



**CITY COUNCIL MEETING OF MAY 19, 2015
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
June 2, 2015 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin M. Coyne
Councilman Kevin Gallaher
Councilwoman Patricia A. Gustin
Councilman Paul Hinterlong
Councilman John J. Krummen
Councilwoman Rebecca Boyd-Obarski

Absent

Also Present

City Manager, Doug Krieger
Legal Director, Jill Pelka-Wilger
Deputy Legal Director, Mike DiSanto
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Deputy Fire Chief, Richard Sander
Fire Chief, Mark Puknaitis
Director of Finance, Rachel Mayer
Director of Human Resources, James Sheehan
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Jennifer Louden
Director of Public Works, Dick Dublinski
Director 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:**

Anderson moved to recess to Closed Session to discuss **5 ILCS 120/2(c)(2)** Collective negotiating matters between the public body and its employees or their representatives; **(5)** The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussion whether a particular parcel should be acquired; **(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. Second, Hinterlong.

ROLL CALL:

Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Nays: None
Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:04 P.M.
CLOSED SESSION ADJOURNED AT 6:58 P.M.

OPEN SESSION:

Mayor Chirico called the meeting back to order at 7:02 p.m.

ROLL CALL to determine Quorum:

Present: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Absent: None

C **PLEDGE TO THE FLAG:**

PLEDGE GIVEN

D **AWARDS AND RECOGNITIONS:**

D1 VFW Buddy Poppy Days

VFW BUDDY POPPY DAYS

Anderson proclaimed May 18-24, 2015 to be VFW Buddy Poppy Days and presented the proclamation to Mike and Jan Barbour.

E **PUBLIC FORUM:**

E1 Taxi's

Robert Dwyer discussed how the Uber ride sharing program has affected his taxi business and asked Council to apply current taxi ordinance to Uber drivers.

E2 Taxi's

George Brunk discussed how the Uber ride sharing program has affected his taxi business and asked Council to apply current taxi ordinance to Uber drivers.

E3 Park's Edge

Pete Adamovich spoke against the May 5 approval of the development.

Council discussed the fine for tree removal and public notice.

Laff explained that notice for annexation agreements is only required in the newspaper, and that the Municipal Code would need to be amended to apply more strict notification requirements.

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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:

Brodhead moved to use the Omnibus method to approve the Consent Agenda.
Second, Hinterlong.

VOICE VOTE: Motion declared carried.

I CONSENT AGENDA:

Brodhead moved to approve the Consent Agenda items, with the exception of item I1. Second, Hinterlong.

ROLL CALL:

Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong,
Krummen, Obarski

Nays: None
Motion declared carried.

I2 Cash Disbursements – 4/30/15

Council moved to approve the 4/30/15 cash disbursements in the amount of \$2,208,018.33.

CASH DISBURSEMENTS –
4/30/15

I3 Cash Disbursements – 5/6/15

Council moved to approve the 5/6/15 cash disbursements in the amount of \$4,395,601.30.

CASH DISBURSEMENTS –
5/6/15

I4 Regular City Council Minutes

Council moved to approve the Regular City Council Minutes of April 21, 2015.

REGULAR CITY COUNCIL
MINUTES

I5 Special City Council Minutes

Council moved to approve the Special City Council Minutes of May 3, 2015.

SPECIAL CITY COUNCIL
MINUTES

I6 Regular City Council Minutes

Council moved to approve the Regular City Council Minutes of May 5, 2015.

REGULAR CITY COUNCIL
MINUTES

I7 Ashwood Park North, Phase II

Council moved to accept the public street light improvements at Ashwood Park North, Phase II and authorize the City Clerk to reduce the corresponding public improvement surety.

ASHWOOD PARK NORTH,
PHASE II

I8 Ordinance No.15-080, Intergovernmental Land Sales Agreement

Council moved to pass Ordinance No. 15-080, approving the Intergovernmental Land Sales Agreement between the City of Naperville and Wheatland Township regarding Lot 4 of the Naperville South Forty located at Route 59 and 103rd Street.

