

**CITY OF OAKBROOK TERRACE  
MINUTES OF THE REGULAR CITY COUNCIL AND  
COMMITTEE OF THE WHOLE MEETING  
TUESDAY, JANUARY 13, 2015**

**I. CALL TO ORDER**

The Mayor called the January 13, 2015, 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, Swartz, Thomas, Vlach, and Mayor Ragucci  
Absent: None

Also in attendance were City Clerk D. Greco, City Administrator A. Marrero, Building and Zoning Administrator M. Dragan, Public Services Director C. Ward, Assistant to the Mayor and Administrator M. Sarallo, 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 December 9, 2014.

**Motion to approve the minutes of the December 9, 2014 Regular City Council and Committee of the Whole as presented was made by Alderman Przychodni and seconded by Alderman Esposito.**

**Ayes: Esposito, Przychodni, Swartz, Thomas, and Vlach  
Nays: None**

**Motion passed.**

**VI. PUBLIC PARTICIPATION**

Steven Bauer, Attorney for Bella Bianca, addressed the Council and stated his clients concerns regarding the proposed medical marijuana dispensary were recorded verbatim in the November 18, 2014 Planning and Zoning Commission minutes. Bauer identified some procedural and substantive deficiencies related to the location of the proposed marijuana dispensary. Bauer explained procedurally, there was a

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failure to provide adequate notice in terms of a sign not being posted on the property for the required period of time. Bauer also noted his clients never received regular or certified mail from the petitioner regarding the proposed use. Bauer stated substantively, the standards of review were not satisfied and his clients concerns were not addressed.

Bauer said at the last meeting, the petitioner stated the City is not afforded the ability to regulate medical marijuana uses, yet the Illinois statute authorizing these uses specifically allows municipalities to do so. Bauer also sighted the transcripts from when the medical marijuana bill was under discussion. Bauer indicated House of Representative, Lou Lang, stated local communities can create whatever zoning they need to make sure that dispensaries are moved to where they want in a community.

Melissa Russell, co-owner of Bella Bianca, addressed the Council and stated her business and family have a long history in Oakbrook Terrace. Russell indicated she does not want to leave the City, but may have to if the dispensary is approved. Russell said she truly feels her business will close if the dispensary is approved. Russell asked for the Council's consideration to not locate the dispensary adjacent to her business.

Lynette Stamp, addressed the Council and stated her concern is not so much the dispensary, but the location so close to a residential neighborhood. Stamp expressed her concerns with crime given the cash nature of the business.

Brian Graham, co-owner of A-Z Rental, addressed the Council and stated his business will be moving two (2) doors away and he hopes the subject property will be redeveloped. Graham disagreed with the crime concerns. Graham said the petitioner's request is a well thought out executed plan. Graham said he would like to see the subject property receive a facelift and beautify the neighborhood.

Cindy May addressed the Council and stated she opposed the dispensary. May said she does not want increased foot and vehicular traffic in her neighborhood. May said she does not want her property values to decrease. May said she wants to see established businesses thrive in the City. May said it is not the dispensary; it is the location.

Chris Schmidt stated he opposed the dispensary. Schmidt said he is looking to the Council to find a way to represent the people on this issue.

**VII. ACTION ITEMS/CONSENT AGENDA**

1. Payment Of City Bills: January 13, 2015 In The Amount Of \$1,051,077.49.
2. Personnel & Payroll Report for November 2014.
3. Treasurer's Report For November 2014.

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4. Approval Of Payout Number One (1): TGM Fabricating, Inc. In The Amount Of \$57,150 For The New Police Station And City Hall Renovation.
5. Approval Of Payout Number Two (2): Midwest Masonry, Inc. In The Amount Of \$90,270 For The New Police Station And City Hall Renovation.
6. Approval Of Payout Number Two (2): Cameo Electric, Inc. In The Amount Of \$11,344.50 For The New Police Station And City Hall Renovation.
7. Approval Of Payout Number Two (2): Unique Plumbing Co, Inc. In The Amount Of \$45,826.20 For The New Police Station And City Hall Renovation.
8. Approval Of Payout Number Three (3): Builders Concrete Services LLC In The Amount Of \$3,934.08 For Excavation For The New Police Station And City Hall Renovation.
9. Approval Of Payout Number Three (3): Builders Concrete Services LLC. In The Amount Of \$5,400 For Concrete For The New Police Station And City Hall Renovation.
10. Approval Of Payout Number 20: Harbour Contractorø Inc. In The Amount Of \$41,240.52 For The New Police Station And City Hall Renovation.
11. Approval Of Final Payout: Lumquest Lighting In The Amount of \$47,891 For The Residential Street Lighting Project.
12. Ordinance No. 15-1: An Ordinance To Approve And Authorize The Execution Of A Contract Between The City Of Oakbrook Terrace, Illinois, and Jetco, LTD. For The Water Riser And Drain Pipe Replacement, Interior Wet and Dry Recoating Of The 500,000 Gallon Spheroidal Water Tower In The City Of Oakbrook Terrace, Illinois.
13. Ordinance No. 15-2: An Ordinance Granting Variations From The Requirements Of The Zoning Ordinance Of The City Of Oakbrook Terrace For 1S635 Halsey Road In The City Of Oakbrook Terrace, Illinois.

