CITY COUNCIL MEETING OF OCTOBER 7, 2014
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
October 21, 2014 AS WRITTEN.

CALL TO ORDER: 6:00 P.M.

A Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico - Arrived at 6:09 p.m.
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Doug Krause
Councilman Joe McElroy - Arrived at 6:03 p.m.
Councilman Grant Wehrli
Councilman David Wentz

Absent

Also Present
City Manager, Doug Krieger
Asst. to City Manager, Amy Emery-Graunke
Interim Legal Director, Jill Pelka-Wilger
Asst. City Attorney, Mike DiSanto
Deputy City Clerk, Nancy A. Bright
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Deputy Fire Chief, Rich Sander
Director of Finance, Rachel Mayer
Director of T.E.D., Bill Novack
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Jennifer Louden
Operations Team Leader, Christine Schwartzhoff
Director of Public Utilities, Electric, Mark Curran
Director of Public Utilities, Jim Holzapfel
Interim HR Director, Jim Sheehan

Press
Chicago Sun Times, Daily Herald, Naperville Sun

NB

B **CLOSED SESSION:**

Krause moved to recess to Closed Session to discuss **5 ILCS 120/2(c)(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; **(11)** Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting; **(6)** Setting of a price for sale or lease of property owned by the public body. Second, Wehrli.

ROLL CALL:
Ayes: Pradel, Brodhead, Fieseler, Hinterlong, Krause, Wehrli, Wentz
Nays: None
Absent: Chirico, McElroy
Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:01 P.M.
CLOSED SESSION ADJOURNED AT 6:53 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, Wehrli, Wentz

C **PLEDGE TO THE FLAG:** PLEDGE GIVEN

D **AWARDS AND RECOGNITIONS:**

D1 Your Digital Footprint Matters — YOUR DIGITAL FOOTPRINT MATTERS

McElroy presented the proclamation of October 2014 - Your Digital Footprint Matters Month.

D2 Martin Mitchell Mansion Museum Diamond Anniversary — MARTIN MITCHELL MANSION MUSEUM DIAMOND ANNIVERSARY

McElroy presented the proclamation of 2014 Martin Mitchell Mansion Museum Diamond Anniversary Year.

E **PUBLIC FORUM:**

E1 Naperville Central Street Lane Markings
H. R. Hofmann, Naperville Township, asked that the faded street lane markings by Naperville Central be restriped.

E2 LED Street Lighting Bid
Stephen Davis, The Will Group, 2S685 Somerfield Court, Wheaton, Illinois, partnered with Graybar, as lowest bidder for a street light replacement job which has been tabled. Mr. Davis asked the City Council to award the bid to his company.

Council discussed the results of the bid process and the preference for local bidders.

97.B.

E2 LED Street Lighting Bid **Continued**

Krieger stated that the bid was not competitive because none of the bidders could meet all of the requirements and that the contract will be re-bid with better defined requirements and Graybar is invited to participate.

F **HOLDOVER ITEMS:**

G **PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**

G1 DuPage Children's Museum Request

DUPAGE CHILDREN'S MUSEUM REQUEST

Sarah Orleans, petitioner, President and CEO of DuPage Children's Museum (DCM) described her efforts to right-size the organization, and stabilize the budget. She asked the City Council to amend a provision of the lease that prohibits DCM from applying for Naperville Special Events and Cultural Amenities (SECA) grants.

City Council discussed the condition of DCM's finances, the annual SECA allocation of $150,000 already committed for debt service on the property, fairness to other applicants with smaller requests, the potential first year SECA request of $125,000 for an exhibit, and the lack of financial contribution from other municipalities or DuPage County.

Dick Furstenau, 709 Zainiger Avenue, Naperville, spoke against allowing DCM to apply for SECA funds.

Chirico moved to allow the DuPage Children's Museum to eliminate the lease provision which prohibits the DuPage Children's Museum from applying for SECA funds. Second, Wentz.

Wehrli asked whether the petition needed to come back on the next agenda for final action.

Pelka-Wilger stated that the appropriate action was to direct staff to amend the lease and place it on the next agenda for final action.

