



City of Aurora

City Hall - 2nd Floor
Council Chambers
44 East Downer Place
Aurora, IL

City Council Meeting Minutes - Final

Tuesday

January 09, 2018

6:00 PM

ROLL CALL

Mayor Irvin called the City Council meeting to order at 6:04 P.M. and the roll was called.

Present: 13 - Alderman Tina Bohman, Alderman Juany Garza, Alderman Ted Mesiacos, Alderman Bill Donnell, Alderman Carl Franco, Alderman Mike Saville, Alderman Scheketa Hart-Burns, Alderman Rick Mervine, Alderman Edward Bugg, Alderman Judd Lofchie, Alderman Sherman Jenkins, Alderman Bob O'Connor and Mayor Richard Irvin

PLEDGE OF ALLEGIANCE

INVOCATION

MINUTES OF THE MEETINGS OF TUESDAY, DECEMBER 12, 2017 AND TUESDAY, DECEMBER 19, 2017

[17-01200](#)

Approval of the Tuesday, December 12, 2017 City Council Meeting Minutes.

A motion was made by Alderman Franco, seconded by Alderman Garza to approve and file the minutes from the December 12, 2017 City Council meeting. The motion carried by voice vote with an abstention from Alderman Hart-Burns.

[17-01201](#)

Approval of the following Closed Session Minutes: December 12, 2017.

A motion was made by Alderman Jenkins, seconded by Alderman Franco to approve and file the minutes from the December 12, 2017 Closed Session portion of the meeting. The motion carried by voice vote with an abstention from Alderman Hart-Burns.

[17-01208](#)

Approval of the Tuesday, December 19, 2017 City Council Meeting Minutes.

A motion was made by Alderman Mervine, seconded by Alderman Jenkins to approve and file the minutes from the December 19, 2017 City Council meeting.

The motion carried by voice vote with an abstention from Alderman Hart-Burns and Alderman Mesiacos.

APPOINTMENT OF SERGEANT-AT-ARMS

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins to appoint Officer Hornburg as Sergeant-at-Arms for this meeting. The motion carried by voice vote.

PRESENTATIONS

[18-0022](#)

Recognition of Don Truax for his Year's of Service to the Aurora Preservation Commission.

This Recognition for Don Truax was discussed and filed.

MAYORAL APPOINTMENTS

[17-01206](#)

A Resolution Appointing Lawrence Lenior to the Aurora Veterans Advisory Council.

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins, to approve the appointment as presented. The motion carried by the following vote.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: R18-001

[17-01209](#)

A Resolution Appointing Jennifer Baird-del Debbio and reappointing Daniel Miller to the Aurora Preservation Commission.

A motion was made by Alderman Hart-Burns, seconded by Alderman Donnell, to approve the appointment as presented. The motion carried by the following vote.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: R18-002

SPEAKERS

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins, to allow members of the public to address City Council. The motion carried by voice vote.

David Silverman, attorney from Ancel Glink representing CyrusOne, asked the City Council to maintain the original votes on items 17-00519, 17-00520 and

17-00521.

Charlie Zine spoke regarding support of item 17-01135.

Rocky Pintozzi spoke in support of items 17-00519, 17-00520 and 17-00521.

Jim Rabb spoke regarding lack of snow parking enforcement and in support for item 17-1135.

Beulah Foltz spoke regarding citation fines.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

[17-01107](#)

A Resolution authorizing approval of the Supplemental Contract #1 for Engineering Enterprises Inc. for their additional engineering work conducted as part of Phase 1 & II for Kautz Road Multi-Use Path Project.

This Resolution was approved.

Enactment No: R18-003

[17-01124](#)

A Resolution establishing the maximum number of Class G City of Aurora liquor licenses (*unofficially* related to application from: Welcome Food and Beer, Inc. dba Angelina's Food and Beer located at 2218 Ogden Avenue, Aurora, IL).

This Resolution was approved.

Enactment No: R18-004

UNFINISHED BUSINESS

[17-01129](#)

A Resolution Approving the 2018 Annual Action Plan Funding Recommendations - Community Development Block Grant (CDBG) and HOME Investment Partnership Act Programs (HOME).

Rick Guzman, Neighborhood Development Manager, spoke regarding the plan and the process taken to adopt the plan by the City of Aurora.

A motion was made by Alderman Hart-Burns, seconded by Alderman Garza, that this agenda item be approved. The motion carried.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: R18-005

[17-01135](#)

A Resolution Authorizing the Mayor and City Clerk to amend Resolution R17-348 and to execute the revised Local Agency Agreement with the State of Illinois (IDOT) and approve the project cost increase for the Aurora Transportation Center (ATC) Regional Facility Enhancement Project.