**Motion to approve all the items contained on the Consent Agenda as presented for January 13, 2015 was made by Alderman Thomas and seconded by Alderman Swartz.**

**Ayes: Esposito, Przychodni, Swartz, 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.**

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**Ayes: Esposito, Przychodni, Swartz, Thomas, and Vlach**  
**Nays: None**

**Motion passed.**

**X. MAYOR RAGUCCI**

None.

**XI. COMMITTEE OF THE WHOLE CONSIDERATIONS**

**1. Continued Discussion: Letter of Recommendation 17W531 Roosevelt Road, Proposed Cannabis Dispensing Facility.**

Ramello said when Governor Quinn left office he did not approve any of the dispensary or cultivation center licenses. Ramello said the licenses are up to Governor Rauner. Ragucci stated residents are concerned about what the City's home rule powers are as they relate to the regulation of the dispensary locations. Ramello replied under the State Act there is a pre-emption against municipalities (both home rule and non-home rule) regulating in anyway the dispensaries or cultivation centers; other than reasonable zoning regulations that are not inconsistent with the Act. Ramello said one of the issues has been whether the City has the authority to enforce a 1,000 distance setback from residential for dispensaries. Ramello said the petitioner has requested a variance to bring this buffer zone down to zero feet. Ramello said the State statute does not provide for a 1,000 feet buffer zone between the dispensary and residential properties.

Przychodni asked if this was strictly a cash business. Jared Boyer, agent in charge from Floramedex LLC., replied Obama said open banks for this, but not all the banks are open to this at this time. Boyer said his company does have bank accounts. Boyer said it could be a cash business, but his company is working with Bank of Springfield to possibly accept credit cards as well. Swartz asked if Floramedex knows the status of their license. Boyer replied his company is waiting on Governor Rauner to award the license. Ragucci said it could be five (5) weeks or five (5) months until the status is known.

Esposito said most of the cities that approved dispensaries located these facilities in industrial parks, which would be the B-2 District for the City. Esposito said he understands the concerns of the residents, the owners of Bella Bianca, and Pete's Fresh Market. Vlach said a family member works in administration for a Colorado town and their police department has been overtaxed since the implementation of the recreational use of marijuana.

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**Motion to table this item until more information is available was made by Alderman Przychodni and seconded by Alderman Thomas. The Council voted to table this motion through a voice vote.**

**Motion passed.**

Ragucci said this item is tabled until further notice. Ragucci said the City will keep all parties up-to-date on the status of this matter.

2. IMET Investments vs. Investment Alternatives

Haslett stated back in November, the Council requested the City's options for investments, given the potential \$125,000 IMET loss. Haslett referenced her memorandum and said the potential returns from the Illinois Funds are pretty low with a \$600 estimated monthly return and a \$7,000 estimated annual return. Haslett stated the City's current investment manager, Sawyer Falduto Asset Management (SFAM), can achieve a higher return of 1.25% on investments beyond one (1) year.

Haslett indicated the SFAM approach is not an option for the City because the Capital Improvement funds cannot be invested past one (1) year, given that the City has awarded over \$7.6 million in trade contracts for the new Police Station and City Hall renovation. Accordingly, Haslett explained the City will not achieve the 1.25% rate because the City's funds are tied-up right now. Haslett stated the Capital Improvement Fund currently has about \$6.7 million in cash and investments.

Haslett said the City might be better-off staying with IMET and the bad investment was most likely a one (1) time deal. Haslett explained IMET established a trust fund to collect and distribute the recoveries they make from any repossessions. Haslett noted some municipalities have withdrawn funds from IMET. Haslett noted IMET's total investments went from \$1.8 billion in October of 2014 to \$825 million in December of 2014.

