



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

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**CALL TO ORDER:**

6:00 P.M.

- A** Mayor A. George Pradel  
Councilman Judy Brodhead  
Councilman Steve Chirico  
Councilman Robert Fieseler  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Councilman Joe McElroy  
Councilman Kenn Miller  
Councilman Grant Wehrli

Absent

None

Also Present

- City Manager, Doug Krieger  
Assistant City Manager, Robert Marshall  
City Clerk, Pam LaFeber  
City Attorney, Margo Ely  
Fire Chief, Mark Puknaitis  
Police Chief, David Dial  
Finance Director, Karen DeAngelis  
T.E.D. Business Group Director, Marcie Schatz  
T.E.D. Operations Manager, Allison Laff  
T.E.D. Team Leader, Karyn Robles  
City Engineer, Bill Novack  
Director of Public Works, Dick Dublinski  
Director of Public Utilities-Electric, Mark Curran  
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, located at the bottom left of the page. The signature is stylized and appears to be the initials 'JG'.

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**B            CLOSED SESSION:**

CLOSED SESSION

Miller moved to recess to Closed Session to discuss 5ILCS/120(c) (2) Collective negotiating matters between the public body and its employees or their representatives; (6) Setting of a price for sale or lease of property owned by 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, Krause.

**ROLL CALL:**

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

**Nays:** None  
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.**

**CLOSED SESSION ENDED AT 6:51 P.M.**

**OPEN SESSION:**

**MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:00 P.M.**

**ROLL CALL to determine Quorum:**

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

**Absent:** None

**C            PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D            AWARDS AND RECOGNITIONS:**

**D1           President's Volunteer Service Award**

Emergency Management Coordinator Dan Nelson and Councilman Hinterlong presented the President's Volunteer Service Award to Members of the Citizen Corps Council, Naperville Emergency Management Agency, Community Emergency Response Team and Community Radio Watch Volunteers.

**E            PUBLIC FORUM:**

**E1           Election**

Tom Glass, 1304 Old Dominion Road, discussed the Electoral Board Hearing.

**E2           Smart Meters**

Jennifer Stahl, 1427 Westglen Drive, discussed the smart meter referendum question.

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**E3**

Smart Meters

Kim Bendis, 2207 Mercer Court, spoke against smart meter implementation.

Krieger explained how residents are contacted regarding the non-wireless option.

**E4**

Smart Meters

Amber Schoedel, 1219 Windemere Avenue, asked about the non-wireless option cost and if there are different charges for low income households.

Krieger explained the non-wireless option charge is consistent for all residents.

**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.

**I**

**CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of item I16, I17, and I20 and amendment to pg. 94 (item I7) per the Q/A. Second, Wehrli.

**ROLL CALL:**

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

**Nays:** None  
Motion declared carried.

**I1**

Cash Disbursements – 2/29/12

Council moved to approve the 2/29/12 cash disbursements in the amount of \$6,785,373.93.

**CASH DISBURSEMENTS  
2/29/12**

**I2**

Regular City Council Meeting Minutes of March 6, 2012

Council moved to approve the Regular City Council Meeting Minutes of March 6, 2012.

**REGULAR CITY  
COUNCIL MEETING  
MINUTES – 3/6/12**

**I3**

Bid 12-136, 2012 Roadway Patching Program

Council moved to approve the award of Bid 12-136, 2012 Roadway Patching Program, CIP #MP009, to Chicagoland Paving Contractors, Inc., for an amount of \$671,750.00, plus a 3% contingency.