Chirico moved to direct staff on the request from the DuPage Children's Museum to eliminate the lease provision which prohibits the Museum from applying for SECA funds. Second, Wentz.

ROLL CALL:

Ayes: Brodhead, Chirico, Fieseler, Hinterlong, McElroy, Wentz, Pradel

Nays: Krause, Wehrli

Motion declared carried.

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

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

VOICE VOTE: Motion declared carried.

M.B.

I **CONSENT AGENDA:**

Krause moved to approve the Consent Agenda with the exception of item I19. Second, Wehrli.

ROLL CALL:

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

Nays: None

Motion declared carried.

I1 Cash Disbursements 9/10/14 — CASH DISBURSEMENTS – 9/10/14

Council moved to approve the 9/10/14 cash disbursements in the amount of $8,790,002.94.

I2 Cash Disbursements 09/18/14 — CASH DISBURSEMENTS 09/18/14

Council moved to approve the 9/18/14 cash disbursements in the amount of $13,270,131.20.

I3 Cash Disbursements 09/24/14 — CASH DISBURSEMENTS 09/24/14

Council moved to approve the 9/24/14 cash disbursements in the amount of $7,269,709.13.

I4 Regular City Council Minutes — REGULAR CITY COUNCIL MINUTES

Council moved to approve the Regular City Council Meeting Minutes of September 16, 2014.

I5 Bid 15-065, Naper Settlement Electrical Replacement Project — BID 15-065, NAPER SETTLEMENT ELECTRICAL REPLACEMENT PROJECT

Council moved to approve the award of Bid 15-065, Naper Settlement electrical replacement project by the Naperville Heritage Society to Fitzgerald's Electrical Contracting, Inc. for an amount not to exceed $558,650.00.

I6 Bid 15-059, Cab and Chassis, Dump Bodies with Plows — BID 15-059, CAB AND CHASSIS, DUMP BODIES WITH PLOWS

Council moved to approve the award of Bid 15-059, five (5) cab and chassis, dump bodies with plows, centralized hydraulic system and salt spreaders to JX Peterbilt for an amount not to exceed $826,296.00.

I7 RFP 15-058, Security Camera Installation — RFP 15-058, SECURITY CAMERA INSTALLATION

Council moved to approve the award of RFP 15-058, security camera installation, to Pace Systems, Inc. for an amount not to exceed $233,433.00.

I8 Bid 15-103, Panasonic Toughbooks and Accessories — BID 15-103, PANASONIC TOUGHBOOKS AND ACCESSORIES

Council moved to approve the award of Bid 15-103, Panasonic toughbooks and accessories, to CDS Office Technologies for an amount not to exceed $107,037.00

I9 Contract 10-109, Utility Tree Trimming — CONTRACT 10-109, UTILITY TREE TRIMMING

Council moved to approve the award of option year three extension to Contract 10-109, utility tree trimming-DPU-E, to Asplundh Tree Expert Co., Inc. for an amount not to exceed $571,000.00.

21B.

I10 RFP 15-104, Life Insurance

Council moved to approve the award of the life insurance contract renewal to ING/Reliastar through Voya, for an amount not to exceed $245,164.00 for a two-year contract period from January 1, 2015 through December 31, 2016.

RFP 15-104, LIFE INSURANCE

I11 Student Appointments to Boards and Commissions

Council moved to approve the Mayoral appointments of student appointees to Boards and Commissions.

STUDENT APPOINTMENTS TO BOARDS AND COMMISSIONS

I12 Ordinance No. 14-148, Establishment of controls for the Ashwood Park and Ashwood Pointe Subdivisions

Council moved to pass Ordinance No. 14-148, to establish a 25 mph speed limit and right-of-way controls for the Ashwood Park and Ashwood Pointe Subdivisions.