Vlach asked where the other cities have been transferring their investments to. Haslett replied some have switched to SFAM. Haslett said the City can transfer their investments to the SFAM as well, but will not earn the 1.25% rate of return, but rather earn around .33%, which is similar to IMET.

Ramello said several communities are considering a tolling agreement which provides for the holding-off of any lawsuit against IMET in exchange for IMET not asserting the statute of limitations against any communities participating in the tolling agreement, which would allow IMET to proceed against Pennant Management, the company that made the bad investment.

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Esposito asked what is the risk if we stay with IMET. Haslett replied the risk is another bad investment could occur. Esposito asked if additional securities have been put into place since this occurred. Marrero replied there are more securities in place so this does not happen again. Marrero also said some assets have already been recouped. Marrero said she spoke with SFAM about this and they believe the City will get some of their money back, but it is going to take a long time. Marrero asked Ramello if the City should participate in the tolling agreement. Ramello said he still needs to review the agreement and he will report back to the Council. Esposito asked if the reduced balance in IMET investments affects the City's returns. Marrero said the total balance should not impact the City's return on investment.

Marrero said with the current building project it is probably not a good idea to switch the investments over to SFAM. Marrero said she feels comfortable staying with IMET. Marrero said the City could transfer the investments to SFAM and receive the same rate of return as IMET. Ragucci said to hold off on making any changes until Ramello reports back regarding the tolling agreement. Vlach agreed on staying with IMET, and he does not feel the rate of return would be hurt due to the decreased total balance. The Council concurred to hold off on making any changes until more information is available.

3. Butterfield's Pancake House And Restaurant Proposed Liquor License

Ragucci referenced the proposed ordinance granting a liquor license to Butterfield's Pancake House and Restaurant. Ragucci said Butterfield's opened a couple of weeks ago and is a great addition to the City. The Council concurred to approve this during the reconvened meeting.

4. Proposed Text Amendments to the Zoning Code

Dragan referenced her memorandum regarding the proposed Zoning Code modifications. Dragan requested the Council to direct a public hearing before the Planning and Zoning Commission for the review of the proposed eight (8) text amendments detailed below. Dragan discussed the following text amendments.

1. Allow Outdoor dining areas in the B-3 General Retail District as a permitted use, instead of a special use, which means a public hearing would no longer be required.
2. Require a solid fence or wall screened at the height of the generator rather than imposing the six (6) feet fence or wall that is currently required. Dragan said the intent should be to cover the height of the generator.

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3. Require landscaping improvements for commercial properties when exterior remodeling of 50% or more of the existing floor plan is performed.
4. Allow for a building height of 25 feet for commercial properties in the B-1 Professional Office District instead of the current 15 feet maximum. Dragan noted this would encourage development along the east side of Summit Avenue.
5. Allow digital signs without increasing the area or number of permitted signs for a property.
6. Delete the regulations that currently prohibit the parking of vehicles with exterior tools or ladders on the driveway in the residential district.
7. Allow physical, occupational, and speech therapy on the first floor of a one (1) story building in the B-3 General Retail District. Dragan noted this will help Stellco and Midwest Office Center lease properties without a public hearing.
8. Prohibit businesses from keeping outside lights around the perimeter of the building and accessory structures except for the holiday season.

Dragan also referenced the memorandum from City Attorney Pacione recommending a text amendment to delete dental, orthodontists, and eye doctors from the definition of medical office use because these services would be more appropriate to be included in the definition of a professional office.

Discussion ensued and the Council concurred that in some cases the Building and Zoning Administrator may require safety fencing for outdoor dining areas. The Council also agreed that the generator fencing or wall structure should be a minimum of six (6) feet in height for aesthetics and noise reduction purposes. Ragucci stated he had no objections to any of the proposed changes.

The Council concurred to direct a public hearing before the Planning and Zoning Commission to discuss these changes.

5. Ordinance To Approve And Authorize The Execution Of A Material Purchase Order Between The City Of Oakbrook Terrace, Illinois And Cain Millwork, Inc. For Cabinets And Millwork (Bid Package 06B) For The New Police Facility And Renovation Of City Hall.

Ragucci referenced the draft ordinance and stated Cain Millwork, Inc. is the recommended vendor for a total cost of \$269,487. Dan Skiera of Harbour Contractors said this bid includes the cabinets, counter-tops, millwork for the Council Room, and shower stalls. The Council concurred to approve this item during the reconvened meeting.

