



**CITY COUNCIL MEETING OF NOVEMBER 18, 2008
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 2, 2008 AS WRITTEN.**

CALL TO ORDER

6 00 P M

A ROLL CALL:

Mayor A George Pradel
Councilman James Boyajian
Councilman Robert Fieseler
Councilman Richard R Furstenu
Councilman Douglas Krause – Arrived at 6 07 p m
Councilman Kenn Miller – Arrived at 6 07 p m
Councilman John Rosanova
Councilman Darlene Senger – Teleconference 7 10 p m
Councilman Grant Wehrl

Absent

None

Also Present

City Manager Pro Tem, Robert Marshall
Records Management Team Leader, Pam LaFeber
Deputy City Clerk, Nancy Bright
City Attorney, Margo Ely
Finance Director, Doug Krieger
Acting Fire Chief, Mike Zywancki
Police Chief, David Dial
Human Resources Team Leader, Diane DiGangi
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmt Svcs Business Group, Don Carlsen
Director of T E D Business Group, Marcie Schatz
T E D Transportation Team Leader, Karyn Robles
T E D Engineering Team Leader, Bill Novack
T E D Development Team Leader, Dick Dublinski
Planning Team Operations Manager, Suzanne Thorsen
Information Technology Dept Team Leader, Larry Gunderson

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION – 6:06 p.m.

Furstenau moved to recess to Closed Session to discuss matters of personnel, qualifications of specific individuals for a particular appointment 5ILCS/120/2(c)(1) Second, Wehrli

ROLL CALL:

Ayes: Wehrli, Rosanova, Furstenau, Fieseler, Boyajian, Pradel
Nays: None
Absent: Krause, Miller, Senger
Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:06 P.M.

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:04 P.M.

OPEN SESSION – 7:09 p.m.

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Fieseler, Furstenau, Krause, Miller, Rosanova, Senger, Wehrli

Absent: None

Furstenau moved to allow Councilman Senger to participate in the meeting by teleconference Second, Krause

VOICE VOTE: Motion declared carried

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E PUBLIC FORUM:

E1 Environmental Board

Lyndsi Hausmann of 6740 Breckenridge Road, Lisle, Gina Santucci of 2201 Black Oak Court, Lisle, Crystal Chun of 1004 Erb Farm Court, Naperville, and Lindsey DeSilvio of 1639 White Pines Court, Naperville, students, want the city to establish an Environmental Board and would like to recruit membership from the community They asked for Naperville to take green initiatives including permitting the use of clotheslines and composting

E2 Corruption Following the Lemak Murders

Patti Barrett Roe, 441 N Boulevard #3C, Glen Ellyn, spoke about issues regarding her court case and distributed a packet of information

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

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I3 Consideration of anticipated City Council vacancy

Ely explained that the date Councilman Senger's resignation letter is received will determine whether the vacancy will appear on the April, 2009 ballot, pursuant to 65 ILCS 5/5-2-12(g) Council must appoint someone to the vacancy within 60 days

Boyajian moved to receive and consider information related to legal requirements for filling the vacancy anticipated as a result of Darlene Senger's election victory to the Illinois House Second, Krause

VOICE VOTE: Motion declared carried

Clerk's Note: Councilman Senger exited the meeting at 7 40 p m

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

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

VOICE VOTE: Motion declared carried

I **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of items I3, I4, I9, I10 and I12 and to table I13 and I14 Second, Krause

ROLL CALL:

Ayes: Pradel, Boyajian, Fieseler, Furstenuau, Krause, Miller,
 Rosanova, Wehrli

Nays: None

Absent: Senger

 Motion declared carried

I1 Approve Cash Disbursements for October 29, 2008 in the amount of **CASH DISBURSEMENTS**
\$8,889,889 85

Council moved to approve Cash Disbursements for October 29, 2008 in the amount of \$8,889,889 85

