



**CITY COUNCIL MEETING OF JUNE 16, 2015
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
July 28, 2015 AS WRITTEN.**

CALL TO ORDER:

5:45 P.M.

**A Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead - attended by teleconference at 5:50 p.m.
Councilman Kevin M. Coyne
Councilman Kevin Gallaher
Councilwoman Patricia A. Gustin
Councilman Paul Hinterlong
Councilman John J. Krummen
Councilwoman Rebecca Boyd-Obarski**

Absent

Also Present

**City Manager, Doug Krieger
Asst. City Manager, Marcie Schatz
Legal Director, Jill Pelka-Wilger
Deputy Legal Director, Mike DiSanto
Senior Assistant City Attorney, Pat Lord
City Prosecutor, Kavita Athanikar
Asst. to City Manager, Amy Emery-Graunke
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Deputy Fire Chief, Richard Sander
Fire Chief, Mark Puknaitis
Director of Human Resources, James Sheehan
Director of Finance, Rachel Mayer
Director of Transportation and Engineering, Bill Novack
Transportation Team Leader, Jennifer Louden
Director of Public Works, Dick Dublinski
Director Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel**

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B CLOSED SESSION:

Obarski moved to recess to Closed Session to discuss 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; (5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussion whether a particular parcel should be acquired; (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, Gallaher.

ROLL CALL:

Ayes: Chirico, Anderson, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Nays: None

Absent: Brodhead

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 5:50 P.M.
CLOSED SESSION ADJOURNED AT 6:41 P.M.**

Obarski moved to allow Councilwoman Brodhead to participate in the meeting via teleconference. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

OPEN SESSION:

Mayor Chirico called the meeting back to order at 7:00 p.m.

ROLL CALL to determine Quorum:

Present: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Absent: None

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 June Team Award

JUNE TEAM AWARD

Anderson recognized the Naperville Housing Expo Team as the recipient of the Team Award for June 2015 and presented the award to team members Kasey Evans, Allison Laff, Ruth Broder, Kelley Munch and Linda LaCloche.

E PUBLIC FORUM:

E1 Introduction of Naperville American Legion Riders

Donald Chasteen (Naperville) explained the mission of the Naperville American Legion Riders and offered their services to the City.

E2 Motorcycle Riding Veteran

Jack Amberg (Naperville) explained the mission of the Naperville American Legion Riders and introduced veterans in the community.

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- E3** Community Concerns
Robert Hoffman discussed water main problems, fire hydrant location, and overgrown plants reaching the sidewalk.
- F** **HOLDOVER ITEMS:**
- G** **PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**
- H** **CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR REMAINING ITEMS:**
Hinterlong moved to use the Omnibus method to approve the Consent Agenda. Second, Gallaher.
- ROLL CALL:**
Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski
Nays: None
Motion declared carried.
- I** **CONSENT AGENDA:**
Hinterlong moved to approve the Consent Agenda with the exception of items I7, I11, and I19. Second, Obarski.
- ROLL CALL:**
Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski
Nays: None
Motion declared carried.
- I1** Cash Disbursements – 5/20/15
Council moved to approve the 5/20/15 cash disbursements in the amount of \$3,165,179.70.
- I2** Cash Disbursements – 5/27/15
Council moved to approve the 5/27/15 cash disbursements in the amount of \$4,875,262.82.
- I3** Cash Disbursements – 5/28/15
Council moved to approve the 5/28/15 cash disbursements in the amount of \$2,375,924.58.
- I4** Cash Disbursements – 6/3/15
Council moved to approve the 6/3/15 cash disbursements in the amount of \$2,899,015.99.
- I5** Contract 14,-145, SCADA Maintenance
- I5a** Approve the award of Change Order #1
Council moved to approve the award of Change Order #1, forty seven day extension to current contract to Advanced Automation and Controls thru June 16, 2015.

CASH DISBURSEMENTS –
5/20/15

CASH DISBURSEMENTS –
5/27/15

CASH DISBURSEMENTS –
5/28/15

CASH DISBURSEMENTS –
6/3/15

CONTRACT 14,-145,
SCADA MAINTENANCE

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I5b Extension Options for Contract 14-145

Council moved to approve the award of the first two-year extension options for Contract 14-145, SCADA Maintenance, to Advanced Automation and Controls, for an amount not to exceed \$127,360.00 plus a 3% contingency.