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6. Mosquito Abatement Program Renewal

Ragucci referenced the renewal memorandum and noted the current price of \$15,746 will stay the same for the next three (3) years. Esposito asked about the timeframe for the treatments. Ward replied Clarke usually starts in April and the City still has one (1) treatment left on the current contract. Ward explained there is no set amount of treatments because it depends on when storms occur and typically the season goes into October. Ward said the treatments are typically done late at night between the hours of 1AM and 4AM. Esposito suggested placing information about the treatments in the *Terrace Leaves*. Ragucci said the City can place information about the abatement program in the *Terrace Leaves*.

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

7. Approval of Payout Number 21: Harbour Contractors

Ragucci referenced Harbour's application for payment number 21 in the amount of \$47,209.77 for construction management services for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

8. Status Report Payout Number Three (3): Midwest Masonry, Inc For Masonry Assemblies.

Ragucci referenced Midwest Masonry's application for payment number three (3) in the amount of \$115,155 for masonry work for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

9. Status Report Payout Number Three (3): Cameo Electric, Inc For Electrical.

Ragucci referenced Cameo Electric's application for payment number three (3) in the amount of \$19,134 for electrical services for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

10. Status Report Payout Number Three (3): Unique Plumbing Co, Inc For Building Plumbing.

Ragucci referenced Unique Plumbing's application for payment number three (3) in the amount of \$9,676.57 for plumbing services for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

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11. Status Report Payout Number One (1): Champion Drywall, Inc.

Ragucci referenced Champion Drywall's application for payment number one (1) in the amount of \$233,447.40 for metal trusses and carpentry for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

12. Status Report Payout Number One (1): Mercedes Section Five Installations, Inc.

Ragucci referenced Mercedes Section Five's application for payment number one (1) in the amount of \$23,400 for the installation of structural steel for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

13. Status Report Payout Number One (1): Westside Mechanical.

Ragucci referenced Westside Mechanical's application for payment number one (1) in the amount of \$22,206.30 for HVAC services for the new Police Facility and renovation of City Hall included in the agenda packet. The Council concurred to place this item on the next consent agenda.

**XII. COUNCIL MEMBER COMMENTS**

Esposito said the new Police Station looks huge since the installation of the roof. Skiera said as soon as the weather improves the Council can tour the building. Thomas said ComEd is cutting down trees. Ragucci said hopefully it will be a great financial year for the City and things pick up.

**XIII. CITY ATTORNEY RAMELLO**

Ramello indicated the online travel lawsuit will not be considered a class action lawsuit. Ramello added the next step in the process is a motion for summary judgment and then damages against the online travel companies for their failure to pay the correct amount in taxes.

**XIV. CITY CLERK GRECO**

None.

**XV. CITY ADMINISTRATOR MARRERO**

None.

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**XVI. RECONVENE THE CITY COUNCIL MEETING**

**Motion to reconvene was made by Alderman Thomas and seconded by Alderman Swartz.**

**Ayes: Esposito, Przychodni, Swartz, Thomas, and Vlach  
Nays: None**

**Motion passed.**

**XVII. NEW BUSINESS**

1. Ordinance No. 15-3: An Ordinance Increasing The Number Of Class "A" 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 (Butterfield's Oak Brook, LLC. d/b/a Butterfield's Pancake House and Restaurant).

**Motion To Approve Ordinance No. 15-3: An Ordinance Increasing The Number Of Class "A" 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 (Butterfield's Oak Brook, LLC. d/b/a Butterfield's Pancake House and Restaurant) was made by Alderman Przychodni and seconded by Alderman Esposito.**

**Ayes: Esposito, Przychodni, Swartz, Thomas, and Vlach  
Nays: None**

**Motion passed.**

2. Ordinance 15-4: An Ordinance Authorizing The Issuance Of A Purchase Order To Cain Millwork, Inc. For Cabinets and Millwork (Bid Package 06B) For The New Police Station And City Hall Renovation Of City Hall For The City Of Oakbrook Terrace, Illinois.

**Motion To Approve Ordinance 15-4: An Ordinance Authorizing The Issuance Of A Purchase Order To Cain Millwork, Inc. For Cabinets and Millwork (Bid Package 06B) For The New Police Station And City Hall Renovation Of City Hall For The City Of Oakbrook Terrace, Illinois was made by Alderman Thomas and seconded by Alderman Vlach.**

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**Ayes: Esposito, Przychodni, Swartz, Thomas, and Vlach  
Nays: None**

**Motion passed.**

**ADJOURN**

**Motion to adjourn was made by Alderman Przychodni and seconded by  
Alderman Esposito at 8:10PM.**

**Motion carried unanimously.**

Submitted,

Aileen Haslett  
Recording Secretary