



**CITY COUNCIL MEETING OF NOVEMBER 20, 2012
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 4, 2012 AS WRITTEN.**

CALL TO ORDER:

6:30 P.M.

A Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong - Arrived at 6:33 p.m.
Councilman Douglas Krause
Councilman Joe McElroy - Arrived at 6:39 p.m.
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
City Attorney, Margo Ely
Asst. City Attorney, Mike DiSanto
City Prosecutor, Jill Pelka-Wilger
City Clerk, Pam LaFeber
Police Chief, Bob Marshall
Fire Chief, Mark Puknaitis
T.E.D. Director, Bill Novack
T.E.D. Operations Manager, Allison Laff
Development Services Manager, Anastasia Urban
Project Engineer, Andy Hynes
Asst. Finance Director, Chris Smith
Public Works Director, Dick Dublinski
Director of Public Utilities-Electric, Mark Curran
Chief Information Officer, Larry Gunderson

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be the initials 'G.P.' or similar, located at the bottom left of the page.

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B CLOSED SESSION:

Wehrli moved to recess to Closed Session to discuss 5ILCS/120(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; (21) Discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. Second, Chirico.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Krause, Miller, Wehrli

Nays: None

Absent: Hinterlong, McElroy
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:33 P.M.
CLOSED SESSION ENDED AT 6:54 P.M.**

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:01 p.m.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Chirico, Fieseler, Krause, McElroy, Miller,
Wehrli

Absent: Hinterlong

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E PUBLIC FORUM:

E1 Orleans Homeowners Association – Property Lien

Rozy Kanjee, 401 Orleans, discussed a property lien, stated it had been paid, and asked for assistance to have it removed from record.

Smith will follow up with the speaker.

Clerk's Note: Hinterlong returned to the dais at 7:05 p.m.

E2 Smart Meters

Denise Kinsey, 24 S. Huffman, discussed the installation of a meter on her home.

Krieger explained the replacement process and stated that only written notification is required.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

**H CONSIDERATION OF MOTION TO USE OMNIBUS METHOD
FOR REMAINING ITEMS:**

Miller moved to use the Omnibus method to approve the Consent Agenda. Second, Wehrli.

VOICE VOTE: Motion declared carried.

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I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items 15, 18. Second, Wehrli.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli

Nays: None

Motion declared carried.

- | | | |
|-----------|--|---|
| I1 | <u>Cash Disbursements – 10/24/12</u>
Council moved to approve the 10/24/12 cash disbursements in the amount of \$17,590,987.63. | CASH DISBURSEMENTS -
10/24//12 |
| I2 | <u>Cash Disbursements – 11/07/12</u>
Council moved to approve the 11/07/12 cash disbursements in the amount of \$9,663,948.28. | CASH DISBURSEMENTS -
11/07//12 |
| I3 | <u>Regular City Council Minutes – 11/5/12</u>
Council moved to approve the Regular City Council Meeting Minutes of November 5, 2012. | REGULAR CITY
COUNCIL MINUTES –
11/5/12 |
| I4 | <u>Appointments to City of Naperville Boards and Commissions</u>
Council moved to approve Mayoral appointments of Gary Kovener to the Advisory Cultural Commission; Tim Dumler to the Advisory Commission on Disabilities; Leanne Meyer-Smith and Anthony Chirico to the Building Review Board; and Joseph Costello, Jr. to the Downtown Advisory Commission. | APPOINTMENTS TO CITY
OF NAPERVILLE
BOARDS AND
COMMISSIONS |
| I6 | <u>Kingsley Court Public Improvements</u>
Council moved to accept the street and street light improvements along Kingsley Court in Chestnut River Point Subdivision (northwest corner of Washington Street and Ring Road) and authorize the City Clerk to reduce the corresponding public improvement surety. | KINGSLEY COURT
PUBLIC IMPROVEMENTS |
| I7 | <u>Ordinance No. 12-141, Unity in Naperville Church, PZC 12-1-133</u>
Council moved to pass Ordinance No. 12-141, approving a conditional use for a public assembly use pursuant to Section 6-8C-3 (I Industrial District; conditional uses) for the establishment of a church at 1600 Shore Road, PZC 12-1-133.

