



**CITY COUNCIL MEETING OF AUGUST 17, 2010  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
September 7, 2010 AS WRITTEN.**

**CALL TO ORDER:**

5:00 P.M.

- A** Mayor A. George Pradel  
Councilman James Boyajian  
Councilman Judy Brodhead  
Councilman Robert Fieseler  
Councilman Richard R. Furstenau  
Councilman Paul Hinterlong – Arrived at 5:04 p.m.  
Councilman Douglas Krause – Arrived at 5:02 p.m.  
Councilman Kenn Miller

Absent

Councilman Grant Wehrli

Also Present

City Manager, Doug Krieger  
Records Management Team Leader, Pam LaFeber  
City Attorney, Margo Ely  
Fire Chief, Mark Puknaitis  
Police Chief, David Dial  
Director of Finance, Karen DeAngelis  
Financial Reporting Team Supervisor, Chris Smith  
Director of Public Works, David Van Vooren  
T.E.D. Operations Manager, Allison Laff  
T.E.D. Transportation Team Leader, Karyn Robles  
T.E.D. Development Team Leader, Dick Dublinski  
T.E.D. Engineering Team Leader, Bill Novack  
Records Specialist, Lynn Zilinsky

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; **(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, Miller.

**ROLL CALL:**

**Ayes:** Pradel, Boyajian, Brodhead, Fieseler, Furstenau,  
Krause, Miller

**Nays:** None

**Absent:** Hinterlong, Wehrli  
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 5:04 P.M.**

**CLOSED SESSION ENDED AT 6:51 P.M.**

**OPEN SESSION**

7:06 P.M.

**MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:06 P.M.**

**ROLL CALL to determine Quorum:**

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

**Absent:** Wehrli

**C. PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D AWARDS AND RECOGNITIONS:**

**D1. August Employee of the Month**

EMPLOYEE OF THE  
MONTH - AUGUST

Councilman Miller recognized DPU-E Administrative Assistant  
Laura Johnson as the Employee of the Month for August.

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**E PUBLIC FORUM:**

**E1 Pension Referendum**

Donald Bisch, 931 W. 75<sup>th</sup> Street and President of the Police Pension Fund, stated that the city's resolution did not acknowledge the 1993 formula change to lower municipal payments in the short-term knowing larger payments would be coming in the future. Now that those larger payments are coming due, municipalities such as Naperville are asking the state legislature to change the law. He addressed Councilman Wehrli's comments at the July 20 Council meeting and explained the actions taken by the Pension Board including written memorandums, press releases, and meetings with Council members and community organizations. He discussed the suggestions made by the Pension Board to bring the pension fund back to level funding. He stated that the Pension Board requests that the city fulfill the financial obligation based on the 1993 changes.

**E2 Pension Reform**

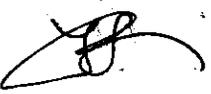
David Senneke, 223 W. 48<sup>th</sup> Street, Vice President of the Police Pension Fund and retired Naperville Police Officer, stated that this is one of the largest police pension funds in the state of Illinois and that it is currently 56% unfunded. By present actuarial standards the city will have to contribute approximately \$25 million in the last two years prior to 2033 to become fully funded. He said that the city has not taken the appropriate steps to reduce the large future payments. He said that the Board will work with the Council on how to pay the debt, but will not allow them to not pay.

**E3 Pension Reform**

Pat Devaney, 927 S. Second Street, Springfield and President of the Associated Firefighters of Illinois (AFFI) stated that he supports pension reform but is troubled by the way the need for reform is being marketed. He said that Illinois has been working on reform since 2007. Public Act 95-950 added transparency and reporting requirements; any new benefit changes had to have a thorough fiscal analysis, and charged the Commission on Government Forecasting and Accountability with analyzing all police and firefighter pensions in the state. The Commission concluded that the drop in funding levels is due to: 1) poor investment returns, 2) poor actuarial assumptions, and 3) failure to make contributions. He said that HB 58-73 is the solution and urged Council to take a responsible approach to funding and enforcement efforts.

Krieger acknowledged that alternate solutions have been discussed in Springfield but fell short of agreement and stated that he looks forward to working with the pension groups to find a solution that works for everyone.

Fieseler reviewed the Pension Reform Tool Kit, stated that the referendum question is the same question that is recommended in the Tool Kit, and asked if pension changes apply to all public employees.



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**E3**     Pension Reform Continued

Devaney stated that public safety was left out of the changes because of the unique feature of the job as opposed to other statewide workers. He said any new changes would not affect the unfunded liability and because of reckless funding actions, some communities will not be able to recover without significant benefit reductions. He concluded that until an agreement is reached on how to enforce underfunding/not funding the problem continue.