**BID 12-136, 2012  
ROADWAY PATCHING  
PROGRAM**

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- I4**      Bid 12-122, Liquid Cationic Emulsion Polymer  
Council moved to approve the award of utility funded Bid 12-122, liquid cationic emulsion polymer for centrifuge dewatering, to Polydyne, Inc. for an amount not to exceed \$197,858.40 for a 24-month period.
- I5**      Bid 12-138, 2012 Microsurfacing Program  
Council moved to approve the award of Bid 12-138, CIP MP009, 2012 Microsurfacing Program, to AC Pavement Striping Company, for an amount of \$487,663.00, plus a 3% contingency.
- I6**      Bid 12-125, Steel Poles for Route 59 Transmission Pole Relocation  
Council moved to approve the award of utility funded Bid 12-125, CIP EU76, steel poles for Route 59 transmission pole relocation to TransAmerican Power Products, Inc. for an amount not to exceed \$555,665.00.
- I7**      Contract 11-117, Multi-Functional Copiers  
Council moved to approve the award of Change Order #1 to Contract 11-117, multi-functional copiers-cost-per-copy, for Phase II, to Canon Business Solutions for an amount of \$116,049.60 for a four year contract period or \$29,012.40 per year, plus a 3% contingency.
- I8**      Bid 12-144, South Operations Center Pumps & Controls Replacement  
Council moved to approve the award of utility funded Bid 12-144, South Operations Center pumps and controls replacement, to Dahme Mechanical Industries, for the base bid price of \$458,499.00 plus the alternative bid amount of \$10,600.00 for painting, of the dry pit walls, for a total contract price of \$469,099.00, plus a 5% contingency.
- I9**      Greener Business Program  
Council moved to reallocate unencumbered Energy Efficiency and Conservation Block Grant funds from the Greener Business Revolving Loan Fund as follows: 1) transfer the remaining \$12,932.05 to the matching grant; and 2) as loan recipients repay funds over the next five years, return funds to the U.S. Treasury and eliminate the Revolving Loan Program.
- I10**     Naper Settlement 2012 Black Powder Use Request  
Council moved to approve the use of black powder for demonstration purposes at Naper Settlement's Civil War Days event on May 19 and 20, 2012 and on July 6, 2012 for a Civil War themed overnight camp.
- I11**     FY13 Annual Operating Budget  
Council moved to schedule a public hearing for the FY13 Annual Operating Budget on April 3, 2012.
- BID 12-122, LIQUID CATIONIC EMULSION POLYMER
- BID 12-138, 2012 MICROSURFACING PROGRAM
- BID 12-125, STEEL POLES FOR ROUTE 59 TRANSMISSION POLE RELOCATION
- CONTRACT 11-117, MULTI-FUNCTIONAL COPIERS
- BID 12-144, SOUTH OPERATIONS CENTER PUMPS & CONTROLS REPLACEMENT
- GREENER BUSINESS PROGRAM
- NAPER SETTLEMENT 2012 BLACK POWDER USE REQUEST
- FY13 ANNUAL OPERATING BUDGET