Clerk's Note: Brodhead recused herself to avoid the appearance of impropriety and left the dais at 7:14 p.m. | ORDINANCE NO. 12-141,
UNITY IN NAPERVILLE
CHURCH, PZC 12-1-133 |



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- J1** Water Street District – North Phase/South Phase, PZC 12-1-039 and PZC 12-1-040 Continued WATER STREET DISTRICT – PZC 12-1-039 & PZC 12-1-040
- Troy Thueson, 436 Bluegrass Parkway, Oswego, spoke in favor of the proposed development.
- Kevin Kruchko, 1536 Watkins, spoke in favor of the proposed development.
- Allen Panek, 1566 Valley View, spoke against the proposed development.
- Dan Cutaia, 1076 E. Prairie, spoke in favor of the proposed development.
- Tom Dusek, 2149 University Drive, spoke in favor of the proposed development.
- Bob Lee, 630 S. Loomis, spoke in favor of the proposed development.
- Jack Persin, 800 W. Gartner, spoke in favor of the proposed development.
- John Brining, 624 Rock Spring Road, spoke in favor of the proposed development.
- Chuck Lesnik, 519 S. Main, spoke against the proposed development.
- Bob Swininoga, 1241 Marls, spoke against the proposed development.
- KC Swininoga, 1241 Marls, spoke against the proposed development.
- Veronica Porter, 325 W. Benton, spoke against the proposed development.
- Adam Van Someren, 490 White Oak Drive, spoke in favor of the proposed development.
- Mary Derwinski, 420 W. Spring, spoke against the proposed development.
- Lisa Weekley, 117 Aurora, spoke in favor of the proposed development.
- Rick Hitchcock, 221 W. Jefferson, questions only.
- Dick Furstenau, 709 Zaininger, spoke against the proposed development.
- Thom Higgins, 725 Ellsworth, spoke against the proposed development.
- Carl Christensen, 1132 Birkdale, spoke against the proposed development.
- John Dilulio, 2323 University, spoke in favor of the proposed development.
- Mary Lou Wehrli, 916 W. Jefferson, spoke against the proposed development.

Break: 9:12 p.m.

Mayor Pradel called the meeting back to order at 9:22 p.m.



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J1

Water Street District – North Phase/South Phase, PZC 12-1-039 and PZC 12-1-040 Continued

WATER STREET
DISTRICT – PZC 12-1-039
& PZC 12-1-040

Dick Galitz, 1017 Bailey, spoke against the proposed development.

Robert Tschirhart, 834 Diane Lane, spoke against the proposed development.

Jacalyn Green, 834 Diane Lane, spoke against the proposed development.

Marcia Straub, 1405 Deep Run Road, spoke against the proposed development.

Roger Berres, 1160 Radford Drive, Aurora, spoke in favor of the proposed development.

Mike Costello, 24 Huffman Street, spoke against the proposed development.

Council discussed the FAR calculation, stated that this development is part of downtown and that the parking deck should be included as part of the overall downtown parking strategy, job creation, and economic value to the area.

Council also discussed the scale of the development, height as it relates to topography, the potential use of compact car spaces versus full size car spaces, and whether the roof space will be utilized year-round.

Laff explained the Water Street Vision statement as it pertains to height and what other factors should be considered when evaluating the appropriateness of the development.

Bottarelli discussed scale of the proposed development alone, against the 2007 preliminary drawing, and as it compares to existing properties in the downtown.

Council discussed the low flow walkway, if the planned parking surplus will be sufficient, and the decrease of traffic service levels.

Schatz stated that there is some risk associated with parking, and that the developer will have to purchase extra spaces in the garage if more parking is needed, and that the deck on the south side will shift current parking demand.