I6 Procurement 16-052, Cisco Hardware and Software

Council moved to approve the award of Procurement 16-052, Cisco Hardware and Software to AT&T thru the State of Illinois Joint Procurement Contract No. CMS8293460 for an amount not to exceed \$930,985.50.

PROCUREMENT 16-052,
CISCO HARDWARE AND
SOFTWARE

I8 Appointments to Boards and Commissions

Council moved to approve the Mayoral appointments of Benjamin White to the Board of Fire and Police Commission, Tom Miers to the Downtown Advisory Commission, and Krishna Bansal to the Planning and Zoning Commission.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS

I9 Reappointments to Boards and Commissions

Council moved to approve the Mayoral reappointments of Tim Dumler to the Advisory Commission on Disabilities, Mary Schulte to the Board of Fire and Police; Leanne Meyer-Smith to the Building Review Board; Joseph Costello, Jr., Rick Hitchcock and Steve Rubin to the Downtown Advisory Commission, Ronald Finnigan and Robert Fischer to the Housing Advisory Commission, Carrie Hansen and Robert Williams to the Planning and Zoning Commission; and Bob Ross to the Riverwalk Commission.

REAPPOINTMENTS TO
BOARDS AND
COMMISSIONS

I10 White Eagle Homeowners Association Fireworks Display

Council moved to approve the White Eagle Homeowners Association permit request to hold a fireworks display on June 27, 2015.

WHITE EAGLE
HOMEOWNERS
ASSOCIATION
FIREWORKS DISPLAY

I12 Fogo de Chao at Freedom Plaza, PZC 15-1-046

FOGO DE CHAO AT
FREEDOM PLAZA, PZC 15-
1-046

I12a Ordinance No. 15-093, Freedom Plaza planned unit development & final PUD Plat for Lot 3

Council moved to pass Ordinance No. 15-093, approving a major change to the Freedom Plaza planned unit development and a final PUD plat for Lot 3 of Freedom Plaza to allow for an increase in the approved square footage of the proposed restaurant and to establish controlling plans for Fogo de Chao at 1824 Abriter Court.

ORDINANCE NO. 15-093,
FREEDOM PLAZA
PLANNED UNIT
DEVELOPMENT, LOT 3

I12b Ordinance No. 15-094, deviation to yard requirements for outdoor seating

Council moved to pass Ordinance No. 15-094, granting deviations to Section 6-8B-7 (ORI: yard requirements) to reduce the required interior side yard setback from 20' to 8' and Section 6-8B-4 (required conditions) to permit outdoor dining on the subject property, PZC 15-1-046.

