

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
JULY 22, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on July 22, 2019, in the City Council Chambers of the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois.

**A. CALL TO ORDER AND ROLL CALL**

Mayor Smith called the meeting to order at 6:00 p.m.

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

Alderman Morris arrived 6:02 p.m.

Staff present included: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney John Donahue, and Transit Manager Marcus Cox.

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

Mayor Smith led the Pledge.

**C. APPROVAL OF THE AGENDA**

Mayor Smith asked for additions or deletions to the agenda. None were offered.

**MOTION**

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

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the agenda approved as presented.

**D. PUBLIC PARTICIPATION**

There was no public participation at this point in the meeting.

**E. PRESENTATIONS**

1. RAMP FY2019 Human Services Funding Report by Development Director Amy Morris.

Brooke Shriver made the report for Amy Morris, who could not attend. Ms. Shriver described a new program at RAMP Center for Independent Living called Project SEARCH, an internship program that involves high school students with disabilities learning competitive job skills.

**F. APPOINTMENTS**

There were none.

**G. CONSENT AGENDA**

1. Minutes of the Committee of the Whole Meeting of July 8, 2019.
2. Minutes of the Regular City Council Meeting of July 8, 2019.
3. Accounts Payable and Payroll through July 22, 2019, in the Amount of \$2,095,883.33.
4. Investment and Bank Balance Summary through May 2019.
5. Year-to-Date Revenues and Expenditures through May 2019.
6. Freedom of Information Act (FOIA) Report – June 2019.
7. FY2019 Human Services Funding Second Quarter Report.
8. Resolution 2019-113 Authorizing an Agreement with the DeKalb Community Unit School District No. 428 to Provide Emergency Medical Services for DeKalb High School Home Football Games for the 2019-2020 School Year.
9. Resolution 2019-114 Seeking Permission to Regulate Traffic on Illinois Route 38 Between First Street and Tenth Street, and the Intersection of Illinois Route 23 and Illinois Route 38 on Friday, July 26, 2019 from 6:00 p.m. to 9:00 p.m. for the Purpose of Holding the Kishwaukee Festival Parade, and Authorizing a Special Event Agreement for the Kishwaukee Festival.

Mayor Smith asked if anyone wanted to remove an item. No one made such a request. The Mayor then read each item on the consent agenda.

MOTION

Alderman Faivre moved to approve the consent agenda. Alderman Morris seconded.

## VOTE

Motion carried on 8-0 roll call vote. Aye: Smith, Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the consent agenda approved as presented.

## H. PUBLIC HEARINGS

1. Public Hearing Concerning Amendments to the Annexation and Development Agreements for Park 88.

Mayor Smith opened the hearing at 6:10 p.m.

After ascertaining no one wished to speak, Mayor Smith closed the hearing at 6:11 p.m.

## I. CONSIDERATIONS

1. Second Consideration of the Alulu Brewing Proposal.

Alderman Morris declared she has no personal interest in the endeavor and will not in the future.

Resident Steve Kapitan said he felt the brew pub would be a good addition to downtown, but the tax increment financing (TIF) request is too much. He also said he would like the purchase price of the property to be excluded from the TIF request, noting a "TIF effect" on the purchase price; i.e., tendency to inflate the sales price based on expectation of TIF subsidies from the city for redevelopment.

Several Council members said the reworked TIF request was still too high as a percentage of eligible project costs and supported a subsidy in the 25% to 30% range. However, others expressed disappointment that the rooftop venue had been removed from the proposal since the last discussion, calling it a unique feature and saying they would support a higher TIF subsidy if it were put back in. Discussion of a compromise TIF funding cap of 37.5% occurred.

Expected return on investment (ROI) was also discussed, specifically the risks of not meeting ROI over the time frame versus the risks of leaving a downtown building vacant.

Mayor Smith summarized that Council likes the proposal, and said if the principals would continue to work with the City Manager on the proposal, Council would have them back again to consider it further.

## 2. Sale of Beer and Wine at Convenience and Food/Fuel Establishments.

Mayor Smith stated that people have asked about this possibility in the past, but the previous Council was not interested in making changes. However, there are three new Council members who may see things differently, he said, and he commented that nearby communities allow it.

Louis Schoenberg, owner of American Liquors, said the system has been degraded over the years with the lifting of limits on licenses and allowing grocery stores to get licenses. Mr. Schoenberg also brought up concerns about public safety and said several neighboring communities that allow gas station/convenience store licenses no longer have independent liquor stores.

Resident Steve Kapitan said he does not have a strong view either way on adding these liquor licenses, but adamantly opposes adding gaming to these stores if the measure passes.

Council members either opposed or questioned the new license designation for the following reasons:

- Creation of a new threat to small businesses in DeKalb.
- The problem of liquor code compliance enforcement because of the potential addition of up to 15 stores obtaining these licenses.
- Problems with enforcement of code with the way these stores are staffed.
- The opinion nobody has to go far to buy alcohol in DeKalb.

Mayor Smith declared Council consensus to maintain the status quo.

