



**CITY COUNCIL MEETING OF NOVEMBER 16, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
January 4, 2011 AS REVISED.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor A. George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R. Furstenu
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller – Arrived at 9:23 p.m.
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 Dial
Director of Finance, Karen DeAngelis
Director of Public Works, David Van Vooren
Director of T.E.D., Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
Community Planner, Katie Forystek
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; (2) Collective negotiating matters between the public body and its employees or their representatives; (21) Discussion of minutes of meetings lawfully closed under this Act. Second, Wehrli.

ROLL CALL:

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

Nays: None

Absent: Miller

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.

CLOSED SESSION ENDED AT 7:13 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:21 P.M.

ROLL CALL to determine Quorum:

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

Absent: Miller

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E. PUBLIC FORUM:

E1 Property Owner's Rights - Drainage

Charles Linnell, 1014 Sylvan Circle, informed Council that his neighbors have restricted drainage to his property. He said that the Lot Grading Certificate requirements are not being enforced, that he has appeared before Council on four prior occasions to discuss this matter, and asked if the city will work with his neighbors to correct the drainage issues or should he file a lien against the property.

Novack stated that the city enforces the requirements in the Lot Grading Certificate and that the grading survey has been revised and approved by the city which includes a 12" drainage pipe going through the back yard. Novack stated that he will meet with Mr. Linnell.

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I11 Reduction of Naperville Police Department sworn personnel

REDUCTION OF
NAPERVILLE POLICE
DEPARTMENT SWORN
PERSONNEL

Tamara Cummings, 900 N. Lake Shore Drive, Chicago, stated that it is true that the city and the FOP entered into a settlement agreement, but there is a difference of opinion of how the settlement was reached. She said the officers were not greedy and in fact gave back to the city in the form of increased insurance premiums. She said the layoffs of 6 officers will impact the citizens and department morale. She stated that fewer officers in the department mean fewer officers on the street and that specialty units that focus on gang and drug crime will need to be dismantled. She urged Council to give the people of Naperville what they deserve and bring the officers back.

Krieger said that the city is in the third year of significant budget deficit and personnel reductions, that the budget situation has never been a secret and has been discussed at Council meetings, workshops and at collective bargaining tables. He said that the city has eliminated vacant positions and positions through attrition; however that has not been enough to balance the budget. He said that the city negotiated in good faith with the FOP and will honor the terms of the agreement. He stated that the cost savings of recent terminations will not even come close to the cost of the agreement, that the city still faces a budget deficit of \$5M for next year, maintaining adequate service levels is always a consideration when eliminating vacant or filled positions and that is true for public safety as well, and that he and the Council are confident that remaining police officers will keep the community safe. He said that the value that the affected officers add was never at question, it was simply a matter of balancing the budget.

Council explained that they value the police and are appreciative of what the officers do on a daily basis. Council also countered the statement that the FOP insurance contribution increased by 50% by clarifying that insurance contributions increased from 10% to 15%.

James Small, 2535 Whitehall Lane, stated that safety should not be compromised, that there was a \$10M drug bust on his street recently and the police response time was unacceptable. He also stated that there was an armed robbery at a bank in his neighborhood. He said that when safety is compromised items are not cut, they are added. He said that there are 17 kids at his neighborhood bus stop and he now believes that their safety is at risk and he is not willing to let that go.

Gregory Yuccas, 2527 Whitehall Lane, stated that he is concerned about the reductions in the department, he spoke about the recent drug bust in his neighborhood. He said he is concerned about the safety of the 17 kids on the block. He said he is against the reduction of officers and asked Council to reconsider.

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111 Reduction of Naperville Police Department sworn personnel
Continued

REDUCTION OF
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PERSONNEL

Matthew Howe, 1205 Ardmore Drive, said that the citizens voted overwhelmingly for districts and term limits, that he believes the City Council wanted to vilify officers to make up for poor fiscal management. He asked why the officers are being blamed if the city approved the raise by a 6-3 vote, that if the Council was concerned with fiscal responsibility why did they spend \$3M to purchase the DuPage Children's Museum, and why isn't senior management being fired. He said he doesn't understand reducing the number of officers but keeping the same number of supervisors and upper level management. He said that a smaller police force means longer wait times, slower response times and reduction of city services.