ORDINANCE NO. 15-094,
DEVIATION TO YARD
REQUIREMENTS FOR
OUTDOOR SEATING

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- I13** Ordinance No. 15-095, 1024 Heatherton Drive, PZC 15-1-032
Council moved to pass Ordinance No. 15-095, granting a variance from the 30' front yard setback requirement set forth in Section 6-6a-7:1 (R1a: low density single-family residence district: yard requirements) of the Naperville Municipal Code in order to construct a covered front porch at a distance of 25.75' from the front lot line for the property located at 1024 Heatherton Drive, PZC 15-1-032.
- I14** Ordinance No. 15-096, Good Health Pharmacy, PZC 15-01-031
Council moved to pass Ordinance No. 15-096, approving a variance from Section 5-4-5:1 (commercial signs; wall signs) of the Naperville Municipal Code in order to install a wall sign in a location not permitted by Code at 1999 Springbrook Square Drive, Suite 105, PZC 15-01-031.
- I15** Ordinance No. 15-097, North Central College Science Center
Council moved to pass Ordinance No. 15-097, to establish a temporary closure of Van Buren Avenue for the construction of the North Central College Science Center.
- I16** Ordinance No. 15-098, 2015 India Day Parade and Celebration
Council moved to pass Ordinance No. 15-098, to establish temporary street closures and parking restrictions for the 2015 India Day Parade and issue a Special Event permit for the event.
- I17** Ordinance No. 15-099, Ascertaining Prevailing Wages in the City of Naperville
Council moved to pass Ordinance No. 15-099, ascertaining prevailing wages in the City of Naperville.
- I18** Resolution No. 15-018, I.U.O.E. Local 150 Fleet Services Collective Bargaining Agreement
Council moved to adopt Resolution No. 15-018, authorizing execution of a collective bargaining agreement between the City of Naperville and I.U.O.E. Local 150 covering the Department of Public Works Fleet Services employees.
- I20** Ordinance No. 15-100, Expansion of SSA 21
Council moved to pass Ordinance No. 15-100, proposing the enlargement of SSA 21 and schedule a future public hearing for its establishment on August 18, 2015.
- I21** Ordinance No. 15-101, Late Night Permits
Council moved to waive the first reading and pass Ordinance No. 15-101, amending Section 3-3-13:7.2 of the Naperville Municipal Code setting the limit of available late night permits not located in the downtown at forty (40).
- I22** Ordinance No. 15-102, Class G, Grocery Store Sub Classification
Council moved to waive the first reading and pass Ordinance No. 15-102, amending Section I and 11 of Chapter 3, Title 3 of the Naperville Municipal Code to provide a grocery store sub classification to the Class G beer and wine package sales liquor license classification.
- ORDINANCE NO. 15-095,
1024 HEATHERTON
DRIVE, PZC 15-1-032
- ORDINANCE NO. 15-096,
GOOD HEALTH
PHARMACY, PZC 15-01-031
- ORDINANCE NO. 15-097,
NORTH CENTRAL
COLLEGE SCIENCE
CENTER
- ORDINANCE NO. 15-098,
2015 INDIA DAY PARADE
AND CELEBRATION
- ORDINANCE NO. 15-099,
ASCERTAINING
PREVAILING WAGES IN
THE CITY OF NAPERVILLE
- RESOLUTION NO. 15-018,
I.U.O.E. LOCAL 150 FLEET
SERVICES
- ORDINANCE NO. 15-100,
EXPANSION OF SSA 21
- ORDINANCE NO. 15-101,
LATE NIGHT PERMITS
- ORDINANCE NO. 15-102,
CLASS G, GROCERY
STORE SUB
CLASSIFICATION

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I7 Resolution 15-019, Position of Mayor Emeritus

Council discussed that the position intends to honor the immediate past mayor, the appropriateness of honoring past councilmen, and the importance of length and variety of service to the City.

Gallaher moved to adopt Resolution No. 15-019, creating the honorary position of Mayor Emeritus. Second, Gustin.

ROLL CALL:

Ayes: Anderson, Brodhead, Coyne, Gallaher, Gustin, Krummen, Chirico

Nays: Hinterlong, Obarski
Motion declared carried.

RESOLUTION 15-019,
POSITION OF MAYOR
EMERITUS

I11 "Parents Matter Too" Anti-Prescription Drug Use campaign

Council discussed previous logo approval, reserving use for City business only, and allowing use when the City is partnering with the requesting organization.

Gallaher moved to approve the request by "Parents Matter Too" to use the Naperville Fire Department and Naperville Police Department patches on marketing materials for an anti-prescription drug use campaign upon review and approval of the materials by the Fire and Police departments. Second, Hinterlong.

ROLL CALL:

Ayes: Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Chirico, Anderson

Nays: Krummen, Obarski
Motion declared carried.

"PARENTS MATTER TOO"
ANTI-PRESCRIPTION
DRUG USE CAMPAIGN

Clerk's Note: Anderson recused herself due to a conflict of interest and left the dais at 7:34 p.m.

I19 Ordinance No. 15-103, Special Service Area No. 26

Gallaher moved to pass Ordinance No. 15-103, calling for the establishment of Special Service Area No. 26 and schedule a future public hearing for its establishment on August 18, 2015, to pay for the downtown maintenance and marketing services that are presently covered by Special Service Area No. 25 maintenance and marketing services that are presently covered by Special Service Area No. 24. Second, Hinterlong.

ROLL CALL:

Ayes: Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski, Chirico, Brodhead

Nays: None

Recused: Anderson
Motion declared carried.

ORDINANCE NO. 15-103,
SPECIAL SERVICE AREA
NO. 26

Clerk's Note: Anderson returned to the dais at 7:36 p.m.

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BREAK: 7:36 P.M.

Mayor Chirico called the meeting back to order at 7:41 p.m.

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

Hinterlong moved to approve the City Council Meeting Schedule for June, July and August 2015 and move the August 11 workshop start time to 7:00 p.m. Second, Gallaher.

VOICE VOTE: Motion declared carried.

