

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, JANUARY 22, 2013**

I. CALL TO ORDER

The Mayor called the January 22, 2013, Regular and Committee of the Whole Meeting of the City Council to order at 7:00 P.M.

II. ROLL CALL

Roll call indicated the following Aldermen were in attendance:

Present: Durham, Sarallo, Sayyed, Shadley, Thomas, Vlach, and Mayor Ragucci
Absent: None

Also in attendance were Deputy City Clerk C. Downer, City Manager J. Carpino, Police Chief W. Holakovsky, Finance Director A. Marrero, Public Services Director C. Ward, Building and Zoning Administrator M. Dragan, and D. Lynch of Christopher B. Burke Engineering.

III. PLEDGE OF ALLEGIANCE

The Mayor led everyone in the Pledge of Allegiance.

IV. ADDITIONS OR DELETIONS TO THE AGENDA

None.

V. APPROVAL OF MINUTES – CHANGES OR CORRECTIONS

1. Regular Meeting Minutes Of January 8, 2013

Motion to approve the minutes of the Regular City Council and Committee of the Whole Minutes of January 8, 2013 as presented was made by Alderman Shadley, and seconded by Alderman Durham.

**Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach
Nays: None**

Motion passed.

VI. PUBLIC PARTICIPATION

None.

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VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: January 22, 2013 In The Amount Of \$89,484.07
2. Personnel & Payroll Report For December 2012.
3. Treasurer's Report For December 2012.
4. Ordinance No. 13-2: An Ordinance Increasing The Number Of Class "E" Liquor Licenses By One (1) Pursuant To The Provisions Of Title XI (Business Regulations); Chapter 111 (Food And Beverages); *Subchapter Alcoholic Liquor*, Section 111.012 (Number of Licenses In Each License Classification), Of The Code Of Ordinances Of The City Of Oakbrook Terrace (Betty's Bistro - Blackhawk Restaurant Group LLC Series, VCOakbrook)
5. Ordinance No. 13-3: An Ordinance Increasing The Number Of Class "L" Liquor Licenses By One (1) Pursuant To The Provisions Of Title XI (Business Regulations); Chapter 111 (Food And Beverages); *Subchapter Alcoholic Liquor*, Section 111.012 (Number of Licenses In Each License Classification), Of The Code Of Ordinances Of The City Of Oakbrook Terrace (OPA Estiatorio Inc.)
6. Ordinance No. 13-4: An Ordinance Amending Subsection X Entitled "Post-Immobilization/Towing Notice" And Subsection Y Entitled "Post-Immobilization Or Towing Hearing" Of Section 10.20 Entitled "Administrative Adjudication Of Code Violations" Of Chapter 10 Entitled "General Provisions" Of Title I Entitled "General Provisions" Of The Code Of Oakbrook Terrace, Illinois
7. Ordinance No. 13-5: An Ordinance Granting A Special Use And Variations From The Requirements Of The Zoning Code For An Assisted Living Facility On The Property Commonly Known As 1635 South Ardmore Avenue In The City Of Oakbrook Terrace, Illinois

The Mayor asked the Council if there were any items to be removed from the Consent Agenda. Hearing none, he asked for a motion to establish a Consent Agenda.

Motion that the items listed on the meeting agenda for January 22, 2013 be considered under the Consent Agenda was made by Alderman Sayyed, and seconded by Alderman Durham.

Motion passed unanimously through a voice vote.

Motion to approve all the items contained on the Consent Agenda was made by Alderman Shadley, and seconded by Alderman Durham.

**Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach
Nays: None**

Motion passed.

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VIII. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Ordinance No. 13-6: An Ordinance Granting Variations From The Requirements Of The Zoning Code For A Proposed New Home On The Property Commonly Known As 17W121 16th Street In The City Of Oakbrook Terrace, Illinois

Motion To Approve Ordinance No. 13-6: An Ordinance Granting Variations From The Requirements Of The Zoning Code For A Proposed New Home On The Property Commonly Known As 17W121 16th Street In The City Of Oakbrook Terrace, Illinois was made by Alderman Shadley and seconded by Alderman Sarallo.

Ragucci asked for comments. Thomas expressed concern over the natural swale that comes behind the proposed property causing water to cascade down to Monterey. Thomas indicated sometimes the neighbor experiences standing water. Thomas suggested that something be done to prevent this water flow. Dan Lynch of Christopher B. Burke Engineering (CBBEL) addressed the Council and noted the City Code requires the downspouts and sump pumps be connected to the storm sewer system. Lynch noted each side yard contains swales to collect water into the storm sewers. Lynch added that drain tiles and inlets will be installed on the property to carry water into the storm sewer as well.

