

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, AUGUST 25, 2020**

I. CALL TO ORDER

Acting Mayor Esposito called the August 25, 2020, 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, Greco, Rada, Vlach, and Acting Mayor Esposito

Absent: Przychodni

Also, in attendance were City Administrator A. Marrero, City Clerk M. Shadley, Building and Zoning Administrator M. Dragan, and City Attorney R. Ramello.

III. PLEDGE OF ALLEGIANCE

Acting Mayor Esposito 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 August 11, 2020

Motion to approve the minutes of the August 11, 2020 Regular City Council and Committee of the Whole as presented was made by Alderman Rada and seconded by Alderman Vlach.

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

Nays: None

Motion passed.

VI. PUBLIC PARTICIPATION

None.

VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: August 25, 2020 In The Amount Of \$167,417.05.
2. Treasurers Report July 2020.

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3. Personnel & Payroll Report July 2020.
4. Resolution No 20-8: A Resolution To Approve And Authorize The Execution Of A Legal Services Payment Agreement By And Between Steven Randy Rueckert And The City Of Oakbrook Terrace.

Motion to approve all the items contained on the Consent Agenda as presented for August 25, 2020 was made by Alderman Barbari and seconded by Alderman Vlach.

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

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

Nays: None

Motion passed.

X. ACTING MAYOR ESPOSITO

Acting Mayor Esposito stated new COVID-19 mitigations were instituted in certain regions under the Restore Illinois plan. Currently DuPage County has a 5.8% positivity rate. The City's census numbers increased by 2% and the participation rate is now at 56.8%. Staff will be working with the rental property managers in Ward Three (3) to improve census participation.

XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Letter Of Recommendation – 1S183 Summit Avenue.

Building and Zoning Administrator Dragan noted a public hearing was held on August 18, 2020 before the Planning and Zoning Commission to consider a request by the property owner located at 1S183 Summit Avenue for a special use in the B-1 Professional Office district to allow for a beauty parlor and day spa. The Planning and Zoning Commission recommended approval of the special use contingent that the existing fence be replaced with a solid fence eight (8) feet in height. Since the hearing, the owner hired

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a landscaping company and the property was cleaned up. The property owner's representative advised the City the materials for an eight (8) foot fence are not available. Building and Zoning staff confirmed the shortage of materials with several local fence companies. Due to COVID-19, materials will not be available for another two (2) months. Given this, the owner offered two (2) possible resolutions. First, to retain the existing six (6) foot fence as-is or second, to allow a delay for the installation of the eight (8) foot fence until the materials are available this fall. Building and Zoning Administrator Dragan said the City Council may consider the owner's suggestions and allow the installation of the fence by November 1, 2020. Building and Zoning Administrator Dragan noted the tenant would like to open for business on September 1, 2020. However, the ordinance approval will not be scheduled until September 8, 2020. Based upon this Building and Zoning Administrator Dragan will not be able to approve a certificate of occupancy unless the City Council authorizes the opening of the business on September 1, 2020.

The property owner, Dr Agha, addressed the City Council and noted fence contractors are busy right now and building supply materials are low. Dr Agha estimated the fence could be constructed within the next 8 to 12 weeks. Acting Mayor Esposito noted the property has been vacant for a while and encourages the new business. Acting Mayor Esposito said he supported extending deadline for the installation for the eight (8) foot fence. Alderman Greco favored fast tracking the business and granting an extension to install the eight (8) foot fence. Alderman Rada inquired as to what Building and Zoning Administrator Dragan needs for the business to open on September 1, 2020. Building and Zoning Administrator Dragan replied she needs direction and ordinance approval at the next City Council meeting. Building and Zoning Administrator Dragan also requested authority to approve the certificate of occupancy prior if the tenant is in compliance with final occupancy.

The Council concurred to place this on the next consent agenda including an extension to install the eight (8) foot fence and granted the authority to Building and Zoning Administrator Dragan to issue the certificate of occupancy if the tenant complies.

2. Presentation From Take 5 Oil Change And Curt Hurst Frontier Development.

Acting Mayor Esposito indicated Curt Hurst of Frontier Development and the Take 5 Oil representative were not able to attend the meeting tonight. Acting Mayor Esposito said the representatives plan to appear before the Council in September 2020.

3. Further Discussion - Text Amendments – Fence Or Wall Height Requirements.

Building and Zoning Administrator Dragan stated the current code requires a fence or wall six (6) feet in height between commercial and residential uses. The proposed amendment requires a solid fence or wall eight (8) feet in height for all newly constructed buildings and for all buildings constructing an addition. Building and Zoning Administrator Dragan stated the fence discussion from the August 11, 2020 City Council meeting would be continued tonight. Building and Zoning Administrator Dragan noted other communities

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do not require a fence between commercial and residential districts unless a developer requires a public hearing and neighbors request a fence. Building and Zoning Administrator Dragan added City Code requires conformance with new code amendments when remodeling exceeds 50% of the building area, or remodeling exceeds 50% of the assessed value of the property. Building and Zoning Administrator Dragan explained if the fence ordinance is approved when a new tenant moves into a shopping center, the landlord would be required to remove the existing fence and replace it with an eight (8) feet fence in height. The new fence is estimated to cost \$50,000 and could be cost prohibitive.

Building and Zoning Administrator Dragan stated if the City Council decides a fence eight (8) feet in height should be required between commercial and residential uses for freestanding buildings and multi-tenant centers when a new business occupies the building or a portion of the building, she recommends the fence be required under one (1) of the following circumstances.

1. When a special use or a variance is required for a new business; or,
2. When remodeling for a new business exceeds 50% of the assessed value of the property in which it is located.

