

**CITY OF OAKBROOK TERRACE
MINUTES OF THE REGULAR CITY COUNCIL AND
COMMITTEE OF THE WHOLE MEETING
TUESDAY, JULY 12, 2016**

I. CALL TO ORDER

The Mayor called the July 12, 2016, 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: Alderman Esposito, Alderman Greco, Alderman Przychodni, Alderman Swartz, Alderman Thomas, Alderman Vlach, and Mayor Ragucci

Absent: None

Also in attendance were City Clerk M. Shadley, City Administrator A. Marrero, Assistant to the Mayor and Administrator M. Sarallo, Building and Zoning Administrator M. Dragan, Public Services Director C. Ward, 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 June 28, 2016.

Motion to approve the minutes of the June 28, 2016 Regular City Council and Committee of the Whole as presented was made by Alderman Przychodni and seconded by Alderman Esposito.

Aldermen Ayes: Esposito, Greco, Przychodni, Swartz, Thomas, and Vlach

Aldermen Nays: None

Motion passed.

VI. PUBLIC PARTICIPATION

None.

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VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: July 12, 2016 In The Amount Of \$217,580.84.
2. Ordinance No. 16-19: An Ordinance Amending The Final Planned Unit Development Plan And Granting Exceptions To The Zoning Ordinance For Property Located At 17W675 Roosevelt Road In The City Of Oakbrook Terrace, DuPage County, Illinois (Pete's Fresh Market).
3. Ordinance No. 16-20: An Ordinance Annexing Certain Territory Owned By Rey Bernardo, Lalane Bernardo, And Renato Gonzaga To The City Of Oakbrook Terrace, Illinois.
4. Ordinance No. 16-21: An Ordinance Approving A Preliminary And Final Plat Of Subdivision For The Property Located At 1S415 Luther Street In The City Of Oakbrook Terrace, Illinois
5. Ordinance No. 16-22: An Ordinance Granting Variations From The Requirements Of The Zoning Ordinance Of The City Of Oakbrook Terrace For 5 East Roosevelt Road (5 East Roosevelt Road, LLC/Anyways) In The City Of Oakbrook Terrace, Illinois.
6. Ordinance No. 16-23: An Ordinance Amending The Provisions Of The Subchapter Entitled "Hotel-Motel Room Tax" And The Subchapter Entitled "Long-Term Stay Hotel-Motel Room Tax" Of Chapter 35 Entitled "Taxes" Of Title III Entitled "Administration" Of The Code Of Oakbrook Terrace, Illinois.
7. Resolution No. 16-12: A Resolution Authorizing The Execution Of An Air Rights Lease Estoppel Certificate And A Consent And Release By The City Of Oakbrook Terrace, Illinois.
8. Resolution No. 16-13: A Resolution Agreeing To Indemnify The State Of Illinois For Equipment Attached To IDOT Facilities.

Motion to approve all the items contained on the Consent Agenda for July 12, 2016 as presented was made by Alderman Thomas and seconded by Alderman Swartz.

**Aldermen Ayes: Esposito, Greco, Przychodni, Swartz, Thomas, and Vlach
Aldermen 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

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made by Alderman Greco and seconded by Alderman Esposito.

Aldermen Ayes: Esposito, Greco, Przychodni, Swartz, Thomas, and Vlach

Aldermen Nays: None

Motion passed.

X. MAYOR RAGUCCI

Mayor Ragucci said the City's thoughts and prayers are with the Dallas Police Department and encouraged everyone to support police officers. Mayor Ragucci thanked everyone for their July 4th efforts.

XI. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Letter Of Recommendation: 1S722 Midwest Road.

Building and Zoning Administrator Dragan stated a public hearing was held before the Planning and Zoning Commission for the redevelopment of the former Burger King location. Building and Zoning Administrator Dragan stated the multi-tenant one (1) story structure will have an expected height that will not exceed 35 feet as permitted in the B-3 General Retail district. Building and Zoning Administrator Dragan noted a drive through is requested for the south end of the building. Building and Zoning Administrator Dragan stated the applicant is seeking approval for the drive through window and variations for the paved areas, yards, signage, and landscaping. Building and Zoning Administrator Dragan noted the Planning and Zoning Commission recommended approval of the request.

Mark Daniel, Attorney for the applicant, said a lot of research was done on this development which includes a standard drive through. Daniel noted the applicant is requesting to raise the sign, but the sign will be in compliance with the square footage requirements. Alderman Esposito asked how many retail units will be located on the property. Daniel replied between three (3) and six (6) depending upon the user. Alderman Esposito asked if there will be any parking issues with the adjacent OTB. Daniel replied it will be hard to tell and the owner will be sensitive to the OTB's special events.

