

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

I. CALL TO ORDER

Mayor Ragucci called the October 22, 2019, Regular and Committee of the Whole Meeting of the City Council to order at 7:00P.M.

II. ROLL CALL

Roll call indicated the following Council members were in attendance:

Present: Barbari, Esposito, Greco, Przychodni, Rada, Vlach, and Mayor Ragucci

Absent: None

Also, in attendance were City Clerk M. Shadley, City Administrator A. Marrero, and Assistant to the Mayor and City Administrator M. Sarallo, Public Services Director C. Ward, Building and Zoning Administrator M. Dragan, and City Attorney R. Ramello.

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 October 8, 2019

Motion to approve the minutes of the October 8, 2019 Regular City Council and Committee of the Whole as presented was made by Alderman Esposito and seconded by Alderman Greco.

Ayes: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach

Nays: None

Motion passed.

VI. PUBLIC PARTICIPATION

None.

VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: October 22, 2019 In The Amount Of \$142,648.68.

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

2. Treasurer's Report September 2019
3. Personnel & Payroll Report September 2019.
4. Ordinance No. 19-49: An Ordinance Amending Section 154.03 Entitled "Building And Site Development Permit Fees" And Section 154.04 Entitled "Fees For Annexation, Zoning And Development Petitions" Of Chapter 154 Entitled "Fees And Deposits" Of Title XV Entitled "Land Usage" Of The Code Of Oakbrook Terrace, Illinois.
5. Ordinance No. 19-50: An Ordinance Amending Section 150.08 Entitled "Adoption Of Energy Conservation Code" Of Chapter 150 Entitled "Codes And Regulations Governing Construction Of Buildings And Structures" Of Title XV Entitled "Land Usage" Of The Code Of Oakbrook Terrace, Illinois.
6. Ordinance No. 19-51: An Ordinance Approving An Amendment And Budget Transfer Greater Than \$10,000 From The General Fund To The 2010 Business District Debt Service Fund For The Fiscal Year 19-20 Operating Budget (General Fund Retained Earnings Transfer).

Motion to approve all the items contained on the Consent Agenda as presented for October 22, 2019 was made by Alderman Przychodni and seconded by Alderman Rada.

**Ayes: Barbari, Esposito, Greco, Przychodni, Rada, 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 Vlach and seconded by Alderman Barbari.

**Ayes: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach
Nays: None**

Motion passed.

X. MAYOR RAGUCCI

Mayor Ragucci said there was a nice community turnout for the City's Fall Festival on Saturday, October 12, 2019. Mayor Ragucci said the Oakbrook Terrace Historical Society will be hosting Dispensa's Special Exhibit from November 2 through November 16, 2019. John

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

Dispensa, III, will be making a special presentation in the Council Chambers on Monday, November 11, 2019 at 7:30P.M.

XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Presentation From The Hotel Commission.

Don Hill, of the Hilton Hotel properties and Chair of the Hotel Commission, updated the Council on the 2019 Quarter Three (3) performance for the City's hotels. Hill distributed the Smith Travel Quarter Three (3) and September 2018/2019 comparison data report. Hill indicated overall September 2019 was a bad month for the City's hotels. Hill noted in September occupancy rates were down 4%, the average daily rate was down 9%, and the revenue per available room was down 12.7% compared to September 2018. Hill said the International Manufacturing and Technology convention is held every other year in September at McCormick Place and the event took place last year, which most likely caused a ripple effect that contributed to the decline in hotel stays for September 2019. Hill said another contributing factor for the September decline is the competitive rates charged by neighboring hotels. Hill said he is cautiously optimistic for Quarter Four (4).

The virtual Red Kettle fundraiser will take place the week before Christmas, which is the sixth year that the hotels will be participating. Hill noted participation at the Hotel Commission meetings has been good. The Hotel Commission is now hosting a conference call in-between the regular in-person monthly meeting. This conference call is helping the Commission to follow-up on action items and possibly incorporate new topics for the next meeting. Hill said the College of DuPage will be hosting a Frida Kahlo exhibit in May 2020 through August of 2020 so there may be some marketing opportunities for this to tie into.