ORDINANCE NO.15-080,
INTERGOVERNMENTAL
LAND SALES
AGREEMENT

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- I9** Naperville North High School 2015 Graduation Fireworks
Council moved to approve Naperville North High School's permit request to hold a fireworks display on May 20, 2015. NAPERVILLE NORTH HIGH SCHOOL 2015 GRADUATION FIREWORKS
- I10** Naperville Central High School 2015 Graduation Fireworks
Council moved to approve the Naperville Central High School's permit request to hold a fireworks display on May 20, 2015. NAPERVILLE CENTRAL HIGH SCHOOL 2015 GRADUATION FIREWORKS
- III** Resolution No. 15-016, Operation of the Household Hazardous Waste Facility
Council moved to adopt Resolution No. 15-016, authorizing the City Manager to execute the Intergovernmental Agreement between the City of Naperville and DuPage County for the operation of the regional Household Hazardous Waste Facility. RESOLUTION NO. 15-016, OPERATION OF THE HOUSEHOLD HAZARDOUS WASTE FACILITY
- I12** Ordinance No. 15-081, 95th Street Shops of Naperville, PZC 15-1-039
Council moved to pass Ordinance No. 15-081, approving a minor change to the Naper Glenn PUD to permit a total of 6,000 square feet of medical/dental office space in the existing commercial building located at 3075 Book Road, PZC 15-1-039. ORDINANCE NO. 15-081, 95TH STREET SHOPS OF NAPERVILLE, PZC 15-1-039
- I13** Ordinance No. 15-082, Farmer's Market, 750 Aurora Avenue
Council moved to pass Ordinance No. 15-082, approving a temporary use through September 30, 2020 to allow for temporary signage to be posted in excess of the allowances permitted by Section 5-4-7 (temporary signs) of the Naperville Municipal Code for the Farmers Market at St. John's (750 Aurora Avenue). ORDINANCE NO. 15-082, FARMER'S MARKET, 750 AURORA AVENUE
- I14** Ordinance No. 15-083, 2015 Naperville Sprint Triathlon
Council moved to pass Ordinance No. 15-083, establishing the temporary traffic controls and issue a special event permit and amplifier permit for the Naperville Sprint Triathlon on Sunday August 2, 2015. ORDINANCE NO. 15-083, 2015 NAPERVILLE SPRINT TRIATHLON
- I15** Ordinance No. 15-084, Illinois Hospital Association
Council moved to pass Ordinance No. 15-084, approving a temporary use to allow IHA to place temporary off-premise signage at the property located at 1203 E. Warrenville Road until November 15, 2015. ORDINANCE NO. 15-084, ILLINOIS HOSPITAL ASSOCIATION

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- I1** Cash Disbursements 4/29/15
Todd M. Peterson (Naperville) identified legal and illegal uses for drones. CASH DISBURSEMENTS - 4/29/15
Puknaitis explained that department drone usage will be restricted and explained situations when it will be used.
Gallaher moved to approve the 4/29/15 cash disbursements in the amount of \$2,950,740.62. Second, Gustin.

ROLL CALL:

Ayes: Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski, Chirico
Nays: None
Motion declared carried.



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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

Anderson moved to approve the City Council Meeting Schedule for June, July and August 2015. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

M PUBLIC HEARINGS:

Clerk's Note: Obarski recused herself due to a conflict of interest and left the dais at 7:36 p.m.

M1 Maple Knoll Farm, PZC 14-1-154

MAPLE KNOLL FARM, PZC
14-1-154

M1a Public Hearing

PUBLIC HEARING

Chirico opened the public hearing at 7:36 p.m.

Hinterlong moved to close the public hearing at 7:37 p.m. Second, Gallaher.

VOICE VOTE: Motion declared carried.

M1b Ordinance No. 15-085, Annexation agreement

ORDINANCE NO. 15-085,
ANNEXATION
AGREEMENT

Gallaher moved to pass Ordinance No. 15-085, authorizing execution of the annexation agreement. Second, Hinterlong.

ROLL CALL:

Ayes: Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen,
Chirico, Anderson

Nays: None

Recused: Obarski

Motion declared carried.

M1c Ordinance No. 15-086, Annexing 26W030 Bauer Road

ORDINANCE NO. 15-086,
ANNEXING 26W030
BAUER ROAD

Gallaher moved to waive the first reading and pass Ordinance No. 15-086, annexing the subject property located at 26W030 Bauer Road. Second, Hinterlong.

ROLL CALL:

Ayes: Coyne, Gallaher, Gustin, Hinterlong, Krummen, Chirico,
Anderson, Brodhead

Nays: None

Recused: Obarski

Motion declared carried.

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M1d Ordinance No. 15-087, Rezoning 26W030 Bauer Road

Gallaher moved to pass Ordinance No. 15-087, rezoning the subject property to R1b (medium density single-family residence district) upon annexation. Second, Hinterlong.