Alderman Greco said his concern was that most of the signs in the area are monument style, while this sign includes a pole. Daniel provided a rendering of the sign and Alderman Greco said the sign includes more of a hybrid pole. Alderman Greco also recommended the City change the policy for when traffic studies are needed and require them only when requested by staff. Building and

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Zoning Administrator Dragan explained traffic studies are required for new construction. Mayor Ragucci said staff will look into this.

Alderman Greco also asked if there is anyway to create drivable or dedicated walking space from lot to lot in the area. Alderman Greco said he would like to see this added to this proposal or added to a future ordinance. Building and Zoning Administrator Dragan noted in many cases a public hearing is not required and this type of request would require a variation for a paved area and therefore require a public hearing. Mayor Ragucci said this is something staff could look into, but it would be difficult to gain participation from the businesses. Mayor Ragucci said the adjacent neighbor supports the development, but requested that cinder blocks not be used to construct the building. The Council concurred to place this on the next consent agenda.

2. Letter Of Recommendation: JRC Plaza East

Building and Zoning Administrator Dragan stated a public hearing was held before the Planning and Zoning Commission to consider the applicant's request for an amendment to the PUD for exceptions and a special use permit for a drive through at the proposed Dunkin Donuts. Building and Zoning Administrator Dragan said Tilted Kilt is approximately 8,700 square feet and the outdoor patio is 1,000 square feet. Building and Zoning Administrator Dragan stated the proposed Dunkin Donuts will occupy approximately 1,800 square feet. Building and Zoning Administrator Dragan noted the exceptions to the PUD were for signage, landscaping, and to allow the outdoor dining to remain as existing. Building and Zoning Administrator Dragan noted the Planning and Zoning Commission recommended approval of this request.

Daniel said none of the protections for the residents to the north are changing. Daniel discussed the proposed drive through lane and exterior elevation. Daniel noted the original request included 1,900 square feet of signage. Daniel said staff recommended signage be at 1,800 square feet and 1,600 square feet has been approved. Daniel said this location has been pre-approved by Dunkin Donuts corporate.

Alderman Thomas expressed concern over safety at the location. Alderman Thomas said he did not think the two (2) businesses were compatible. Alderman Thomas said he was concerned about people exiting Tilted Kilt when drivers are going through the drive through at Dunkin Donuts. Daniel replied there will be 26 feet from the door to any vehicle. Daniel added there is some clear separation from the drive through to the west and to the south and there will be clear lines of sight. Daniel noted these types of dual purpose Dunkin Donuts are becoming more common. Alderman Thomas said he does welcome new businesses into the town.

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Alderman Greco suggested the message board sign below the Tilted Kilt be removed in exchange for the Dunkin Donuts coffee cup sign. Alderman Esposito asked if Tilted Kilt will remain open during the construction process. Daniel answered Tilted Kilt plans to remain open. Alderman Esposito expressed concern as to where Tilted Kilt will be in five (5) years and does this division prohibit someone else from taking over this restaurant space. Daniel replied the Culvert restaurant chain utilizes the same space as Tilted Kilt. Daniel said the Tilted Kilt owners are always seeking new opportunities.

Mayor Ragucci said he supports this project and said he will speak with Mr. Calfa, the owner of the shopping center, about installing a nice electronic sign in place of the numerous signs at the location. The Council concurred to place this on the next consent agenda.

3. Groundwater Ordinance – Former BP Amoco Site

Ramello stated the previous site include an underground fuel storage station. Ramello explained the underground storage tank leaked and the current owner went to the Illinois Environmental Protections Agency for a remediation plan. Ramello stated in order to isolate the possible contamination the Illinois Environmental Protection Agency is requiring that the proposed ordinance prohibiting the drilling of wells at the site be approved.

Alderman Vlach asked if newly constructed home sites are able to drill for a well. Public Services Director Ward replied no because if the house is within 100 feet of the City's water infrastructure a connection to the City's water system is required. The Council concurred to place this on the next consent agenda.

4. Economic Incentive Agreement – Hawthorne Race Course, Inc.

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

5. Spring Road Culvert Repair

Public Services Director Ward explained the Spring Road Culvert needs to be repaired because the storm pipes that eventually drain to Salt Creek are deteriorating. Public Services Director Ward said the road is washing out and causing a dip in the roadway. Public Services Director Ward explained that he received three (3) proposals to repair the culvert and recommended the City select the lowest bidder, Orange Crush for a total cost of \$48,570. Public Services Director Ward estimated the road will be closed for two (2) weeks maximum, but he hopes only one (1) week.

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Mayor Ragucci said the City will need to work with the Village of Oak Brook and the surrounding businesses while the repair is taking place. Alderman Esposito asked if these were unexpected repairs prior to setting the budget. Public Services Director Ward replied yes. Alderman Esposito asked how this impacts the Motor Fuel Tax Fund. Administrator Marrero replied that in order to pay for this project the City will be dipping into reserves in the Motor Fuel Tax fund and the City has about \$500,000 in reserves in this fund. The Council concurred to place this on the next consent agenda.