CITY COUNCIL MEETING
SCHEDULE

L2 Regular City Council Minutes

Anderson moved to approve the Regular City Council Minutes of June 2, 2015. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

REGULAR CITY COUNCIL
MINUTES

M PUBLIC HEARINGS:

M1 CDBG Comprehensive Annual Performance and Evaluation Report (CAPER)

CDBG COMPREHENSIVE
ANNUAL PERFORMANCE
AND EVALUATION
REPORT (CAPER)

M1a Public Hearing

Chirico opened the public hearing at 7:49 p.m.

Hinterlong moved to close the public hearing at 7:49 p.m. Second, Gustin.

VOICE VOTE: Motion declared carried.

PUBLIC HEARING

M1b Accept the 2014 CDBG CAPER

Brodhead moved to accept the 2014 CDBG CAPER. Second, Hinterlong.

ROLL CALL:

Ayes: Gallaher, Gustin, Hinterlong, Krummen, Obarski, Chirico,
Anderson, Brodhead, Coyne

Nays: None

Motion declared carried.

Accept the 2014 CDBG
CAPER

N ORDINANCES AND RESOLUTION:

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N1

Atwater Subdivision, PZC 14-1-146

ATWATER SUBDIVISION,
PZC 14-1-146

Kathy West – Petitioner – explained the proposal to develop the former Country Lakes Golf Course property with a 303 single-family home subdivision including common open space, multi-purpose trails, two public parks, and preservation of several existing wetland areas.

Jennifer Gansef (Naperville) spoke in favor of the proposed development.

Andrew Haracourt (Naperville) spoke in favor of the proposed development.

Bronwyn Dodson (Naperville) spoke against the proposed development.

Donald Lief (Naperville) spoke against the proposed development.

Pamela Peterson spoke against the proposed development.

John Peterson spoke against the proposed development.

Karen Plawecki spoke against the proposed development.

Sherri Pacchiano spoke against the proposed development.

William Earnest spoke against the proposed development.

Novack explained the flood prevention measures taken by the DuPage County, the water level impact from the golf course, and how construction traffic would be routed.

Council discussed pond modification, proposed floor plans, targeted demographics, maintenance of the trail system, when the traffic study was conducted, and the possible creation of an SSA.

Lord explained the SSA will sit in abeyance and stay dormant, however it will have a specific end date once triggered.

BREAK: 8:59 P.M.

Mayor Chirico called the meeting back to order at 9:06 p.m.

Council discussed the landscape plan, wetlands, and that the Conservation Foundation easement will be between the Petitioner and Homeowners Association.

N1a Ordinance No. 15-104, revoking the preliminary planned unit development (PUD)

**ORDINANCE NO. 15-104,
REVOKING THE
PRELIMINARY PLANNED
UNIT DEVELOPMENT
(PUD)**

Brodhead moved to pass Ordinance No. 15-104, revoking, as to the subject property, the preliminary planned unit development (PUD) approved pursuant to Ordinance 78-68. Second, Hinterlong.

ROLL CALL:

Ayes: Gustin, Hinterlong, Krummen, Obarski, Chirico, Anderson, Brodhead

Nays: Coyne, Gallaher

Motion declared carried.



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- N1b** Ordinance No. 15-105, rezoning property to R2 ORDINANCE NO. 15-105,
REZONING PROPERTY TO
R2
Brodhead moved to pass Ordinance No. 15-105 rezoning the subject property R2, (single-family and low density multiple family residence district).
Second, Hinterlong.
- ROLL CALL:**
Ayes: Hinterlong, Krummen, Obarski, Chirico, Anderson, Brodhead, Gustin
Nays: Coyne, Gallaher
Motion declared carried.
- N1c** Ordinance No. 15-106, Conditional Use ORDINANCE NO. 15-106,
CONDITIONAL USE
Brodhead moved to pass Ordinance No. 15-106, granting a conditional use for a new planned unit development and preliminary PUD plat. Second, Hinterlong.
- ROLL CALL:**
Ayes: Krummen, Obarski, Chirico, Anderson, Brodhead, Gustin, Hinterlong
Nays: Coyne, Gallaher
Motion declared carried.
- N1d** Ordinance No. 15-107, preliminary plat of subdivision ORDINANCE NO. 15-107,
PRELIMINARY PLAT OF
SUBDIVISION
Brodhead moved to pass Ordinance No. 15-107, approving the preliminary plat of subdivision. Second, Hinterlong.
- ROLL CALL:**
Ayes: Obarski, Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen
Nays: Gallaher
Motion declared carried.
- N2** Ordinance No. 15-108, Our Savior's Lutheran Church, PZC 15-1-060 ORDINANCE NO. 15-108,
OUR SAVIOR'S
LUTHERAN CHURCH, PZC
15-1-060
Don Swanson – Petitioner – discussed the request and explained that activities would be limited to eight worship services and two special events.
Council discussed the day/time of the events, type of entertainment, and possibly having City staff evaluate sound levels.
Greg Nasman (Naperville) spoke in favor of the proposed ordinance.
Roger Diesem (Naperville) spoke against the proposed ordinance.
Lana Vosburgh (Naperville) spoke against the proposed ordinance.
Ruth T. Nelson (Wheaton) spoke in favor of the proposed ordinance.
Graham Brenna (Naperville) spoke in favor of the proposed ordinance.
Swanson suggested that the speakers could be adjusted toward Washington and more acoustic entertainment could be scheduled.
Yin Chou Lin (Naperville) spoke against the proposed ordinance.
Kevin Keisner (Naperville) spoke against the proposed ordinance.

