

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
AUGUST 10, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on August 10, 2020, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Smith called the meeting to order at 6:24 p.m. He announced the city clerk was attending remotely.

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

Staff present included: City Manager Bill Nicklas, Management Analyst Jason Blumenthal, Transit Coordinator Marcus Cox, and City Attorney John Donahue.

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 and deletions to the agenda. None were offered.

MOTION

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

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared approval of the agenda.

D. PUBLIC PARTICIPATION

There was none.

E. PRESENTATIONS

1. Proclamation: Bicycle Friendly Community, August 10, 2020.

Mayor Smith read the proclamation and presented it to Management Analyst Blumenthal as staff liaison to the Citizens Environmental Commission.

Mayor Smith also commended Alderman Finucane for his activities in support of a bicycle-friendly DeKalb.

F. APPOINTMENTS

1. Appointment of Kathleen Clark to the Citizens' Environmental Commission for the Completion of a Two-Year Term through December 31, 2021.
2. Appointment of Lance McGill to the Finance Advisory Committee for the Completion of a Four-Year Term through December 31, 2023.
3. Appointment of Dytania Washington to the Finance Advisory Committee for the Completion of a Four-Year Term through December 31, 2023.
4. Appointment of Bill McMahon to the Planning and Zoning Commission for the Completion of a Four-Year Term through December 31, 2024.
5. Reappointment of Marilyn Cleland to the DeKalb Public Library Board for the Completion of a Three-Year Term through June 30, 2023.
6. Reappointment of Joan Burger to the DeKalb Public Library Board for the Completion of a Three-Year Term through June 30, 2023.
7. Reappointment of Leslie Metz to the DeKalb Public Library Board for the Completion of a Three-Year Term through June 30, 2023.

Mayor Smith requested an omnibus vote on the appointments. There was no objection. He read each of the appointments listed.

MOTION

Alderman Morris moved to approve the appointments. Alderman McAdams seconded.

VOTE

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

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of July 27, 2020.

2. Minutes of the Joint Review Board of January 24, 2020.
3. Minutes of the Joint Review Board of June 26, 2020.
4. Accounts Payable and Payroll through July 27, 2020, in the Amount of \$1,686,452.17.

Mayor Smith read each item of the consent agenda.

MOTION

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

VOTE

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared passage of the consent agenda.

H. PUBLIC HEARINGS

1. Public Hearing: First Amendment to the Amended and Restated Park 88 Development Agreement to Remove a 3.3 Acre "Public Use" Site in the Park 88 Development Located Along Macom Drive.

Mayor Smith read the subject of the hearing and opened the hearing at 6:35 p.m.

City Manager Nicklas said an ordinance to amend the Park 88 agreement would be presented for first reading later in the meeting. He explained the original 2004 agreement set aside the site for an unspecified City purpose. The City never came up with a plan for the space and now there is interest in developing an adjacent parcel.

Mayor Smith ascertained no one else wished to speak to this subject and closed the hearing at 6:37 p.m.

I. CONSIDERATIONS

1. Creating a New Liquor License Category "Laundromats".

Sarah Whiting represented the South 4th Street Mega Grande Laundromat in explaining that the gaming idea was original to the 2015 plan for the laundromat, though the space has been used for lounging instead. She showed the layout the business owner wants to devote to liquor sales and gaming, along with photos of the space. She said only beer and wine would be served there, and only in the game room.

Council members asked questions about the proposed setup and procedures. Owner James Mason, who was also present, answered some of the questions.

The business in the Fifth Ward and Alderman McAdams reported constituents are okay with gaming but not the serving of liquor.

Alderman Faivre said he is opposed to gaming but not to the liquor license.

Alderman Verbic said gaming could constitute a complementary income for many businesses and he noted DeKalb currently is on the low end of fees it charges for it.

Following discussion, Mayor Smith said there is enough interest for staff to bring back a formal proposal.

2. Temporary Fixed Route Service Reduction within the DeKalb Urbanized Area.

It was explained that the transport operator, Transdev Services, Inc., is having difficulty maintaining staffing levels under current conditions. Transit director Cox said an ongoing shortage of commercial driver's license (CDL) holders, which makes it difficult to meet demand, is now coupled with steep decreases in ridership attributed to responses to COVID-19 pandemic. He said it is also difficult to tell how the situation might change in a month.

Alderman Smith expressed concern about changing the terms of the contract, but he and Alderman Finucane generated examples of other potential adjustments to service that might be considered also.

Consensus was to discuss the situation further and to bring Transdev into the discussion.

J. RESOLUTIONS

1. Resolution 2020-087 Authorizing Payment to Irving Construction Company, Inc. in the Amount of \$45,000 for the Concrete Reconstruction of Palmer Court in Conjunction with the Egyptian Theatre Renovation Project.