**E4**     Power of Choice

Karen Jarczyk, 1305 W. Oswego Road and Prevention Coordinator for NCO, stated that the number of alcohol-free students is growing and that high school students are making healthy choices. She summarized the three indicators that support the reduction: 1) 5-year study, 2) local data shows a 10% reduction in alcohol use, and 3) national data.

**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:**

Krause moved to approve the Consent Agenda with the exception of items I9, I18, I21, I22, I23, I29. Second, Miller.

**ROLL CALL:**

**Ayes:**         Pradel, Boyajian, Brodhead, Fieseler, Furstenuau,  
                  Hinterlong, Krause, Miller

**Nays:**         None

**Absent:**        Wehrl  
                  Motion declared carried.

**II**     Cash Disbursements – 7/8/10

Council moved to approve the cash disbursements of 7/8/10 in the amount of \$9,203,201.75.

CASH DISBURSEMENTS –  
7/8/10

**I2**     Cash Disbursements – 7/22/10

Council moved to approve the cash disbursements of 7/22/10 in the amount of \$19,017,682.26.

CASH DISBURSEMENTS –  
7/22/10

**I3**     Cash Disbursements – 8/4/10

Council moved to approve the cash disbursements of 8/4/10 in the amount of \$8,332,942.13.

CASH DISBURSEMENTS –  
8/4/10

**I4**     Regular City Council Meeting Minutes of July 20, 2010

Council moved to approve the Regular City Council Meeting Minutes of July 20, 2010.

Regular City Council Meeting  
Minutes – 7/20/10

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- I5**     Award of second year extension to Contract 09-092, Parking Lot Snow Removal  
Council moved to approve the award of the second year extension to Contract 09-092, parking lot snow removal, to American Asphalt company, for an amount not to exceed \$201,400.00.  
CONTRACT 09-092,  
PARKING LOT SNOW  
REMOVAL
- I6**     Procurement 11-055, Road Salt  
Council moved to approve the award of Procurement 11-055, road salt to Cargill Inc., for an amount not to exceed \$379,680.00.  
PROCUREMENT 11-055,  
ROAD SALT
- I7**     Award of first year extension to Contract 09-077, Specialty Winter Operations Services  
Council moved to approve the award of the first year extensions to Contract 09-077, Specialty Winter Operations Services, to Tovar Snow Professionals for an amount not to exceed \$223,200.00.  
CONTRACT 09-077,  
SPECIALTY WINTER  
OPERATIONS SERVICES
- I8**     Award of Contract 11-057, Roadway Snow Removal  
Council moved to waive the applicable provisions of the Naperville Procurement Code and set prices for FY10-11 and award Contract 11-057, Roadway Snow removal to various contractors, for an amount not to exceed \$383,250.00 for the period of November 1, 2010 through April 30, 2011.  
CONTRACT 11-057,  
ROADWAY SNOW  
REMOVAL
- I10**    Award of Bid 11-015, Jefferson Avenue Resurfacing Program  
Council moved to approve the award of Bid 11-015, Jefferson Avenue Resurfacing Program, to K-Five Construction Company for an amount of \$267,963.00 plus a 5% contingency.  
BID 11-015, JEFFERSON  
AVENUE RESURFACING  
PROGRAM
- I11**    Amendments to the FY11 Adopted Budget for the FY10 Encumbrances  
Curran explained that the line item for West Monroe Partners is for Phase I which was awarded on April 20. He said there is still outstanding work to be completed on Phase I.  
Smith stated that the list is all outstanding purchase orders as of April 30, 2010. She said she will determine what was purchased with the \$98,000 line item and include in the Manager's Memorandum.  
Council moved to approve the amendments to the FY11 adopted budget in the amount of \$11 million to account for the FY10 encumbrances.  
AMENDMENTS TO THE  
FY11 ADOPTED BUDGET  
FOR THE FY10  
ENCUMBRANCES
- I12**    Accept the public improvements in Washington Woods subdivision and the traffic signal for the North Central College Fine Arts Center  
Council moved to accept the public street improvements in Washington Woods subdivision and the traffic signal for the North Central College Fine Arts Center, and authorize the City Clerk to reduce the corresponding public improvement sureties.  
PUBLIC IMPROVEMENTS



