



CITY COUNCIL MEETING OF DECEMBER 16, 2008
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
January 6, 2009 AS WRITTEN.

CALL TO ORDER

6 00 P M

A ROLL CALL:

Mayor A George Pradel
Councilman James Boyajian
Councilman Robert Fieseler – Arrived at 6 04 p m
Councilman Richard R Furstenau
Councilman Douglas Krause – Arrived at 6 03 p m
Councilman Kenn Miller
Councilman John Rosanova
Councilman Darlene Senger – Arrived at 6 03 p m
Councilman Grant Wehrli

Absent

None

Also Present

City Manager Doug Krieger
Assistant City Manager, Bob Marshall
Records Management Team Leader, Pam LaFeber
Deputy City Clerk, Nancy A Bright
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Deputy Police Chief, Vince Gortner
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 Planning Services Team Operations Mgr, Suzanne Thorsen
T E D Engineering Team Leader, Bill Novack
T E D Development Team Leader, Dick Dublinski
T E D Transportation Team Leader, Karyn Robles
Human Resources Team Leader, Diane DiGangi
Information Technology Team Leader, Larry Gunderson

Press

Chicago Sun Times, Daily Herald, Naperville Sun

**FINAL AGENDA
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B CLOSED SESSION – 6:00 p.m.

Furstenau moved to recess to Closed Session to discuss matters of approval of Closed Session minutes and pending litigation, and performance of a specific individual pursuant to SILCS/120/2(c)(11)(21)(1) Second, Boyajian

ROLL CALL:

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

Nays: None
Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:08 P.M.

CLOSED SESSION ENDED AT 6:47 P.M.

OPEN SESSION – 7:00 p.m.

ROLL CALL to determine Quorum:

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

Absent: None

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

Clerk's Note: Mayor Pradel called for a moment of silence to observe the death of Officer Donald "DJ" Andries

D AWARDS AND RECOGNITIONS:

D1 Proclamation - Darlene Senger Day in the City of Naperville, December 16, 2008

DARLENE SENGER DAY
PROCLAMATION

Mayor Pradel presented a proclamation in recognition of Councilman Darlene Senger

D2 Swearing-In of New Fire Chief - Mark Puknaitis

FIRE CHIEF
APPOINTMENT

Mayor Pradel administered the oath of office to Mark Puknaitis, Fire Chief

E PUBLIC FORUM:

E1 Naperville Cares Update

Janet Derrick, 2231 Sisters Avenue, thanked the Council for funding and advised that she is the new director effective January 1, 2009

F HOLDOVER ITEMS:

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G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

G1 Approve changes to the User Agreement for the Community Concert Center

COMMUNITY CONCERT
CENTER

Walter Johnson, YMCA and 1308 Stone Gate Road, asked that the fee structure not limit the use of the park but would instead encourage more organizations to use the Concert Center

Council asked about the dates of the 2009 Jazz Fest, the Concert Center application process, fees charged for events, the city's marketing efforts of the Concert Center, and the organizations that use the Concert Center

Council discussed that the Concert Center is not for the exclusive use of the Naperville Municipal Band, the Young Naperville Singers or any other organization, it is a community facility and marketing efforts need to be increased

Council requested that the Naperville Municipal Band resubmit their requested dates using the application form, reduce the number of dates requested in 2009 in order to allow other organizations to use the facility, and to increase/improve marketing efforts

Ron Keller, 413 E 11th Avenue and Director of the Naperville Municipal Band, explained how the risers are dismantled and reassembled, the cost of the equipment in the facility, and the Band's use of the Concert Center

Council asked how the money that is paid to the Naperville Municipal Band for riser removal is used and audited

Keller explained that the individuals who remove the risers are paid with that fee

Boyajian moved to accept staff's report and recommendation and directed staff to ensure all agencies follow the application process, any organization wishing to use the facility in 2009 will complete the permitting process, from this day forward all funds collected will flow through the City Clerk's Office, and an application deadline will be established, conflicts will be evaluated and adjudicated to ensure use of the facility by all applicants Second, Furstenau

ROLL CALL:

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

Nays: None

Motion declared carried

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G2 Deny the request for water utility connection to 8S116 Shamrock Court prior to annexation