Stephane Phifer, Director of Sustainability and Urban Planning, provided a summary of the project. Alderman Lofchie spoke against the item. The following Aldermen spoke in favor of the item: Alderman Mervine, Alderman Bohman, Alderman Saville, and Alderman Franco. Ken Schroth, Public Works Director, answered a question from Alderman Bugg regarding funding for the project.

A motion was made by Alderman Hart-Burns, seconded by Alderman Bohman, that this agenda item be approved as amended. The motion carried.

Aye: 11 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Jenkins and Alderman O'Connor

Nay: 1 - Alderman Lofchie

Enactment No: R18-006

[17-01213](#)

A Resolution Authorizing Implementation of a Revised Anti-Harassment/Sexual Harassment Policy for the City of Aurora Pursuant to State Law.

Alisia Lewis, Human Resources Director, spoke regarding the State of Illinois requirements to adopt or pass an ordinance or resolution regarding a anti-sexual harassment policy for the City.

Alderman Saville spoke stating the requested changes were made to the resolution. Alderman Hart-Burns and Rick Veenstra, Corporation Counsel, spoke that there were no conflicts identified with the City's Human Rights Ordinance. No changes are recommended or required.

A motion was made by Alderman Hart-Burns, seconded by Alderman Garza, that this agenda item be approved. The motion carried.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: R18-007

NEW BUSINESS

A motion was made by Alderman Hart-Burns, seconded by Alderman Garza, to Suspend the Rules to allow for discussion and action to be taken on items on the New Business section of the agenda. The motion carried by the following vote.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

[18-0016](#)

A Resolution Authorizing the Appointment of Deborah Lang as the Assistant Corporation Counsel.

A motion was made by Alderman Hart-Burns, seconded by Alderman Garza, that this agenda item be approved. The motion carried.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: R18-008

OLD BUSINESS

Mayor Irvin made a statement regarding the handling of the items under the "Old Business" section of the agenda.

Stephane Phifer, Director of Sustainability and Urban Planning, provided an overview of the process thus far. Richard L. Williams, Griffin Williams LLP attorney, and Trevor Belcher, Executive Vice President at Scientel, spoke regarding the request of Scientel Solutions and provided an overview of the company. (PowerPoint presentation utilized).

Alderman Mervine, Alderman Hart-Burns, Alderman Saville asked questions regarding the project and intent of the company. Alderman Mesiacos asked a question regarding the process of deliberation and intent of the petitioner. Questions were answered by Stephane Phifer and Scientel Solutions as appropriate.

Mayor Irvin provided advice from Corporation Counsel regarding how deliberations were to occur for each of the items and the creation of the record of fact.

[17-00519](#)

Reconsideration of an Ordinance Approving a Revision to the Eola Venture I Plan Description on 2.66 Acres for Property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road

Alderman Mervine, Alderman Donnell, Alderman Jenkins, Alderman Franco, and Alderman Hart-Burns stated they were in favor of this aspect of the project and development in the area.

Questions by Alderman Bugg and Alderman Lofchie were asked regarding the information to be considered in making a decision. Corporation Counsel Veenstra addressed the questions.

Mayor Irvin called the City council to a vote.

A motion was made by Alderman Jenkins, seconded by Alderman Franco, that this agenda item be adopted. The motion carried.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

Enactment No: O18-001

[18-0005](#)

A Resolution adopting findings of fact in support of the City Council's action with respect to Item 17-00519, an Ordinance Approving a Revision to the Eola Venture I Plan Description on 2.66 Acres for Property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road.

Corporation Counsel explained that this agenda item was not necessary because item 17-00519 was adopted with a vote of 12:0.

[17-00520](#)

Reconsideration of an Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on the Property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road

Alderman Mervine said he was not in favor of Scientel Solutions building a tower at this location.

Stephane Phifer said that the planning for strategic land use will be addressed by the new economic development group.

Alderman Bugg said he is generally for this project. He asked questions to Corporation Counsel regarding the the need to send the item back to Planning Commission. Corporation Counsel provided information related to the options of City Council to vote on the current record or to send the item back to the Plan Commission.

Alderman Bugg made a motion to return items 17-520 and 17-521 to the Plan Commission. Corporation Counsel clarified that only item 17-520 would only be able to have a public hearing. The motion was amended to reflect the return of item 17-520 to the Plan Commission. The motion was seconded by Alderman Mervine.

The Mayor and Corporation Counsel clarified the motion and the subsequent actions to be taken in either an affirmative to negative vote on the motion.