ORDINANCE NO. 14-148, ESTABLISHMENT OF CONTROLS FOR THE ASHWOOD PARK AND ASHWOOD POINTE SUBDIVISIONS

I13 Ordinance No. 14-149, Chuck E. Cheese Pizza, BRB #88

Council moved to pass Ordinance No. 14-149, to grant variances to Lot 1 in Naper-West Plaza to Sections 507.3 and 507.5 of the International Building Code as amended by Title 5 of the Naperville Municipal Code, subject to complete review of the building permit plans for technical compliance with all other codes to accommodate Chuck E. Cheese Pizza, BRB Case #88.

ORDINANCE NO. 14-149, CHUCK E. CHEESE PIZZA, BRB #88

I14 Resolution No. 14-036, Funding for Downtown Train Station Bus Drop-Off Improvements

Council moved to adopt Resolution No. 14-036, to authorize the submission of an application for Congestion Mitigation and Air Quality (CMAQ) funding for the Downtown Train Station Bus Drop-Off Improvements project.

RESOLUTION NO. 14-036, FUNDING FOR DOWNTOWN TRAIN STATION BUS DROP-OFF IMPROVEMENTS

I15 Resolution No. 14-037, Intergovernmental Agreement – Naperville Park District

Council moved to adopt Resolution No. 14-037, approving an intergovernmental agreement between the Naperville Park District and the City of Naperville to lease parking at the city's public works facility to the park district and to install curbing for the Park District Activity Center.

RESOLUTION NO. 14-037, INTERGOVERNMENTAL AGREEMENT – NAPERVILLE PARK DISTRICT

I16 Resolution No. 14-038, Edward Hospital Naperville Marathon and Half Marathon

Council moved to adopt Resolution No. 14-038, between the Illinois Department of Transportation and the City of Naperville for the closure of a portion of U.S. Route 34 for the Edward Hospital Naperville Marathon and Half Marathon.

RESOLUTION NO. 14-038, EDWARD HOSPITAL NAPERVILLE MARATHON AND HALF MARATHON

I17 Ordinance No. 14-150, 875 Spring Creek Circle, PZC 14-1-104

Council moved to pass Ordinance No. 14-150, granting a variance from the interior side 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 garage addition at a distance of five-feet from the interior side lot line for the property located at 875 Spring Creek Circle.

ORDINANCE NO. 14-150, 875 SPRING CREEK CIRCLE, PZC 14-1-104

9.B.

I18 Timber Grove, PZC 14-1-046

I18a Ordinance No. 14-151, preliminary/final plat of subdivision

ORDINANCE NO. 14-151, PRELIMINARY/FINAL PLAT OF SUBDIVISION

Council moved to pass Ordinance No. 14-151, approving the preliminary/final plat of subdivision for Timber Grove, Owners Acknowledgement and Acceptance Agreement (OAA), and a variance from Section 6-63-5:2 (R3: Area Requirements) to reduce the minimum lot area requirement for the proposed single-family attached dwellings on Lot 2.

I18b Ordinance No. 14-152, Off-Street Parking Facilities – Lot and 3

ORDINANCE NO. 14-152, OFF-STREET PARKING FACILITIES – LOT AND 3

Council moved to pass Ordinance No. 14-152, approving a temporary use for off-street parking facilities on Lots 2 and 3 of Timber Grove.

I18c Ordinance No. 14-153, 403 and 404 Timber Trail Court yard variances

ORDINANCE NO. 14-153, 403 AND 404 TIMBER TRAIL COURT YARD VARIANCES

Council moved to pass Ordinance No. 14-153, approving variances from Section 6-6e-7 (R3: yard requirements) to reduce the front and rear yard setback requirements in order to allow for the development of nine dwelling units on the properties located at 403 and 404 Timber Trail Court.

I19 Ordinance No. 14-154, Standard Market – Temporary Parking Lot

ORDINANCE NO. 14-154, STANDARD MARKET – TEMPORARY PARKING LOT

Vincent Priest, petitioner, asked for an extension to use gravel lot until June 1, 2016. Standard Market is attempting to sell one of the two gravel lots. Once one is sold Standard Market will pave the other one.

Council discussed shorting the temporary use to 2015 instead of June 1, 2016.

Mr. Priest stated that quotes to put on a binder were approximately $50,000 and would be torn out when the sold lot would be developed.