WATER UTILITY
CONNECTION

Mike Roth, 2300 Cabot Drive (Lisle), representing the petitioners, explained that the process has been followed and all requirements have been met

Council discussed an At-Risk Agreement where if all issues are not addressed in a specified time frame the utility connection is severed, and how to prevent buildings from being built under county standards and then annexing to Naperville

Ely explained the public hearing will be held on January 6, 2009 and the Council will pass the ordinances at that time

Schatz explained that building code compliance is not necessary but a fire inspection is required for annexation

Council requested a fee structure comparison of the city and the county

Boyajian moved to grant the petitioner the authority to begin the contracting process to connect to the city's water system and direct staff to not turn the water on until the annexation is approved and recorded Second, Furstenau

ROLL CALL:

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

Nays: None

Motion declared carried

BREAK: 8:04 P.M.

Mayor Pradel called the meeting back to order at 8:12 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 I4, I5, I10, I19, I20 and I21 Second, Krause

ROLL CALL:

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

Nays: None

Motion declared carried



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- I1 Approve Cash Disbursements in the amount of \$22,801,813 81 CASH DISBURSEMENTS
Council moved to approve the cash disbursements in the amount of \$22,801,813 81
- I2 Approve the Regular City Council Meeting Minutes of December 2, 2008 REGULAR CITY COUNCIL MEETING MINUTES
Council moved to approve the Regular City Council Meeting Minutes of December 2, 2008
- I3 Approve the award of Bid 09-110, Central Parking Facility Stair Repair, to EMCO Metalworks Co Inc, Alternate #1 with the Painting Option for an amount not to exceed \$133,300 and authorize staff to amend the budget accordingly BID 09-110, CENTRAL PARKING FACILITY STAIR REPAIR
Council moved to approve the award of Bid 09-110, Central Parking Facility Stair Repair, to EMCO Metalworks Co Inc Alternate #1 with the Painting Option for an amount not to exceed \$133,300 00 and authorize staff to amend the budget accordingly
- I6 Approve the three-year extension of Contract 06-106, Microsoft Enterprise Agreement-Component Level D, to Microsoft and CDW-G, for an amount not to exceed \$378,185 CONTRACT 06-106, MICROSOFT ENTERPRISE AGREEMENT – COMPONENT LEVEL D
Council moved to approve the three-year extension of Contract 06-106, Microsoft Enterprise Agreement-Component Level D, to Microsoft and CDW-G, for an amount not to exceed \$378,185 00
- I7 Approve Mayoral appointments to the Advisory Commission on Disabilities and the Zoning Board of Appeals MAYORAL APPOINTMENTS TO BOARDS & COMMISSIONS
Council moved to approve the Mayoral appointments to Advisory Commission On Disabilities Peter Berg, 1908 Continental Avenue #304, 12/02/08 – 05/30/11, Diane Fleischel, 218 W Franklin Avenue, 12/02/08-04/30/10, Jennie Gates, 1939 Hansom Court, 12/02/08-05/30/11, Zoning Board of Appeals Bhavani Prasad Vemsri, 1016 Sheringham Drive, 12/02/08-05/30/09, Gina Terrano Koscal, 2328 Remington Drive, 12/02/08-05/30/09
- I8 Approve the Amplifier Permit request contained in the License & Permit Report LICENSE & PERMIT REPORT
Council moved to approve the Amplifier Permit request contained in the License and Permit Report
- I9 Approve the purchase of a permanent easement from the Conservation Foundation for DuPage River Trail Segment 4 DUPAGE RIVER TRAIL SEGMENT 4
Council moved to approve the purchase of a permanent easement from the Conservation Foundation for DuPage River Trail Segment 4