2. 2019-2020 Bulk Rock Salt Program.

Public Services Director Ward said the salt price increased 106%, due to the bad winter season experienced last year. Public Services Director Ward said there is not much the City can do to improve this situation. Mayor Ragucci asked Public Services Director Ward to explain why the City utilizes rock salt rather than the liquid salt used by other towns. Public Services Director Ward said liquid salt is more expensive because new equipment would be needed including a silo that is continually agitating the salt along with special sprayers for each truck. Public Services Director Ward said liquid salt is not cost effective and you cannot rely on this process alone.

Alderman Esposito asked if there is any benefit to liquid salt. Public Services Director Ward replied liquid salt is mostly used to pre-treat bridges and overpasses before the storm. Alderman Esposito asked if the City has salt reserves from last year. Public Services Director Ward responded yes that a little salt is left over. Alderman Barbari asked with the salt cost almost doubling does the City have other options. Public Services

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

Director Ward replied said the road salt is procured through a State of Illinois purchasing consortium and the same four (4) companies control the salt prices. Greco asked if the City could throttle salt usage a little bit. Public Services Director Ward said staff is already spreading the bare minimum and the City's trucks are set to 110 pounds per lane mile.

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

3. Contract For The LaQuinta Property Water Main Extension.

Public Services Director Ward explained the proposed contract is for extending the water main for the new Choice Hotel, which will occupy the former LaQuinta property location. With this extension, the City will supply water to the new hotel and connect another loop. Alderman Barbari asked if the Choice Hotel property is contributing towards the cost of the watermain. City Administrator Marrero replied the City is paying for the cost of the new water main. Public Services Director Ward estimated that the new Choice Hotel will use approximately 250,000 – 300,000 gallons per month. Public Services Director Ward estimated that it will take about 10-15 years for payback on this project, but after that the City has a lifelong water customer. Mayor Ragucci said an incentive program will be discussed at another time. City Administrator Marrero noted the City is working on an agreement with the hotel and it will be on future agenda for the Council to discuss. Alderman Vlach recommended the agreement include a provision that if the Choice Hotel backs-out of the redevelopment, the City would receive some sort of reimbursement for the new water main.

The Council concurred to approve this during the reconvened meeting.

4. Letter Of Recommendation: Proposed Text Amendments To The Zoning Ordinance To Regulate The Location Of A Cannabis Business Establishment, And A District Map Amendment, Creating An Adult-Use Cannabis Dispensary Overlay District.

Building and Zoning Administrator Dragan stated the Planning and Zoning Commission reviewed the proposed text amendments to the Zoning Ordinance, and they voted 6 to 1 in favor of the proposed modifications to the Zoning Ordinance, but recommended no consumption on-premises. As far as the proposed map amendment concerning the proposed adult-use cannabis dispensary overlay district, the Commission voted 5-2 in favor of this request. The cannabis business establishment shall be permitted if a special use is granted, but only if located within the adult-use cannabis dispensary overlay district. This overlay district is a portion of the City's B-1 Professional Office Zoning District and B-3 General Retail Zoning District. The adult-use cannabis dispensary shall be permitted in freestanding buildings only. No more than one (1) establishment is proposed to be allowed. Advertising is not allowed within 1,000 square feet of day care centers and schools per state code. A wall sign to advertise the name of the business will still be allowed. No adult-use cannabis dispensary shall be located within 1,500 feet of the property line of an existing one. The petitioner would need to apply for a public hearing

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

before the Planning and Zoning Commission for a special use permit and the City Council will make the final decision about the special use request.