I2 Approve Phase III extension of Contract 07-158, Multi-Functional **CONTRACT 07-158,**
Copiers (CPC) to IKON Office Solutions, for an amount not to **MULTI-FUNCTIONAL**
exceed \$45,459 52, (\$11,364 88/per year) for the next four years **COPIERS (CPC)**

Council moved to approve the Phase III extension of Contract 07-158, Multi-Functional Copiers (CPC) to IKON Office Solutions, for an amount not to exceed \$45,459 52, (\$11,364 88/per year) for the next four years

I5 Approve the Acceptance of Public Underground Utility, Street, and **PUBLIC IMPROVEMENTS**
Street Light Improvements for the Sobolewski Estates

Council moved to approve the acceptance of public underground, street, and street light improvements for the Sobolewski Estates subdivision located near the southeast corner of Hobson Road and Wehrli Road

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- I6** Approve the submission of a project application for Federal Safe Routes to School (SRTS) funding for sidewalk gaps that lead to Highlands Elementary, Prairie Elementary, Naper Elementary and Mill Street Elementary FEDERAL SAFE ROUTE TO SCHOOL (SRTS)
- Council moved to approve the submission of a project application for Federal Safe Routes to School (SRTS) funding for sidewalk gaps that lead to Highlands Elementary, Prairie Elementary, Naper Elementary and Mill Street Elementary
- I7** Approve Mayoral Appointment of Pat Fee and Stephan Kapinus to the Naperville Community Television Board (NCTV) and Patricia Meyer to the Plan Commission MAYORAL APPOINTMENTS
- Council moved to approve the Mayoral appointment of Pat Fee, 1530 White Eagle Drive, 11/05/08-05/30/09, and Stephan Kapinus, 2312 High Meadow Road, 11/05/09-5/30/10, Naperville Community Television (NCTV), Patricia Meyer, 820 Edgewater Drive 11/05/08-05/30/11, Plan Commission
- I8** Approve Mayoral Re-appoint Patrick McCarthy and Valerie West to the Naperville Community Television Board (NCTV) MAYORAL RE-APPOINTMENTS
- Council moved to approve the Mayoral reappointment of Patrick McCarthy, 1152 Book Road, 05/01/08 - 05/30/11, and Valerie West, 1891 Chase Lane, Aurora, IL, 05/01/08 - 05/30/11 to the Naperville Community Television Board (NCTV)
- I11** Ordinance No 08-202, to establish handicapped parking stalls on the south side of Jackson Avenue from a point 54 feet east of Main Street to a point 76 feet east of Main Street and on the north side of Chicago Avenue from a point 110 feet east of Main Street to a point 130 feet east of Main Street ORDINANCE NO 08-202, HANDICAPPED PARKING – JACKSON AVENUE
- Council moved to pass Ordinance No 08-202, to establish a handicapped parking stall on the south side of Jackson Avenue from a point 54 feet east of Main Street to a point 76 feet east of Main Street and on the north side of Chicago Avenue from a point 110 feet east of Main Street to a point 130 feet east of Main Street
- I13** Table the Citywide Banner Program agenda item to the December 2, 2008 City Council meeting CITYWIDE BANNER PROGRAM
- Council moved to table the Citywide Banner Program agenda item to the December 2, 2008 City Council meeting
- I14** Table the Major Change to the Conditional Use, Preliminary / Final Plat of Subdivision, & Temporary Use for Islamic Center of Naperville, PC #1671 to the December 2, 2008 City Council meeting ISLAMIC CENTER OF NAPERVILLE, PC 1671
- Council moved to table Islamic Center of Naperville, PC #1671 to the December 2, 2008 City Council meeting



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- I3 Approve the award of RFP 09-002, Administrative Hearing Officer, to Camic Johnson Ltd , for an amount not to exceed \$7,200 based on an approximated projection of four hours of services per month for the first year / RFP 09-002,
ADMINISTRATIVE
HEARING OFFICER