Building and Zoning Administrator Dragan confirmed that an eight (8) feet fence should be required for new buildings and additions and the question is should a fence be required for a new business or only when the developer requests a public hearing and does major remodeling.

Acting Mayor Esposito said the City Council spent a lot of time discussing fencing and there needs to be a distinction between new businesses and existing businesses. Acting Mayor Esposito added the Zoning Committee's goal is to require eight (8) feet fences. Acting Mayor Esposito said all new businesses should be required to install eight (8) feet fences. Alderman Greco suggested two (2) options for requiring an eight (8) feet fence as detailed below.

1. For all existing buildings when a new business occupies such building (freestanding building) or when 50% of the property's exterior or landscaping is being remodeled for multi-tenant/commercial centers.

Alderman Greco explained under this provision, a new fence height of eight (8) feet would be required only when a strip mall does improvements to the strip mall or landscaping. However, when the strip mall's tenants turnover no fencing upgrade would be required.

2. Every time there is tenant turnover the strip mall owner would be required to escrow money to save for a future fence upgrade.

Building and Zoning Administrator Dragan confirmed Alderman Greco's option one (1) would require the fence upgrade when 50% of the exterior façade or landscaping of a shopping center was being remodeled. Building and Zoning Administrator Dragan asked

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how these new guidelines will impact Planned Unit Developments (PUD). City Attorney Ramello replied the PUD as approved would control the fencing requirements. Building and Zoning Administrator Dragan noted JRC Plaza and Oakbrook Terrace Square are both governed under PUD guidelines. Acting Mayor Esposito said PUD centers would be exempt from the new fencing requirements, and he agrees with Alderman Greco's first option. Acting Mayor Esposito said he favors the eight (8) foot fence requirement and this will take time. Alderman Barbari suggested fences should remain until the business ownership changes. Alderman Vlach does not favor requiring a new fence, just because a new tenant moves in. Alderman Rada said he favored short concise language and agrees with Alderman Greco's suggestion.

The Council concurred to approve the proposed ordinance as amended during the reconvened meeting.

4. Extending The State Of Emergency In The City Of Oakbrook Terrace.

Acting Mayor Esposito referenced Ordinance No. 20-33 included in the agenda packet and noted that the Ordinance needs to be amended to extend the State of Emergency through September 22, 2020.

The Council concurred to approve this ordinance as amended during the reconvened meeting.

XII. COUNCIL MEMBER COMMENTS

Alderman Rada commended the City's COVID-19 response and said he received many positive comments about the voucher and water bill refund programs. Alderman Barbari inquired about the spraying for the mosquitos. Acting Mayor Esposito responded the scheduled mosquito spraying is based upon breeding activity. Once Clark informs the City of the scheduled application, the City posts this information on the City's website. Alderman Greco inquired about the engineering work taking place at Dorothy Drennon Park and asked for an update on the project. Acting Mayor Esposito replied the Oakbrook Terrace Park District is behind on this project. Acting Mayor Esposito noted he will be speaking with Oakbrook Terrace Park District Executive Director Cathy Fallon this week and will report back to this Council on this.

XIII. CITY ATTORNEY RAMELLO

None.

XIV. CITY CLERK SHADLEY

None.

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XV. CITY ADMINISTRATOR A. MARRERO

None.

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, Rada, and Vlach

Nays: None

Motion passed.

XVII. RECESS TO EXECUTIVE SESSION

Motion to recess to Executive Session pursuant to Section 2 (c) (1) Of The Open Meetings Act to discuss the appointment, employment, compensation, discipline, performance, or dismissal of a specific employee of the City was made by Alderman Rada and seconded by Alderman Greco.

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

Nays: None

Motion passed.

This motion was corrected and reapproved at the January 12, 2021 City Council meeting.

XVIII. EXECUTIVE SESSION

1. Appointment, Employment, Compensation, Discipline, Performance or Dismissal Of Employee's Of The Public Body.

See separate minutes.

XIX. RECONVENE THE REGULAR MEETING

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

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

Nays: None

Motion passed.

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XX. OLD BUSINESS

1. Ordinance No. 20-29: An Ordinance Amending Chapter 156 Entitled “The Zoning Ordinance Of The City Of Oakbrook Terrace” Of Title XV Entitled “Land Usage” Of The Code Of Oakbrook Terrace, Illinois (Multiple Text Amendments).

Motion To Approve Ordinance No. 20-29: An Ordinance Amending Chapter 156 Entitled “The Zoning Ordinance Of The City Of Oakbrook Terrace” Of Title XV Entitled “Land Usage” Of The Code Of Oakbrook Terrace, Illinois (Multiple Text Amendments) was made by Alderman Vlach and seconded by Alderman Barbari.

Motion To Amend Ordinance No. 20-29 was made by Alderman Greco and seconded by Alderman Barbari.

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

Motion passed

2. Ordinance No. 20-33: An Ordinance Extending The State Of Emergency In The City Of Oakbrook Terrace, Illinois, Due To The Coronavirus (COVID-19) Outbreak.

Motion To Approve Ordinance No. 20-33: An Ordinance Extending The State Of Emergency In The City Of Oakbrook Terrace, Illinois, Due To The Coronavirus (COVID-19) Outbreak was made by Alderman Greco and seconded by Alderman Barbari.

Motion to Amend Ordinance No. 20-33 was made by Alderman Greco and seconded by Alderman Barbari.

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

Motion passed

ADJOURN

Motion to adjourn was made by Alderman Greco and seconded by Alderman Rada at 8:24PM.

Motion carried unanimously.

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Submitted,

Aileen Haslett, Recording Secretary