Lynch indicated the area that Thomas referred to is not specifically addressed by this lot, but this lot will accommodate all the water that falls upon it. Thomas encouraged Lynch to do an actual walk through of the properties to observe the drop-off. Ragucci asked if the proposed storm water plans would eliminate future drainage issues. Lynch said the water falling on this property will be re-directed to the City's storm sewers. Ragucci asked what else the petitioner could possibly do to ensure there will not be storm water problems in the future. Lynch replied the petitioner is doing everything they can possibly do to capture run-off on this lot, but the larger neighborhood issues are not being addressed.

Vlach suggested the driveway be made of brick to allow some of the water to drain through. Durham said the driveway is going to pitch towards 16th Street so the water is going to be directed towards the storm sewer. Durham said she opposes this variation because of the 10 feet side yards. Ragucci said the City will keep an eye on the water run-off issues regarding this property.

**Ayes: Sarallo, Shadley, Thomas, and Vlach
Nays: Durham
Abstain: Sayyed**

Motion passed.

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IX. RECESS TO THE COMMITTEE OF THE WHOLE

Motion to recess to the Committee of the Whole portion of this meeting was made by Alderman Durham and seconded by Alderman Sayyed.

Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach

Nays: None

The Regular Meeting recessed to the Committee of the Whole.

X. MAYOR RAGUCCI

1. West Central Municipal Conference General Membership Meeting on Wednesday, January 23, 2013 at 5PM at Brookfield Zoo. Contact Cheryl Downer to register.
2. West Central Municipal Conference Legislative Breakfast on Saturday, February 9, 2013 at 9AM at Rosewood Banquets in Rosemont. Contact Cheryl Downer to register.
3. DuPage Mayors and Managers Conference Business Meeting on Wednesday, February 20, 2013 at 5:45PM at the Crown Plaza Hotel in Glen Ellyn. Contact Cheryl Downer to register.

XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Consideration of Refunding Series 2008 General Obligation Building Bonds for the Public Services Facility.

Marrero indicated due to the low interest rates achieved for the 2012 Business District bonds issued back in November of 2012, staff explored whether similar savings could occur with refunding the Series 2008 Bonds for the Public Services Facility. Dan Forbes of Speer Financial addressed the Council and stated rates have been volatile due to the fiscal cliff and possible limitations on tax exemptions. Forbes indicated Speer received a proposal from Robert W. Baird to refund the City's 2008 bond issue for the Public Services Facility. Forbes stated he typically likes competitive sales, but since the market has been volatile he has recently done some negotiated sales.

Forbes stated some of the benefits of a negotiated sale are giving the underwriter the opportunity to take advantage of the market and the process is a lot faster than a competitive bid. Forbes recommended working with Baird because they have won the last couple of deals with the City and have proven marketability. Forbes indicated the City has the potential to save between \$250,000 and \$275,000 through refunding the 2008 Bond Series. Forbes suggested the City inform Baird

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if in the next couple of months Baird secures a certain amount of savings such as \$250,000 (after all costs) the City will move ahead with the refunding. Forbes recommended the City use \$250,000 as the savings baseline for refunding.

After further discussion the Council concurred to direct Speer to begin the process to refund the 2008 Bond Series.

2. Administrative Consulting Specialists – Presentation Of Salary Survey And Pay Rate Comparison Results

Carpino said during last year's budget discussion Durham recommended the City perform a salary survey for non-union staff. Carpino indicated the last salary survey was completed in 2002. Carpino said the City has already been working with Administrative Consulting Specialists on some grant applications so he asked this company to prepare a salary survey as well.

Todd Kupsak from Administrative Consulting Specialists stated back in October of 2012 his company distributed a salary survey to nine (9) comparable communities. Kupsak said these comparable communities were selected based upon: population, full time employees, total budget, EAV, sales tax revenue, and median family income. Kupsak explained each aforementioned category was assigned a points value and then nine (9) comparable communities were chosen. Kupsak said each comparable community received about 75 points and there were a lot of similarities between the City and the comparable communities. Kupsak indicated the survey had a 100% participation rate.