Fieseler moved to the award of RFP 09-002, Administrative Hearing Officer, to Camic Johnson Ltd , for an amount not to exceed \$7,200 based on an approximated projection of four hours of services per month for the first year Second, Furstenuau

ROLL CALL:

Ayes: Fieseler, Furstenuau, Krause, Miller, Rosanova, Wehrli, Pradel, Boyajian

Nays: None

Absent: Senger

Motion declared carried

- I4 Authorize the expenditure of \$355,731.00 of Cy Pres funds for AED units, bullet-proof vests, railroad crossing enforcement systems, SCBA Air Packs, and speed monitoring and data collection equipment EXPENDITURES OF CY
PRES FUNDS

Council asked staff why these items were not in the CIP and why they are being purchased at this time

Krieger responded that all items recommended for purchase using the Cy Pres funds are not in the current FY09 budget, the detail line-items for FY10 have not been put together and that is why the purchases are not in FY10, if this funding is not approved these items could be put in the FY10 operating budget

Ely stated that the provision of the settlement agreement requires that purchases cannot be made for items that are already in the budget

Boyajian moved to authorize the expenditure of \$355,731.00 of Cy Pres funds for AED units, bullet-proof vests, railroad crossing enforcement systems, SCBA Air Packs, and speed monitoring and data collection equipment Second, Furstenuau

ROLL CALL:

Ayes: Furstenuau, Krause, Miller, Rosanova, Wehrli, Pradel, Boyajian, Fieseler

Nays: None

Absent: Senger

Motion declared carried

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- I9** Resolution No 08-063, recognizing Citizen Corps Council of Naperville as the governing body for the Community Emergency Response Team (CERT) volunteer group under the direction of the city's Emergency Preparedness Coordinator

RESOLUTION ON 08-063,
CITIZENS CORP COUNCIL
(CERT)

Council expressed appreciation for all of the efforts of the Citizen Corps Council of Naperville and Community Emergency Response Team

Fieseler moved to adopt Resolution No 08-063, recognizing Citizen Corps Council of Naperville as the governing body for the Community Emergency Response Team (CERT) volunteer group under the direction of the city's Emergency Preparedness Coordinator Second, Furstenau

ROLL CALL:

Ayes: Krause, Miller, Rosanova, Wehrli, Pradel, Boyajian,
 Fieseler, Furstenau

Nays: None

Absent: Senger

 Motion declared carried

- I10** Approve an ordinance allowing a major change to a conditional use and variances from Section 6-6B-4 7 (Required Conditions) and Section 5-4-4 2 1 (Commercial Ground Mounted Signage) for Zymantas Dental, 309 W Ogden Avenue, PC 1758

ZYMANTAS DENTAL, PC
1758

Council discussed amending the motion to include a six-foot vertical sign

Council discussed opposition to the proposed 20 square feet in area, 6' sign on east Ogden Avenue where there are no 20' signs and an allowable sign for home-to-office conversion is 4 square feet, the mixed vote by Plan Commission that said it does not keep with the Ogden Avenue Corridor Study or the design guidelines

Dublinski responded that this request is to approve a variance to the zoning ordinance since the underlying zoning is residential and a 4' square sign is allowed for home-to-office conversion, the sign code is based upon the speed limit along Ogden Avenue and dictates how large the sign is in order to give people the opportunity to read the sign

Council directed staff to check the size of the signs for home-to-office conversion in that area, the vacation of the roadway, and the size of the lot

Miller moved to table the consideration of Zymantas Dental, PC 1758 to December 2, 2008 Second, Furstenau

VOICE VOTE: Motion declared carried

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- I12 Approve the reduction to the Transportation Impact Fees assessed to the City Gate Centre development such that the general and medical office pay 41 2% of the standard general and medical office fee

