



CITY COUNCIL MEETING OF NOVEMBER 17, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 1, 2009 AS WRITTEN.

CALL TO ORDER

5 01 P M

A Mayor A George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R Furstenuau
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
Senior Assistant City Attorney, Pat Lord
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmnt Svcs Business Group, Don Carlsen
Director of T E D Business Group, Marcie Schatz
T E D Operations Manager, Allison Laff
T E D Engineering Team Leader, Bill Novack
T E D Transportation Team Leader, Karyn Robles
T E D Development Team Leader, Dick Dublinski

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be the initials 'JP' followed by a flourish.

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B. CLOSED SESSION

Wehrli moved to recess to Closed Session to discuss 5ILCS/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, (11) Litigation, probable or imminent, (3) The selection of a person to fill a public office, (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body Second, Furstenau

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Nays: None

Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 5:06 P.M.

CLOSED SESSION ENDED AT 6:56 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:03 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Absent: None

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 American Planning Association – Illinois Chapter, 2009 Award Recognition

OGDEN AVENUE
CORRIDOR
ENHANCEMENT
INITIATIVE

The TED Planning Team accepted an award from the Illinois Chapter of the American Planning Association for the Ogden Avenue Corridor Enhancement Initiative and Analysis to Impediments of Fair Housing Choice

D2 Introduction of New City Employee

EMERGENCY
MANAGEMENT
COORDINATOR

Chief Puknaitis introduced Joe Henderson, the city's new Emergency Management Coordinator

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E PUBLIC FORUM:

E1 Freedom Heroes of Naperville – Not for Profit Group

Jim Kreamer of 85 W Bailey Road, Mitch Atkinson of 1573 Treeline Court, and Douglas Dallmer of 619 Fredericksburg Ct , spoke about this group, that is designed to honor individuals who have served in the armed forces, reviewed the content of the groups' website and requested that it have a link from the City of Naperville website

Council requested that the city manager contact the speakers regarding placing their link on the City of Naperville website

E2 Camping, Sleeping, Storing Property Ordinance

William J Mills of 609 South Point Drive stated that the ordinance is unconstitutional and highly suspect, explained the issues that Scott Huber is protesting, and discussed the treatment he has received at his location on Chicago Avenue

E3 Von Oven

H Thomas O'Hale of 620 W Gartner urged the Council to not compromise the scouts' use of the Von Oven property

Council explained that there are constitutional issues with limiting the groups that can use the property and that the city does not want to see any diminished use by the scouts

Krieger explained that scout groups will still be primary users and the Agreement will eliminate the exclusivity that has been occurring

Council said that allowing use by non-youth groups has complications because the land has been authorized for use by youth groups only

E4 Camping, Sleeping, Storing Property Ordinance

Tod A Cage of 1208 Whispering Hills Court questioned the ordinance and urged Council to help Scott Huber

E5 General

Scott Huber of 75 E Chicago stated that the city has taken facts of his circumstance out of context

Mayor Pradel offered his and the Council's help at any time

Dial explained that help has been offered many times, a list of social service agencies were given to him with the ordinance, and that he has refused assistance each time Dial also stated that Mr Huber was cited for violation of the ordinance and that there is an upcoming court hearing

E6 Veteran's Day Ceremonies

Mayor Pradel thanked the residents for their participation in the Veteran's Day ceremonies

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F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

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

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

VOICE VOTE: Motion declared carried

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I5, and I8 Second, Krause

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrl

Nays: None
Motion declared carried

I1 Cash Disbursement – 10/28/2009

Council moved to approve the October 28, 2009 cash disbursements in the amount of \$8,859,471.41

CASH DISBURSEMENT –
10/28/09

I2 Regular City Council Meeting Minutes of November 3, 2009

Council moved to approve the Regular City Council Meeting Minutes of November 3, 2009

REGULAR CITY COUNCIL
MEETING MINUTES –
11/3/09

I3 Appointment to a Board or Commission

Council moved to approve the Mayoral appointment of Dr. Herman B. White, Jr. to The Board of Fire and Police Commission