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- I20**     Ordinance No. 10-099, TST Distributors of Illinois, Inc. PC 10-1-066  
Council moved to pass Ordinance No. 10-099, granting a conditional use for a motor vehicle service garage in the "I" district at 1661 Quincy Avenue, Suite 171.     ORDINANCE NO. 10-099,  
TST DISTRIBUTORS OF  
ILLINOIS, INC. PC 10-1-066
- I24**     Revise Traffic Controls for Scullen Middle School  
SCULLEN MIDDLE  
SCHOOL - TRAFFIC  
CONTROLS
- I24a**    Ordinance No. 10-100, parking restrictions on Mistflower Lane  
Council moved to pass Ordinance No. 10-100, to establish no parking, 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m., line-up lane only, school days on the east side of Mistflower Lane from 50 feet north of the center line of Danlaur Court a point 270 feet north of the center line of Danlaur Court.     ORDINANCE NO. 10-100,  
PARKING RESTRICTIONS  
ON MISTFLOWER LANE
- I24b**    Existing parking and turn restrictions on school days  
Council moved to establish the hours of existing parking and turn restrictions to be effective 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days.     EXISTING PARKING AND  
TURN RESTRICTIONS ON  
SCHOOL DAYS
- I25**     Federal Transportation Enhancement Funding for DuPage River Trail Signage  
Council moved to accept the submittal of an application for federal funding through the Illinois Transportation Enhancement Program for the DuPage River Trail Signage project.     DUPAGE RIVER TRAIL  
SIGNAGE
- I26**     2010 Pace Express Route Service Agreements  
Council requested a comparison of the salary for the PACE bus drivers to those that drive for the school districts.     2010 PACE EXPRESS  
ROUTE SERVICE  
AGREEMENTS
- I26a**    Resolution No. 10-045, agreement with Pace to establish service from the 95<sup>th</sup> Street Park-n-Ride to the Route 59 Metra station  
Council moved to adopt Resolution No. 10-045, authorizing the execution of the Route 672 agreement with Pace to establish the city share for service from the 95<sup>th</sup> Street Park-n-Ride to the Route 59 Metra station at \$126,903.66.     RESOLUTION NO. 10-045,  
PACE SERVICE – 95<sup>TH</sup>  
STREET PARK-N-RIDE TO  
ROUTE 59 METRA  
STATION
- I26b**    Resolution No. 10-046, agreement with Pace to establish service from Community Christian Church Park-n-Ride to the Route 59 Metra Station  
Council moved to adopt Resolution No. 10-046, authorizing the execution of the Route 673 agreement with Pace to establish the city share for service from the Community Christian Church Park-n-Ride to the Route 59 Metra Station at \$56,358.80.     RESOLUTION NO. 10-046,  
PACE SERVICE –  
COMMUNITY CHRISTIAN  
CHURCH TO ROUTE 59  
METRA STATION

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- I26c**     Resolution No. 10-047, agreement with Pace to establish service from Wheatland Salem Church Park-n-Ride to the Route 59 Metra Station  
Council moved to adopt Resolution No. 10-047, authorizing the execution of the Route 675 agreement with Pace to establish the city share for service from Wheatland Salem Church Park-n-Ride to the Route 59 Metra Station at \$63,843.22.
- I27**     Ordinance No. 10-101, temporary street closure for the 2010 Soap Box Derby Races and special event and amplifier permit  
Council moved to pass Ordinance No. 10-101, to establish temporary street closure for the 2010 Soap Box Derby Races on September 11-12, 2010 and October 16-17, 2010, and issue a Special Event and Amplifier permit.
- I28**     Ordinance No. 10-102, temporary traffic controls use of Municipal Center property, and special event permit for 2010 Riverwalk Fine Art Fair  
Council moved to pass Ordinance No. 10-102, to establish temporary traffic controls, approve the use of Municipal property and issue a Special Event permit for the 2010 Riverwalk Fine Art Fair.
- 
- I9**     Award of RFP 11-023, Traffic Signal and intersection Design  
Council questioned the Osler/West project and who should pay for a signalized intersection.  
Novack stated that the list includes projects from the CIP and that the Osler/West project is left in the CIP as a placeholder. He said it will not move forward until the benefitting parties agree to the cost share calculation. He clarified the status of other projects which will require city participation.  
Boyajian moved to approve the award of RFP 11-023, traffic signal and intersection design, to Christopher b. Burke Engineering, ESI consultants, Stanley Consultants, and TranSystems, as approved vendors, per the terms of the RFQ, for consideration for CIP projects in Fiscal Years 10-11, 11-12, 12-14 and 13-14 for an amount not to exceed the budgeted amount and to strike #6 (Osler/West) from the list of potential projects.. Second, Hinterlong.
- ROLL CALL:**  
**Ayes:**     Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Pradel  
**Nays:**     None  
**Absent:**    Wehrli  
Motion declared carried.
- RESOLUTION NO. 10-047,  
PACE SERVICE -  
WHEATLAND SALEM  
CHURCH TO ROUTE 59  
METRA STATION
- ORDINANCE NO. 10-101,  
2010 SOAP BOX DERBY  
RACES
- ORDINANCE NO. 10-102,  
2010 RIVERWALK FINE  
ART FAIR
- RFP 11-023, TRAFFIC  
SIGNAL AND  
INTERSECTION DESIGN



