



**CITY COUNCIL MEETING OF NOVEMBER 15, 2011
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 6, 2011 AS WRITTEN.**

CALL TO ORDER:

7:00 P.M.

- A** Mayor A. George Pradel
Councilman Judy Brodhead – Left the meeting at 9:09 p.m.
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David E. Dial
Finance Director, Karen DeAngelis
T.E.D. Business Group Director, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
Director of Public Works, Dick Dublinski
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel
Human Resources Manager, Victoria Perrault

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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D10 95th Street Extension/Bridge
Katherine Havel, 2616 Springdale Circle, spoke against the extension project

E **PUBLIC FORUM:**

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, Wehrli.

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of items I1, I7, and I11. Second, Wehrli.

ROLL CALL:

Ayes: Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel, Chirico, Fieseler.

Nays: None

Absent: Brodhead

 Motion declared carried.

I2 Bid 12-074, Springbrook Water Reclamation Center Disinfection System

Council moved to approve the award of utility funded CIP WWU37, Bid 12-074, Springbrook Water Reclamation Center disinfection system to Dahme Mechanical Industries, for an amount of \$352,000 plus a 5% contingency.

BID 12-074, SPRINGBROOK WATER RECLAMATION CENTER DISINFECTION SYSTEM

I3 Appointment to Board and Commission

Council moved to approve the Mayoral appointment of Dave Kelsch to the Riverwalk Commission.

APPOINTMENT TO BOARD AND COMMISSION

I4 Ordinance No. 11-158, 68 Starling Lane, PCZ 11-1-127

Council moved to pass Ordinance No. 11-158, approving a front yard setback variance allowing for the construction of a covered front porch and roof overhang at 68 Starling Lane, PCZ 11-1-127.

ORDINANCE NO. 11-158, 68 STARLING LANE, PCZ 11-1-127

I5 Ordinance No. 11-159, Repeal of Chapter 4 (Amusements)

Council moved to pass Ordinance No. 159, and repeal Article A (Billiards and Pool Halls), Article B (Bowling Alleys) and Article C (Juke Boxes and Mechanical Amusement Devices) and Reletter Article D (Raffles), Article E (Intertrack Wagering) Article F (Special Event Permit) and Article G (Video Gaming) of Chapter 4 (Amusements) of Title 3 (Business and License Regulations) of the Naperville Municipal Code.

ORDINANCE NO. 11-159, REPEAL OF CHAPTER 4 (AMUSEMENTS)

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- 16** Ordinance No. 11-160, McDonald's at Design Pointe Outlot B – PC 11-1-111
Council moved to pass Ordinance No. 11-160, approving a major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through with deviations to the PUD to reduce the monument sign setback from 2 feet to 1 foot, increase the height of the monument sign from 4 feet to 10 feet, and orient the trash enclosure toward IL Route 59; a deviation to reduce the parking required on Outlot B for a fast food use by 35 spaces; a deviation to (off-street parking) due to a net reduction in the required parking in the overall Design Pointe PUD by 40 spaces; a deviation to reduce the major arterial setback for parking from 20 feet to 3 feet; and a deviation to eliminate a required tree planting in a parking lot landscape island to accommodate placement of a monument sign.
- 18** Ordinance No. 11-161, 504 & 508 N. Main Street, PCZ 11-1-136
Council moved to pass Ordinance No. 11-161, approving rear yard setback variances for the properties located at 504 and 508 N. Main Street, PCZ 11-1-136.
- 19** Ordinance No. 11-162, Victory Martial Arts, PC 11-1-143
Council moved to pass Ordinance No. 11-162, approving a conditional use for a training studio in the B1 District per section 6-7A-3 of the Municipal Code, PC 11-1-143.
- 110** Resolution No. 11-052, Washington Street & 75th Street Intersection Improvement Project
Council moved to adopt Resolution No. 11-052, approving execution of Local Agency Amendment #1 to the Illinois Department of Transportation (IDOT)/Local Agency Joint Agreement for Federal participation for construction and construction engineering for the Washington Street and 75th Street intersection improvement project.
- J** **OLD BUSINESS:**
- J1** Freedom Plaza Planned Unit Development, PC 11-1-070, PC 11-1-008, PC 11-1-069, PC 11-1-007
Russ Whitaker, 23 W Jefferson #200 and Petitioner attorney, gave a brief presentation of the development.
Council discussed how many and what types of jobs will be created from this development as well as their concerns regarding how a long-term care facility will affect nearby properties.
John Brining, 624 Rock Spring Road, spoke in favor of the development.
Bill Habel, 2065 Navarone, spoke in favor of the development.
Tim Vogel, 1505 Rapids Court, spoke in favor of the development.
- ORDINANCE NO. 11-160,
MCDONALD'S AT DESIGN
POINTE OUTLOT B – PC 11-
1-111
- ORDINANCE NO. 11-161, 504
& 508 N. MAIN STREET, PCZ
11-1-136
- ORDINANCE NO. 11-162,
VICTORY MARTIAL ARTS,
PC 11-1-143
- RESOLUTION NO. 11-052,
WASHINGTON STREET &
75TH STREET
INTERSECTION
IMPROVEMENT PROJECT
- FREEDOM PLAZA
PLANNED UNIT
DEVELOPMENT, PC 11-1-
070, PC 11-1-008, PC 11-1-069,
PC 11-1-007