Catherine Lippencott, 1408 Ambleside Circle, asked Council why they would willingly enter into a contract that they have no intention of fulfilling. She discussed the implementation of a hiring freeze, merit increases and bonuses, an \$11.2M deficit, elimination of 43 positions, city communications that no reduction in force is necessary in 2010 this year, Council approval of the purchase of the DuPage Children's Museum, FOP contract agreement, and a press release calling for the dismissal of 7 sworn officer positions. She stated that the Council's actions are contradictory to their words and that purchases are made that the city cannot afford. She asked how one day the city can afford the contract and one business day later cannot. She also questioned Council and the City Manager's fiscal responsibility and negotiating.

Steven Bissegger, 199 Cassin Road, stated that the police department is faced with controlling crime as opposed to being reactive to it, that residents have invested \$100,000 in the hiring, training, and retaining of officers, that it is easy to be lulled into false sense of security from the risk that officers face daily, and that it is hard to believe there are no other viable options to avoid the layoffs. He said that the citizens have a lot to lose by the layoff of these officers.

Charles LaGreco, 1600 Pathway Drive, is a retired fire chief, and stated that officers find a good place like Naperville to work and they stay for their entire career because they are invested in Naperville. He said the cost of the new hire process is horrendous and that when they cut from a force it is like their lives are being thrown in the garbage.

Council stated that they value all employees at the city and recognize the effort that everyone puts into their jobs, not just those in public safety.

Richard Miller, 1215 N. Webster, stated that he is not sure if other employees in the city put their lives on the line every day like police and fire employees, that the residents need the officers, and urged the Council to reconsider the layoffs.

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Reduction of Naperville Police Department sworn personnel
Continued

REDUCTION OF
NAPERVILLE POLICE
DEPARTMENT SWORN
PERSONNEL

Tom Wojcik, 457 E. Hillside Road, stated that he feels safe in his house and is concerned about having a police force that is understaffed and undertrained, and that budget cuts should come from items such as the DuPage Children's Museum and parking guidance systems, and urged Council to reconsider the recent layoffs and restore the other 12 officer positions.

James McLean, 1330 Winchester Court, is a 26-year resident and is proud of the good education system and safe environment in which he raises his son, he said the environment is safe because of the proactive nature of the police department. He said that gang activity has become a part of suburban life and are the direct result of the risks that have been taken, and these cuts are lessening the perceived level of safety of Naperville.

Richard Gallinatti, 2012 Snow Creek Road, stated that he chose Naperville because of the schools, the community pride, and the safety record. He said that the news of the layoffs is disappointing, that the department's goal is to decrease fear of crime, reduce calls for service, and educate public about the department. He questioned spending on sidewalks, Ribfest, and the allocation of SECA funds. He asked about the rainy day fund and if money could be reallocated to the police department. He said that the city cannot eliminate officers and reduce city services because crime statistics will bear out true that the officers have done an excellent job, and that the Council cannot take the position of wait and see, they need to reevaluate the layoffs.

Colleen Hickey-Conway, 548 S. Main Street, is a downtown business owner, and stated that there is a correlation between harsh economic environment and increase in crime rate. She said she believes, as a taxpayer, that the city should not lay off officers, but rather should add officers.

Jay Duffy, 246 Waxwing, is a 30-year resident of Naperville and has owned a business in town for 12 years. He said that the issue of firing police officers to close supposed budget gap is disturbing, that the force is already below national standards, that a 2-year contract negotiation which resulted in 8 layoffs appears to be retaliation. He said that citizens are knowledgeable and deserve an answer and stated that the \$20M rainy day fund should be used, and that litigation will cost more tax dollars.

Ely clarified that the negotiations with the FOP went on for approximately 18 months. She said that the city presented many financial documents to the FOP regarding the city's deficit, that at no point did the FOP leadership offer to help with the deficit, and didn't ask how the city would be able to afford wage increases. She continued by saying that the FOP asked for layoff protection which the city declined. She said that the city continued to emphasize to the FOP that the city would manage the cost of a contract and that additional revenues would not be imposed to pay for higher wages.

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REDUCTION OF
NAPERVILLE POLICE
DEPARTMENT SWORN
PERSONNEL

Joe Gust, 804 Piedmont Circle, asked what is more powerful than being able to take away someone's rights and urged Council to keep as many officers as possible.

Larry Domeracki, 1140 Cordoula Circle, stated that Naperville is held in high esteem because of the police and fire departments and that laying off these employees is a slippery slope.