Bob Hofmann, 1012 Lawnmeadow Lane, stated that he has no issue with the gravel lot but would like the red snow fence be removed.

Mr. Priest said that Standard Market would remove the fence.

Chirico moved to pass the ordinance approving a temporary use to allow for a gravel parking lot to remain at Standard Market (1508 Aurora Avenue) through June 1, 2016. Second, Krause.

Wehrli made a motion of substitution to pass Ordinance No. 14-154, approving a temporary use to allow for a gravel parking lot to remain at Standard Market (1508 Aurora Avenue) through December 31, 2015. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Motion declared carried.

BREAK: 8:00 P.M.
Mayor Pradel called the meeting back to order at 8:10 p.m.

J OLD BUSINESS:

M.B.

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

K1 Procurement 15-107, Medical Insurance

PROCUREMENT 15-107, MEDICAL INSURANCE

Council asked if the percentage increase across the plans was standard for the national average and for the amount of the fees assessed for the National Care Act.

Catherine Loney, Insurance Broker, GCG Financial, said that the increases were on par with the national average and the National Care Act fees were approximately $113,000.00.

Chirico moved to approve the award of Procurement 15-107, medical insurance renewal to Blue Cross Blue Shield of Illinois for a one-year contract for an amount not to exceed $16,304,546.94. Second, Krause

ROLL CALL:

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

Nays: None

Motion declared carried.

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

CITY COUNCIL MEETING SCHEDULE

Wentz moved to approve the City Council meeting schedule for October, November and December 2014. Second, Chirico.

VOICE VOTE: Motion declared carried.

L2 Sale of puppies in pet stores

SALE OF PUPPIES IN PET STORES

Dianne Arp, Naperville, read dictionary definitions of puppy mills and stated that there is no one definition. She stated that a new lawsuit was filed against San Diego and her organization. She asked that the City wait until lawsuits are resolved before making a decision.

Melanie Parker, 1503 Queens Green Court, Naperville, is in favor of Naperville adopting a law similar to the San Diego ordinance. She wants fines to be raised to $500 per animal, $1500 for each offense.

Sherri Oslick, Naperville, asked the City Council to direct staff to prepare a humane model ordinance similar to Cook County's or San Diego's. She asked that the City monitor the lawsuits and give six-month status updates.

Adam Stachowiak, Naperville, and the owner of Petland, stated they buy from commercial and hobby breeders. He believes that Petland's warranty and the puppy lemon law in effect provides better conditions for purchasing pets.

Council asked what other things could be provided instead of passing a law, whether he would be willing to provide microchip information to facilitate automatic registration with the City, and if he would place his breeder sourcing on the internet.

MB,

L2 Sale of puppies in pet stores **Continued**

SALE OF PUPPIES IN PET STORES

Mr. Stachowiak suggested that a brochure be created explaining the different types of purchase options; would provide microchip registration information if directed by the City; and would make puppy sources available to customers but not put it on the internet or website unless it was required statewide.

Cheryl Kirk, Sylvan Circle, Naperville, asked Council to pass humane legislation.

Council discussed other governments that are being sued for ordinances that they enacted; the absence of case law on this issue; delaying updates until action is taken on the cases; whether pet stores could also offer an adopt-a-pet program; and disclosing puppy sources on website.

Wehrli moved to receive the additional report on regulating the sale of puppies and table the item indefinitely. Second, Hinterlong.

Council asked for more information about the Orland Park ordinance and costs associated with enforcement.

Foley said that the September 16th, Orland Park ordinance increases the requirement for disclosure including listing more healthcare info, information on the breeder and number of dogs they have. No information is available on the cost of enforcement.

Fieseler made a motion of substitution to receive the additional report on regulating the sale of puppies in pet stores and to table this item to June 1, 2015. Second, McElroy.

ROLL CALL:

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

Nays: None

Motion declared carried.

M **PUBLIC HEARINGS:**

M1 Burlington Meadows-PZC 14-1-088

BURLINGTON MEADOWS-PZC 14-1-088

M1a Public Hearing

Mayor Pradel opened the public hearing at 8:59 p.m.