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J1

Freedom Plaza Planned Unit Development, PC 11-1-070, PC 11-1-008, PC 11-1-069, PC 11-1-007 **Continued**

FREEDOM PLAZA
PLANNED UNIT
DEVELOPMENT, PC 11-1-
070, PC 11-1-008, PC 11-1-069,
PC 11-1-007

Dick Furstenau, 709 Zaininger, spoke in favor of the development.

Brian Harris, Harris Bank and 135 N. Pennsylvania, Indianapolis, IN, spoke as a character reference for the developer.

Kathleen Buettner, 1024 E. Amberwood, supports the development but spoke against rezoning for the long-term care facility.

Gary Karafiat, 1691 Robin Lane, Lisle, spoke in favor of the development.

Dirk Enger, 04331 Ethel, Winfield, discussed data from a Choose DuPage commercial vacancy study and issues he might consider during deliberation.

Aatif Rehman, 3827 Falkner, spoke in favor of the development.

Council stated that the Master Plan is sound and discussed the groups that do not support the project. Council explained that it does not object to long-term care facilities if they are placed in a properly zoned area.

Council discussed the incentive proposal and asked if it was the appropriate amount and who would be paying. It also discussed traffic study conclusions, future variances, and what will happen if agreements cannot be reached.

Laff explained that staff is recommending denial because it is adhering to Master Plan which permits an office environment with some variances that will support the corridor in total. She went on to explain that office and medical office uses are permitted by right and hotel, retail, fitness facility, restaurant, day care, warehousing, industrial uses are permitted as a conditional use. The CLR is not a complementary use to the corridor.

Council reviewed previous incentives and concessions that were approved, discussed the number of commercial foreclosures and how the approval of this development is an option to avoid increasing taxes and fees.

Krause invoked Council rules.

Wehrli objected. Second, Miller

ROLL CALL to overrule Council rules and continue deliberation:

Ayes: Pradel, Brodhead, Fieseler, Hinterlong, McElroy,
Miller, Wehrli

Nays: Chirico, Krause
Motion declared carried.

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J1f Major Change to Lots 1 and 2 of Freedom Plaza to establish a preliminary PUD plat, and a conditional use, PC 11-1-008

Council moved to concur with the Planning and Zoning Commission, staff and the petitioner and direct staff to prepare ordinance paperwork approving a major change to Lots 1 and 1 of Freedom Plaza for the purposes of establishing a preliminary PUD plat with a restaurant and full-service hotel in a campus setting, a conditional use for a full-service hotel and associated deviations subject to conditions, PC 11-1-008.

Wehrli moved to use the Omnibus method to approve items J1a-f. Second, Miller.

VOICE VOTE: Motion declared carried.

Wehrli moved to approve items J1a-f. Second, Miller.

ROLL CALL for Omnibus items J1a-f:

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

Nays: None

Motion declared carried.

J1g Major change to Lot 3 of Freedom Plaza, rezoning, preliminary PUD plat, and a conditional use
Option A

Wehrli moved to approve Option A and concur with staff to deny the request for a major change to Lot 3 of Freedom Plaza, rezoning of the subject property from ORI to OCI, establishment of a preliminary PUD plat, and a conditional use for a nursing home and associated deviations. Second, Miller.

J1g Major change to Lot 3 of Freedom Plaza, rezoning, and conditional use for a nursing home, PC 11-1-007
Option B

Krause made a Motion in Substitution to approve Option B and concur with the petitioner to direct staff to prepare ordinance paperwork approving the request for a major change to Lot 3 of Freedom Plaza, rezoning of the subject property from ORI to OCI, establishing a preliminary PUD plat, and a conditional use for a nursing home and associated deviations subject to conditions, PC 11-1-007. Second, Chirico.

ROLL CALL:

Ayes: Hinterlong, Krause, Chirico

Nays: Fieseler, McElroy, Miller, Wehrli, Pradel, Brodhead

Motion declared **not** carried.