Krieger reiterated that Council has tremendous respect for police, that he disagrees with assertions of irresponsible fiscal management, and that Naperville's sound fiscal management has been verified by independent third parties. He said that the tax levy significantly changed the budget deficit as did the FOP contract. He said that in September he did not think a Reduction in Force (RIF) would be likely but the deficit has increased to an amount that now a RIF is necessary, that this is one step in the RIF, the city is not singling out any individual department, that all departments have lost positions since February. He said that the Chief of Police has confirmed that the crime rate is not up. He reiterated that the city will be honoring the FOP contract as settled, that the city is not hiding behind any laws, that the RIF was not retaliatory but instead a necessary step to balance the budget. He said the workshop on November 30th is important and that the Council will be discussing acceptable service levels because the city doesn't have the revenues to do things the way they are being done today.

Council said they value the Naperville Police Department, however the city is suffering from compounded interest, that from 2000-present the police department has received 52.3% increase in salary and steps; the CPI during that ten-year period has been 30.5%; the ten-year compounded total is 66.5%; the ten-year compounded CPI is 42.6%; FOP members have received increases that total 23% over the compounded rate of cost of living. In 2002, 21 people earned more than \$100,000; three of the 21 were officers. In 2009, 216 people made over \$100,000, 71 were police officers, or 33%. The city doesn't compound property taxes and the city won't come up with revenues to support those types of pay checks any longer so the only options left are to take 0% increases, reduce salaries, or cut heads. The FOP raises will still leave the city with a deficit of \$2.6M at the end of 2012 and the Council cannot raise taxes enough to pay for police officers and other staff in the city.

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I11 Reduction of Naperville Police Department sworn personnel
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**REDUCTION OF
NAPERVILLE POLICE
DEPARTMENT SWORN
PERSONNEL**

Council stated that SECA fund money has been transferred to the General Fund to help with the deficit. Council said again that they are not uninvolved residents, that they don't value just the officers and firefighters, they value every employee, and that they have the utmost respect for the professionalism and integrity of the City Manager and Police Chief. Council said that they don't want to be unsafe, but they don't have the luxury of running a single line business, and cannot deficit spend. They said that the taxpayer is tapped out, that Council has the challenge of balancing revenue from businesses and residents to provide services to many lines of service and not everyone will always be in agreement. Council said that they will continue to make decisions to ensure the city operates within its financial means.

Council stated that the city must manage the budget collaboratively across departments before any decisions are made to lay off personnel. Council said that the total budget must be examined and that eliminating police officers may not be the right thing to do.

Council stated that there are bonding laws that dictate how certain funds can be spent and discussed tabling the item until after the November 30 budget workshop because the correct number is unknown at this time, that the future of the budget is unclear, and more facts and data are needed.

Council also said that public safety should be the last service that is cut to balance the budget because it is the number one issue to residents.

Council stated that the officers are already laid off and that this agenda item is formalizing the number of police sworn personnel.

Furstenau moved to waive the first reading and pass the ordinance amending Section 1-8A-1 of the Naperville Municipal Code by reducing the authorized number of Naperville Police Department sworn personnel. Second, Boyajian.

Council stated there are opportunities to use the vehicle replacement fund to balance the budget and to move money from other funds to balance the budget, but if the rainy day fund had been used over the years the balance would be approximately \$5M. Reducing the rainy day fund will affect the city's AAA bond rating which would cost the city more when it borrows money.

Council discussed what it means to the officers that have been laid off if the item is tabled.

Krieger explained that voting on the current agenda item would not change the employment status of the officers and that any reinstatement would require a separate action and vote by Council.

Wehrli invoked Council Rules. Item tabled to the December 7 Council meeting.

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I11 Reduction of Naperville Police Department sworn personnel
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Fieseler moved to rescind the termination of the six individuals pending the outcome of the November 30 budget workshop.

Ely explained that a motion to suspend Council Rules would be in order to entertain Councilman Fieseler's motion.

REDUCTION OF
NAPERVILLE POLICE
DEPARTMENT SWORN
PERSONNEL

F **HOLDOVER ITEMS:**

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

G1 U. S. Postal Retail Outlet

Marla Larsen-Williams, 62 Stratford Drive, Bloomindale, gave a presentation as part of the required public outreach efforts to notify the public of the intent to sell the Washington Street Post Office building and locate a post office retail outlet in the immediate area.