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**I18**     Ordinance No. 10-103, Conversion of permit parking spaces to daily fee parking spaces at the Route 59 Metra Station

ORDINANCE NO. 10-103,  
ROUTE 59 METRA  
STATION

Council clarified that there is an excess of permitting fees because there is no longer a wait list and an excess of permit spots and asked what will be the mechanism to decide a surplus of daily spaces.

Robles stated that daily fee spaces have historically been full while the permit spots have been at 91% occupancy so this change is meeting the need of daily fee space commuters. She said that occupancy counts are taken once each month and adjustments will be made as needed but a mechanism to trigger changes has not been decided.

Fieseler moved to waive first reading and pass Ordinance 10-103, amending the Naperville Municipal Code to convert 43 permit parking spaces to daily fee spaces at the Route 59 Metra Station. Second, Miller.

**ROLL CALL:**

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

**Nays:**     None

**Absent:**    Wehrli

                 Motion declared carried.

**Clerk's Note:** Brodhead recused herself and left the dais at 7:51 p.m.

**I21**     Ordinance No. 10-104, Saints Peter and Paul Convent/North Central College, PST #10-1-009

ORDINANCE NO. 10-104,  
SAINTS PETER AND PAUL  
CONVENT/NORTH  
CENTRAL COLLEGE, PST  
#10-1-009

Council stated sprinklers have not been installed and that temporary permits have been granted in the past to use this as a dormitory. It said that if this extension is approved, it will be 14 years without sprinklers.

Kathy West, Dommermuth, Brestal, Cobine and West, and attorney for North Central College (NCC), stated that a state law requires all dormitories to be sprinkled by the end of 2012. She said that NCC has sprinkled the dormitories on the campus.

Paul Loscheider, Vice President for Business Affairs at North Central College, stated that NCC will not ask for an extension beyond what would allow the school to legally occupy the building.

Boyajian moved to pass Ordinance No. 10-104, granting an extension of the temporary use for a dormitory and office at Saints Peter and Paul Convent, located at 5 N Brainard Street, expiring December 31, 2012, PST #10-1-099. Second, Hinterlong.

**ROLL CALL:**

**Ayes:**     Fieseler, Hinterlong, Krause, Miller, Pradel, Boyajian,

**Nays:**     Furstenau

**Absent:**    Wehrli, Brodhead

                 Motion declared carried.

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**Clerk's Note:** Brodhead returned to the dais at 7:59 p.m.

**I22**      Ordinance No. 10-105, convert parking spaces in the Van Buren Parking Facility

Novack clarified that even when the post office is gone, seven one-hour spaces is appropriate for the businesses in the area. He said this request came from the users and that staff worked with the Downtown Naperville Alliance (DNA) to find a solution.

Council asked if the time restriction will change when the businesses are closed and people will be using parking for greater than an hour. Council requested that the post office help alleviate some of the problem.

Novack stated that the recommendation is that the time restriction does not change.

Boyajian moved to pass Ordinance No. 10-105, amending the Naperville Municipal code to convert seven 3-hour parking spaces to 1-hour parking spaces from the hours of 5 am – 7 pm and then revert to three-hour parking from 7 pm – 2 am in the ground level of the Van Buren Parking Facility. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None

**Absent:**    Wehrli

Motion declared carried.

ORDINANCE NO. 10-105,  
CONVERT PARKING  
SPACES IN THE VAN  
BUREN PARKING  
FACILITY

**I23**      Ordinance No. 10-106, to establish Visitor Temporary CBD Parking Passes for Downtown Naperville

Council discussed the number of visitor passes that have been requested and the frequency of reporting the data.

Council requested that the report show the number of passes and the business that has asked for the pass.

Miller moved to pass Ordinance No. 10-106, amending the Naperville Municipal Code to establish visitor temporary CBD parking passes for Downtown Naperville. Second, Hinterlong.