BREAK: 9:09 P.M.

Mayor Pradel called the meeting back to order at 9:16 p.m.



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- II** Cash Disbursements – 10/26/11 CASH DISBURSEMENTS –
10/26/11
- Miller moved to approve the October 26, 2011 cash disbursements in the amount of \$6,494,419.42. Second, Chirico.
- ROLL CALL:**
Ayes: Krause, McElroy, Miller, Pradel, Chirico, Fieseler, Hinterlong
Nays: Wehrli
Absent: Brodhead
Motion declared carried.
- I7** Resolution No. 11-053, National Tire & Battery, PCS 11-1-114 RESOLUTION NO. 11-053,
NATIONAL TIRE &
BATTERY, PCS #11-1-114
- Miller moved to adopt Resolution No. 11-053, granting approval of a variance request to replace the face panels on an existing, nonconforming pole sign without bring the sign into compliance with the current monument-sign regulations for the property located at 915 E. Ogden Avenue, PCS 11-1-114. Second, Krause.
- Clerk's Note:** In order to avoid the appearance of impropriety due to a business conflict Fieseler abstains.
- ROLL CALL:**
Ayes: Wehrli, Pradel, Chirico, Krause
Nays: McElroy, Miller, Hinterlong
Absent: Brodhead
Abstain: Fieseler
Motion declared carried.
- III** Resolution No. 11-054, Acceptance and Conveyance of Ashwood Club Subdivision Lot No. 1 RESOLUTION NO. 11-054,
ACCEPTANCE AND
CONVEYANCE OF
ASHWOOD CLUB
SUBDIVISION LOT NO. 1
- Fieseler moved to adopt Resolution No. 11-054, authorizing acceptance of the deed for Lot No. 1 in the Ashwood Club Subdivision from the developers to the City of Second, Chirico.
- ROLL CALL:**
Ayes: Miller, Wehrli, Pradel, Chirico, Fieseler, Hinterlong, Krause, McElroy
Nays: None
Absent: Brodhead
Motion declared carried.
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- J2** Ordinance No. 11-163, Holiday Kitchen operations for Class B-Restaurant and Tavern Liquor licenses ORDINANCE NO. 11-163,
HOLIDAY KITCHEN
OPERATIONS FOR CLASS B-
RESTAURANT AND
TAVERN LIQUOR LICENSES
- Dick Furstenau, 709 Zaininger, spoke against the proposed text amendment.
- Council clarified that the text amendment will allow Class B liquor licensees to keep their kitchens closed on Thanksgiving and Christmas Days.
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- J2** Ordinance No. 11-163, Holiday Kitchen operations for Class B-Restaurant and Tavern Liquor licenses Continued
Chirico moved to waive first reading and pass Ordinance No. 11-163, amending Section 3-3-22:2 of Chapter 3 (Liquor and Tobacco Control) Title 3 (Business and License Regulations) and Section 11 (Liquor Licenses, Classification and Fees) of the Naperville Municipal Code. Second, Wehrli.
- ROLL CALL:**
Ayes: Wehrli, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller
Nays: Pradel
Absent: Brodhead
Motion declared carried.
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**
- L** **REPORTS AND RECOMMENDATIONS:**
- L1** City Council Meeting Schedule
Chirico moved to approve the City Council Meeting Schedule for December 2011 and January and February 2012. Second, Miller.
VOICE VOTE: Motion declared carried.
- L2** Regular City Council Meeting Minutes of November 1, 2011
Chirico moved to approve the Regular City Council Meeting Minutes of November 1, 2011. Second, Miller
VOICE VOTE: Motion declared carried.
Abstain: Hinterlong
- L3** Recruit externally for seven Firefighter/Paramedic vacancies
Miller moved to grant approval to recruit externally and fill the vacancies for seven firefighter paramedics. Second, Chirico.
ROLL CALL:
Ayes: Pradel, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli
Nays: None
Absent: Brodhead
Motion declared carried.
- L4** Lobbyist Services for the City of Naperville
Wehrli moved to direct staff to issue a request for Proposals for Lobbyist Services on an issue by issue basis with an hourly fee. Second, Chirico.
ROLL CALL:
Ayes: Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel
Nays: None
Absent: Brodhead
Motion declared carried.
- ORDINANCE NO. 11-163,
HOLIDAY KITCHEN
OPERATIONS FOR CLASS B-
RESTAURANT AND
TAVERN LIQUOR LICENSES
- CITY COUNCIL MEETING
SCHEDULE
- REGULAR CITY COUNCIL
MEETING MINUTES
- FIREFIGHTER/PARAMEDIC
VACANCIES
- LOBBYIST SERVICES

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L4 Lobbyist Services for the City of Naperville Continued

LOBBYIST SERVICES

Krieger stated Council must approve the external posting of the Legislative Affairs Coordinator position.