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- |            |  |  |
|------------|--|--|
| <b>I12</b> | <u>Ordinance No. 12-020, Warbler Drive Parking Restrictions</u><br>Council moved to pass Ordinance No. 12-020, to revise Schedule VIIIH, miscellaneous limited parking, in the Naperville Municipal Code to amend parking restrictions on Warbler Drive between Bailey Road and Redstart Road.   | ORDINANCE NO. 12-020,<br>WARBLER DRIVE<br>PARKING RESTRICTIONS                                 |
| <b>I13</b> | <u>Ordinance No. 12-021, Turning Pointe (North Campus), PC 12-1-008</u><br>Council moved to pass Ordinance No. 12-021, granting a zoning change of the property located at 1500 W. Ogden Avenue from B3 (General Commercial District) to OCI (Office, Commercial, and Institutional District), PC 12-1-008.  | ORDINANCE NO. 12-021,<br>TURNING POINTE<br>(NORTH CAMPUS), PC 12-<br>1-008                     |
| <b>I14</b> | <u>Resolution No. 12-009, CityGate Centre Real Estate Signs</u><br>Council moved to adopt Resolution No. 12-009, granting a three-year extension for the variance to display two sets (one along Route 59 and one along Ferry Road) of five real-estate ground signs that are forty-eight (48) square feet in area for the CityGate Centre development located at the southeast corner of Route 59 and Ferry Road.   | RESOLUTION NO. 12-009,<br>CITYGATE CENTRE<br>REAL ESTATE SIGNS                                 |
| <b>I15</b> | <u>Ordinance No. 12-022, 360 Youth Services 5K and 10K Run</u><br>Council moved to pass Ordinance No. 12-022, to establish temporary street closures for the 360 Youth Services 5K and 10K Run and approve an amplifier permit and special event permit for the event.   | ORDINANCE NO. 12-022,<br>360 YOUTH SERVICES 5K<br>AND 10K RUN                                  |
| <b>I18</b> | <u>Resolution No. 12-010, Official Intent for Reimbursement of Capital Projects</u><br>Council moved to adopt Resolution No. 12-010, of official intent for reimbursement of Capital projects.   | RESOLUTION NO. 12-010,<br>OFFICIAL INTENT FOR<br>REIMBURSEMENT OF<br>CAPITAL PROJECTS          |
| <b>I19</b> | <u>Ordinance No. 12-023, Refunding General Obligation Bond</u><br>Council moved to pass Ordinance No. 12-023, refunding the General Obligation Bond.   | ORDINANCE NO. 12-023,<br>REFUNDING GENERAL<br>OBLIGATION BOND                                  |
| <hr/>      |  |  |
| <b>I16</b> | <u>Ordinance No. 12-024, License Agreement with New Cingular Wireless PCS, LLC (AT&amp;T)</u><br>Jennifer Stahl, 1427 Westglen Drive, discussed her concerns regarding the cellular equipment to be placed on utility and light poles.<br>Wehrli moved to pass Ordinance No. 12-024, approving the first amendment to Revocable License Agreement between the city and AT&T. Second, Chirico.<br><b>ROLL CALL:</b><br><b>Ayes:</b> Brodhead, Chirico, Fieseler, Hinterlong, Miller, Wehrli, Pradel<br><b>Nays:</b> Krause, McElroy<br>Motion declared carried. | ORDINANCE NO. 12-024,<br>LICENSE AGREEMENT<br>WITH NEW CINGULAR<br>WIRELESS PCS, LLC<br>(AT&T) |

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I17 Tobacco License Fees

TOBACCO LICENSE FEES

First Reading held.

I20 Foreign Fire Insurance Tax Board

FOREIGN FIRE  
INSURANCE TAX BOARD

Council discussed the tax, that it is a state law, and that the state law preempts home rule.

Ely clarified that Council can impose the tax at any level up to 2%.

Puknaitis explained what equipment is purchased and what training is reimbursed with Foreign Fire Insurance funding.

First Reading held.

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**BREAK: 7:55 P.M.**

**Mayor Pradel called the meeting back to order at 8:04 p.m.**

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N1 Naperville Fertility Center, PC 11-1-130

NAPERVILLE FERTILITY  
CENTER, PC 11-1-130

Bernard Citron, 55 E. Monroe, Chicago, IL 60645 – Petitioner's Attorney, explained the development and the request for an ordinance approving a conditional use for a planned unit development (PUD), preliminary/final PUD plat, and associated deviations, including setbacks, parking, landscaping, and signage for the Naperville Fertility Center; and an ordinance approving a preliminary/final plat of subdivision for the Naperville Fertility Center.

Dr. Randy Morris, 636 Raymond Drive - Petitioner, discussed the proposed development.

Veronica Porter, 325 W. Benton, spoke against the proposed development.

John Scanlon, 310 Bailey Road, spoke against the proposed development.

Ed Graham, 1094 Pomana Court, spoke against the proposed development.

Dr. Anthony Caruso, 396 E. 17<sup>th</sup> Place, Lombard, spoke against the proposed development.

Laura Kizior, 16624 Stephens Road, Newark, spoke against the proposed development.

Mary Kizior, 16624 Stephens Road, Newark, spoke against the proposed development.

Maura Marcotte, 2154 Westwind Court, spoke against the proposed development.

Mary Beth & Mike Brummond, 901 E. Chicago Ave. Unit 1W, spoke against the proposed development.

Barbara Enricht, 620 S. Webster, spoke against the proposed development.

