

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, MARCH 9, 2021**

I. CALL TO ORDER

Acting Mayor Esposito called the March 9, 2021, 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, Beckwith, Greco, Przychodni, Rada, Vlach, and Acting Mayor Esposito
Absent: None

Also, in attendance were City Clerk M. Shadley, City Administrator A. Marrero, Assistant to the Mayor and City Administrator M. Sarallo, 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 February 23, 2021

Motion to approve the minutes of the February 23, 2021 Regular City Council and Committee of the Whole as presented was made by Alderman Beckwith and seconded by Alderman Przychodni.

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

Motion passed.

VI. PUBLIC PARTICIPATION

None.

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VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: March 9, 2021 In The Amount Of \$96,310.30.
2. Ordinance No. 21-08: An Ordinance Increasing The Number Of Class “B” Liquor Licenses By One (1) Pursuant To The Provisions Of Title XI (Business Regulations); Chapter 111 (Food And Beverages); Subchapter *Alcoholic Liquor Control*, Section 111.012 (Number Of Licenses In Each License Classification), Of The Code Of Ordinances Of The City Of Oakbrook Terrace (Lykor Shack Inc. D/B/A 7-Eleven #30138).
3. Resolution No. 21-02: A Resolution To Approve And Authorize The Execution Of A Professional Engineering Services Agreement By And Between Christopher B. Burke Engineering, LTD. And The City Of Oakbrook Terrace For The Permitting And Full Equation (FEQ) Modeling Engineering Services For the Spring Road Tributary Stabilization, Eisenhower To Leahy Roads, Oakbrook Terrace, DuPage County, Illinois.

Motion to approve all the items contained on the Consent Agenda as presented for March 9, 2021 was made by Alderman Barbari and seconded by Alderman Rada.

Ayes: Barbari, Beckwith, 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 Rada and seconded by Alderman Vlach.

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

Nays: None

Motion passed.

X. ACTING MAYOR ESPOSITO

1. Reminder: Fiscal Year 2022 Budget Meeting At 6:00 PM On Wednesday March 10th, 2021.
2. Easter Spring Event City Hall Parking Lot-Drive Thru at Noon, Saturday March 20, 2021.
3. Acting Mayor Esposito updated the Council on the DuPage County’s Health Department’s roll-out of the COVID-19 vaccine.

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XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Refunding 2012A Bonds.

Acting Mayor Esposito referenced proposed Ordinance No. 21-09 for the refinancing of the 2012A Business District bonds for the Oakbrook Terrace Square Shopping Center. City Administrator Marrero stated at the January 12, 2021 meeting, the City Council directed staff to proceed with the refinancing of these bonds. The refinanced bonds will refund the outstanding 2012A bonds. The City hopes to save about \$60,000 in interest costs with this refinancing. The proposed ordinance includes a property tax levy for this bond, but the City will not be levying a property tax for these bonds. Similar to other City bond issues, this levy will be abated in December of each year. The bond issue is considered a general obligation, which typically results in lower interest costs. Mark Jeretina, Vice President with Speer Financial, noted general obligation debt is less costly than revenue bonds. Jeretina said since this bond issue was discussed in January, interest rates have increased so now the City is looking at saving up to \$40,000. Standard and Poor's rated this bond issue, AA, which is the third highest ranking and is consistent with the City's last bond rating from 2013.

The Council concurred to approve this during the reconvened meeting.

2. Robinette Property - Discussion Of The Creation Of TIF District.

Acting Mayor Esposito noted the Robinette family recently put up for sale a 22-acre parcel that is located along Route 83. Currently the property is zoned B-4, business parks. Hiffman, the seller's agent wants to drive the industrial commercial use on the property. Hiffman is close to an offer on the property. Acting Mayor Esposito said the City informed Hiffman what we would like to see on this property. The property has some challenges due to its location and the limited entryway access points. There is currently only one (1) access point to the property, which is the frontage road adjacent to the Walmart. The interest level has all been commercial. The City challenged Hiffman to reach out to retailers. Hiffman reached out to multiple retailers including Lowe's, Sam's Club, Menards, and Kohl's. To date, no retailers have shown an interest in the property. Acting Mayor Esposito noted the City could offer incentives to the developer through a Tax Increment Finance (TIF) district.

City Attorney Ramello explained a TIF is used to redevelop property within a municipality and then use the tax revenues from the redevelopment to fund the infrastructure improvements and other improvements or give an incentive to the developers for a use that the City supports. Before creating a TIF a financial consultant would perform a feasibility study to determine if the property meets the criteria for a TIF under State statutes. The consultant would then recommend if it is financially viable to proceed with a TIF district. With a TIF, the equalized assessed valuation of the property is frozen for 23 years. As the property value improves, the increased taxes generated by the TIF, creates the increment that the City can use to pay-off the bonds or use an incentive to pay the developer. City Attorney Ramello estimated the feasibility study would cost about \$50,000 and the creation

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of a TIF could reimburse the City for these charges. City Attorney Ramello further explained the City could pass an ordinance stating that legal, consultant, and surveying fees could be reimbursed through the taxes collected through the TIF.