U. S. POSTAL RETAIL
OUTLET

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

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

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Krause moved to approve the Consent Agenda with the exception of item I11. Second, Furstenau.

ROLL CALL:

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

Nays: None
 Motion declared carried.

I1 Cash Disbursements – 10/27/10

Furstenau commented on Page 15, ambulance billing, asked that details be included in the next budget workshop.

DeAngelis clarified that it is a monthly fee.

Council moved to approve the cash disbursements of 10/27/10 in the amount of \$10,220,437.09.

CASH DISBURSEMENTS –
10/27/10

I2 Public Underground Improvements at Toyota of Naperville, 1488
W. Ogden Avenue

Council moved to accept the public underground improvements at Toyota of Naperville, 1488 W. Ogden Avenue and authorize the City Clerk to reduce the corresponding public improvement surety.

PUBLIC IMPROVEMENTS –
TOYOTA OF NAPERVILLE

I3 2011 Special Events Calendar

Council moved to approve the 2011 Special Events Calendar and designate the calendar as closed to all new major events.

2011 SPECIAL EVENTS
CALENDAR

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- | | | |
|------------|---|--|
| I4 | <u>Expiration of Conditional Uses</u>
Council moved to delay enforcement action of Section 6-3-8:7 (effective period of a conditional use) until December 31, 2013. | EXPIRATION OF
CONDITIONAL USES |
| I5 | <u>Appointment to Board or Commission</u>
Council moved to approve the Mayoral appointment of Bill Anderson to the Riverwalk Commission. | APPOINTMENT TO BOARD
OR COMMISSION |
| I6 | <u>Ordinance No. 10-138, No Parking Areas – Hillside Road</u>
Council moved to pass Ordinance No. 10-138, to revise Schedule VIA, No Parking Zones, in the Naperville Municipal Code relating to the no parking areas on the north side of Hillside Road from West Street to Webster Street. | ORDINANCE NO. 10-138,
NO PARKING AREAS –
HILLSIDE ROAD |
| I7 | <u>Ordinance No. 10-139, Cooper’s Hawk Winery and Restaurant, PC #10-1-124</u>
Council moved to pass Ordinance No. 10-139, approving a major change to the final PUD plat for Lot 10, Freedom Commons for the development of a restaurant, Cooper’s Hawk Winery and Restaurant. | ORDINANCE NO. 10-139,
COOPER’S HAWK WINERY
& RESTAURANT, PC 10-1-
124 |
| I8 | <u>Ordinance No. 10-140, Political Sign Regulations</u>
Council moved to waive first reading and pass Ordinance No. 10-140, amending Section 504-7:3 (noncommercial signs) of the Municipal Code in order to comply with the State of Illinois’ Public Act 096-0904. | ORDINANCE NO. 10-140,
POLITICAL SIGN
REGULATIONS |
| I9 | <u>Ordinance No. 10-141, Investment and Cash Management Policy</u>
Council moved to pass Ordinance No. 10-141, adopting the revised Investment and Cash Management Policy. | ORDINANCE NO. 10-141,
INVESTMENT AND CASH
MANAGEMENT POLICY |
| I10 | <u>Resolution No. 10-052, Reflagging Holiday Inn Select</u>
Council moved to adopt Resolution No. 10-052, approving an economic incentive agreement to induce the upgrade and reflagging of the Holiday Inn Select to a Marriott Hotel. | RESOLUTION NO. 10-052,
REFLAGGING HOLIDAY
INN SELECT |
| J | OLD BUSINESS: | |
| J1 | <u>Ordinance No. 10-143, Downtown Mobile Vending Carts</u>
Krause moved to waive first reading. Second, Boyajian.
Council discussed limiting the number of vendors to one and allowing that vendor to continue at the current locations.
LaFeber clarified that the city does not permit vendors for items other than food.
Council stated that allowing vending does a disservice to the brick and mortar establishments in the downtown.
Laff stated that the permit of the current vendor is expiring however he may request an extension from Council. | ORDINANCE NO. 10-143,
DOWNTOWN MOBILE
VENDING CARTS |

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J1 Ordinance No. 10-143, Downtown Mobile Vending Carts
Continued

ORDINANCE NO. 10-143,
DOWNTOWN MOBILE
VENDING CARTS

Boyajian moved to waive first reading and pass Ordinance No. 10-143, amending Section 3-7 (peddlers and solicitors) of the Naperville Municipal Code to adopt regulations for downtown food vendors. Second, Hinterlong.