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N2

Ordinance No. 15-108, Our Savior's Lutheran Church, PZC 15-1-060
Continued

Dennis Barfuss spoke in favor of the proposed ordinance.

Council discussed time limits of amplification, notification of the neighbors, a church contact number, and the direction of speakers.

Obarski moved to pass Ordinance No. 15-108, granting a minor change to the conditional use approved by Ordinance 04-065, to remove the restriction prohibiting external speaker systems/amplifiers and adding new conditions related to amplification for Our Saviour's Lutheran Church located at 919 S. Washington Street, PZC 15-1-060 to permit three 1-hour worship services and one 2-hour special event. Second, Gallaher.

ROLL CALL:

Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin,
Hinterlong, Krummen, Obarski

Nays: None
Motion declared carried.

ORDINANCE NO. 15-108,
OUR SAVIOR'S
LUTHERAN CHURCH, PZC
15-1-060

N3

E-Cigarette Regulations

Council discussed making an exception for those people using the devices under the direction of a doctor, enforcement ambiguities, Smoke Free Act, and FDA guidelines.

Gustin moved to pass the ordinance amending Section 23-2 of Chapter 3, Title 3 and amending Chapter 9 of Title 4 of the Naperville Municipal Code adding regulations concerning the underage possession and indoor public use of alternative nicotine products. Second, Coyne.

Gallaher made a Motion in Substitution to add an exception for those using the product under the direction of a doctor.

Motion dies for lack of a second.

Gallaher invoked Council rules.

E-CIGARETTE
REGULATIONS

N4

Liquor License Location Restriction

Athanikar explained that Fresh Thyme is requesting a text amendment that mirrors the less restrictive state law, removing daycares from being considered within the "school" definition, and adding food shops as a place where the prohibition will not apply which would permit Fresh Thyme to possess package liquor license at its location.

Council discussed the difference between the Naperville Municipal Code's "school" definition and the State's definition, liquor tastings, and business model.

First reading held.

LIQUOR LICENSE
LOCATION RESTRICTION

O

NEW BUSINESS

O1

Street Cleaning

Gustin inquired about penalties for poor performance.

Dublinski explained the recent delay was due to budget constraints and the reduction/timing of sweeping events.

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O2 Reconsider previous item

Obarski moved to reconsider June 2 agenda item L4, a driveway variance at 324 S. Julian. Second, Hinterlong.

ROLL CALL:

Ayes: Anderson, Coyne, Gallaher, Hinterlong, Obarski, Chirico

Nays: Brodhead, Gustin, Krummen

Motion declared carried.

O3 Special Event Coordinator position

Anderson inquired about the status of refilling the Special Event Coordinator position.

LaFever responded that the Personnel Review Committee approved the position being refilled as a full-time employee and that a recommendation will be brought to Council on July 21 seeking authority to post and fill as a full-time employee.

O4 Final Development Improvements

Hinterlong asked when final black top layer is performed and requested that a sign be removed near the VFW.

Novack explained that when 90-95% of homes are built in a development the final layer of black top is put down.

O5 Storm update

Gustin asked for a storm update.

Dublinski stated between six-eight streets were closed, DPW received 75 calls, and no sanitary sewer problems were reported.

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

ADJOURNMENT

Hinterlong moved to adjourn the Regular City Council meeting of June 16, 2015 at 10:44 p.m. Second, Obarski.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of June 16, 2015 officially adjourned at 10:44 p.m.


PAM LA FEBER
CITY CLERK

PL:bk