Len Monson, attorney for the petitioner, gave a presentation explaining the action requested.

Council asked about the road width and whether the density was in compliance with the Plank Road Study.

Novack explained that it is a twenty-eight (28) foot road to allow for on-street parking.

M.B.

M1a Public Hearing

Laff said that low-density is 2.5 units and medium-density 8 units per acre but there is no measure in between. Staff looked at the Plank Road Study and the character of the existing neighborhood, and the development is consistent with the surrounding neighborhood.

KC Swininoga, 1241 Merles Court, Naperville, supports the development but said it was in violation of the Plank Road Study. She said that it would jeopardize watershed, the right of way was out of code, it is too close to adjacent homes, and too dense. She stated that the property was purchased after the study was published so the developer knew the parameters and it will set a bad precedent for other properties that will be in-filled in the area.

Bob Swininoga, 1241 Merles Court, Naperville, stated his concern for the Steeple Run watershed, the historical flooding in the area and the potential for increased flooding for adjacent neighborhoods. He said that Lot 11 was too small unless trees required by tree preservation were removed and the houses too close to the road.

Council asked staff to explain where the runoff will go and tree preservation requirements.

Novack said that grading, the excavation of the basin and installation of the storm sewers will handle the runoff on the property.

Laff stated that one and a half acres is the threshold requiring a tree preservation plan.

Len Monson, stated that Lot 11 is comparable to some lots in the nearby developments in Yorkshire Terrace/ Place and has more depth than most lots in the area. He said that they are following storm water regulations and that safety concerns due to nearness of street will be addressed when development will put in curbs, parkways and sidewalks.

Council discussed the Plank Road Study, whether a traffic study was done, concerns about site distances and whether there will be parking on Naperville-Wheaton Road.

Novack stated that Naper-Wheaton Road will be reconstructed to collector street standards. A calculation of trips was done based on the size of the subdivision so no traffic study was needed. Parking is not recommended on the road and will be evaluated as the construction progresses.

Chirico moved to close the public hearing at 9:34. Second, Wentz.

VOICE VOTE: Motion declared carried.

Chirico moved pass Ordinance No. 14-155, executing the annexation agreement for Burlington Meadows, PZC 14-1-088. Second, Wentz.

ROLL CALL:
Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Wehrli, Wentz
Nays: Krause, McElroy
Motion declared carried.

MB.

M1b Ordinance No. 14-156. annexing the southwest corner of Burlington Avenue and Naperville-Wheaton Road

ORDINANCE NO. 14-156, ANNEXING THE SOUTHWEST CORNER OF BURLINGTON AVENUE AND NAPERVILLE-WHEATON ROAD

Chirico moved to waive the first reading and pass Ordinance No. 14-156, annexing the properties located at the southwest corner of Burlington Avenue and Naperville-Wheaton Road. Second, Wentz.

ROLL CALL:
Ayes: Brodhead, Chirico, Fieseler, Hinterlong, Wehrli, Wentz, Pradel
Nays: Krause, McElroy
Motion declared carried.

M1c Ordinance No. 14-157, zone the southwest corner of Burlington Avenue and Naperville-Wheaton Road

ORDINANCE NO. 14-157, ZONE THE SOUTHWEST CORNER OF BURLINGTON AVENUE & NAPERVILLE-WHEATON ROAD

Chirico moved to pass Ordinance No. 14-157, to zone the southwest corner of Burlington Avenue and Naperville-Wheaton Road to R1b (medium density single family residence district). Second, Wentz.

ROLL CALL:
Ayes: Chirico, Fieseler, Hinterlong, Wehrli, Wentz, Pradel, Brodhead
Nays: Krause, McElroy
Motion declared carried.

M1d Ordinance No. 14-158, preliminary plat of subdivision for Burlington Meadows

ORDINANCE NO. 14-158, PRELIMINARY PLAT OF SUBDIVISION FOR BURLINGTON MEADOWS

Chirico moved to pass Ordinance No. 14-158, approving the preliminary plat of subdivision for Burlington Meadows and a deviation to Section 7-4-2 (streets) of the Municipal Code. Second, Wentz.