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**N1** Naperville Fertility Center, PC 11-1-130 **Continued**

NAPERVILLE FERTILITY  
CENTER, PC 11-1-130

Matt Yonke, 660 Sheridan Ave., Aurora, spoke against the proposed development.

Dr. Richard Pugliese, 1152 Whirlaway, spoke against the proposed development.

John Zabinski, 1766 Chadwicke Circle, spoke against the proposed development.

Robert Schyriemen, 10S216 Springbrook, spoke against the proposed development.

Brian Preston, 1324, Queensgreen Circle, spoke against the proposed development.

Thomas Rogers, 5 East 12<sup>th</sup>, spoke against the proposed development.

Bernard Citron, 55 E. Monroe, Chicago, IL 60645 – Petitioner's Attorney, responded to the issues raised by the speakers.

Council discussed potential protests at the facility, signage, possible litigation, and the Certificate of Need.

Petitioner explained that the sidewalks have been widened and residents will be educated on what services will and will not be provided at the facility. He said that signage is 61 sq ft which is less than what the Code requires and clarified that what will be offered at the facility are services that cannot be provided at a typical hospital.

Laff explained that when staff reviewed the development it considered the underlying zoning, setbacks, building design, streetscape amenities, landscape, and ensured it would be consistent with downtown use. Staff supports the variance because it is a common request for new developments in the downtown. She said the medical office will not prohibit future uses in the area and that the site would meld with the overall intent of the area.

Ely stated that the Council vote should be based on provisions in the Code and that this is a zoning case with a permitted use.

Council expressed concerns over protests and the size of the building.

Hinterlong moved to table to the April 3, 2012 Council meeting.  
Second, Wehrli

**VOICE VOTE:** Motion declared carried.

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**BREAK: 9:44 P.M.**

**Mayor Pradel called the meeting back to order at 10:00 p.m.**

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**J OLD BUSINESS:**

**J1** Ordinance No. 12-025, Defining the Downtown and establishing the Late Night Permit Fee

ORDINANCE NO. 12-025,  
DEFINING THE  
DOWNTOWN &  
ESTABLISHING THE  
LATE NIGHT PERMIT FEE

Jim Bergeron, 245 S. Washington, spoke against the proposed \$2,000 late night permit fee.

Pradel explained the Liquor Commission rationale for recommending the \$2,000 permit fee and requested a report on the effect of the Late Night permit be presented to Council in September 2012.

Council discussed the Class B license fee as it relates to other license fees, that the spirit of the Liquor Subcommittee assignment was to implement methods to alleviate burdens on Class B establishments, and that the Late Night permit is a mechanism to enforce activities of those establishments.

Dial explained how police resources are reallocated to the downtown during the early morning hours and the effect of officer reassignment on patrol coverage in the neighborhoods.

Wehrli moved to waive the first reading, pass Ordinance No. 12-025, and reduce the Late Night permit fee to \$200. Second, Miller

**ROLL CALL:**

**Ayes:** Chirico, Hinterlong, Krause, McElroy, Miller, Wehrli, Brodhead

**Nays:** Fieseler, Pradel  
Motion declared carried.

**K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

**L REPORTS AND RECOMMENDATIONS:**

**L1** City Council Meeting Schedule

CITY COUNCIL MEETING  
SCHEDULE

Wehrli moved to approve the City Council Meeting Schedule for April, May and June 2012. Second, Chirico.

**VOICE VOTE:** Motion declared carried.

**L2** FY 2013 Social Service Grant Allocations

FY 2013 SOCIAL SERVICE  
GRANT ALLOCATIONS

Wehrli moved to approve the funding amounts for the Fiscal Year 2013 Social Service Grant awards. Second, Chirico.

**ROLL CALL:**

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

**Nays:** None  
Motion declared carried.



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L3 Domino's Express, PCS #12-1-013

DOMINO'S EXPRESS, PCS  
#12-1-013

**Option A** Concur with the Planning & Zoning Commission and deny the requested variance

**Option B** Approve a variance for a 15-square foot wall sign

**Option C** Approve a variance for a 51-square foot wall sign

John Streetz of Doyle Signs explained the petitioner's reasons for requesting a variance for a 51-square-foot wall sign.