Alderman Beckwith asked if the site would still be industrial under the TIF. City Attorney Ramello replied the idea with TIF is to offer an incentive the developer to bring a use that the City is interested in having. City Attorney Ramello noted the marketplace will determine if builders want to develop the property. City Attorney Ramello said one of the tools would be a redevelopment agreement, whereby the developer would receive the incentive if they brought the type of use that the City is interested in. Acting Mayor Esposito stated he would like to make sure Hiffman exhausts all their efforts to market the property to retailers. Acting Mayor Esposito recognizes that with COVID many retailers are not interested in expanding service.

Alderman Greco said the property is zoned in a particular way that blocks the City into a use that we do not want. Alderman Greco said the Council should look at this property and determine what we want. Alderman Greco said there are issues with the property such as access that can be overcome. Alderman Greco said he would like the City to come up with a plan and then work on these issues. Alderman Greco stated he hoped this is not the first conversation we have about this. Alderman Greco inquired if there would be any legal ramifications if the City rezoned the property to an entertainment use. City Attorney Ramello replied it depends on the property owner. If the property owner opposed the rezoning because he believes it devalued or down zoned the property, then the City could face a potential lawsuit. City Attorney Ramello said it is hard to predict if the owner would feel the rezoning devalued or enhanced the property value. Alderman Greco said the zoning issue is the first step and not enticing a use that the City does not want. Acting Mayor Esposito said a portion of the 22-acre parcel is in Villa Park and currently Villa Park provides water to the property so the City will need to meet with Villa Park regarding the redevelopment. Also, the property is adjacent to residential homes in Villa Park. Acting Mayor Esposito suggested maybe the City needs to hire a company to recruit retail interest in the property.

Alderman Beckwith inquired if Hiffman was aware of the access point issues. Acting Mayor Esposito replied the City discussed the access issues with Hiffman. The City also asked Hiffman if any surveys have been done through the State. Acting Mayor Esposito believes this has not been completed yet. City Administrator Marrero indicated Hiffman informed her that after the developer purchases a property than a traffic study would be completed. City Administrator Marrero said the property would be more marketable if a traffic study was completed that reflected alternate access points. City Administrator Marrero said the City has to hold strong because this is the last chance to develop. Alderman Barbari agreed with Alderman Greco's comments about changing the zoning with a more retail approach. Alderman Vlach indicated he would be surprised if retailers would locate here. City Administrator Marrero indicated that anything over seven (7) acres the developers are looking at e-commerce or light industrial warehouse buildings. Alderman Rada agreed with Alderman Greco's comments. Alderman Rada noted the Robinette property is not the last

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lot because there is a seven (7) acre vacant lot southeast of Berkshire. Alderman Rada suggested thinking more globally about the Robinette project and look at the vacant land near Berkshire as well to develop some consistency. Alderman Rada suggested creating a working committee to discuss these properties. Discussion ensued regarding updating the City's Comprehensive Plan, which was last updated back in 2008. Acting Mayor Esposito brought up the possibility of a data center, which are typically low-profile buildings. Resident Brian Brown indicated Elk Grove Village has some of the biggest data centers in the country including Microsoft. Resident Bruce Almeroth indicated another data center is trying to locate in Itasca, but they have not found a big enough power grid to handle the volume. Almeroth estimated the data centers in Itasca are paying over \$1 million in utility taxes. Typically, data centers do not house any employees and there is no access to property. Almeroth noted Amazon is going into the data center business as well.

Acting Mayor Esposito said the Council will discuss this again and this is a good first step. Acting Mayor Esposito added there is a lot of value in today's discussions.

3. Public Hearing Regarding The Proposed Renewal Of The Cable Franchise Agreement With Comcast Of Illinois VI, LLC.

Acting Mayor Esposito noted a public hearing regarding the proposed Cable Franchise Agreement Renewal with Comcast will take place now.

For the record, Acting Mayor Esposito stated the following.

This proceeding is hereby commenced pursuant to the requirements of the Federal Cable Communications Policy Act and the request for renewal of the franchise agreement of Comcast of Illinois VI, LLC, a current cable television franchisee in the City of Oakbrook Terrace. Notice of this proceeding was published on the City's website in the same manner as all other items on this evening's City Council Agenda. The purpose of this hearing is to afford the public the opportunity to offer comment and insight in order to:

- 1. Identify future cable-related community needs and interests of the residents of the City of Oakbrook Terrace;*
- 2. Review the performance of Comcast under its current cable television franchise.*

Since Tony Signorella, from Comcast was not in attendance there would not be a presentation. Acting Mayor Esposito asked if any Alderman have any questions or comments with respect to either the future cable-television-related needs of the City of Oakbrook Terrace, the performance of Comcast under its current cable television franchise agreement, or the proposed renewal of said franchise?