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: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

2. Resolution 2020-088 Authorizing an Expenditure from the Local Allocation of REBUILD IL Bond Revenues for Bridge Replacement Engineering in the Amount of \$650,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to approve the resolution. Alderman Smith seconded.

VOTE

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

3. Resolution 2020-089 Approving a Settlement Agreement and the Acceptance of a Deed in Lieu of Foreclosure for 1015 Blackhawk Drive (Campus Cinema).

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

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

4. Resolution 2020-090 Authorizing a Bar/Hospitality Liquor License for El Jimador Mexican Grill, LLC, Located at 260 E. Lincoln Highway.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Morris, Finucane, Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: none.

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-050 Amending Chapter 4 “Police Department”, Section 4.13 “Police Pension Board,” as it Pertains to the Residency of Members of the Police Pension Board Appointed by the Mayor.

Mayor Smith read the ordinance by title only.

MOTION

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

Mayor Smith said it had come to his attention that Joyce Stupegia, who has served on the board in the past, and whom he would like to appoint again, no longer lives in DeKalb. He said she does intend to move back when possible, and he noted the position requires training and considerable knowledge.

Several Council members expressed a strong preference for residents to serve on the board but were open to discussing a deadline for a move back to DeKalb.

MOTION

Alderman Verbic moved to amend the ordinance to add a six-month time limit for attaining DeKalb residency. Alderman Morris seconded.

Alderman Finucane suggested the language specify the deadline as the first Council meeting in May.

MOTION

Alderman Morris moved to change the language to add “that Joyce Stupegia be appointed to the Police Pension Board provided she move back into the City limits by the City Council meeting of May 2021.” Alderman Verbic seconded.

VOTE

Motion to amend deadline carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none.

VOTE

Original motion as amended carried 7-1 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: Finucane.

City Attorney Donahue said staff will bring back the ordinance on second reading with the appropriate verbiage.

2. Ordinance 2020-051 Amending Chapter 8 “City Officials and Employees Ethics Act” as it Pertains to the Workplace Transparency Act.

Mayor Smith read the ordinance by title only.

MOTION

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

There was general support among Council members for the ordinance but extensive procedural discussion about how a complaint of sexual harassment by an elected official against another elected official should be handled when it comes to who takes the complaint internally and makes a referral to a third party.

City Attorney Donahue said, in the absence of independent investigators, an independent third party is recommended. He gave the City’s labor attorney as an example.

There was little agreement as to who should take the initial complaint. Suggestions included the city manager (as ethics advisor), mayor (as backup to the city manager), city attorney, or human resources staff member.

Alderman Morris said she was going to insist there be two options for initial contact for lodging a complaint, ideally of different genders. She also suggested the option of making a 100% private report.

Alderman Perkins suggested the City benchmark the procedure to other communities.

City Attorney Donahue recommended Council not pass first reading yet.

MOTION

Alderman Finucane moved to postpone passage to the next regular council meeting. Alderman Perkins seconded.

VOTE

Motion to postpone carried 8-0 on roll call vote. Aye: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared?

3. Ordinance 2020-052 Amending Chapter 52 “Offenses Against Public Peace – Safety and Morals” by Adding Section 52.05 “Criminal Housing Management.”

Mayor Smith read the ordinance by title only.

MOTION

Alderman Morris moved to pass first reading. Alderman McAdams seconded.

City Manager Nicklas said DeKalb Area Rental Association (DARA) is supportive of the general concept but would like to see details worked out with fines and how they are applied.

VOTE

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

4. Ordinance 2020-053 Approving a First Amendment to the Amended and Restated Park 88 Development Agreement to Remove a 3.3 Acre "Public Use" Site in the Park 88 Development Located Along Macom Drive.

Mayor Smith read the ordinance by title only.

MOTION

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

VOTE

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

MOTION

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

VOTE

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

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Finucane congratulated NIU for leading the closure of fall sports due to the pandemic.

Alderman Smith announced a meeting of the Third Ward scheduled for August 19.

Alderman McAdams said he would like to talk about banning the display of the confederate flag.

Alderman Faivre commented on DeKalb's "bike friendliness," but also pedestrian- and runner-friendliness, too.

Mayor Smith read an article commenting on NIU's leadership in postponing fall football.

2. City Clerk Report

City Clerk Fazekas announced the handbook for local elected officials for the April 6, 2021 Consolidated Elections has been published by the Illinois State Board of Elections and the candidate's guide would be available soon. She urged prospective local candidates to check the county clerk's website for additional information.

3. City Manager Report

City Manager Nicklas announced a special joint meeting of Council and Finance Advisory Committee for the following Monday.

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

No executive session was authorized during this meeting.

O. ADJOURNMENT

MOTION

Alderman Finucane moved to adjourn at 8:12 p.m. Alderman Morris seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared adjournment at 8:12 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council on August 24, 2020.