6. Status Report Payout Number Three (3): FBG Corporation

Assistant to the Mayor and Administrator Sarallo said for Phase 1 of the project the contractor is leveling off the floor and getting ready to install the carpet and tile. Assistant to the Mayor and Administrator Sarallo indicated the lighting, ceiling, doors, and painting, are all completed and the project is on target to be finished in early September. Assistant to the Mayor and Administrator Sarallo added the roofing work should begin soon as well. The Council concurred to place this on the next consent agenda.

7. Approval Of A Video Gaming Location License And Increasing The Number of Video Gaming Terminal Licenses – Garden Cafe 17W731 Roosevelt Road, Oakbrook Terrace, Illinois

Mayor Ragucci said the State of Illinois issued the video gaming licenses without contacting the City. Mayor Ragucci added the machines have already been installed at the location. Mayor Ragucci there are several issues at the site that the City needs to discuss with the owner. Mayor Ragucci indicated the Code Enforcement Officer has visited the site several times. Mayor Ragucci said the design matched what the owner gave the City.

Alderman Greco said when he stopped at the location the person who was supposed to be tending bar, was gambling at one of the machines. Alderman Greco said there are four (4) feather signs, two (2) sandwich boards, banners above the doors, and signs posted on both sides of the building. Alderman Greco said the signage is unreasonable. Alderman Greco said he is not in support of the machines and at a minimum he would like to ensure that the Café's employees are Basset trained.

Discussion ensued whether to grant the approval of a video gaming license for the Garden Café at 17W731 Roosevelt Road. Mayor Ragucci suggested if the City grants the video gaming license that Building and Zoning Administrator Dragan has to go to the location with the Code Enforcement Officer and require that the owner remove all the signage. Mayor Ragucci said he will discuss this with the Deputy Chief to ensure the owner is doing their job.

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

XII. COUNCIL MEMBER COMMENTS

Alderman Przychodni indicated many drivers fly through the right turn on red on Summit and Butterfield. Mayor Ragucci indicated that this location is within the Village of Oak Brook, but he will let the Police Department know because the officers can still write tickets. Alderman Esposito commended staff for the July 4th picnic. Alderman Esposito said in talking with the residents at the picnic a couple of items came up including the Oakbrook Terrace Park District (OBTPD). Alderman Esposito said residents are concerned about the overall usage of the parks as well the aesthetics. Building and Zoning Administrator Dragan noted the OBTPD will be attending the next meeting so some of these concerns can be addressed.

Alderman Greco said Cheryl Downer and all the staff did a great job with this year's July 4th festivities. Alderman Greco asked if the street lights could be turned off during the July 4th fireworks display. Public Services Director Ward replied each light would have to be turned off individually. Public Services Director Ward said there is not a general switch where a certain block's lights can be dimmed. Public Services Director Ward said all the lights could be shut down and then turned back on. Alderman Thomas said the July 4th activities were the best ever and thanked staff for their efforts. Alderman Vlach said the residents were very satisfied with the picnic food options. Alderman Vlach said a homeowner from Oliviabrook approached him and asked if the City would consider taking over responsibility for the private roadway for the subdivision when the home owners association takes over the management of the property. Alderman Vlach said he told the homeowner he did not think so. Alderman Vlach said he thinks it would be very dangerous to turn off the street lights for the July 4th fireworks. Alderman Swartz indicated it was a great July 4th and residents appreciated the new food options.

XIII. CITY ATTORNEY RAMELLO

None.

XIV. CITY CLERK SHADLEY

None.

XV. CITY ADMINISTRATOR MARRERO

None.

XVI. RECONVENE THE CITY COUNCIL MEETING

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Motion to reconvene the City Council meeting was made by Alderman Przychodni and seconded by Alderman Esposito.

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

Motion passed.

XVII. OLD BUSINESS

None.

XVIII. RECESS TO EXECUTIVE SESSION

Motion to recess to Executive Session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees or officers of the City was made by Alderman Swartz and seconded by Alderman Vlach.

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

Motion passed.

XIX. EXECUTIVE SESSION

1. Appointment, Employment, Compensation, Discipline, Performance or Dismissal Of Employees Of The Public Body

See separate minutes.

XX. RECONVENE THE REGULAR MEETING

Motion to reconvene the City Council meeting was made by Alderman Esposito and seconded by Alderman Przychodni.

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

Motion passed.

XXI. OLD BUSINESS

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None.

ADJOURN

Motion to adjourn was made by Alderman Thomas and seconded by Alderman Swartz at 8:53P.M.

Motion carried unanimously.

Submitted,

Aileen Haslett
Recording Secretary