ROLL CALL:
Ayes: Fieseler, Hinterlong, Wehrli, Wentz, Pradel, Brodhead, Chirico
Nays: Krause, McElroy
Motion declared carried.

N **ORDINANCES AND RESOLUTION:**

N1 Ordinance No. 14-159, Liquor Services Regulations

ORDINANCE NO. 141-159, LIQUOR SERVICE REGULATIONS

Roger McDonald, 1033 Peterson Court, spoke in favor of closing drinking establishments one hour earlier and against the proposed amendments.

Bob Irons, Outback Steakhouse, Area Manager, spoke against changing serving size of beer.

David Ostrander, Buffalo Wild Wings Regional Manager, spoke against changing the serving size of beer.

Dick Furstenau, 709 Zaininger Avenue, spoke against changing the size of beer servings and asked regulations to the downtown be limited and for a decision to be made at this meeting.

Council asked how many bars have a serving size problem and what the Police Department thought about the larger bottles of beer. They discussed applying the regulations citywide versus focusing on the downtown and enforcement of penalties for businesses that over-serve.

M.B.

N1 Ordinance No. 14-159, Liquor Services Regulations **Continued**

ORDINANCE NO. 141-159, LIQUOR SERVICE REGULATIONS

DiSanto stated that no one location has a serving size problem; there are 19 Late Night Permits and one (1) Class C Tavern license in the downtown.

Marshall stated that people drink more with big bottles.

Council made motions to pass an ordinance amending Sections 1 and 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations, limiting the service of shots, late night entry, and the maximum single serving size of beer.

Wehrli moved to modify the proposed ordinance limiting late night entry to impose said regulation on only liquor license holders located in the Downtown, as defined in the liquor code. Second, Chirico.

Hinterlong moved to modify the proposed ordinance limiting late night entry to impose said regulation on liquor license holders citywide, as defined in the liquor code. Second, McElroy.

ROLL CALL (Late Night Entry Citywide):
Ayes: McElroy, Wentz, Pradel, Brodhead, Hinterlong
Nays: Krause, Wehrli, Chirico, Fieseler
Motion declared carried.

Clerk's Note: At 10:52 p.m. Wentz moved to extend the meeting to 11:30 p.m. Second Hinterlong.

VOICE VOTE: Motion declared carried.

N1 Ordinance No. 14-159, Liquor Services Regulations **Continued**

ORDINANCE NO. 141-159, LIQUOR SERVICE REGULATIONS

Council discussed the need to exclude hotels from the Late Night Entry regulations.

Hinterlong moved to reconsider the vote on no Late Night Entry or re-entry one hour prior to closing citywide. Second, McElroy.

ROLL CALL (Reconsider Late Night Entry):
Ayes: Krause, McElroy, Wentz, Pradel, Brodhead, Chirico, Hinterlong
Nays: Wehrli
Abstain: Fieseler
Motion declared carried.

Hinterlong moved to amend Section 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations, limiting late night entry and re-entry one hour prior to closing citywide, and to exempt Class J (Hotel and Tavern) liquor license holders. Second, Wentz.

ROLL CALL (Late Night entry citywide excludes hotels):
Ayes: McElroy, Wentz, Pradel, Brodhead, Chirico, Hinterlong
Nays: Wehrli, Krause
Abstain: Fieseler
Motion declared carried.

M.B.

N1 Ordinance No. 14-159, Liquor Services Regulations **Continued**

ORDINANCE NO. 141-159, LIQUOR SERVICE REGULATIONS

Chirico moved to amend Sections 1 and 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations that prohibit the service of shots one hour prior to the regulated closing time. Second, McElroy.

ROLL CALL (Shots 1):
Ayes: McElroy, Wehrli, Wentz, Pradel, Brodhead, Chirico, Hinterlong , Krause
Nays: Fieseler
Motion declared carried.

Chirico moved to amend Sections 1 and 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations that prohibit the announcement or advertisement of ceasing the service of shots (no *last call* for shots). Second, Krause.