Vlach asked what effect does sales taxes have on salaries and expressed concern that he does not understand how sales taxes impact salaries. Kupsak said his company finds core communities in Illinois that are as close to the City as possible. Kupsak said sales taxes have as much bearing as the other categories and if you removed this category, you would still end up with the same nine (9) cities. Kupsak added enough categories were included to provide the City with the most comparable cities. Vlach asked if sales taxes were included as a category because of the City's ability to pay out these salaries or because of the number of businesses in town. Kupsak replied sales taxes are a category to reflect the number of businesses within the City.

Discussion ensued on the methodology used by Administrative Consulting Specialists for selecting comparable communities. Kupsak noted the communities provide a gauge and allow for comparisons to see how other cities are compensating employees. Kupsak noted the City is very unique due to its population.

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Kupsak said the survey findings ranked the City in the 30th percentile or in other words 70% of the participants salaries ranked higher than Oakbrook Terrace's. Kupsak explained since the survey has not been done in so many years, this type of disparity was expected. Kupsak noted the greatest disparity occurred with the Finance Assistant and Water Operator positions. Kupsak reported that 13 of the 16 positions surveyed fell below the mean and the median.

Durham stated she had a lot of problems with the survey with the first being comparing DuPage salaries with communities in Lake and Kane counties. Durham expressed concern that Lake County communities used in the survey were not comparable to the City based upon per capita income, household income, or average home value. Kupsak agreed that in some ways the comparables were not that similar to the City, but in other ways they were. Kupsak noted his company refers to other counties to bring more diversity to the findings.

Durham cited research she did to compare the City to local area towns including Westmont, Glendale Heights, Woodridge, Carol Stream, Darien, Villa Park, Winfield, West Chicago, Warrenville, and Lombard. Durham stated the City is more closely linked with the cities surrounding the community in terms of home values. Durham said it makes sense to her that the City would compare most with the cities closely surrounding us. Kupsak responded a survey could be done based upon proximity and not on categories.

Ragucci said the survey is meant to serve as a gauge. Ragucci said the City does not have to do anything with it or the Council can discuss it during budget hearings. Carpino said the City can do a proximity study based upon the towns in our area and report back to the Council. Ragucci thanked Kupsak for all of his hard work.

3. Oakbrook Terrace Square: Letter of Credit (LOC) Reduction

Dan Lynch of Christopher B. Burke Engineering addressed the Council and noted the letter of credit amount is typically 10% of the original amount for the storm and sanity sewers and water mains. Lynch noted the projects are complete and by Code the developer is entitled to continue with the maintenance period. Lynch noted the \$5,000 security was recommended largely based upon the time of year. Lynch explained three (3) lots have not been completed and one (1) lot has construction debris on it. Lynch recommended these lots be seeded if building permits are not submitted. Lynch noted the vacant lots should be seeded for erosion control and aesthetics. Hurst stated in the spring he will either seed the vacant lots or start construction. Hurst stated he had no problem with the recommendation. The developer, Kurt Hurst, was in attendance and therefore notified of the reduction in the letter of credit.

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4. Letter of Recommendation – Text Amendments

Dragan stated at the December 11, 2012 meeting the City Council directed a public hearing before the Planning and Zoning Commission to discuss the proposed text amendments. Dragan said a public hearing was held on January 15, 2013, where the Planning and Zoning Commission recommended approval of the proposed text amendments in regards to allowing massage therapy in the B-3 and B-5 districts only.

Dragan recommended the City Council consider modifying the Business Regulations as well with respect to massage establishment location, and delete B-2 as these businesses will no longer be allowed under the Zoning Code. Dragan noted at the previous meeting massage therapy was deleted from the B-4, but based upon the Commission's recommendation the Business Regulations need to be amended again and the City Attorney needs to prepare an ordinance accordingly. The Council concurred to direct the City Attorney to prepare an amendment to the Business Regulations prohibiting massage therapists in the B-2 professional office district.

Dragan also noted the Commission recommended the following text amendments detailed below.

1. Deleting the parking requirement for below grade storage in the B-3 district.
2. Allowing one (1) shared off-premise sign in the mixed-use district at the entrance of Butterfield Road and Trans Am Plaza and to allow one (1) shared off-premise sign in the mixed use district at the entrance of 18th Street and Meyers Road. Dragan noted the Zoning Attorney, Melissa Miroballi, advised two (2) signs should be constructed instead of only one (1). Dragan said originally the City was looking for only one (1) off-premise shared sign at the corner of Butterfield Road and Trans Am Plaza. However, Dragan noted it is appropriate to address both entrances in the mixed use district.
3. The denial to any change to the City Code regarding temporary signs, except for grand opening signs, which would be allowed for up to 60 days instead of the current 30 day limit.
4. Requiring a rear yard minimum of 40 feet between business and residential uses instead of the current 30 feet requirement.