The following vote was taken on the question to return item 17-520 to the Planning Commission and hold a public hearing:

Aye (5) : Alderman Mesiacos, Alderman Mervine, Alderman Bugg, Alderman Lofchie, and Alderman O'Connor.

Nay (7): Alderman Bohman, Alderman Garza, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, and Alderman Jenkins.

The motion failed (5-7).

A motion was made by Alderman Jenkins, seconded by Alderman Hart-Burns, that this agenda item be adopted. The motion carried.

Aye: 9 - Alderman Bohman, Alderman Garza, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Bugg, Alderman Lofchie and Alderman Jenkins

Nay: 3 - Alderman Mesiacos, Alderman Mervine and Alderman O'Connor

Enactment No: O18-002

[18-0006](#)

A Resolution adopting findings of fact in support of the City Council's action with respect to Item 17-00520, an Ordinance approving a special use permit to Scientel Solutions, LLC for a communications facility (4211) use on the property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road.

Corporation Counsel read the proposed language for Addendum A to the resolution. A copy of the proposed language was passed out to City Council.

A motion was made by Alderman Hart-Burns, seconded by Alderman Franco to amend the resolution as proposed by Corporation Counsel to add Addendum A.

The motion carried by the following vote:

Aye (8) : Alderman Bohman, Alderman Garza, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Lofchie, Alderman Jenkins

Nay: (4) : Alderman Mesiacos, Alderman Mervine, Alderman Bugg, Alderman O'Connor

Corporation Counsel clarified that the vote would be to adopt the findings of fact from the Planning Commission meeting in September.

Alderman Bugg expressed his reasoning for voting against this item despite his overall approval of the project.

Corporation Counsel spoke regarding the purpose of the motion to reconsider and provided the City Council information regarding what a vote in either direction would mean.

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins, that this agenda item be approved as amended. The motion carried.

Aye: 7 - Alderman Garza, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Lofchie and Alderman Jenkins

Nay: 5 - Alderman Bohman, Alderman Mesiacos, Alderman Mervine, Alderman Bugg and Alderman O'Connor

Enactment No: R18-009

[17-00521](#)

Reconsideration of a Resolution Approving a Revision to a portion of the Preliminary Plan and Plat Property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road

Stephane Phifer, Director of Planning and Sustainability, clarified the item is an approval of preliminary plan.

A motion was made by Alderman Jenkins, seconded by Alderman Hart-Burns,

that this agenda item be approved. The motion carried.

Aye: 9 - Alderman Bohman, Alderman Garza, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Bugg, Alderman Lofchie and Alderman Jenkins

Nay: 3 - Alderman Mesiacos, Alderman Mervine and Alderman O'Connor

Enactment No: R18-010

REQUESTS AND REFERRALS

18-0012 Requesting approval of a Final Plat for Lot 1 of Burger King Aurora Subdivision at 1775 N. Farnsworth Avenue being east of Farnsworth Avenue and south of Molitor Road (Agree Realty Corporation/Burger King - 18-0012 / AU12/1-17.047-Fsd/V - JM - Ward 1)

This Petition was referred to to the DST Staff Council (Planning Council)

18-0013 Requesting approval of a Setback Variance pursuant to Section 10.5 and 8.3-5.12 with a Site Plan for the property at 1775 N. Farnsworth Avenue being east of Farnsworth Avenue and south of Molitor Road (Agree Realty Corporation/Burger King - 18-0013 / AU12/1-17.047-Fsd/V - JM - Ward 1)

This Petition was referred to to the DST Staff Council (Planning Council)

REPORT

[18-0003](#) Treasurer's Report - November 2017.

A motion was made by Alderman Hart-Burns , seconded by Alderman Jenkins, to accept and file the report as presented. The motion carried by voice vote.

BILLS

[18-0014](#) Bill Summary and Large Bill List.

A motion was made by Alderman Hart-Burns, seconded by Alderman Jenkins, to approve and pay the bills as presented. The motion carried.

Aye: 12 - Alderman Bohman, Alderman Garza, Alderman Mesiacos, Alderman Donnell, Alderman Franco, Alderman Saville, Alderman Hart-Burns, Alderman Mervine, Alderman Bugg, Alderman Lofchie, Alderman Jenkins and Alderman O'Connor

CLOSED SESSION

There was not a need for a Closed Session.

ADJOURN

A motion was made by Alderman Hart-Burns , seconded by Alderman Jenkins, to adjourn this meeting of the City Council. The motion carried by voice vote. The meeting was adjourned at 9:00 P.M.

Submitted by: _____
Wendy McCambridge, City Clerk