Furstenau made a motion in substitution to pass Ordinance No. 10-106, with the requirement of issuing a six-month report listing vendor, number of passes, and dates requested. Second, Boyajian.

**ROLL CALL:**

**Ayes:**      Hinterlong, Krause, Boyajian, Furstenau

**Nays:**      Miller, Pradel, Brodhead, Fieseler

**Absent:**    Wehrli

Motion declared not carried.

**ROLL CALL on main motion:**

**Ayes:**      Hinterlong, Miller, Pradel, Boyajian, Brodhead, Fieseler

**Nays:**      Krause, Furstenau

**Absent:**    Wehrli

Motion declared carried.

ORDINANCE NO. 10-106,  
TO ESTABLISH VISITOR  
TEMPORARY CBD  
PARKING PASSES FOR  
DOWNTOWN NAPERVILLE



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**I29** Ordinance No. 10-107, text amendment to Chapter 7 (Peddlers and Solicitors) of Title 3 of the Naperville Municipal Code

ORDINANCE NO. 10-107,  
PEDDLERS & SOLICITORS

Council asked about the tag day permit, food vendors, and the approval process.

Zilinsky responded that one person completes the tag day application while each solicitor/peddler completes an application. Background investigations are done for each individual. She said that since April 2009 staff from the clerk's office and the police department approve the applicants.

Zilinsky stated that the ordinance addresses ice cream vendors and that they are told to drive in residential areas only where they can pull to the side of the road without impeding traffic.

Boyajian moved to pass Ordinance No. 10-107, amending Chapter 7, Peddlers and Solicitors, of Title 3 of the Naperville Municipal Code. Second, Furstenau.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Wehrli

Motion declared carried.

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**BREAK: 8:15 P.M.**

**Mayor Pradel called the meeting back to order at 8:25 p.m.**

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**J OLD BUSINESS:**

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

**K1** Award of Procurement 11-046, Millennium Wall Replacement

AWARD OF PROCUREMENT 11-046, MILLENNIUM WALL REPLACEMENT

Council questioned the validity of claiming the wall is unsafe, stated that staff has done its due diligence, that the solution is to replace the wall, and proposed using SECA funds to pay for the construction.

Novack explained that the Park District will contribute money and provide in-kind services and that the Riverwalk Commission will contribute up to \$40,000. He said that the inscriptions will remain the same on the replacement bricks.

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**K1** Award of Procurement 11-046, Millennium Wall Replacement Continued

AWARD OF PROCUREMENT 11-046, MILLENNIUM WALL REPLACEMENT

Boyajian moved to approve Option 1 and award Procurement 11-046, Millennium Wall Replacement to Bullseye Contractors for \$81,207.58 plus a 5% contingency and approved the appropriate budget amendment to allow the city manager to take the funds from either unallocated or reserve SECA funds. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:** Furstenau

**Absent:** Wehrli

Motion declared carried.

**K2** Award of RFP 11-005, Public Relations consultant, Naperville Smart Grid Initiative (NSGI)

BID 11-005, PUBLIC RELATIONS CONSULTANT, NAPERVILLE SMART GRID INITIATIVE (NSGI)

Krieger asked Council not to vote on this but rather provide feedback on the project's public relations priorities. He said staff will then work with the consultant to parse out responsibilities.

Tom O'Hale, 620 W. Gartner, stated that it is ill advised to spend a half million dollars in addition to the \$11 million already approved. He said the city has staff that can explain the project to the residents, that Council was elected to be prudent with the residents' money, and that residents can understand the project if staff will take the time to provide the information.

Council explained that the half million dollars is part of the \$22 million, that the city is actually paying \$230,000 and federal government is matching, and that if the money isn't used for public relations projects the city can buy more SMART grid equipment or return it to the government, it cannot be used for other city services. Council stated that public relations activities can be balanced between staff and consultant services, that there is considerable education that needs to be communicated, and that the Community Relations staff doesn't have the capacity over a three-year period for this project.

Council said that it is not prepared to spend \$500,000 on the project and that a scaled down list of responsibilities is warranted.

Fieseler moved to table to September 7 and possibly September 21 at the discretion of the City Manager. Second, Furstenau.

**VOICE VOTE:** Motion declared carried.

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L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

CITY COUNCIL MEETING  
SCHEDULE

Krause moved to approve the City Council Meeting Schedule for September, October, and November 2010.  
Second, Miller.