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5. Requiring a rear yard minimum of 30 feet between business to business instead of the current 40 feet requirement.

The Council concurred to direct the City Attorney to prepare an ordinance reflecting the above text amendments.

Dragan referenced her memorandum which indicated that the Planning and Zoning Commission recommended the Council consider a modification to the Business Regulations Ordinance which currently requires massage therapists to be 300 feet away from residential properties in the B-3 retail district within multi-tenant retail buildings. Dragan indicated the Commission felt it would be appropriate if businesses like Happy Feet and Massage Envy occupied retail space in JRC Plaza or Oakbrook Terrace Square. Dragan added the Commission felt these types of businesses should be allowed regardless of the current zero feet from business to residential uses. Dragan noted the current Business Regulations allows massage therapy within zero feet between residential to commercial only if the license is for a day spa.

Discussion ensued in regards to massage therapy within the B-3 retail district. Durham asked if the Council is comfortable with removing the 300 feet restriction from the Business Regulations and asked if the City would only get legitimate massage therapy businesses in the B-3 retail district.

After further discussions, Ragucci said the best thing for the City to do is to keep an eye on this issue and if a licensee wants to operate within the B-3; then they will have to first meet with Dragan. Durham noted the City's Business License Code would still need to be modified if a Massage Envy wanted to open up in JRC Plaza or Oakbrook Terrace Square. Dragan said if a Massage Envy type of establishment wished to operate within the B-3, then they would need to come before the Council to amend the ordinance because it is not a zoning regulation and a public hearing is not required. The Council concurred to leave the 300 feet restriction as is and consider future requests on a case by case basis.

5. Surveying Services – New City Police Station and City Hall Renovation

The Council concurred to place this on the next consent agenda.

6. Payout Number One For The 2012 Curb And Gutter Work

Ragucci noted the invoice from Alamp for the 2012 curb and gutter work in the amount of \$28,666.96 minus a 2% retainage to ensure the sod planted last fall takes. Ward said the project was great and recommends payment. The Council concurred to place this item on the next consent agenda.

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7. Payout Number One For The Karban Road Culvert Replacement

Ragucci noted the invoice from Alamp for the Karban Road culvert replacement in the amount of \$61,740 minus a 2% retainage to ensure the sod planted last fall takes. Ward said the project went fantastic and recommends payment. Ward noted the sod was taking last fall. The Council concurred to place this item on the next consent agenda.

8. Geotechnical Engineering Services For the New Police Station and City Hall Renovation Provided by Testing Service Corporation

The Council concurred to place this item on the next consent agenda.

XII. COUNCIL MEMBER COMMENTS

None.

XIII. CITY MANAGER CARPINO

None.

XIV. CITY ATTORNEY RAMELLO

None.

XV. DEPUTY CITY CLERK DOWNER

None.

XVI. RECONVENE THE CITY COUNCIL MEETING

Motion to reconvene was made by Alderman Durham, and seconded by Alderman Sayyed.

Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach

Nays: None

The Regular Meeting of the City Council reconvened.

XVII. OLD BUSINESS

None.

XVIII. RECESS TO EXECUTIVE SESSION

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Motion to recess to Executive Session to discuss the review of Executive Session Minutes was made by Alderman Shadley and seconded by Alderman Sayyed.

**Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach
Nays: None**

The Regular City Council Meeting recessed to Executive Session.

XIX. EXECUTIVE SESSION

1. The Employment, Compensation, Discipline, Performance, Or Dismissal Of Specific Employees Of The City

See separate minutes.

XX. RECONVENE THE CITY COUNCIL MEETING

Motion to reconvene was made by Alderman Durham, and seconded by Alderman Sayyed.

**Ayes: Durham, Sarallo, Sayyed, Shadley, Thomas, and Vlach
Nays: None**

The Regular Meeting of the City Council reconvened.

XXI. OLD BUSINESS

None.

ADJOURN

Motion to adjourn was made by Alderman Durham, and seconded by Alderman Sayyed at 8:48P.M.

Motion carried unanimously.

Submitted,

Aileen Haslett
Recording Secretary