ORDINANCE NO. 15-087,
REZONING 26W030 BAUER
ROAD

ROLL CALL:

Ayes: Gallaher, Gustin, Hinterlong, Krummen, Chirico, Anderson,
 Brodhead, Coyne

Nays: None

Recused: Obarski

Motion declared carried.

M1e Ordinance No. 15-088, Preliminary plat of Subdivision

Gallaher moved to pass Ordinance No. 15-088, approving the preliminary/final plat of subdivision for Maple Knoll Farm. Second, Hinterlong.

ORDINANCE NO. 15-088,
PRELIMINARY PLAT OF
SUBDIVISION

ROLL CALL:

Ayes: Gustin, Hinterlong, Krummen, Chirico, Anderson, Brodhead,
 Coyne, Gallaher

Nays: None

Recuse: Obarski

Motion declared carried.

Clerk's Note: Obarski returned to the dais at 7:39 p.m.

N **ORDINANCES AND RESOLUTION:**

N1 Ordinance No. 15-089, E-Cigarette Regulations

DiSanto gave a brief overview of the proposed ordinance which adds a definition for "alternative nicotine products" that mirrors state law and expands the definition of "Tobacco Products" in the City's Tobacco Code to include any "alternative nicotine product." He also reviewed deliberations by the previous Council members.

ORDINANCE NO. 15-089, E-
CIGARETTE
REGULATIONS

Council discussed alternative definitions, discouraging use of e-cigs by minors, the need to hear from the public and businesses, expanding the Smoke Free Act, whether e-cigs promote smoking, that e-cigs can be used for smoking cessation, how contents can be tested, and potential dangers of second hand vapors.

Brodhead moved to pass Ordinance No. 15-089, amending Sections 1, 10 and 23-2 of Chapter 3, Title 3 of the Naperville Municipal Code adding regulations concerning the sale of alternative nicotine products and to direct staff to add language regarding restricting where e-cigs may be used and possession by minors. Second, Gustin.

ROLL CALL:

Ayes: Hinterlong, Krummen, Obarski, Chirico, Anderson, Brodhead,
 Coyne, Gallaher, Gustin

Nays: None

Motion declared carried.



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O NEW BUSINESS

O1 Administrative Review

Gallaher asked about staff authority to approve modifications and/or minor changes to planning documents.

Laff explained current staff authority and the possible opportunities to expand approval authority.

There was Council consensus for staff to provide a report showing approval data with a recommendation for items to be administratively approved.

O2 Notice to Neighbors

Gallaher requested that the City strengthen notice requirements regarding amendments to annexation agreements.

Laff explained the current notification requirements.

There was Council consensus for staff to prepare a text amendment to require mailed public notice for an amendment to an annexation agreement.

O3 Park's Edge Tree Removal Fine

Gustin asked about increasing the fine to encourage awareness of the value that the City places on trees and that their removal is discouraged.

Laff explained that the fine is \$500 plus replacement tree(s).

There was Council consensus for staff to provide a report and recommendation on comparable community fines for tree removal and replacement plantings.

O4 Political Signs

Coyne suggested changing the ordinance to restrict elections signs to be allowed no more than 30 days before the election on commercial property.

Wilger will research whether the City is able to regulate signs on commercial property.

O5 Drone Policy

Chirico asked staff to come back with policy language on the use of City-owned drones.



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P

CLOSED SESSION:

Hinterlong moved to recess to Closed Session to discuss 5ILCS 120/2(c)(5)
The purchase or lease of real property for the use of the public body, including
meetings held for the purpose of discussion whether a particular parcel should
be acquired. Second, Gustin.

ROLL CALL:

Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin,
Hinterlong, Krummen, Obarski

Nays: None
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 8:32 P.M.
CLOSED SESSION ADJOURNED AT 8:52 P.M.**

Mayor Chirico called the meeting back to order at 8:54 p.m.

ROLL CALL to determine Quorum:

Present: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong,
Krummen, Obarski

Absent: None

Q

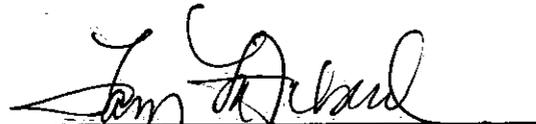
ADJOURNMENT:

ADJOURNMENT

Gustin moved to adjourn the Regular City Council meeting of May 19, 2015
at 8:54 p.m. Second, Obarski.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of May 19, 2015 officially adjourned at 8:54 p.m.


PAM LA FEBER
CITY CLERK

PL:bk