APPOINTMENT TO
BOARD/COMMISSION

I4 Ordinance No. 09-128, Kidz Kabaret – conditional use for a training studio in the Industrial District and associated parking variance, PC 09-1-168

Council moved to pass Ordinance No. 09-128, approving a conditional use for an acting and theater production training studio in the Industrial District and approving an associated parking variance in order to allow Kidz Kabaret to occupy units 131 and 143 at 1665 Quincy Avenue, PC 09-1-168

ORDINANCE NO. 09-128,
KIDZ KABARET, PC 09-1-
168

I6 Ordinance No. 09-129, reduce the speed limit of 45 mph for Book Road between Wicklow Road and 111th Street (Hassert Boulevard) to 40 mph

Council moved to pass Ordinance No. 09-129, to reduce the speed limit of 45 mph for Book Road from Wicklow Road to 111th Street (Hassert Boulevard) to 40 mph

ORDINANCE NO. 09-129,
BOOK ROAD

I7 Resolution No. 09-050, authorizing the City of Naperville to perform work in the Illinois Department of Transportation Right-of-Way

Council moved to adopt Resolution No. 09-050, authorizing the City of Naperville to perform work in the Illinois Department of Transportation right-of-way

RESOLUTION NO. 09-050,
ILLINOIS DEPARTMENT
OF TRANSPORTATION
RIGHT-OF-WAY

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- I5** Ordinance No 09-130, establish a speed limit of 50 mph for Wolf's Crossing Road from 248th Avenue to EJ&E Railroad ORDINANCE NO 09-130,
WOLF'S CROSSING ROAD

Miller moved to deny the ordinance to establish a speed limit of 50 mph for Wolf's Crossing Road from 248th Avenue to the EJ&E Railroad Second, Furstenau

VOICE VOTE: Motion declared carried

Schatz explained that this portion of Wolf's Crossing Road is currently unposted which gives it a regulatory speed limit of 55 mph and that the agenda item is to post a 50 mph speed limit based on prevailing speeds and conflicts in the area

Brodhead moved to pass Ordinance No 09-130, to establish a speed limit of 45 mph for Wolf's Crossing Road from 248th Avenue to the EJ&E Railroad Second, Furstenau

VOICE VOTE: Motion declared carried

- I8** Resolution No 09-051, authorizing the execution of the Third Amendment to the Intergovernmental Agreement between the city of Naperville and the County of DuPage for the Steeple Run Watershed – Huffman Street Flood Control project RESOLUTION NO 09-051,
STEEPLE RUN
WATERSHED –
HUFFMAN STREET
FLOOD CONTROL
PROJECT

Council discussed the expense of not finishing the project and that it is financially prudent to finish

Boyajian moved to adopt Resolution No 09-051, authorizing the execution of the Third Amendment to the Intergovernmental Agreement between the City of Naperville and the County of DuPage for the Steeple Run Watershed – Huffman Street Flood Control project Second, Miller

ROLL CALL:

Ayes: Boyajian, Brodhead, Fieseler, Hinterlong, Krause, Miller, Wehrl, Pradel

Nays: Furstenau

Motion declared carried

J **OLD BUSINESS:**

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Wehrl moved to approve the City Council meeting schedule for November and December 2009, and January 2010 Second, Krause

VOICE VOTE: Motion declared carried

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L2 2010 City of Naperville Legislative Action Plan

2010 CITY OF
NAPERVILLE
LEGISLATIVE ACTION
PLAN

Council asked about any union concerns regarding the proposed action plan

Krieger responded that a letter was received from the firefighter's union raising concerns, that he met with the union president and assured him that the intent is to seek input from the unions as the plan is developed

Furstenau moved to direct staff to draft a Resolution adopting the 2010 City of Naperville Legislative Action Plan with the exception of the Recall of Elected Officials position statement Second, Fieseler