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- I11** Direct staff to initiate a zoning title text amendment for the I (Industrial) District to add "training studio" to Section 6-8C-3 (I District, Conditional Uses) INDUSTRIAL DISTRICT – TRAINING STUDIO
- Council moved to direct staff to initiate a zoning title text amendment for the I (Industrial) District to add "training studio" to Section 6-8C-3 (I District, Conditional Uses)
- I12** Resolution No 08-069, approving a variance to Section 5-4-4 2 (Commercial Ground Signs) and to Section 5-4-10 (Ogden/Aurora Avenue Signage) to allow for a ground mounted sign to be located within the 20 foot front setback and 40 foot interior setback for the commercial strip building at 720 E Ogden Avenue, ZBA 1156 RESOLUTION NO 08-069, 720 E OGDEN AVE , ZBA 1156
- Council moved to adopt Resolution No 08-069, approving a variance to Section 5-4-4 2 (commercial ground signs) and to Section 5-4-10 (Ogden/Aurora Avenue Signage) to allow for a ground mounted sign to be located within the 20 foot front setback and 40 foot interior setback for Naperville Plaza located at 720 E Ogden Avenue, ZBA 1156
- I13** Ordinance No 08-224, approving a variance to Section 6-6B-7 (R1B, Yard Requirements) to reduce the required rear yard setback and approving a Plat of Easement Vacation for the property at 2014 Vanderbilt Court, ZBA 1181 ORDINANCE NO 08-224, 2014 VANDERBILT CT , ZBA 1181
- Council moved to pass Ordinance No 08-224, approving a variance to Section 6-6B-7 (R1b, yard requirements) to reduce the required rear yard setback and approving a plat of easement vacation for the property at 2014 Vanderbilt Court, ZBA 1181
- I14** Resolution No 08-070, approving two variances to Section 5-4-4 2 (Commercial Ground Signs) allowing for a ground mounted sign to be placed in front of the Nyberg & Cassioppi building, located at 1111 S Washington Street, with less than 100 feet of lot frontage, and for that ground mounted sign to be located less than 20 feet from the edge of the right of way, ZBA 1179 RESOLUTION NO 08-070, 1111 S WASHINGTON ST , ZBA 1179
- Council moved to adopt Resolution No 08-070, approving two variances to Section 5-4-4 2 (commercial ground signs) allowing for a ground-mounted sign to be placed in front of Nyberg & Cassioppi building, located at 1111 S Washington Street, with less than 100 feet of lot frontage, and for that ground mounted sign to be located less than 20 feet from the edge of the right-of-way, ZBA 1179

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- I15** Resolution No 08-071, approving two variances to allow for a ground mounted sign to be located off premises (Section 5-4-14 5), and to install a wall sign on the east side of the Baymont Inn Hotel (Section 5-4-4 1), located at 1585 Naperville-Wheaton Road, ZBA 1177
RESOLUTION NO 08-071,
BAYMONT INN HOTEL,
ZBA 1177
- Council moved to adopt Resolution No 08-071, approving two variances to allow for a ground-mounted sign to be located off premises (Section 5-4-14 5), and to install a wall sign on the east side of the Baymont Inn Hotel (Section 5-4-4 1), located at 1585 Naperville-Wheaton Road, ZBA 1177
- I16** Ordinance No 08-225, approving a conditional use for a community center in the B4 District for the Sudanese Community Center property located at 131 W Jefferson Street, PC 1760
ORDINANCE NO 08-225,
SUDANESE COMMUNITY
CENTER, PC 1760
- Council moved to pass Ordinance No 08-225, approving a conditional use for a community center in the B4 District for the Sudanese community Center property located at 131 W Jefferson Street, PC 1760
- I17** Ordinance No 08-226, approving a conditional use for a civic building, a major change to the Naperville Crossings PUD, Final PUD Plat for Lot 12 of Naperville Crossings and a parking deviation for Fire Station #10, located at the north side of 95th Street, west of Route 59, PC 1730
ORDINANCE NO 08-226,
NAPERVILLE CROSSING
LOT 12, PC 1730
- Council moved to pass Ordinance No 08-226, approving a conditional use for a civic building, a major change to the Naperville Crossings PUD, final PUD plat for Lot 12 of Naperville Crossings and a parking deviation for Fire Station #10, located at the north side of 95th Street, west of Route 59, PC 1730
- I18** Resolution No 08-072, authorizing the City Manager to execute the attached agreement with Pace for the 2009 Pace Paratransit Local Share Agreement for the operation of Ride DuPage
RESOLUTION NO 08-072,
2009 PACE PARATRANSIT
LOCAL SHARE
AGREEMENT
- Council moved to adopt Resolution No 08-072, authorizing the City Manager to execute the attached agreement with Pace for the 2009 Pace Paratransit Local Share Agreement for the operation of Ride DuPage
- I22** Naper Main LLC Lot 1 Resubdivision No 1, located on Main Street
NAPER MAIN, LOT 1
- I22a** Ordinance No 08-227, approving a Preliminary/Final Plat of Subdivision and Subdivision Declarations, Covenants, and Restrictions for Naper Main LLC Lot 1 Resubdivision No 1, located on Main Street, between Benton Avenue and Van Buren Avenue
ORDINANCE NO 08-227
PRELIMINARY/FINAL
PLAT OF SUBDIVISION
- Council moved to pass Ordinance No 08-227, approving a preliminary/final plat of subdivision subject to certain conditions for Naper Main LLC Lot 1 Resubdivision No 1, located on Main Street, between Benton Avenue and Van Buren Avenue