CITY GATE CENTRE –
TRANSPORTATION
IMPACT FEES

Council discussed the disincentive that the transportation impact fee creates for businesses to hire Naperville residents and potentially delaying the reduction until the remaining office units are built-out and leased

Schatz responded that impact fee is not based on residency within the city, rather it is based on the business location within the city and the trips generated on city arterial roads by the employees City Gate Centre is located at the edge of the city next to county, state and interstate highways and generates fewer trips on city arterial roads, the fee is only charged when the office is built and first occupied, subsequent tenant build-outs or redevelopment of an existing site will not trigger a reassessment of the transportation impact fee, Calamos requested the reduction prior to completion of the office build-out so that a portion of the impact fee could be included in tenant lease agreements for the new space

Council discussed concerns about delays in leasing the remaining office space and asked how other communities assess traffic impact fees and how much money the fee generates annually

Schatz explained that other municipalities recover roadway costs through an agreement when the building is constructed or charge additional property tax, the impact fee ordinance established by the State of Illinois is limited to use by DuPage County, Kane County and the City of Naperville because of the complicated, technical requirements to implement it, the fees generate between \$1 and \$2 million annually

Boyajian moved to approve the reduction to the Transportation Impact Fees assessed to the City Gate Centre development such that the office and medical office pay 41 2% of the standard fee based upon a zip code study and the unique location in the city and directed staff to create a report with further analysis about impact fee adjustments Second, Krause

ROLL CALL:

Ayes: Rosanova, Wehrli, Pradel, Boyajian, Fieseler, Krause,
Miller

Nays: Furstenau

Absent: Senger

Motion declared carried

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J OLD BUSINESS:

J1 One Naperville Plaza, 1804 North Naper Boulevard, PC 1704

ONE NAPERVILEL PLAZA
- PC 1704

J1a Approve the ordinance for a Plat of Vacation of Pubic Road Right-of-Way for a portion of Old Naperville Road

J1b Approve the ordinance for a Preliminary/Final Plat of Subdivision for ROC Suburban Resubdivision and and Owner's Acknowledgement and Acceptance Letter for One Naperville Plaza

J1c Approve the ordinance revoking the existing planned unit development on the north parcel

J1d Approve the ordinance for a conditional use in the OCI District to allow for retail use on the south parcel, and granting a variance to the corner side yard requirement for the OCI District contained in Section 6-7F-7, variances to the front and major arterial setback contained in Sections 6-7F-7, 6-2-14 and 6-9-2, and a variance from Section 5-10-3 4 to waive the foundation planting requirement

Boyajian moved to table One Naperville Plaza, PC 1704 to December 2, 2008 Second, Miller

VOICE VOTE: Motion declared carried

J2 Naperville Riverfront Plaza, located at 420 South Washington Street, PC 1642:

NAPERVILLE
RIVERFRONT PLAZA, PC
1642

J2a Option 1 Concur with staff and direct staff to prepare ordinances approving Naperville Riverfront Plaza, subject to an agreement requiring the petitioner to fund 44% of the total cost of Riverwalk improvements

J2b Option 2 Concur with the petitioner and direct staff to prepare ordinances approving Naperville Riverfront Plaza, subject to an agreement requiring the petitioner to contribute \$100,000 to the total cost of Riverwalk improvements

Fred Roth of 420 S Washington represented the petitioner and gave a timeline of the property's history He stated that the petitioners believe their plan would facilitate higher utilization of the Riverwalk, Roth presented a new proposal which adds more square footage to the easement along the Riverwalk, moving the building 5' to the west, and using a fee-in-lieu approach for the storm water detention vault

Rich Hitchcock, Chairman of the Riverwalk Commission spoke in favor of completing this section of Riverwalk for connectivity across the bridge and vertical connectivity, stressed the developer needs to cooperate with the Commission and that the project should take precedence over other Riverwalk CIP projects

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J2 Naperville Riverfront Plaza, located at 420 South Washington Street, PC 1642 **Continued.**