Council discussed the necessity of supporting recall legislation, that all government officials at all levels should be subjected to recall, that the recall process should be onerous, and that the consensus of the Council was to leave the recall position statement in the plan

Council stated the importance of pension reform because of the funding mandate and real estate tax relief for seniors and persons with disabilities

Boyajian made a motion in substitution to direct staff to draft a Resolution adopting the 2010 City of Naperville Legislative Action Plan as presented Second, Wehrli

ROLL CALL:

Ayes: Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel, Boyajian

Nays: None
Motion declared carried

L3 Regulations for Rental/Lease of Boarding Rooms and Dwelling Units in Single-Family Zoning Districts

BOARDING ROOMS –
RESIDENTIAL
STRUCTURES

Laff gave a brief presentation which covered existing ordinance challenges, the difference between boarding rooms and boarding houses, and staff recommendations

Dublinski stated the city is concerned with life and health safety issues and that staff has not finalized whether inspections will occur on a complaint basis versus an annual license requirement

Schatz explained that the regulations do not take into account the myriad of familial relationships, but rather is written with a keen eye toward occupancy numbers and life safety issues

Council requested boarding house information from surrounding areas and the inventory of targeted structures in Naperville Council also questioned privacy issues and FOIA regarding leases and discussed background requirements for renters in multi-family buildings

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L3 Regulations for Rental/Lease of Boarding Rooms and Dwelling Units
in Single-Family Zoning Districts **Continued**

BOARDING ROOMS --
RESIDENTIAL
STRUCTURES

Dial explained the Crime Free Multi-Housing Program is managed by one police department employee and that it has been in place longer than the City of Aurora's program that Naperville does not have an ordinance in place that mandates program participation, but many landlords in Naperville have completed the program

Laff clarified that the owner-occupied requirement would cover boarding rooms, but single family structures can still be leased and that landlords shall have an active list of renters at all times which would be available to the city upon request

Council suggested letting the regulations go through the proper public input and commission process

Ernest Oxenknecht, 436 W Jefferson, asked for clarification of "dwelling structure" reference, stated that the recommendations are creating additional bureaucracy, that the Crime Free Multi-Housing Program and the current code enforcement is enough to address the problems

Kathy Benson, 51 Forest, stated that the residents need to be educated on code issues, believes that the Crime Free Multi-Housing Program would address many of the problems

Hans Jostlein, 432 W Jefferson, urged the Council to not take the Spring Street property as a representation of the entire city, many thousands of dollars will be spent by the landlords to improve property and it will be found that the houses are only appropriate for teardown, and there is a significant difference between single and multi-family rentals

Craig Kiefer, 224 E 4th Avenue, stated that staff does not have the tools to deal with the violations, and is pleased with the progress the staff has made with the program

Council considered findings related to boarding rooms in Naperville and initiated a text amendment to Section 6-2-15 (boarding rooms in residential structures) of the Zoning Ordinance to address the rental/lease of dwelling units and boarding rooms in the R1, R1a, R1b, R2 and Estate Zoning Districts

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M PUBLIC HEARING:

M1 City of Naperville's Proposed Property Tax Levy

CITY OF NAPERVILLE --
PROPOSED PROPERTY
TAX

Mayor opened the public hearing at 9 02 p m

H Thomas O'Hale of 620 W Gartner stated that the city must stop a number of projects, to cut the budget, and urged Council to not raise taxes

Denise O'Hale of 620 W Gartner asked Council to go through the budget line by line and to not ask staff to work a shortened week or take furlough days

Kathy Benson of 51 Forest stated that Council should reduce expenditures and implement judicious cost increases such as garbage pick-up

Rod Randall of 956 Savannah Circle stated that the Council cannot continue to use the excuse that people are demanding services that the city needs to look at what services can be delayed or put off, and that efforts should be directed at reducing the budget