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- I5 Approve the award of RFP 09-092, Pre-Employment Physicals, Annual Police & Fire Department Physical Examinations, and Drug & Alcohol Testing, Categories #1 (Pre-Employment Physicals and Annual Police & Fire Department Physicals), and #3 (Drug and Alcohol Testing), to Edward Health Services Corporation for a three-year contract not to exceed \$556,522, plus two additional two-year options, which includes a 1% price increase for each two-year term Category #2 (Functional Physical Assessments) to Doctors of Physical Therapy for a three-year contract, not to exceed \$55,350
Continued.

RFP 09-092, PRE-EMPLOYMENT PHYSICALS-POLICE & FIRE

Boyajian moved to approve the award of RFP 09-092, Pre-Employment Physicals, Annual Police & Fire Department Physical Examinations, and Drug & Alcohol Testing, Categories #1 (Pre-Employment Physicals and Annual Police & Fire Department Physicals), and #3 (Drug and Alcohol Testing), to Edward Health Services Corporation for a three-year contract not to exceed \$556,522, plus two additional two-year options, which includes a 1% price increase for each two-year term Category #2 (Functional Physical Assessments) to Doctors of Physical Therapy for a three-year contract, not to exceed \$55,350 Second, Miller

ROLL CALL:

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

Nays: None
Motion declared carried

- I10 Approve alignment Alternative B for the extension of Book Road between 111th Street and 117th Street

EXTENSION OF BOOK ROAD BETWEEN 111TH ST & 117TH ST

Council asked staff the rationale of the construction of the road

Novack responded that this is a coordinated effort with Will County Forest Preserve District, it is necessary for them to construct a driveway The city may eventually construct a road and in order to ensure the proper placement of the driveway the preliminary engineering needs to be approved

Council stated that the Forest Preserve needs to have access and pay to put in a temporary road The city needs to do the engineering, to control the construction of the road, it will be according to Naperville plans and code The Forest Preserve will lose their grant if the driveway is not done by next spring

Miller moved to approve the alignment Alternative B for the extension of Book Road between 111th Street and 117th Street
Second, Boyajian

ROLL CALL:

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

Nays: None
Motion declared carried

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I19 Bill Jacobs BMW/Mini- Test Track Access Road

BILL JACOBS BMW/MINI
TEST TRACK ACCESS RD

Council asked if the portion of the road for Lot 2 could wait until the lot was developed and if there would be any consequences

Novack stated that the car carriers will need to exit through the Bill Jacobs lot instead of exiting from the access road

Miller moved to approve Option 2 Direct staff to prepare ordinances to amend the Owner's Acknowledgement and Acceptance Letter to delete the construction of the access road adjacent to Lot 2 Second, Boyajian

ROLL CALL:

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

Nays: None
Motion declared carried

I20 Ordinance No 08-228, approving a major change to a conditional use for 309 W Ogden Avenue, Zymantas Dental, and variances from Section 6-6B-4 7 (Required Conditions) and Section 5-4-4 2 1 (Commercial Ground Mounted Signage), PC 1758

ORDINANCE NO 08-228,
ZYMANTAS DENTAL, PC
1758

Council discussed the placement of the sign and the possibility of moving the sign to the east to decrease the impact on the residents directly to the west and the type of landscaping the petitioner will be using to block the sign

Kaz Zymantas of 309 W Ogden Avenue stated that once the landscaping has been completed on the west side of the property it should block any impact from the sign to the west

