

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, SEPTEMBER 24, 2013**

I. CALL TO ORDER

The Mayor called the September 24, 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: Esposito, Przychodni, Sarallo, Shadley, Thomas, Vlach, and Mayor Ragucci
Absent: None

Also in attendance were City Clerk D. Greco, City Attorney R. Ramello, Finance Director A. Marrero, and Building and Zoning Administrator M. Dragan.

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 September 10, 2013

Motion to approve the minutes of the September 10, 2013 Regular City Council and Committee of the Whole Minutes as presented was made by Alderman Przychodni and seconded by Alderman Shadley.

Ayes: Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach

Nays: None

Motion passed.

VI. PUBLIC PARTICIPATION

Debbie Shanahan, of the Oakbrook Terrace Historical District, expressed her personal opinion that she was disappointed that the City Council would not allow the historic Fik Home to be recognized as a national landmark. Shanahan stated that it was conveyed to the Oakbrook Terrace Historical Society that the sole reason behind the Council's negative position is that if the Historical Society were to accept a federal grant, of which there are none available, it might trigger a need to contact the

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National Landmark Preservation Agency before the City could tear down the home. Shanahan said it was concerning that the Council is against adding an extra layer of protection against the demolition of only one (1) of six (6) documented Sears Homart homes in the nation. Shanahan said the house represents the American dream of the 1940's and 1950's and is truly a national treasure, which should be preserved whether or not the Historical Society exists.

VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills, September 24, 2013 In The Amount of \$53,657.87.
2. Personnel & Payroll Report August 2013.
3. Treasurer's Report August 2013.
4. FY 2015 Budget Action Calendar.

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 approve the Consent Agenda.

Motion to approve all the items contained on the Consent Agenda as presented for September 24, 2013 was made by Alderman Thomas and seconded by Alderman Vlach.

Ayes: Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach

Nays: None

Motion passed.

VIII. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

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 Przychodni and seconded by Alderman Esposito.

Ayes: Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach

Nays: None

The Regular Meeting recessed to the Committee of the Whole.

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X. MAYOR RAGUCCI

1. Establish A Meeting Date For Goals & Objectives Session
(October 15, October 17, October 29)

After some discussion the Council concurred to hold the Goals and Objectives Session on Tuesday, October 29, 2013 at 6PM.

XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Letter Of Recommendation – 1S270 Summit Avenue – Muslim Community Center.

Ragucci referenced the memorandum from the Building and Zoning Administrator regarding the public hearing held on September 3, 2013. Dragan stated the public hearing was held to consider a request for a text amendment to allow a Community Center as a special use and a special use permit to allow for a Community Center in the B-2 Professional Office District. Dragan explained that the property owner is trying to lease approximately 4,000 square feet in the lower level of the building for a Community Center. Dragan noted that the Planning and Zoning Commission reviewed the request and recommended denial. Dragan added that the Commission was concerned with the parking, traffic, and changing the Zoning Code to allow Community Centers in the B-2 Zoning District. Dragan said the petitioner's attorney is present this evening and would like to respond to the Commission's decision.

Ausaf Farooqi, of DuPage Attorneys, represents both petitioners Tayyab Yunus the owner of 1S270 Summit Avenue and Shaykh Abdool Khan the Director of the Tawhid Center, addressed the Council. Farooqi said his associate Sabina Abdul Quadir attended the public hearing. Farooqi responded to some of the objections that arose during the hearing. Farooqi stated the property owner was approached by the Tawhid Center in regards to leasing the space in the basement for a Community Center. Farooqi indicated there were three (3) primary objections discussed during the hearing.

Farooqi explained that the first objection was the issue of traffic in the area. Farooqi said saying there are traffic problems on Summit Avenue is not valid because this is a collective, not a residential street. Farooqi said Summit Avenue was created and allocated to allow for increased traffic. Farooqi indicated that directly adjacent to the proposed site, is a large Catholic Church with approximately 150 parking spots. Farooqi said in speaking with the Church he found out that the Church holds services every day at noon. Farooqi said he did not believe that a Community Center would increase traffic so that it would create

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a problem on Summit Avenue. Farooqi added that even if TMY Holdings decides to create this space into offices, there will still be an additional 30-40 employees going into this building.

Farooqi said the second objection was parking. Farooqi said the parking requirements have been met for a Community Center, with even a few extra spots. Farooqi said the Church will allow cars to be parked in their lot, if there is an overflow from the Community Center. Farooqi said even without this consideration, the parking requirement is met, so a denial based upon parking does not hold much weight.