**VOICE VOTE:** Motion declared carried.

L2 Park's Edge Subdivision, PC 09-1-191

PARK'S EDGE SUBDIVISION, PC  
09-1-191

Russ Whitaker, petitioner's attorney, 23 W Jefferson Ste 200, gave a presentation and explained that EPEIUS, Inc., requests approval of annexation and rezoning to R2 (Single-Family and Low Density Multiple-Family Residence District) in order to construct five two-family structures (total of ten residential dwelling units). In conjunction with the request, the petitioner is seeking a conditional use for a planned unit development; approval of a preliminary PUD plat and a preliminary subdivision plat; a deviation from Section 7-4-2 (Streets) to reduce the minimum required 66' right-of-way for a portion of the proposed right-of-way; and a variance from Section 6-6C-7 (R2, Yard Requirements) to reduce the required front yard setback from 25' to 20'.

John Pinner, 677 Milton Drive, reviewed prior Council comments on the project, showed an overlay differential from the 2009 proposal, and stressed that the Plank Road Study recommends low density.

Janet Tannenbaum, 1149 Brighton Rd, opposes the development.

Lee Ann Jones, 1113 Needham Rd, discussed the detention issues that may result from the proposed development.

Sue Hartman, 1025 Buckingham, requests that the development only occur if it respects the surrounding environment.

Tom Broz, 1020 N. Charles, stated he supports applying LEED principles to building projects but that he is concerned that LEED checklists will be used to increase density in this development.

Doug Huston, 1108 E. Brighton, stated that he is concerned that developers will begin chasing LEED points as a workaround for zoning density without regard for whether any actual environmental benefits are obtained.

**Clerk's Note:** Boyajian left the dais at 9:57 p.m.

Bruce Anderson, 1107 Plank Rd., stated that he is the adjacent property owner, does not have an adversarial relationship with the developer, and discussed what he was told regarding the placement of the road in relation to his property.

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**L2** Park's Edge Subdivision, PC 09-1-191 **Continued**

PARK'S EDGE SUBDIVISION, PC  
09-1-191.

**Clerk's Note:** Boyajian returned to the dais at 10:03 p.m.

Holly Parks discussed the tree preservation plan and how many trees will be eliminated.

Jane Pickens, 832 Biltmore, urged Council to approve a development that meets the needs of the neighborhood.

Brian Barger, 680 Milton Drive, urged Council to deny the development because it does not adhere to the Plank Road Study.

Heide Parkes, 1016 Buckingham, discussed how Seager Park influenced her career as an artist and urged Council to protect the visual interest of the park.

Pete Adamovich, 1021 N. Charles, discussed that the Municipal Code states that not altering the characteristic of an existing neighborhood is a requirement of PUD's, variances and re-zoning and that the proposed development is out of character with the neighborhood.

Lauren Blissard, 238 E. Bailey Unit L, discussed the LEED for Homes program.

Georgia Peceniak, 1121 Needham, said that Council shouldn't approve all the variances to make the development work, rather, the petitioner should select another area where so many variances are not necessary.

Jack Persin, 800 W. Gartner Rd., discussed the need for this type of housing in Naperville.

Karen Weinewuth, 1307 Kallien Ct., stated that this development will not affect her family's use of the park and that she is concerned about the message the Council is sending to the development community.

Maggie Hartigan, 5 S. 624 Tuthill, asked Council to deny the proposed development because the density exceeds the study recommendation.

Karen Bagan, 900 Honest Pleasure Dr., stated that the homes will be built with integrity, the development will attract empty nesters and money will be brought back to the community.

Donald Santucci, 443 Le Provence Circle, supports the development.

At 10:54 p.m. Krause moved to extend the meeting to 11:30.  
Second, Furstenuau.

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**L2** Park's Edge Subdivision, PC 09-1-191 **Continued**

PARK'S EDGE SUBDIVISION, PC  
09-1-191

Whittaker responded to the speakers comments and said that this project was presented at Plan Commission for two hours and five experts discussed the benefits of the development. He said that if the land is not developed for duplexes it will be developed with million dollar, single family homes. He said the plan is consistent with the Plank Road Study and that if single family homes were developed it would not change the placement of the road, the number of buildings or the number of variances. Also, it will not negatively affect stormwater in the area.

Council asked Whittaker to elaborate on the stormwater management plans, asked if the road can be moved, and the possibility of having one less building. Council also stated that there appears to be a lack of communication between the parties.

Whittaker said that meetings have been held with the major stakeholders including the Park District and key property owners. He said that the open space is double the requirement. He said that they are meeting the stormwater ordinance and will have an engineer certify the plans stating that water will not leave their development. He stated that after development, the runoff will be reduced by 98%.