Dublinski stated that the petitioner has a significant amount of landscaping as per city requirements and that he will be using evergreens to buffer the sign

Boyajian moved to pass Ordinance No 08-228, approving a major change to a conditional use for 309 W Ogden Avenue, Zymantas Dental, and variances from Section 6-6B-4 7 (Required Conditions) and Section 5-4-4 2 1 (Commercial Ground Mounted Signage), PC 1758 Second, Wehrli

Furstenau made a motion of substitution to move the sign seven (7) to ten (10) feet further east on the property and to not allow the sign to be backlit Second, Boyajian

ROLL CALL on Motion of Substitution:

Ayes: Senger, Wehrli, Boyajian, Furstenau
Nays: Pradel, Fieseler, Krause, Miller, Rosanova.
Motion declared not carried

ROLL CALL on Main Motion:

Ayes: Wehrli, Pradel, Boyajian, Fieseler, Krause, Senger
Nays: Furstenau, Miller, Rosanova
Motion declared carried

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I21 Waive the first reading and pass the Ordinance No 08-229, amending Title 1 of the Naperville Municipal Code eliminating 3 positions in the Police Department and 2 positions in the Fire Department Waive first reading requires six (6) positive votes

ORDINANCE NO 08-229,
ELIMINATION OF POLICE
& FIRE POSITIONS

Council asked staff if it is required by State law to have a specific number of police and fire personnel in our Municipal Code

Ely responded that it is not required

Council discussed eliminating the necessity of an ordinance for such action in the future

Furstenau moved to waive first reading and pass Ordinance No 08-229, amending Title 1 of the Naperville Municipal Code eliminating three positions in the Police Department and two positions in the Fire Department Second, Boyajian

ROLL CALL:

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

Nays: None

Motion declared carried

J OLD BUSINESS:

J1 Text amendment to Title 5, Chapter 4 (Street Graphics Control) of the Municipal Code

SIGN ORDINANCE -- TEXT
AMENDMENT

Patrick Skarr, 55 S Main Street and the Chamber of Commerce support the sign ordinance and asked that it be approved

James Bergeron, Jr 55 S Main Street appreciates the work done by staff and asked that the sign ordinance be approved

Council discussed standards for electronic signs which were developed for interstates not local roads, the 10-second message interval, a two-year sunset provision on the review of the 10-second message interval, and directing staff to bring back options for changeable message timing within 30 days

J1a Consider the decision matrix

Matrix 1: Automobile Dealership Signage Height

Rosanova moved to approve staff recommendation Second, Furstenau

VOICE VOTE: Motion declared carried

Matrix 2: Electronic Message Board Signage Message Duration

Furstenau moved to approve staff recommendation Second, Rosanova

ROLL CALL:

Ayes: Krause, Miller, Rosanova, Senger, Pradel

Nays: Boyajian, Fieseler, Furstenau, Wehrli

Motion declared carried



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- J1a** Consider the decision matrix **Continued** SIGN ORDINANCE – TEXT AMENDMENT
- Matrix 3: People in Costume/Hand Held Sign Location
Miller moved to approve staff recommendation Second, Senger
VOICE VOTE: Motion declared carried
- Matrix 4: A-Frame (Sidewalk) Signage Location Regulations
Miller moved to approve staff recommendation Second, Rosanova
Council discussed the application of this regulation citywide and in the downtown area, distance from the building, and additional signage allowances
VOICE VOTE: Motion declared carried
- J1b** Ordinance No 08-230, approving a text amendment to Title 5, Chapter 4 (Street Graphics Control) of the Municipal Code ORDINANCE NO 08-230, SIGN ORDINANCE
- Miller moved to pass Ordinance No 08-230, approving a text amendment to Title 5, Chapter 4 (Street Graphics Control) of the Municipal Code Second, Senger
- ROLL CALL:**
Ayes: Boyajian, Fieseler, Furstenuau, Krause, Miller, Rosanova, Senger, Pradel
Nays: Wehrli
Motion declared carried
- J1c** Direct staff to initiate a zoning title text amendment for the home-to-office conversions, for the purposes of specifically analyzing the sign area and illumination for these types of signs HOME TO OFFICE CONVERSION SIGNAGE & ILLUMINATION
- Rosanova moved to direct staff to initiate a zoning title text amendment for the home-to-office conversions, for the purposes of specifically analyzing the sign area illumination for these types of signs Second, Miller
- VOICE VOTE:** Motion declared carried
- J2** Naperville Riverfront Plaza, PC 1642 NAPERVILLE RIVERFRONT PLAZA, PC 1642
- Option A Concur with staff and pass Ordinance No 08-231, approving Naperville Riverfront Plaza with the required right-of-way dedication, ORDINANCE NO 08-231, RIGHT OF WAY DEDICATION
- Option B Concur with the petitioner and pass the ordinance approving Naperville Riverfront Plaza without the required right-of-way dedication, and direct staff to amend the ordinance accordingly
- Fred Roth, 47 E Chicago, representing the petitioner, would like the Council to consider an Option C allowing the city the opportunity that if/when the Washington St Bridge is replaced and if the decision is made to widen the street, the city can purchase the right-of-way dedication for \$10, until then the petitioner would retain ownership