Mayor Ragucci said by State law the consumption on-premises has to be allowed. City Attorney Ramello said the state statute pre-empts both home rule and non-home rule communities from regulating cannabis inconsistent with the Illinois statute. The regulatory authority given to municipalities regarding cannabis sales must be consistent with the statute. Under state guidelines, the City can impose zoning, regulate the location, and determine the number of establishments. The statute allows the City to regulate, but not prohibit on-site consumption.

City Attorney Ramello noted bar establishments typically hold DRAM Shop insurance, which covers them against liability. As of this date, no entity sells a similar type of DRAM Shop insurance to cannabis retailers that allow on-site consumption. Accordingly, business owners are not insured for on-site cannabis consumption. City Attorney Ramello said based upon this there is only one (1) cannabis retailer in San Diego that allows for on-site consumption, because there is no insurance for it. City Attorney Ramello said based upon his discussions with other attorneys, no business is going to allow on-site consumption because it cannot be insured. City Attorney Ramello said the City must allow on-site consumption, but regulate it, even though the City does not care to allow on-site consumption.

City Attorney Ramello indicated the proposed ordinance includes some stringent regulations such as the requirement for commercial liability insurance for on-site consumption. Alderman Vlach inquired about security. City Attorney Ramello said with on-site consumption, the City will be requiring security on the interior of the building as well as within a two (2) block area on the building's exterior. Alderman Greco said he appreciated the Planning and Zoning Commission for serving the community. Alderman Greco said the lack of understanding on the duties of the Planning and Zoning Commission is unacceptable. Alderman Greco suggested a discussion with each Planning and Zoning member take place to ensure they understand their job as a Commissioner. Alderman Greco said the Planning and Zoning Commission holds public meetings and professionalism should be followed.

Alderman Greco offered several suggestions regarding the regulation of the cannabis business establishments. Alderman Greco said fencing should be required on the sides and in the back for a cannabis business establishment to shield nearby businesses or residents. Alderman Greco also suggested that digital signs not be allowed for cannabis business establishments. Building and Zoning Administrator Dragan said the proposed ordinance would need to be modified accordingly to include this provision. Mayor Ragucci said this is a good idea and most of these businesses are not attempting to advertise in this way. Alderman Greco recommended that a cannabis business establishment be required to place a permanent covering over windows so that the operations cannot be viewed from the exterior of the building. Alderman Greco inquired as to why the City does not require

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

the DRAM Shop insurance. City Attorney Ramello that this type of insurance is not available and only covers alcohol and not cannabis retailers. Alderman Greco suggested that the City require DRAM Shop insurance.

Alderman Esposito said he prefers some locations over others and he agrees with Alderman Greco's recommendation for the exterior fencing requirement. Mayor Ragucci said it is a good idea to add the fencing requirement, the permanent window coverings, the DRAM Shop insurance and not to allow digital signs. City Administrator Marrero noted the dispensaries that the City met with are looking for an existing building with at least 5,000 square feet. City Administrator Marrero said given these needs, the properties east of Summit, will most likely not even be considered.

The Council concurred to modify the proposed ordinance to include: regulations for outside fencing, permanent window coverings, not allowing a digital sign, and the DRAM Shop insurance. Mayor Ragucci asked if the proposed additions could be included in the proposed ordinance and be approved during the reconvened meeting. City Attorney Ramello replied no that the proposed ordinance would need to be modified and then approved by the Council at the next meeting.

The Council concurred to approve the proposed ordinance with the additions at the next Council meeting.

XII. COUNCIL MEMBER COMMENTS

Alderman Esposito inquired about the traffic study. Mayor Ragucci responded Public Services Director Ward will report back to the Council on the traffic study findings. Alderman Greco said he has the photo from Stella Mae Swartz School for the banner. Alderman Greco thanked the Council and staff for their condolences and support on the passing of his father. Alderman Barbari asked for clarification about the monthly Treasurer's Report. City Administrator Marrero explained that the Corporate Fund is City's main operating fund that pays all the City's bills and payroll. The Corporate Fund currently has about \$9.4 million in the bank. Alderman Barbari inquired about the recent loan pay-off approved by the Council. City Administrator Marrero responded the City will be taking money from the Corporate account to pay-off the 2010 A&B Business District bonds. Alderman Barbari said he would like to see the City pay-off more bonds to save on interest costs. City Administrator Marrero said the Business District 2012 A bonds are callable in December of 2020.