Novack stated that if the road was moved the development would be reduced by one or two units.

Council discussed that this development will preserve open space by pushing houses together, that keeping all the trees is not realistic for a 3.1 acre parcel, that there are more trees than what code recommends, that this will not produce school-age children, or will produce fewer children. Council stated that the city needs the type of housing which targeting empty nesters and would like to see the density reduced to conform to what staff is recommending.

At 11:25 p.m. Krause moved to extend the meeting to 12:00 a.m. Second, Furstenau.

Council discussed the façade of the buildings and the placement of the driveways.

Ely stated that Council's vote is to direct staff to draft ordinances.

Boyajian moved to approve the petitioner's request for Park's Edge Subdivision with the requested variances subject to final engineering approval by staff and to direct staff to prepare the appropriate ordinances. Second, Miller.



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**L2**     Park's Edge Subdivision, PC 09-1-191     **Continued**

PARK'S EDGE SUBDIVISION, PC  
09-1-191

Council stated that the petitioner is requesting only two variances. Council said the petitioner has complied with setbacks, the development has full-street width, and sidewalks on both sides. The petitioner has obtained an agreement with the neighbor, planned for LEED certification, and included prairie grass. Council said that the stormwater should be a non-factor because two engineers will have to certify the plan.

Whittaker said that the petitioner would be willing to take two weeks to evaluate how the plan would change if the development went from two to three-unit buildings.

Laff clarified that if a three-unit building were sought, it would need to be reviewed at Plan Commission because it is a conditional use and a change in building type.

**ROLL CALL:**

**Ayes:**     Boyajian, Brodhead, Fieseler, Hinterlong, Pradel

**Nays:**     Furstenau, Krause, Miller

**Absent:**    Wehrli

              Motion declared carried.

At 11:55 p.m. Krause moved to extend the meeting to 12:20 a.m. Second, Furstenau.

**VOICE VOTE:**     Motion declared carried.

**L3**     Amplifier Request for Dolce Amore LLC

DOLCE AMORE – AMPLIFIER  
REQUEST

Joseph Hudetz, Petitioner, 4137 Royal Mews Circle, stated that he was asked to submit an amplifier application and doesn't understand why he needs a permit because he does not have outside entertainment. He said that the street noise is more significant than the music and advised that he or his employees have not received any complaints about the noise. He said that there is karaoke on Thursday nights in a back room and live entertainment on either Friday or Saturday night.

Paula St. Peter, 2943 Stockton Court, said she walks to Dolce Amore two times each week and does not hear any music at her home which is two blocks away.

Carol Malone, 3077 Kentshire, said she lives directly across from Dolce Amore and her back yard backs up to 87<sup>th</sup> Street. She said 87<sup>th</sup> is not a busy street but the restaurant is very busy and noisy. She advised that the band is not playing in the back room, there is no back room. She said she has called the police and code enforcement and told Council that Ann Michalsen (Code Enforcement Team Supervisor) asked Dolce Amore to turn down the music and was met with rudeness and asked to leave. She said the quality of life and property values are being affected.



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**L3** Amplifier Request for Dolce Amore LLC Continued

DOLCE AMORE – AMPLIFIER  
REQUEST

Michelle Fragoso, 2142 Fulham, stated that she lives half a block away from Dolce Amore and can clearly hear the music and wants the quiet area back.

Jim Daw, 10603 Burnham Court, said that he frequents Dolce Amore and has walked to the median and can't hear anything from the business. He said he hears people talking on their patios and cars going by on 87<sup>th</sup> Street more than he hears the music.

Council asked if bars are required to have an amplifier permit and if there have been any noise complaints regarding the subject business.

LaFever stated that no permit is required and that the city has not received complaints of this nature outside of the downtown. She said that establishments in the downtown area are allowed to have amplified and music as part of their entertainment permit but the music must not be audible more than 300 feet from the property.

Dublinski stated that four separate complaints were received and investigated. He said upon finding a noise problem, Mr. Hudetz was informed that he needed to submit an amplifier application because his establishment is located less than 200 feet from residential property and that the noise can be heard across a public way. Dublinski explained that Mr. Hudetz submitted an application and requested that music be amplified for four hours past what is allowed by the code.

Council stated that using a sound meter is not reliable, that this is an enforcement issue and that the problem will go away if the volume of the music is turned down. Council advised that the building may need to be modified.

Furstenau moved to table to September 21, 2010 and for staff to monitor the noise and report back to Council. Second, Boyajian.