Chirico invoked Council Rules

Wehrli objected

ROLL CALL Motion to Overrule Council Rules:

Ayes: Wehrli, Hinterlong, Krause

Nays: Pradel, Brodhead, Chirico, Fieseler, McElroy, Miller

Motion declared not carried

Item tabled to December 4, 2012.

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K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

Wehrli moved to approve the City Council meeting schedule for December 2012 and January and February 2013. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

**CITY COUNCIL MEETING
SCHEDULE**

L2 Police Officer positions

Wehrli moved to authorize the City Manager to fill four vacant Police Officer positions in the Police Department. Second, Hinterlong.

ROLL CALL:

Ayes: Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel,
 Brodhead, Chirico, Fieseler

Nays: None
 Motion declared carried.

**POLICE OFFICER
POSITIONS**

L3 Records Specialist position - Police Department

Wehrli moved to authorize the City Manager to fill one vacant Records Specialist position in the Police Department. Second, Chirico.

ROLL CALL:

Ayes: Krause, McElroy, Miller, Wehrli, Pradel, Brodhead,
 Chirico, Fieseler, Hinterlong

Nays: None
 Motion declared carried.

**RECORDS SPECIALIST
POSITION - POLICE
DEPARTMENT**

M PUBLIC HEARINGS:

N ORDINANCES AND RESOLUTIONS:

N1 Ordinance No. 12-143, Late Night Permits – not located in Downtown

DiSanto explained that staff is reviewing the Late Night Permit administrative process and how the permits affect the downtown.

Miller moved to waive the first reading and pass Ordinance No. 12-143, amending Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control) and Section 3-3-13 (number of liquor licenses and permits issued) of the Naperville Municipal Code increasing the limit for the Late Night Permits issued for premises not located in the Downtown from thirty-four (34) to thirty-six (36). Second, Chirico.

ROLL CALL:

Ayes: McElroy, Miller, Wehrli, Pradel, Brodhead, Chirico,
 Fieseler, Hinterlong, Krause

Nays: None
 Motion declared carried.

**ORDINANCE NO. 12-143,
LATE NIGHT PERMITS –
NOT LOCATED IN
DOWNTOWN**

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N2 Ordinance No. 12-144, Class U Specialty Market Liquor License

Vincent Priest, 204 E. Chicago Ave., Westmont and Phillip Stewart, 726 S. Monroe, Petitioners, stated that they will not proceed with the development until the liquor license classification is approved.

Chirico moved to waive the first reading and pass Ordinance No. 12-144, amending Title 3 (business and license regulations) Chapter 3 (liquor and tobacco control), Sections 3-3-1, 3-3-11, and 3-3-17 of the Naperville Municipal Code establishing the Class U-Specialty Market liquor license classification. Second, Wehrli.

ROLL CALL:

Ayes: Miller, Wehrli, Pradel, Brodhead, Chirico, Fieseler,
 Hinterlong, Krause, McElroy

Nays: None

 Motion declared carried.

ORDINANCE NO. 12-144,
CLASS U SPECIALTY
MARKET LIQUOR
LICENSE

O **NEW BUSINESS**

O1 New Business

Hinterlong thanked the speakers on the Water Street agenda item, gave his appreciation to Councilman McElroy for attending, and asked that shoppers remember local businesses during the holidays.

P **CLOSED SESSION:**

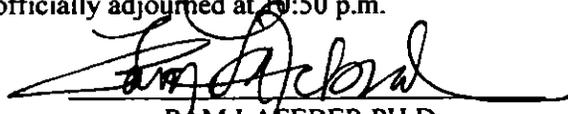
Q **ADJOURNMENT:**

Wehrli moved to adjourn the Regular City Council meeting of November 20, 2012 at 10:50 p.m. Second, Chirico.

VOICE VOTE: Motion declared carried.

ADJOURNMENT

The Regular City Council Meeting of November 20, 2012 officially adjourned at 10:50 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