ROLL CALL:

Ayes: Boyajian, Brodhead, Hinterlong, Krause, Pradel
Nays: Fieseler, Furstenuau, Miller, Wehrli
Absent: None
Motion declared carried.

J2 Ordinance No. 10-144, 12 N. Webster Street, ZBA #10-1-100

ORDINANCE NO. 10-144, 12
N. WEBSTER STREET, ZBA
#10-1-100

Boyajian moved to pass Ordinance No. 10-144, granting variances from off-street parking requirements and yard requirements for off-street parking facilities. Second, Furstenuau.

ROLL CALL:

Ayes: Brodhead, Fieseler, Furstenuau, Hinterlong, Miller,
 Wehrli, Pradel, Boyajian
Nays: Krause
Absent: None
Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Furstenuau moved to approve the City Council meeting schedule for November and December 2010, and January. Second, Miller.

VOICE VOTE: Motion declared carried.

L2 Regular City Council Meeting Minutes of November 3, 2010

REGULAR CITY COUNCIL
MEETING MINUTES OF
NOVEMBER 3, 2010

Furstenuau moved to approve the Regular City Council Meeting Minutes of November 3, 2010 as amended in Q & A. Second, Miller.

VOICE VOTE: Motion declared carried.

L3 Naperville Smart Grid Initiative Customer Bill of Rights

NAPERVILLE SMART GRID
INITIATIVE CUSTOMER
BILL OF RIGHTS

Jennifer Stahl, 1427 Westglen Drive, represents a group of concerned citizens who appreciate the growth of technology in Naperville, but spoke about the resultant health problems of the wireless SMART meters known as electromagnetic non-ionizing radiation (EMR).

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L3 Naperville Smart Grid Initiative Customer Bill of Rights
Continued

**NAPERVILLE SMART GRID
INITIATIVE CUSTOMER
BILL OF RIGHTS**

Curran stated that the city has posted a study of the health effects of the SMART meters on the SMART Grid web site, that the meters emit less power levels than cell phone systems and sends data less than 1% of the time. He said the city will post information from the National Cancer Institute which discusses the health effects of RF signals of this level.

Stahl stated that some people do not use cell phones and have everything in their house wired due to their sensitivity to electromagnetic radiation. She said she knows of at least five people with these sensitivities.

Curran said he will research the effect of the SMART meters on individuals with pace makers and that the meter levels are within the FCC guidelines.

Furstenau moved to direct staff to prepare a text amendment to the Naperville Municipal Code to include the Naperville Smart Grid Initiative Customer Bill of Rights and to post the Bill of Rights on the city website for 30 days prior to placing it on a Council agenda. Second, Wehrli.

ROLL CALL:

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

Nays: None
 Motion declared carried.

M **PUBLIC HEARINGS:**

M1 City of Naperville Proposed Property Tax Levy

**PROPOSED PROPERTY
TAX LEVY**

Pradel opened the public hearing at 9:46 p.m.

Boyajian moved to close the public hearing at 9:46 p.m.
Second, Krause

VOICE VOTE: Motion declared carried.

M2 SSA #23, Naper Main Proposed Property Tax Levy

**SSA #23, NAPER MAIN
PROPOSED PROPERTY
TAX LEVY**

Pradel opened the public hearing at 9:46 p.m.

Boyajian moved to close the public hearing at 9:46 p.m.
Second, Krause

VOICE VOTE: Motion declared carried.

M3 SSA #24, Downtown Maintenance Proposed Property Tax Levy

**SSA #24, DOWNTOWN
MAINTENANCE
PROPOSED PROPERTY
TAX LEVY**

Pradel opened the public hearing at 9:47 p.m.

Furstenau moved to close the public hearing at 9:47 p.m.
Second, Krause.

VOICE VOTE: Motion declared carried.

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N ORDINANCES AND RESOLUTIONS:

N1 Small Wind and Solar Renewable Energy, PC 10-1-113

SMALL WIND & SOLAR
RENEWABLE ENERGY
PC 10-1-113

Laff stated this is a first reading regarding the proposal to the zoning ordinance to add regulations for both Small Wind and Solar Renewable Energy systems. Currently any regulations that would guide these systems are under the accessory structures section of the code and provide very little guidelines for location setback and heights. Ordinances from several communities that currently have these regulations were reviewed. Once a staff proposal was formulated, the city solicited the proposal to the Illinois Solar Energy Association, Illinois Wind Energy Association, Naperville for Clean Energy Conservation, Naperville Homeowners Confederation and many industry professionals.