Alderman Rada said illegal dumping is taking place on the lot where 18th Street ends and asked that the landlord be contacted to clean-up the site. Building and Zoning Administrator Dragan said staff will try and coordinate with DuPage County. Mayor Ragucci said Public Services will take a look at it and if there is not a lot they will pick it up. Alderman Rada updated the Council on the Luther resubdivision and explained that this area is a little island of DuPage County in the middle of Berkshire. Berkshire came to an agreement allowing the developer to pay for access to the Berkshire streets. The developer must now start the zoning process all

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

over again with DuPage County and the developer is expected to break ground next spring. Alderman Rada thanked Mayor Ragucci and Building and Zoning Administrator Dragan for their assistance on this matter. Alderman Barbari thanked Bob Shanahan of the Oakbrook Terrace Historical Society for his hard work on the brick paver program.

XIII. CITY ATTORNEY RAMELLO

None.

XIV. CITY CLERK SHADLEY

None.

XV. CITY ADMINISTRATOR A. MARRERO

XVI. RECONVENE THE CITY COUNCIL MEETING

Motion to reconvene the City Council meeting was made by Alderman Vlach and seconded by Alderman Rada.

Ayes: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach

Nays: None

Motion passed.

XVII. OLD BUSINESS

1. Ordinance No. 19-52: An Ordinance To Approve, Authorize And Ratify The Execution Of A Contract Between The City Of Oakbrook Terrace, Illinois, And Cerniglia Co. For The LaQuinta Property Water Main Extension Project In The City Of Oakbrook Terrace, Illinois.

Motion To Approve Ordinance No. 19-52: An Ordinance To Approve, Authorize And Ratify The Execution Of A Contract Between The City Of Oakbrook Terrace, Illinois, And Cerniglia Co. For The LaQuinta Property Water Main Extension Project In The City Of Oakbrook Terrace, Illinois was made by Alderman Esposito and seconded by Alderman Greco.

Ayes: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach

Nays: None

Motion passed.

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 22, 2019**

2. Ordinance No. 19-53: An Ordinance Amending Chapters 154 Entitled “Fees And Deposits” And 156 Entitled “The Zoning Ordinance Of The City Of Oakbrook Terrace” Of Title XV Entitled “Land Usage” Of The Code Of Oakbrook Terrace, Illinois, Regarding Cannabis Business Establishments.

Motion To Approve Ordinance No. 19-53: An Ordinance Amending Chapters 154 Entitled “Fees And Deposits” And 156 Entitled “The Zoning Ordinance Of The City Of Oakbrook Terrace” Of Title XV Entitled “Land Usage” Of The Code Of Oakbrook Terrace, Illinois, Regarding Cannabis Business Establishments was made by Alderman Esposito and seconded by Alderman Greco.

Motion failed and discussion ensued regarding a motion to table Ordinance No. 19-53 until the next meeting.

Motion To Table Ordinance No. 19-53: An Ordinance Amending Chapters 154 Entitled “Fees And Deposits” And 156 Entitled “The Zoning Ordinance Of The City Of Oakbrook Terrace” Of Title XV Entitled “Land Usage” Of The Code Of Oakbrook Terrace, Illinois, Regarding Cannabis Business Establishments until the next meeting was made by Alderman Greco and seconded by Alderman Rada.

**Ayes: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach
Nays: Vlach**

Motion passed.

ADJOURN

Motion to adjourn was made by Alderman Barbari and seconded by Alderman Vlach at 8:05PM.

Motion carried unanimously.

Submitted,

Aileen Haslett, Recording Secretary