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J2 Naperville Riverfront Plaza, PC 1642 **Continued**

NAPERVILLE
RIVERFRONT PLAZA, PC
1642

Novack explained that the proposed streetscape and public utilities are not located in the right-of-way and they need to be in the public right-of-way for the city to maintain improvements, if the property was sold, the agreement may not show on the title

Roth explained that the easement would allow the city to maintain the walkway and common area

Furstenau moved to approve Option C which would allow the city the opportunity that if/when the Washington St Bridge is replaced and if the decision is made to widen the street, the city can purchase the right-of-way dedication for \$10 until then the petitioner would retain ownership, and that acceptable documents will be recorded to assure the dedication and will come back to the Council with the final plat Second, Fieseler

ROLL CALL:

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

Nays: None
Motion declared carried

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE

L REPORTS AND RECOMMENDATIONS:

L1 Approve the Minutes of the Special City Council Meeting of November 21, 2008

SPECIAL CITY COUNCIL
MEETING MINUTES

Senger moved to approve the minutes of the Special City Council Meeting of November 21, 2008 with a roll call correction Second, Miller

ROLL CALL:

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

Nays: None

Abstain: Wehrli
Motion declared carried

L2 Approve the City Council Meeting Schedule for December 2008 and January - February, 2009

CITY COUNCIL MEETING
SCHEDULE

Miller moved to approve the City Council Meeting Schedule for December 2008 and January, February 2009 Second, Krause

VOICE VOTE: Motion declared carried

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L3 34 Elmwood Drive, ZBA 1176

34 ELMWOOD DRIVE,
ZBA 1176

Option A Concur with staff and deny a variance to allow a single-family residence addition at 34 Elmwood Drive to encroach into the required corner side yard setback,

Option B Concur with the Zoning Board of Appeals and the petitioner and direct staff to prepare ordinance paperwork approving a variance allowing a single-family residence addition at 34 Elmwood Drive to encroach into the required corner side yard setback, ZBA Case 1176

Furstenau moved to approve Option B Concur with the Zoning Board of Appeals and the petitioner and direct staff to prepare ordinance paperwork approving a variance allowing a single-family residence addition at 34 Elmwood Drive to encroach into the required corner side yard setback, ZBA Case 1176 Second, Wehrli

ROLL CALL:

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

Nays: None
Motion declared carried

L4 Approve the recommendations outlined in the City of Naperville Comprehensive Special Event Report

NAPERVILLE
COMPREHENSIVE
SPECIAL EVENT REPORT

Council discussed appointing one or two councilmen to the Special Events Committee to work through the recommendations listed in the report, have staff develop a fee structure for city services, and assess the impact of the recommendations on the organizations

Furstenau moved to accept the City of Naperville Comprehensive Special Event Report as outlined, have the Mayor appoint a councilmen to work with the Special Events Committee for at least six months, and have staff develop a fee structure for charging for city services Second, Boyajian

VOICE VOTE: Motion declared carried

L5 Deny a variance to reduce the required minimum setback for a detached accessory structure at 1005 Hemlock Lane, ZBA 1178

1005 HEMLOCK LANE,
ZBA 1178

Mark Bittner of 1005 Hemlock Lane spoke about the variance request for a sport court at their residence He said that the sport court would be located at the southwest corner for safety and that the proposed location would be the most inconspicuous

Council questioned whether this would impinge on the rights of surrounding property owners

Thorsen responded that there were no concerns expressed by the neighbors, that there is a landscape screening requirement for sport courts and that staff will continue to work with the petitioners to ensure compliance

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- L5 Deny a variance to reduce the required minimum setback for a detached accessory structure at 1005 Hemlock Lane, ZBA 1178
Continued.