Fieseler moved to close the public hearing at 9 14 p m Second, Krause

VOICE VOTE: Motion declared carried

M2 Special Service Area #21(New Parking Garage) Proposed Property Tax Levy

TRUTH IN TAXATION --
SSA 21

Mayor opened the public hearing at 9 22 p m

Boyajian moved to close the public hearing at 9 23 p m Second, Krause

VOICE VOTE: Motion declared carried

M3 Truth in Taxation for Special Service Area (SSA #22), (Downtown Maintenance Expense) Proposed Property Tax Levy

TRUTH IN TAXATION --
SSA 22

Mayor Pradel opened the public hearing at 9 23 p m

Kathy Benson, 51 Forest, asked the trend in cost of maintenance services that is split between the property owners and city, requested more transparency and understanding of the finances in the SSAs

Jimmy Bergeron of 2604 Whitchurch and representing the Downtown Naperville Alliance (DNA), explained abatement process and how the \$1 30 tax rate was reached, the number of activities related to promoting new and existing stores increased and the available funds did not, the maximum marketing budget was \$238,000 five years ago, and that the maintenance takes up more of the tax rate than the marketing of the downtown

Council stated when other agencies are attempting to reduce costs the downtown businesses should find a way to reduce the \$1 30 to approximately \$1 25

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- M3** Truth in Taxation for Special Service Area (SSA #22), (Downtown Maintenance Expense) Proposed Property Tax Levy **Continued** TRUTH IN TAXATION – SSA 22

Bergeron responded that the DNA would like to increase the rate in order to afford more marketing efforts to drive customers to the stores

Boyajian moved to close the public hearing at 9 33 p m Second, Krause

VOICE VOTE: Motion declared carried

- M4** Truth in Taxation for Special Service Area (SSA #23), (Naper-Main) Proposed Property Tax Levy TRUTH IN TAXATION – SSA 23

Mayor opened the public hearing at 9 35

Boyajian moved to close the public hearing at 9 35 Second, Miller

VOICE VOTE: Motion declared carried

N **ORDINANCES AND RESOLUTIONS:**

- N1** Ordinance No 09-131, to establish turning restrictions at 5th Avenue and Washington Street and North Avenue at Washington Street ORDINANCE NO 09-131, TURNING RESTRICTIONS AT 5TH AVENUE & NORTH AVENUE

Miller moved to pass Ordinance No 09-131, to establish a left turn prohibition for eastbound 5th Avenue at Washington Street and establish no right turn on red for eastbound North Avenue at Washington Street Second, Krause

VOICE VOTE: Motion declared carried

O **NEW BUSINESS:**

- O1** Downtown Refuse Collection

Council requested the Agreement for downtown refuse collection be placed on the December 1 Council meeting

Miller, Council representative to the Downtown Naperville Alliance (DNA), stated that DNA has concerns about the recommendation and asked that city staff erect a tent in the proposed compactor location in order to evaluate visibility and turn radius among other issues, and is unsure if feedback will be received within two weeks

Krause reminded Council of the expense of the proposed experiment

Council requested the minutes from the meetings where the franchise agreement was discussed and an Agreement timeline from the city manager in the Manager's Memorandum

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P **CLOSED SESSION:**

Wehrli moved to recess to Closed Session to discuss 5 ILCS 120/c
(1) The appointment, employment, compensation, discipline,
performance, or dismissal of specific employees of the public body
or legal counsel for the public body Second, Furstenau

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau,
 Hinterlong, Krause, Miller, Wehrli

Nays: None

 Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 10:02

P.M.

CLOSED SESSION ENDED AT 11:05 P.M.

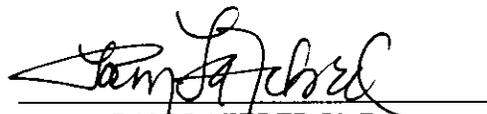
Q **ADJOURNMENT:**

ADJOURNMENT – 11 06
P M

Wehrli moved to adjourn the Regular City Council meeting of
November 17, 2009 at 11 06 p m Second, Krause

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of November 17, 2009 officially adjourned at 11 06 p m



PAM LAFERBER Ph D
CITY CLERK

PL BK