Council discussed setbacks, sign clutter and impending road construction.

Brodhead moved to approve Option B of PCS 12-1-013, to direct staff to prepare resolution paperwork approving a variance for a 15-square-foot wall sign for a secondary business for Domino's Express for the property location at 1983 Brookdale Road. Second, McElroy.

Krause made a motion of substitution to accept Option C approving a 51-square-foot wall sign. Second, Chirico.

**ROLL CALL:**

**Ayes:** Krause, Pradel, Chirico, Fieseler

**Nays:** Hinterlong, McElroy, Miller, Wehrli, Brodhead  
Motion declared **not** carried.

Krause made a motion of substitution to accept Option B amended to a 30 square-foot wall sign. Second, Fieseler.

**ROLL CALL on Motion in Substitution:**

**Ayes:** Krause, Pradel, Chirico, Fieseler

**Nays:** McElroy, Miller, Wehrli, Brodhead, Hinterlong  
Motion declared **not** carried.

At 10:57 p.m. Krause moved to extend the meeting to 11:30 p.m.  
Second, Chirico

**VOICE VOTE:** Motion declared carried.

**ROLL CALL on Main Motion (Option B):**

**Ayes:** McElroy, Miller, Wehrli, Brodhead, Chirico, Fieseler,  
Hinterlong

**Nays:** Krause, Pradel  
Motion declared carried.

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**L4**      Wastewater Operations Field Supervisor position      WASTEWATER  
OPERATION FIELD  
SUPERVISOR

Chirico moved to grant approval to fill one Wastewater Operations Field Supervisor position in Department of Public Utilities - Water. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None

                 Motion declared carried.

**L5**      Utility Technician III – DPU-Water position      UTILITY TECHNICIAN III  
– DPU-WATER

Chirico moved to grant approval to fill one Utility Technician III position in Department of Public Utilities – Water. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None

                 Motion declared carried.

**L6**      Motor Patrol      MOTOR PATROL

Jim and Donna Morsovillo, 3730 Charlemaine Drive, Aurora and Operation Welcome You Home, spoke in favor of the motorcycle program.

Wehrli invoked Council Rules

Krause objected and moved to overrule the invocation of Council Rules

**ROLL CALL on Motion to Overrule Council Rules:**

**Ayes:**      Pradel, Hinterlong, Krause, Miller

**Nays:**      Brodhead, Chirico, Fieseler, McElroy, Wehrli

                 Motion declared not carried

Item tabled to April 3, 2012

**M**      **PUBLIC HEARINGS:**

**N**      **ORDINANCES AND RESOLUTIONS:**

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**O NEW BUSINESS**

**O1 Smart Grid Steering Committee**

Fieseler announced that the next Smart Grid Steering Committee meeting is April 13, 2012.

**O2 Overnight Parking**

Fieseler asked about the status of overnight parking.

Dial stated that overnight parking is prohibited and discussed special permitting and enforcement.

**O3 Class B License Fee**

Wehrli moved to direct staff to bring back a text amendment for April 3, 2012 which reduces the Class B license fee by \$200.

Second, Miller

**VOICE VOTE:** Motion declared carried.

**P CLOSED SESSION:**

CLOSED SESSION

**Q ADJOURNMENT:**

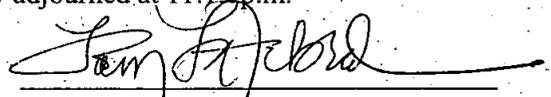
ADJOURNMENT – 11:15

Wehrli moved to adjourn the Regular City Council meeting of March 20, 2012 at 11:15 p.m. Second, Miller.

P.M.

**VOICE VOTE:** Motion declared carried.

The Regular City Council Meeting of March 20, 2012 officially adjourned at 11:15 p.m.

  
\_\_\_\_\_  
PAM LAFERBER PH.D.  
CITY CLERK

PL: BK