1005 HEMLOCK LANE,
ZBA 1178

Council questioned the amount of the square footage that would require a permit, and whether there are any issues with utilities along the sideyard

Thorsen responded that a patio would require 500 square feet, and since they are installing a basketball hoop this would not be considered a patio. A sport court is a more intense use and there is no square footage threshold for a sport court and regardless of size requires a permit. She said she is unaware of any issues with utilities

Council questioned whether there were any notification requirements

Thorsen responded that the standard public hearing notification requirements would apply, which are 250' from the perimeter of the property

Rosanova moved to approve the variance to reduce the required minimum setback for a detached accessory structure at 1005 Hemlock Lane, ZBA 1178. Second, Wehrli

VOICE VOTE: Motion declared carried

- L6 Direct staff to draft a Resolution supporting legislation to create a right of recall of elected officials

RIGHT OF RECALL OF
ELECTED OFFICIALS

Wehrli moved to direct staff to draft a Resolution supporting legislation to create a right of recall of elected officials. Second, Boyajian

VOICE VOTE: Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

- N1 Resolution No. 08-074, appointing Joe Dunn to the Naperville City Council

RESOLUTION NO 08-074,
APPOINTMENT TO CITY
COUNCIL

Paula Dulli, 881 Apponattox Circle, stated that she agreed the candidates running for office should not be appointed to the temporary vacancy, the residents would be better served by appointing a local business person, that the appointed councilman must be available to the public and suggested that Representative Jim Meyer be appointed

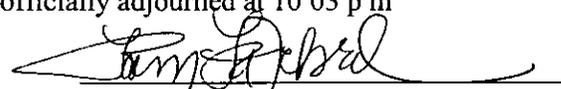
Wehrli moved to adopt Resolution No 08-074, appointing Joe Dunn effective January 6, 2009. Second, Rosanova



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- N1** Resolution No 08-074, appointing Joe Dunn to the Naperville City Council Continued RESOLUTION NO 08-074,
DUNN APPOINTMENT TO
CITY COUNCIL
- Council explained that party affiliation does not have a role in selecting councilmen
- ROLL CALL:**
Ayes: Miller, Rosanova, Senger, Wehrli, Pradel, Boyajian, Fieseler, Furstenau
Nays: Krause
Motion declared carried
- N2** Resolution No 08-075, approving a per-therm Gas Use Program based on certain conditions RESOLUTION NO 08-075,
PER THERM GAS USE
PROGRAM
- Fieseler recused himself and left the dais at 9 51 p m
- Council discussed changing the language on page one of the Resolution and in Section 3 pertaining to the rebate period
- Boyajian moved to adopt Resolution No 08-075, with the proposed changes Second, Furstenau
- Fieseler returned to the dais at 9 53 p m
- ROLL CALL:**
Ayes: Rosanova, Senger, Wehrli, Pradel, Boyajian, Furstenau, Krause, Miller
Nays: None
Abstain: Fieseler
Motion declared carried
- O** **NEW BUSINESS:**
- O1** Fuel cost lock-in for Fleet Services
- Van Vooren advised that staff is working with the current supplier on a futures purchasing opportunity through a change order on the existing contract
- Krieger advised that an agenda item can be brought back on January 6, 2009 seeking Council authorization up to a specific amount
- P** **CLOSED SESSION:**
- Q** **ADJOURNMENT:** ADJOURNMENT – 10 03
P M
- Rosanova moved to adjourn the Regular City Council meeting of December 16, 2008 at 10 03 p m Second, Wehrli
- VOICE VOTE:** Motion declared carried

The Regular City Council Meeting of December 16, 2008 officially adjourned at 10 03 p m


PAM LA FEBER
CITY CLERK