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Alderman Greco said he was hoping for a presentation by Comcast regarding the agreement. City Attorney Ramello indicated the agreement gives Comcast the right to provide cable services to the City and provides for a 5% franchise fee. This is a standard agreement overseen by the DuPage Mayors and Managers. Alderman Greco expressed concern when you call Comcast regarding an outage, they often deny there is an issue, so they can avoid crediting the customer's bill. Alderman Vlach expressed concern about Comcast's high charges.

Acting Mayor Esposito opened the floor to comments from the public with respect to either the future cable- television-related needs of the City of Oakbrook Terrace, the performance of Comcast of Illinois VI, LLC under its current cable television franchise agreement, or the proposed renewal of said franchise.

Resident Bob Shanahan asked if this is an opportunity to call for underground lines. Acting Mayor Esposito indicated underground lines are required for new construction. City Attorney Ramello says the agreement does not include this because this is controlled by the FCC.

At this time, there being no further comments from the public, the City will take the comments/matter under advisement. Acting Mayor Esposito entertained a motion to adjourn this hearing regarding the proposed renewal of the Cable Television Franchise Agreement with Comcast of Illinois VI, LLC.

Motion to adjourn the public hearing at 8:09PM was made by Alderman Rada and seconded by Alderman Vlach.

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

Motion passed and the public hearing was adjourned.

XII. COUNCIL MEMBER COMMENTS

Alderman Rada stated with the vacant land, the City has the opportunity to shape the City for the next 50 years. Alderman Greco said he is excited about what he heard tonight, and he looks forward to making some great moves for the future. Alderman Greco inquired if there was an update on the signage issues at the shopping center located at the corner of 14th Street and Summit. Building and Zoning Administrator Dragan will follow-up on this matter. Alderman Greco asked if the use of the billboard can be placed on the agenda. Alderman Beckwith said he was very impressed with the Finance Department's budget meeting presentation. Alderman Beckwith said he heard from an economic development expert that it takes money to make money so the City should be prepared to spend money on consulting fees regarding the redevelopment especially when trying to shape the future.

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XIII. CITY ATTORNEY R. RAMELLO

None.

XIV. CITY CLERK SHADLEY

None.

XV. CITY ADMINISTRATOR A. MARRERO

None.

XVI. RECONVENE THE CITY COUNCIL MEETING

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

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

Nays: None

Motion passed.

XVII. OLD BUSINESS

None.

XVIII. RECESS TO EXECUTIVE SESSION

Motion to recess to Executive Closed Session Pursuant To Section 2 (c) (11) Of The Open Meetings Act To Discuss Pending Litigation and Pursuant To Section 2 (c) (5) Of The Open Meetings Act To Discuss The Purchase Of Real Property For The Use Of The City was made by Alderman Greco and seconded by Alderman Barbari.

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

Nays: None

Motion passed.

XIX. EXECUTIVE SESSION

1. Closed Session Pursuant To Section 2 (c) (11) Of The Open Meetings Act To Discuss Pending Litigation.
2. Closed Session Pursuant To Section 2 (c) (5) Of The Open Meetings Act To Discuss The Purchase Of Real Property For The Use Of The City.

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See separate minutes.

XX. RECONVENE THE CITY COUNCIL MEETING

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

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

Nays: None

Motion passed.

XXI. NEW BUSINESS

1. Ordinance No. 21-09: An Ordinance Providing For The Issuance Of General Obligation Refunding Bonds Of The City Of Oakbrook Terrace, DuPage County, Illinois, In The Aggregate Principal Amount Of Not To Exceed \$2,200,000 And Providing For The Levy Of A Direct Annual Tax Sufficient To Pay The Principal Of And Interest On The Bonds.

Motion to approve Ordinance No. 21-09: An Ordinance Providing For The Issuance Of General Obligation Refunding Bonds Of The City Of Oakbrook Terrace, DuPage County, Illinois, In The Aggregate Principal Amount Of Not To Exceed \$2,200,000 And Providing For The Levy Of A Direct Annual Tax Sufficient To Pay The Principal Of And Interest On The Bonds was made by Alderman Barbari and seconded by Alderman Greco.

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

Nays: None

Motion passed.

2. Ordinance No. 21-10: An Ordinance Authorizing The Execution Of A Non-Exclusive Cable Television Franchise Agreement Between Comcast Of Illinois VI, LLC And The City Of Oakbrook Terrace, Illinois.

Motion to approve Ordinance No. 21-10: An Ordinance Authorizing The Execution Of A Non-Exclusive Cable Television Franchise Agreement Between Comcast Of Illinois VI, LLC And The City Of Oakbrook Terrace, Illinois was made by Alderman Greco and seconded by Alderman Przychodni.

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

Nays: None

Motion passed.

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ADJOURN

Motion to adjourn was made by Alderman Vlach and seconded by Alderman Przychodni at 8:45PM.

Motion carried unanimously.

Submitted,
Aileen Haslett, Recording Secretary