NAPERVILLE
RIVERFRONT PLAZA, PC
1642

Council discussed the petitioner's contribution for the new plan, the design of the wall, the priority of the project, and the possibility of using an SSA

Roth stated that the petitioner's contribution is \$190,000 pursuant to a private SSA and waiver of fee-in-lieu

Krieger explained that he has met with the developer regarding the SSA and that only public improvements can be financed

Furstenau moved to accept the petitioner's new plan to move the building five feet to the west thus adding additional square footage to the easement and use the Fee-in-Lieu approach for the stormwater detention vault Second, Rosanova

ROLL CALL

Ayes: Wehrli, Pradel, Fieseler, Furstenau, Krause, Miller, Rosanova

Nays: Boyajian

Absent: Senger

Motion declared carried

J3 Approve the ordinance adopting an amendment to Title 5, Chapter 4 (Street Graphics Control) of the Municipal Code

STREET GRAPHICS –
TEXT AMENDMENT

Mike Strick of 3827 Lookingpost Court and business owner spoke about the proposed sign ordinance and about the disparity between downtown businesses and other areas in Naperville displaying portable signs Strick requests the item be tabled or a moratorium placed on the Street Graphics ordinance

Council questioned the reason for allowing the downtown businesses to display the portable signs and not other areas in the city

Dublinski responded that the Downtown Business District has a limited area to display monument signs and therefore use the portable signs

Council discussed the changes and expansion of the automobile dealership signs, the necessity of 22' signs when auto dealerships are all in the same proximity, and the 10-second intervals for message board signs on Route 59 where the cars travel at a higher rate of speed than in other areas where the speed limit is 25-30 mph

Dublinski explained that there are approximately 22 car dealerships and the average size of the sign is 20', the second sign has a 10' allowable size with an allowable 2' architectural feature, and that IDOT and other communities support the 10-second intervals

Council discussed a more conservative approach to how often the electronic sign changes, having a conditional use that necessitates bringing items before Council or an incentive for electronic signs in order to reduce the size and amount of signs

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J3 Approve the ordinance adopting an amendment to Title 5, Chapter 4 (Street Graphics Control) of the Municipal Code. Continued

**STREET GRAPHICS –
TEXT AMENDMENT**

Council acknowledged that retail is allowed to have signs in the window and asked whether electronic flashing signs are permitted

Dublinski responded flashing signs are not allowed in windows or building facades, they are only allowed on ground signs or monument signs

Council questioned whether there were different fines for different signage offenses

Ely responded that there was a general penalty for all of the sign violations a minimum of \$100 and a maximum of \$500 depending on how they are written and prosecuted

Council directed staff to revise the A-frame and portable signage language, where they can be used throughout the city, the height requirement on auto dealership signage, consideration of a variable time on electronic ground signs based on mph or neighborhood placement, and citations for political signs not removed seven days after an election

Miller moved to table consideration of the text amendment to Title 5, Chapter 4 (street graphics control) to December 16, 2008 Second, Furstenuau

ROLL CALL:

Ayes: Pradel, Fieseler, Furstenuau, Krause, Miller, Wehrli

Nays: Boyajian, Rosanova

Absent: Senger

Motion declared carried

J4 Approve the 2009 Legislative Action Plan.

**2009 LEGISLATIVE
ACTION PLAN**

Direct staff to prepare a resolution approving the City of Naperville 2009 Legislative Action Plan

Boyajian moved to direct staff to prepare a resolution approving the City of Naperville 2009 Legislative Action Plan Second, Rosanova

VOICE VOTE: Motion declared carried

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

L **REPORTS AND RECOMMENDATIONS:**

L1 Approve the Regular City Council Minutes of November 5, 2008

**REGULAR CITY COUNCIL
MINUTES – 11/05/08**

Boyajian moved to approve the Regular City Council Minutes of November 5, 2008 Second, Rosanova

VOICE VOTE: Motion declared carried

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BREAK: 9:10 P.M.