Jodi Trendler, 1421 Talbot Drive thanked staff for all of their hard work, stated that this is a significant step toward accomplishing the city's environmental sustainability plan, and requested that the ordinance be amended to allow residential rooftop wind turbine.

Andre DeRosa, 249 E. Edgemont Lane and Chairman of Balanced Wind, a renewable energy developer and manufacturer of a small wind system, stated that he is happy that the city is taking an opportunity to review and implement an ordinance. He said the proposed ordinance is somewhat restrictive and not inclusive of all the technology available and that Naperville residents have expressed interest in this technology. He said he will provide information for staff and Council to consider for inclusion in the ordinance.

Council questioned the noise associated with the turbine.

DeRosa responded that it depends on wind speed, but on average the noise level is 35 decibels. He stated that Naperville has a residential and commercial ordinance for noise level associated with time of day which could be applied to turbine noise. He stated the system operates at the 50 decibel system or lower.

Council questioned the provisions that are being proposed and whether there is enough of a market for these products.

DeRosa responded that the proposed ordinance is too restrictive and will require a variance to even do a display, but since Naperville is a leader in the Green Community and Green Power, the ordinance will set a standard for other Illinois communities and will restrict the Illinois market.

Council requested that DeRosa provide criteria to counter the information in the proposed ordinance that would allow the market in Illinois.

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N1 Small Wind and Solar Renewable Energy, PC 10-1-113 Continued

SMALL WIND & SOLAR
RENEWABLE ENERGY
PC 10-1-113

Keith Baubkus, 1875 Sequoia Drive and GEO Bankcroft Engineering stated that his company works with Naperville for Clean Energy Conservation and promotes the electric vehicle. He stated that Ford made an announcement that the Chicago-land area is going to be a primary market for the electric vehicle and he is concerned with the renewable energy code as it is currently written and is promoting requiring a canopy in the parking lot where charging stations are advertised.

Lisa Albrecht of Solar Service, Niles, Illinois stated there is a great demand for solar systems both by consumers and businesses but there is also a lot of confusion. She said this is a crucial decision because of the impact that it will have on other municipalities that are looking for leadership and guidance from Naperville's ordinance. She also expressed concern with the proposed ordinance about height restriction for ground-mount installation, existing systems on top of the roof, and cabling issues for both residential and commercial installations.

Council questioned what technology deficiencies need to be addressed while maintaining the language of the ordinance.

Albrecht responded that the height limitations for the panel sizing will eliminate the ability to maximize the height restriction. She stated there is no way of knowing how fast technology will be advancing.

Council expressed concern about this new technology and being hasty with what the ordinance will allow. Permitted use should not be allowed, instead only conditional use should be allowed at this early stage of development because it will take greater scrutiny than automatically allowing a permitted use. Council stated that staff should bring back an ordinance that is much more prescriptive and demonstrative, similar to the sign ordinance, with pictures to illustrate the concepts.

Council questioned staff about fall-zones on towers and how this provision would be accommodated in industrial or commercial areas and stated that there is not an industrial area that would have 150' of clearance.

Forystek responded that ground-mounted turbines require a set-back of 110% of the total system height from each property line.

Laff responded that it would have to be a large property to meet the setback requirements, and because of the requirements most properties would not meet the criteria. She also said that residential ground mounted wind energy would be allowed as a conditional use up to 60' in height.

Council credited the Plan Commission with support of the ordinance and their rationale of balance and reservation that will set some standards for the near future and stated that the regulations will need to be addressed in the future because of progress, technology and experience.

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N1 Small Wind and Solar Renewable Energy, PC 10-1-113 Continued

SMALL WIND AND SOLAR
RENEWABLE ENERGY, PC
10-1-113

Council questioned the average household cost for electricity per year and the percentage of households purchasing renewable energy.

Curran responded that the average annual cost for household electricity is \$1,000 and 7% of households purchase renewable energy.

Council stated that the city needs to maintain a strategy through the IMEA, to purchase more renewable energy to keep the cost down. This is one of the calculations that need to be considered.

Council provided pictures of the wind towers in various communities in Illinois and stated that although they were of varied heights, the noise was not intrusive.