**VOICE VOTE:** Motion declared carried.

**L4** Ogden Mall – ZBA #10-1-056

OGDEN MALL – ZBA 10-1-056

**Option A**

Concur with the Zoning Board of Appeals and direct staff to prepare resolution paperwork approving variances for a monument sign for Ogden Mall

**Option B**

Concur with staff and deny the requested variances for a monument sign for Ogden Mall

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**L4** Ogden Mall – ZBA #10-1-056

OGDEN MALL – ZBA 10-1-056

Furstenau moved to concur with the Zoning Board of Appeals and approve Option A to direct staff to prepare resolution paperwork approving variances for a monument sign for Ogden Mall. Second, Boyajian.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Wehrli

Motion declared carried.

**M PUBLIC HEARING:**

**M1** Special Service Area #24 – Downtown Maintenance and Marketing

SPECIAL SERVICE AREA 24

**M1a** Public Hearing - Special Service Area 24 – Downtown Maintenance and Marketing

Pradel opened the public hearing at 11:58 p.m.

Furstenau moved to close the public hearing at 11:58 p.m. Second, Krause.

**VOICE VOTE:** Motion declared carried.

**M1b** Ordinance No. 10-108, establishing City of Naperville Special Service Area No. 24 (downtown Maintenance and Marketing)

ORDINANCE NO. 10-108,  
SPECIAL SERVICE AREA 24 –  
DOWNTOWN MAINTENANCE &  
MARKETING

Furstenau moved to pass Ordinance No. 10-108, establishing City of Naperville Special Service Area No. 24 (Downtown Maintenance and Marketing) for a period of five years and not to exceed 2.5% per annum of assessed equalized value. Second, Boyajian.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Wehrli

Motion declared carried.

**N ORDINANCES AND RESOLUTIONS:**

**N1** Amendment to Towing Procedures Ordinance

AMENDMENT TO TOWING  
PROCEDURES ORDINANCE

Council discussed the difference between the proposed fee and the actual administrative costs and asked if this is a revenue generating idea.

Krieger explained that Council has tasked staff to evaluate both the expense and revenue sides of the budget. He said Council is familiar with what has been done to cut expenses and in this case staff has surveyed comparable community's revenue generating efforts.

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**N1** Amendment to Towing Procedures Ordinance Continued

AMENDMENT TO TOWING  
PROCEDURES ORDINANCE

Council asked what criminal violations would include towing.

Dial stated that the recommendation does not include towing for parking violations. He explained that Class A Misdemeanors are driving under the influence, driving on a suspended license, and other more serious traffic violations. He said the fee is designed to target those who threaten the health and safety of the community. He stated that this recommendation is a revenue generating idea and that more than half of the individuals arrested for these types of crimes do not live in Naperville.

Dial explained that the City of Aurora tows vehicles for offenses that Naperville does not. In minor offenses, such as tinted windows, the fee is less than the \$500 that is charged for Class A Misdemeanors. He stated that staff could apply a lesser fee for Class A and \$500 for felony crimes.

Dial said that the fee will be applied after arrest but prior to conviction.

Ely clarified that the fee has nothing to do with the underlying criminal case.

Council directed staff to bring back a recommendation that includes a graduated fee schedule commensurate with the type of offense committed.

**N2** Ordinance No. 10-109, establishing temporary traffic controls and approve alternate route for the 2010 Labor Day Parade, approve the use of City property for the Last Fling

ORDINANCE NO. 10-109, 2010  
LABOR DAY PARADE & LAST  
FLING

Miller moved to pass Ordinance No. 10-109, to establish temporary traffic controls and approve the alternate route for the 2010 Labor Day Parade and approve the use of city property, located on the northeast corner of Eagle Street and Jackson Avenue, for the Last Fling. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:** Furstenuau

**Absent:** Wehrli

Motion declared carried.

**O** **NEW BUSINESS:**

**P** **CLOSED SESSION:**

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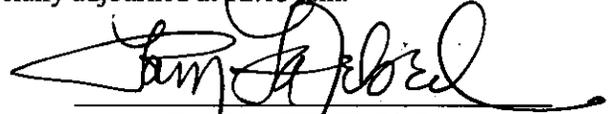
**Q ADJOURNMENT:**

ADJOURNMENT – 12:13 A.M.

Krause moved to adjourn the Regular City Council meeting  
of August 17, 2010 at 12:13 a.m. Second, Hinterlong.

**VOICE VOTE:** Motion declared carried.

The Regular City Council Meeting of August 17, 2010 officially adjourned at 12:13 a.m.



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PAM LAFEBER Ph.D.  
CITY CLERK

PL:BK

