.

City Manager Nicklas gave an overview of the project. He noted a letter of credit has been added to conditions for approval and Planning & Zoning Commission recommended approval as well.

Alderman Noreiko asked if having a second solar project within a short time period is a reason for concern. Principal Planner Olson said there are several solar projects in process in the County, but not in the City at this time.

Planner Olson said applicant was requesting waiver of second reading and approval that evening. Alderman Fagan said he'd prefer not to waive second reading to give people in the neighborhood more time to find out about it and comment.

VOTE

Motion was approved on 8-0 on roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed.

3. Ordinance 2019-003 Authorizing Amendments to Ordinances 1998-037 and 1998-038 to Allow for Additions and Renovations to the DeKalb County Rehab and Nursing Center, 2600 N. Annie Glidden Road. (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas gave an overview of the project and noted Planning & Zoning Commission unanimously recommended approval. He requested waiver of second reading.

VOTE

Motion was approved 8-0 on roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Smith. Nay: none.

MOTION

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

VOTE

Motion was approved 8-0 on roll call vote. Aye: Stupegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Mayor Smith declared the ordinance passed.

4. Ordinance 2019-004 Authorizing Amendments to Ordinances 2002-045 and 2002-046 to Add Permitted and Special Uses, Amend the Sign Regulations and Approve a Plat of Resubdivision for the Northland Plaza Shopping Center - Sycamore Road. (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas gave an overview of the proposed amendments. He observed Planning & Zoning Commission recommended approval unanimously.

VOTE

Motion was approved 8-0 on roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Stupegia, Smith. Nay: none. Mayor Smith declared the motion passed.

MOTION

Alderman Verbic moved to waive second reading and approve. Alderman Finucane seconded.

VOTE

Motion was approved on 8-0 roll call vote. Aye: Noreiko, Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Smith. Nay: none.

5. Ordinance 2019-005 Authorizing a Special Use Permit for a Vehicle Service Facility at 1806 Sycamore Road. (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

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

City Manager Nicklas summarized the conditions and said Planning & Zoning Commission did recommend approval. He said Steve Irving, potential business neighbor of the petitioner, does not oppose the special use but did ask that no more than five inoperable vehicles be parked on the site overnight, and all repairs conducted indoors.

Alderman Stuepegia asked about provision to ensure the inoperable cars would not be left long term. City Manager Nicklas said the limit is not more than 10 days. Alderman Stuepegia then asked about wording to permit no more than one unlicensed vehicle could be stored overnight; Principal Planner Olson said it was not included, but petitioner told Planning & Zoning they did not expect to bring unlicensed vehicles to the site.

Alderman Stuepegia moved to amend the ordinance by adding “no unlicensed vehicles.” Alderman Verbic seconded.

VOTE

Motion was approved on 6-2 roll call vote. Aye: Verbic, Jacobson, Stuepegia, Fagan, Noreiko, Smith. Nay: Faivre, Finucane.

VOTE

Motion to approve first reading as amended was approved 8-0 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Verbic, Smith. Nay: none. Mayor Smith declared to motion passed.

MOTION

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

VOTE

Motion was approved 8-0 on roll call vote. Aye: Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none.

L. REPORTS AND COMMUNICATIONS

Aldermen Finucane, Fagan, and Noreiko welcomed the new City Manager and Third Ward Alderman. Alderman Noreiko additionally thanked the Annie Glidden North Task Force for its work, and Alderman Fagan noted the unusually early hour that Council was wrapping up the meeting.

Alderman Stupegia thanked Mayor and Council for her appointment.

Alderman Faivre reported a close call and cautioned drivers to watch for deer in early morning hours in winter.

Mayor Smith observed efforts to shorten meeting times; the utility of the City Manager's agenda summaries and his desire to speak to agenda items when up to speed.

City Clerk Fazekas announced the addition of released executive session meeting minutes to the Clerk's page at the City's website, and credited Deputy Clerk Ruth Scott on the achievement.

City Manager Nicklas thanked Mayor, Council, and professional staff for their support. He extended special thanks to Ray Munch for his service to the City.

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

No executive session occurred during this meeting.

N. ADJOURNMENT

MOTION

Alderman Verbic moved to adjourn the Regular Meeting at 7:26 p.m. Alderman Stupegia seconded.

VOTE

Motion was approved by majority voice vote. Mayor Smith declared the meeting adjourned at 7:26 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: January 28, 2019.