## **J. RESOLUTIONS**

1. Resolution 2019-115 Approving an Amended Transit Services Agreement to Allow for the Transfer of Two Bus Routes from City of DeKalb (Urban) Funding to DeKalb County (Rural) Funding.

Mayor Smith read the resolution by title only.

### **MOTION**

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

City Manager Nicklas said the shift of funding source will save \$150,000.

Alderman Smith left the room and returned following the vote.

## VOTE

Motion carried 7-0-1 on roll call vote. Aye: Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Absent: Smith. Mayor Smith declared the resolution passed.

2. Resolution 2019-116 Authorizing the Adoption of the City of DeKalb, Illinois Transportation Title VI Program and Authorizing the City Manager to Approve Amendments to the Program to Satisfy Requirements of the Federal Transit Administration.

Mayor Smith read the resolution by title only.

## MOTION

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

## VOTE

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Fagan, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

3. Resolution 2019-117 Authorizing an Intergovernmental Agreement with the DeKalb Public Library for the Use of Meeting Space in the Library Building Located at 309 Oak Street.

Mayor Smith read the resolution by title only.

## MOTION

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

Resident Steve Kapitan said he does not see this as a long-term solution. He said installing TV equipment has a cost and asked what happens if the arrangement doesn't work out. He also asked if there was a cost involved for after-hours use of these spaces.

City Manager Nicklas responded there will be no cost for Council or Planning & Zoning Commission meetings, and he confirmed the City could not move the TV equipment once installed.

Council members considered questions about logistics of other meetings, for example where administrative hearings, ward meetings, and impromptu meetings could be held.

Alderman Smith said he has located a 2003 study that estimated \$1.8 million would be required to renovate HVAC plus remodeling costs. He said he will publish the study.

#### VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Fagan, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

4. Resolution 2019-118 Approving a Bar Liquor License with Supplemental Licensure for Five Video Gaming Terminals for Spahiu Gaming LLC, d/b/a Chip's, 122 E. Hillcrest Drive.

Mayor Smith read the resolution by title only.

#### MOTION

Alderman Finucane read the resolution by title only. Alderman Smith seconded.

#### VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, Fagan, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

### **K. ORDINANCES – SECOND READING**

There were none.

### **L. ORDINANCES – FIRST READING**

1. Ordinance 2019-051 Amending Chapter 38 "Intoxicating Liquors", Section 38.27(c) "Gambling Devices" as it Pertains to the Number of Gambling Devices Allowed per Establishment.

Mayor Smith read the ordinance by title only.

#### MOTION

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

Resident Steve Kapitan said strip mall casinos do not draw from outside the community. He said gambling has greatly expanded in this state and the City should consider limits.

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared passage of first reading.

MOTION

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

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the ordinance approved.

2. Ordinance 2019-052 Authorizing an Amendment to the Annexation and Development Agreement for Park 88 to Accommodate Future Growth, Rezoning from "SFR1" Single-Family Residential to "PD-I" Planned Development Industrial and "PD-C" Planned Development Commercial (Park 88 Group, LLC).

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared passage of first reading.

MOTION

Alderman Finucane moved to waive second reading and pass the ordinance. Alderman Verbic seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Fagan, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

3. Ordinance 2019-053 Requesting the Transfer of Property (164 E. Lincoln Highway) from the DeKalb Park District and Approving an Intergovernmental Agreement for the Transfer of Said Property.

Mayor Smith read the ordinance by title only.

#### MOTION

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

City Manager Nicklas highlighted some of the terms of the agreement, including addressing Park District's desire that the City maintain the general historical character of the building.

Resident Steve Kapitan expressed the opinion that the City has not justified the move. He said he does not see it as a feasible move to make for City operations in the long term, based on the size and condition of the building, and he doesn't think it's a good idea to separate Council meetings from the city hall.

#### VOTE

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Fagan, Mayor Smith. Nay: none. Mayor Smith declared passage of first reading.

#### MOTION

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

#### VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Fagan, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

### **M. REPORTS AND COMMUNICATIONS**

#### 1. Council Member Reports

Alderman Morris gave a brief update on recovery efforts following two fires in her ward.

Mayor Smith announced an upcoming event in Huntley Park by the 350Kishwaukee environmental organization, which would include electric and electric-assist vehicles.



2. City Clerk Report

City Clerk Fazekas presented no report.

3. City Manager Report

City Manager Nicklas presented no report.

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

1. Personnel as Provided for in 5 ILCS 120/2(c)(1); and

2. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

Mayor Smith read the items under consideration for authorization of an executive session.

**MOTION**

Alderman Morris moved to approve the request to recess for executive session. Alderman Faivre seconded.

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, Fagan, McAdams, Verbic, Mayor Smith. Nay: none. Mayor Smith declared a recess for executive session at 7:47 p.m.

**O. ADJOURNMENT**

**MOTION**

Upon return to the Regular Meeting at 9:10 p.m. following Executive Session, Alderman Finucane moved to adjourn the Regular Meeting. Alderman Verbic seconded.

**VOTE**

Motion was approved on majority voice vote. Mayor Smith declared the Regular Meeting adjourned at 9:11 p.m.

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**LYNN A. FAZEKAS**, City Clerk

Approved by City Council: August 12, 2019.