ROLL CALL (Shots 2):
Ayes: Wehrli, Wentz, Pradel, Brodhead, Chirico, Hinterlong, Krause, McElroy
Nays: Fieseler
Motion declared carried.

Chirico moved to amend Sections 1 and 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations that prohibit the solicitation of shots to patrons. Second, Wentz.

ROLL CALL (Shots 3):
Ayes: Wentz, Pradel, Brodhead, Chirico, Hinterlong, Krause, McElroy, Wehrli
Nays: Fieseler
Motion declared carried.

Chirico moved to amend Sections 1 and 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations that reduce the maximum single serving size of shots from 3 ounces to 2 ounces. Second, Krause.

ROLL CALL (Shots 4):
Ayes: Pradel, Wehrli, Wentz
Nays: Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy
Motion declared **not** carried.

Council discussed the differences between craft beer and regular beer, the types of establishments affected; large branded, signature mugs that are over the proposed limit; large size, non-craft specialty beers; pouring out excess ounces to comply; and the efficacy of enforcement versus size limits.

MB.

N1 Ordinance No. 14-159, Liquor Services Regulations **Continued**

ORDINANCE NO. 141-159, LIQUOR SERVICE REGULATIONS

Chirico moved to modify the proposed ordinance to set the maximum single serving size of beer at 20 ounces. Second, Brodhead.

ROLL CALL (Beer Size 20 oz.):
Ayes: Wehrli
Nays: Brodhead, Chirico, Hinterlong, Krause, McElroy, Wentz, Pradel
Abstain: Fieseler
Motion declared **not** carried.

Wehrli made a motion of substitution to modify the proposed ordinance to set the maximum single serving size of craft beer, as defined in the liquor code, at 24 ounces and non-craft beer at 20 ounces. Second, Wentz.

ROLL CALL (Substitution):
Ayes: Wehrli, Wentz, Pradel, Brodhead
Nays: Chirico, Fieseler, Hinterlong, Krause, McElroy
Motion declared **not** carried.

Krause made a motion of substitution to maintain the maximum single serving size of beer at 24 ounces as stated in the current ordinance. Second, Hinterlong.

ROLL CALL (24 oz. No Change:
Ayes: Hinterlong, Krause. McElroy, Chirico
Nays: Wehrli, Wentz, Pradel, Brodhead
Abstain: Fieseler
Motion declared **not** carried.

Wehrli moved to amend Section 17 of Title 3, Chapter 3 of the Naperville Municipal Code adding liquor service regulations that modify the proposed ordinance to set the maximum single serving size of craft beer, as defined in the liquor code, at 24 ounces and non-craft beer at 22 ounces. Second, Chirico.

ROLL CALL (Craft 24 oz. Regular 22 oz.):
Ayes: Wehrli, Wentz, Pradel, Brodhead, Chirico
Nays: Hinterlong, Krause, McElroy, Fieseler
Motion declared carried.

N.B.

N2 Ordinance No. 14-160, Fair Housing Advisory Commission

ORDINANCE NO. 14-160, FAIR HOUSING ADVISORY COMMISSION

Laff said that staff confirmed with HUD that there was no requirement to include "Fair" in the commission name.

Novack said that it would depend on the issue because some issues are beyond the scope covered by the commission and City ordinances.

Chirico moved to waive first reading and pass Ordinance No. 14-160, amending Title 2 Chapter 1, Title 2 Chapter 5 and Title 10 Chapter 5 of the Naperville Municipal Code to rename the Fair Housing Advisory Commission as the Housing Advisory Commission. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Motion declared carried.

O **NEW BUSINESS**

O1 Maplefield and Shepherd

Council thanked staff for removing the corrugated median.

O2 95th and Naperville/Plainfield

Council thanked staff for resolving the problem.

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

ADJOURNMENT

Krause moved to adjourn the Regular City Council meeting of October 7, 2014 at 11:03 p.m. Second, Wehrli.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of October 7, 2014 officially adjourned at 11:03 p.m.

Nancy A. Bright
NANCY A. BRIGHT
DEPUTY CITY CLERK

NAB: BK