Mayor Pradel called the meeting back to order at 9:20 p.m.

L2	<u>Consideration of the City Council Meeting Schedule for February, March and April 2008</u>	CITY COUNCIL MEETING SCHEDULE
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Wehrli moved to approve of the City Council Meeting Schedule for November and December, 2008 and January 2009 and change 11/22 at 8 00 a m to 11/21 at 3 30 p m Second, Rosanova

VOICE VOTE: Motion declared carried

L4	<u>Consideration of the Composition and Mission of the Historic Sites Commission and Direct staff to prepare amendments to Title 2, Chapter 15 (Boards and Commissions Historic Sites Commission) and Title 6, Chapter 11 (Zoning Ordinance Historic Preservation)</u>	HISTORIC STIES COMMISSION – COMPOSITION & MISSION
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Thorsen gave a presentation of the Historic Sites Commission mission and procedures and a summary of staff's recommendation

Carol Schmidt, 204 N Wright St , Tim Messer, 6 N Huffman St , supports ECHO, keep Historic District, Steve Grosskopf, 108 N Center St , Nora R Gurnik, 215 N Columbia, Heidi Schoeneck, 5 N Columbia St , Chris Birck, President Naperville Heritage Society, 1416 Siebert Court, John Deacon, 29 S Sleight, Dave Trollope, 240 E 4th Avenue, Cornelius Smith, 110 S Sleight St , Paul Loscheider, North Central College, 30 N Brainard St , Linda Johanns, 125 N Wright, Ron Swalwell of 105 Ellsworth, Larry Larsen of 104 Ellsworth, Ann Hahn-Baiyor, 22 W Columbia Street, Signe C Gleeson, 15 S Wright, Timothy Elde, 22 S Ellsworth, Michelle Young, 416 E Benton Avenue support ECHO, wants Council to reject staff's recommendation and wants to keep the Historic District

Council discussed the 2008 survey of property owners in the Historic District, the frustration with the permit process, the importance of cooperation in making this District work, improving the process and getting input from residents

Clerk's Note: Krause moved to extend the meeting for 15 minutes at 10 55 p m Second, Furstenau

VOICE VOTE: Motion declared carried

Miller moved to table the consideration of Title 2, Chapter 15 (Boards and Commissions Historic Sites Commission) and Title 6, Chapter 11 (Zoning Ordinance Historic Preservation) for 90 days Second, Krause

VOICE VOTE: Motion declared carried

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M PUBLIC HEARING:

M1 Conduct the Public Hearing for the City of Naperville's Proposed Property Tax Levy

PROPERTY TAX LEVY –
PUBLIC HEARING

The public hearing opened at 11 00 p m

Miller moved to close the public hearing at 11 00 p m Second,
Krause

VOICE VOTE: Motion declared carried

M2 Conduct the Public Hearing for the Special Service Area #21 (New Parking Garage) proposed property tax levy

SPECIAL SERVICE AREA
#21 – PUBLIC HEARING

The public hearing opened at 11 01 p m

Boyajian moved to close the public hearing at 11 01 p m Second,
Krause

VOICE VOTE: Motion declared carried

M3 Conduct the public hearing for the proposed SSA #22 (Downtown Maintenance Expenses) property tax levy

SPECIAL SERVICE AREA
#22 – PUBLIC HEARING

The public hearing opened at 11 01 p m

Boyajian moved to close the public hearing at 11 01 p m Second,
Miller

VOICE VOTE: Motion declared carried

M4 Conduct the Public Hearing for the proposed SSA #23 (Naper Main) property tax levy

SPECIAL SERVICE AREA
#23 – PUBLIC HEARING

The public hearing opened at 11 01 p m

Boyajian moved to close the public hearing at 11 02 p m Second,
Krause

VOICE VOTE: Motion declared carried

Clerk's Note: Krause moved to extend the meeting by 10 minutes to
11 13 p m Second, Miller