Farooqi said the third objection was the parking lot's ingress and regress. Farooqi referenced a photo of the parking lot. Farooqi said the question was raised as to whether a Community Center would injure the office buildings in the back of the subject property. Farooqi indicated that the parking lot streets are owned by TMY Holdings. Farooqi indicated the offices in the back have an easement to pass through the TMY Holdings property which allows them to park in their own lot. Farooqi said if TMY Holdings opts to partition the lower level space into several offices, there will still be congestion in the parking lot.

Farooqi said there is a value in why TMY Holdings is interested and going through the text amendment process. Farooqi said the Tawhid Center fulfills a niche. Farooqi noted the Tawhid Center will be led by Khan, who the City would want as their neighbor. Farooqi said Khan is involved in inter-faith dialogue. Farooqi said there is a certain value by having a Muslim Community Center in Oakbrook Terrace. Farooqi explained that not every community can offer this. Farooqi noted that a number of Muslims live and work in the area.

Vlach said the letter from the church indicated permission to utilize their parking lot was only on Fridays from 1PM – 2PM for a period of two (2) months. Vlach asked what happens when this expires. Farooqi replied that the only time the TMY Holdings lot would be full would be on Fridays because a service is held from 1PM – 2PM. Farooqi said the permission is only for two (2) months because it is a trial period. Vlach said he would like to see the Church compensated by the Community Center. Farooqi admitted that this was a fair request, and that the Center wants to be a good neighbor.

Sarallo asked what the building space is currently being used for. Farooqi said on the top level of the building there are five (5) or six (6) offices. Farooqi said on the main level as you walk in, there is just one (1) office, Intuitive Solutions. Farooqi said the Tawhid Center has tentatively leased the space as a Community Center and there is a kitchen located in the lower level as well. Sarallo asked how often the space will be used. Farooqi said most of the activities will take place after-work hours. Farooqi explained that the Tawhid Center would like to be open

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to the public as a peaceful space during the middle of your day. Farooqi said some of the programming includes: book clubs, education classes, inter-faith dialogues, and social activism between the hours of 6PM to 9PM. Farooqi added that a congregational service will take place on Fridays. Farooqi noted that the Muslims attending the Community Center will be praying as well. Sarallo asked if the City realizes taxes from this building. Dragan replied yes, property taxes. Sarallo asked if the City would be losing these taxes. Ragucci said he did not think so, because the rest of the building is still going to be offices.

Sarallo asked where the idea for a Community Center came from for this location in a business district. Farooqi said there a lot of Muslims in the area so it was seen as an ideal location for a Community Center. Farooqi added there is not a similar center in the area. Farooqi said the Tawhid Center believes it can be successful in this location. Sarallo asked if the Center is meant for both adults and children. Farooqi replied that the Center will be family friendly. Sarallo asked if there are future plans for the building as a whole. Farooqi replied no, because the owner of TMY Holdings also owns Intuitive Solutions, which is the primary office located on the first floor. Farooqi added the Tawhid Center would be hard stretched to support the expense of a larger portion of the building than the basement.

Przychodni asked what is the earliest and the latest in the day that the facility would be open. Farooqi said it is not going to be a 24 hour facility. Farooqi said events will not be scheduled after 10PM. Farooqi estimated that the latest an event would end would be 9PM. Farooqi also said there probably will not be a lot of activities prior to the close of business hours, unless they are children activities. Farooqi said there will also be some programs on weekends. Przychodni asked if the Center will be supervised. Farooqi replied that the Center will have one (1) full time staff member or a Tawhid Board member supervising the Center's activities. Farooqi noted that Khan will have his office at the Center.

Esposito indicated that the agenda packet contained a lot of discussion regarding the number of members attending the Center's activities estimating this figure at 40-50 people. Esposito said he wants the building to remain safe and asked if 4,000 square feet is enough space for the Center's activities. Farooqi said in the past the Center leased space from Glenbard East to hold services for larger crowds. Farooqi said the Center is very cognizant of the limit on the number of people who can attend the Center and when a program may need a larger venue.

Ragucci asked if the entrances on the north and south side of the building are owned by TMY Holdings. Dragan replied yes according to the petitioner's attorney. Ragucci asked how many people will be attending the Center. Farooqi replied 30-40 people, but it depends on how successful the Center is. Ragucci said the City Council will vote on this matter at the October 8, 2013 meeting. Ragucci stated he has seen the presentation and the paperwork regarding this and the

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Center has met all the City's code requirements. Ragucci said it is tough sometimes to go against the Planning and Zoning Commission, but the City must welcome the Center because it is the right thing to do.