Forystek clarified that there is no setback proposed in the ordinance that would require a minimum distance from the home.

Council questioned whether solar could be a separate ordinance from wind turbine and stated that the fall zone should have the same standard as for the utility poles.

Krieger suggested taking a straw poll of Council with respect to drafting separate ordinances for the two power sources. The straw poll was unanimous to develop guidelines related to solar, however there was insufficient support to pursue wind turbine.

Laff informed Council that the ordinance has regulations for the two sets of energy sources, and that much of the language is duplicative. She suggested that Council move forward with the ordinance on solar and revisit wind turbine in the future.

Council questioned how that would affect the interest in pursuing wind power.

Laff responded that if someone wanted to pursue wind turbine they would request a variance to the existing accessory structures regulations. She also suggested that Council could not proceed with wind systems until regulations are in place. Laff further advised Council that an ordinance can be drafted for solar which includes all the information discussed and a space reserved for wind.

Krieger suggested that staff continue to work on both energy sources and when the agenda item is brought back Council can discuss the level of support for one, approve it, and do further work on the other.

Council questioned how setbacks are considered in cul-de-sacs.

Laff responded that the setback line is drawn parallel with the property line and that there would have to be a perimeter of the required setback around the entire lot. She also stated that there are no regulations on turbine roof vents.

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- N1** Small Wind and Solar Renewable Energy, PC 10-1-113 Continued SMALL WIND AND SOLAR
RENEWABLE ENERGY, PC
10-1-113
Clerks Note: Krause made a motion to extend the meeting to 11:15
p.m. Second, Furstenau.
Voice Vote: Motion declared carried.
Krieger stated that this item would be brought back to the December
21, 2010 meeting.
- N2** Resolution No. 10-053, Millennium Carillon Moser Tower and
Visitors Center RESOLUTION NO. 10-053,
MILLENNIUM CARILLON
MOSER TOWER AND
VISITORS CENTER
Boyajian moved to adopt Resolution No. 10-053, authorizing the
renewal of the Millennium Carillon Agreement. Second, Miller.
ROLL CALL:
Ayes: Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel,
Boyajian, Brodhead, Fieseler
Nays: None
Motion declared carried.
- N3** Ordinance No. 10-145, Will County Stormwater Management –
Naperville Crossings ORDINANCE NO. 10-145,
WILL COUNTY
STORMWATER
MANAGEMENT –
NAPERVILLE CROSSINGS
Vincent Rosanova, 23 W. Jefferson and petitioner's attorney,
explained that the petitioner is requesting a variance from Section
201.7 of the Will County Stormwater Management Ordinance as it
applies to the northern drainage area.
Novack clarified that the findings of the Oversight Committee are in
line with the requirements for a variance from the Will County
ordinance and that the approval of the variance will provide for
development of the property and, indirectly, the removal of the dirt
pile.
Schatz stated that there is date in September 2011 by which the pile
must be removed.
Furstenau moved to pass Ordinance No. 10-145, approving a
variance to the will County Stormwater Management Ordinance
allowing development of Lots 13, 14, and 15 of Naperville
Crossings without compensating for depressional storage at a one-
to-one ratio. Second, Miller.
ROLL CALL:
Ayes: Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel,
Boyajian, Brodhead, Fieseler
Nays: None
Motion declared carried.

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O NEW BUSINESS:

O1 2030 Plan

Boyajian discussed the difference between the 2030 Plan and the previous downtown plan and that banks were a permitted use. Because the 2030 Plan will not be before Council until March 2011 he proposed directing staff to draft a text amendment prior to the March date to designate banks as a conditional uses which would allow the Council to review any proposals.

Schatz clarified that Naper Main is the only property that has restrictions on banks and that the text amendment would include all properties in the B4 designation.

P CLOSED SESSION:

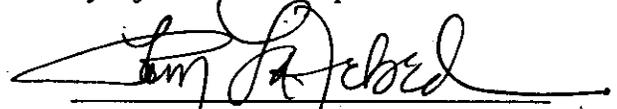
Q ADJOURNMENT:

ADJOURNMENT – 11:10
P.M.

Wehrli moved to adjourn the Regular City Council meeting of November 16, 2010 at 11:10 p.m. Second, Furstenau.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of November 16, 2010 officially adjourned at 11:10 p.m.



PAM LAFEBER Ph.D.
CITY CLERK

PL: BK