VOICE VOTE: Motion declared carried

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N ORDINANCES AND RESOLUTIONS:

N1 Hollywood Palms, located on the east side of IL Rt 59 and north of Aurora Avenue, PC 1754 and ZBA 1154 HOLLYWOOD PALMS, PC 1754 & ZBA 1154

N1a Ordinance No 08-203, approving a site plan and a landscape variances and,

Option A Concur with staff and deny a variance to install rooftop searchlights,

HOLLYWOOD PALMS, PC 1754 & ZBA 1154

Option B Concur with the Plan Commission and the petitioner and direct staff to amend the ordinance approving variances to install four rooftop searchlights

Matthew Carlyle of 704 Violet Circle spoke against the search lights for Hollywood Palms at the intersection of Route 59 and Aurora Avenue

Council asked staff if there are car dealerships in violation of the light ordinance

Dublinski responded that there are no dealerships in violation of the light ordinance

Council asked the petitioner if the search lights would be below 45°, whether the petitioner has searchlights at their Woodridge location and what the hours of operation are

Ted Bulthaupt of 1001 W 75th Street, Woodridge, partner for Hollywood Palms, LLC responded that the searchlights would be between 45 and 90°, that they would reflect in the sky and would not be operated until dusk in keeping with their Woodridge location

Miller moved to pass Ordinance No 08-203, approving a site plan and a landscape variance and approve Option A Concur with staff and deny the variance request to install four rooftop searchlights
Second, Wehrli

Council asked the petitioner the times that the searchlights would be operable and if they would adhere to designated time limits

Bulthaupt responded from dusk to approximately 10 30 p m and occasionally to 12 00 a m for special showings and during the week to between 9 00 and 9 30 p m

Clerk's Note: Krause moved to extend the meeting for 10 minutes to 11 25 p m Second, Furstenau

VOICE VOTE: Motion declared carried

Council questioned whether there would be adequate parking for the theatre

Brice Goldsmith, attorney for the petitioner responded that there would be adequate parking and they have a cross-access agreement for additional parking within the shopping center

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N1a Hollywood Palms, located on the east side of IL Rt 59 and north of Aurora Avenue, PC 1754 and ZBA 1154 **Continued.** HOLLYWOOD PALMS, PC 1754 & ZBA 1154

Council stated that the proposed street graphics ordinance does not allow searchlights and asked staff if the current ordinance allows them

Dublinski responded that it is not allowed

Rosanova made a Motion of Substitution to pass Ordinance No 08-203, approving a site plan and a landscape variance and approve Option B to concur with the Plan Commission and the petitioner and direct staff to amend the ordinance approving variances to install four rooftop searchlights with the restricted hours of operation Sunday through Thursday, dusk to 9 00 p m , and Friday and Saturday, dusk to 12 00 a m Second, Furstenau

ROLL CALL on motion of substitution:

Ayes: Fieseler, Furstenau, Krause, Miller, Rosanova, Pradel

Nays: Boyajian, Wehrli

Absent: Senger

Motion declared carried

N1b Resolution No 08-064, approving street graphic variances for two message board RESOLUTION NO 08-064 STREET GRAPHICS VARIANCES

Rosanova moved to adopt Resolution approving street graphic variances for two message boards Second, Krause

ROLL CALL:

Ayes: Fieseler, Furstenau, Krause, Miller, Rosanova, Pradel, Boyajian

Nays: Wehrli

Absent: Senger

Motion declared carried

O **NEW BUSINESS:**

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Rosanova moved to adjourn the Regular City Council meeting of November 18, 2008 at 11 24 p m Second, Wehrli

ADJOURNMENT –
11 24 P M

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of November 18, 2008 officially adjourned at 11 24 p m


PAM LAFERBER
CITY CLERK