John Zavislak, who is on the Board of Directors of the Condo Association addressed the Council and stated that TMY Holdings owns the entrance ingress and egress on the south side, but his condominium building has rights to ingress and egress over that easement. Zavislak added that his condominium building is responsible for maintaining that easement. Zavislak said his condominium tenants are concerned about the amount of traffic that would be forced to go into this easement for both ingress and egress. Zavislak also noted that when his complex was fully occupied there was premium parking problems. Ragucci stated he understands Zavislak's concerns, but that the Center has met all of the City's codes. Tom Glynn of Christy Management Services addressed the Council and stated that there is an agreement whereby the condominiums maintain the easement. Glynn said the condominiums blacktop, seal coat, and snow plow the easement and now with the increased usage it will have a financial impact.

The Council concurred to place this matter on the next agenda as a separate item.

2. Status Report Payout Number Six (6): Harbour Contractor's Inc – New Police Department/City Hall Renovation.

Ragucci referenced the request for approval for Payout Number Six (6) for Harbour Contractor's Inc. in the amount of \$5,618.52. The Council concurred to place this item on the next consent agenda.

3. Amended Fik House Quitclaim Deed – 17W245 16th Street

Ragucci said some minor amendments have been made to the original deed. Vlach asked the amount of insurance that will be carried on the house. Debbie Shanahan replied that the house will be fully insured. Debbie Shanahan indicated the Oakbrook Terrace Historical Society has already been in contact with commercial insurance agencies regarding this service.

Vlach asked if something were to happen to the Fik House and the Historical Society collected on the insurance policy, but opted not to rebuild. Debbie Shanahan replied that the Historical Society will cross that bridge when they come to it. Ramello indicated that if the Council approves the quitclaim deed, then the property will be owned by the Oakbrook Terrace Historical Society, who will take out the proper insurance to cover the structure. Ramello said if the home is destroyed by fire or other disaster, the Historical Society would have the option to rebuild the structure with the insurance proceeds or they can decide not to rebuild the structure and retain the proceeds. However, Ramello noted that if the

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building was damaged more than 50% and the Society opted not to rebuild, then the structure would revert back to the City. Ramello said then the City would need to decide if they wished to demolish the structure, rebuild the structure, or sell the land. Ramello explained that if the City rebuilt the structure then City funds would be needed because the Historical Society opted to retain the insurance proceeds.

Vlach said it would behoove the Society to use the insurance proceeds to demolish or rebuild the structure. Bob Shanahan stated the Society carries an insurance policy on the Fik House, in order to rebuild it in case something did happen. The Council concurred to vote on this matter during the reconvened meeting.

XII. COUNCIL MEMBER COMMENTS

Sarallo asked if the City has any discretion to have a police officer directing traffic for funeral processions at Chapel Hill, while Roosevelt Road is under construction. Sarallo said it can be quite dangerous. Ramello said he will report back to the Council regarding this matter. Thomas said he recently was speaking with Esposito about how people are dumping branches and grass clippings along Monterey. Ragucci said he will advise the Chief and Deputy Chief regarding this.

XIII. CITY ATTORNEY RAMELLO

None.

XIV. CITY CLERK GRECO

Greco said he agrees with Sarallo regarding the assistance of a police officer at Chapel Hill for funeral processions.

XV. RECONVENE THE CITY COUNCIL MEETING

Motion to reconvene was made by Alderman Sarallo, and seconded by Alderman Przychodni.

Ayes: Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach

Nays: None

The Regular Meeting of the City Council reconvened.

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XVI. OLD BUSINESS

1. Ordinance No. 13-49: An Ordinance Authorizing The City Of Oakbrook Terrace To Transfer Real Property Commonly Known As 17W245 16th Street, Oakbrook Terrace, Illinois With Revised Covenants, Conditions And Restrictions To the Oakbrook Terrace Historical Society.

Motion To Approve Ordinance No. 13-49: An Ordinance Authorizing The City Of Oakbrook Terrace To Transfer Real Property Commonly Known As 17W245 16th Street, Oakbrook Terrace, Illinois With Revised Covenants, Conditions And Restrictions To the Oakbrook Terrace Historical Society was made by Alderman Shadley and seconded by Alderman Thomas.

**Ayes: Esposito, Przychodni, Sarallo, Shadley, Thomas, Vlach and Ragucci
Nays: None**

Motion passed.

ADJOURN

Motion to adjourn was made by Alderman Shadley, and seconded by Alderman Przychodni at 8:05P.M.

Motion carried unanimously.

Submitted,

Aileen Haslett
Recording Secretary