By consensus, Council authorized the City Manager to begin the process of external recruitment for the Legislative Affairs Coordinator position.

L5 Comprehensive Review of the City's Salary Ranges

REVIEW OF SALARY RANGES

Council discussed broadening the ranges of all positions and possibly scheduling a workshop to have time to address specifics.

Perrault said the advantage of reducing all ranges by 5% would be the ability to hire people in at a lower salary. However, the city would be lagging the market since the mid-points of the ranges will also be lowered and that may affect recruitment. She said that a salary range reduction will not affect current employees.

Krieger explained the recommendation is not consistent with the results of the salary study because the results were not right for the organization. He said moving all ranges down shows equitability.

Chirico moved reduced all three salary range categories by 5%.
Second, Wehrli.

ROLL CALL:

Ayes: Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli,
 Pradel, Chirico

Nays: None

Absent: Brodhead

Motion declared carried.

Clerk's Note: At 10:52 p.m. Krause moved to extend the meeting 11:15. Second, Miller

VOICE VOTE: Motion declared carried.

M **PUBLIC HEARINGS:**

M1 Truth in Taxation Public Hearing – Special Service Area #21

**TRUTH IN TAXATION
PUBLIC HEARING – SSA #21**

Pradel opened public hearing at 10:52 p.m.

Wehrli moved to close the public hearing at 10:52 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

M2 Truth in Taxation Public Hearing – Special Service Area #23

**TRUTH IN TAXATION
PUBLIC HEARING – SSA #23**

Pradel opened the public hearing at 10:53 p.m.

Krause moved to close the public hearing at 10:53 p.m. Second, Wehrli.

VOICE VOTE: Motion declared carried.

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- M3** Truth in Taxation Public Hearing – Special Service Area #24 TRUTH IN TAXATION
Pradel opened the public hearing at 10:53 p.m. PUBLIC HEARING – SSA #24
Krause moved to close the public hearing at 10:54 p.m. Second,
Wehrli.
VOICE VOTE: Motion declared carried.
- M4** City of Naperville’s Proposed Property Tax Levy TRUTH IN TAXATION –
Pradel opened the public hearing at 10:54 p.m. PROPERTY TAX LEVY
DeAngelis stated that the property tax of the average resident will
decrease by approximately \$25/year with the proposed tax levy.
Chirico moved to close the public hearing at 10:57 p.m. Second,
Krause.
VOICE VOTE: Motion declared carried.
- N** **ORDINANCES AND RESOLUTIONS:**
- N1** 2012 Water and Wastewater Utility Rates 2012 WATER AND
Holzapfel explained that the text amendment proposes a less than WASTEWATER UTILITY
1% deviation from rate model. RATES
First reading held.
- O** **NEW BUSINESS**
- O1** Inspections
Wehrli asked about the delay in completing inspections and if it is
being caused by an increase in permits.
Schatz responded that permits are up 20% over last year, the
department is down one inspector, and .5 of an inspector position
is assigned to residential plan review. She went on to say that the
department extended the 48 hours response timeframe to 72 hours
and is now exceeding that. Because of these issues she will be
requesting more resources in the upcoming budget workshops.
- O2** Council Chambers Audio/Visual Equipment
Wehrli stated that new equipment will be installed for the
December 6 meeting.
- O3** Chicken Coop
Hinterlong discussed October 18 chicken coop agenda item (L4)
and requested it be placed on a future agenda for reconsideration.
Chirico and Fieseler concurred.

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O4 Ogden Avenue Sign Ordinance

Miller requested that the ordinance be placed on hold for two years and that an agenda item be brought to Council for consideration. Chirico, Krause, and Fieseler concurred.

Schatz stated that a report will be provided to Council with Ogden Avenue sign moratorium options and recommendations.

P **CLOSED SESSION:**

CLOSED SESSION

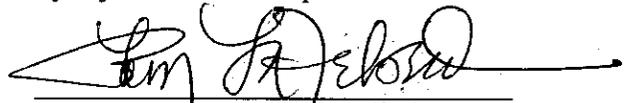
Q **ADJOURNMENT:**

ADJOURNMENT -11:11 P.M.

Wehrli moved to adjourn the Regular City Council meeting of November 15, 2011 at 11:11 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of November 15, 2011 officially adjourned at 11:11 p.m.



PAM LAFERBER PH.D.
CITY CLERK

PL: BK

