



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, June 6, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 5:04 p.m.

B. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Patty Gustin

C. CLOSED SESSION - 5:00 p.m.

A motion was made by Councilwoman Obarski, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual; 120/2(c)(11) Pending Litigation; 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Brodhead, Coyne, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Gustin

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski; City Prosecutor, Kavita Athanikar

Chicago Sun Times, Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The Pledge was given.

F. AWARDS AND RECOGNITIONS:

1. Fire Chief Puknaitis to present the International Association of Fire Chiefs "Heart Safe Community" Award to the community.

Puknaitis discussed Pulse Point, transport capabilities, and devices in the community that lead to Naperville winning the Heart Safe Community Award.

2. Proclamation honoring J. Glenn Schneider

Anderson presented the Proclamation.

3. Proclaim June 24, 2017 as International Yoga Day

Anderson presented the Proclamation.

4. Proclaim June 25, 2017 as Celiac Disease Awareness Day

Anderson presented the Proclamation.

G. PUBLIC FORUM:

Chief Marshall made a statement regarding the tragedy at Naperville North

High School and the law suit that was recently filed. He explained why the Police Department cannot disclose information surrounding the incident and asked the community and media to respect the privacy of those involved. He encouraged parents to maintain an open dialogue with children and encouraged children to seek help if needed.

Old Nichols Library

Gail Diedrichsen, Naperville, urged Council to save the building.

Old Nichols Library

Lisa Eales, Naperville, urged Council to save the building.

Old Nichols Library

Becky Simon, Naperville, urged Council to save the building.

Old Nichols Library

Nancy Dvojack, Naperville, urged Council to save the building.

Old Nichols Library

Lloyd Rakosnik, Naperville, urged Council to save the building.

Laff explained that plans have not been submitted for development, that a historic landmark application was submitted on June 5, and that the application will first be reviewed by the Historic Preservation Committee with status ultimately decided by Council.

Law Suit

Dick Furstenau, Naperville, discussed the tragedy at Naperville North High School.

H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, that the Consent Agenda be approved with the exception of items 14, 19, and 116-18. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

1. Approve the Regular City Council Meeting minutes of May 16, 2017.

2. Approve the Award of RFQ 17-010, IT Strategic Support Services, to CDW Government LLC, Magenium Solutions, Presidio Networked Solutions Group, SWC Technology Partners, LLC and West Monroe Partners as approved vendors for future projects for an amount not to exceed \$475,000 and a two-year term.
3. Approve the Award of Bid 17-091, Storm Sewer Rehabilitation (8"-24" diameter) Cured-In-Place-Pipelining, to Hoerr Construction for an amount not to exceed \$520,757.80, plus a 3% contingency.
4. Approve the Award of Cooperative Procurement 17-125, One 2017 Vector Sewer Flusher, to Standard Equipment for an amount not to exceed \$419,715.63.

Council asked about the appropriateness of purchase instead of repair.

Dublinski explained that maintenance is approximately \$20,000 annually and down time for the equipment is becoming problematic.

Holzapfel explained how the vector works to remove the grit, that the container is deteriorating from the grit, repair costs will only increase, and that the purchase was previously delayed one year.

A motion was made by Councilman White, seconded by Councilman Coyne, that this agenda item be approved. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Kruppen, Obarski, and White

5. Approve the Award of Cooperative Procurement 17-130, Case 721 Four-Wheel Drive Articulated Wheel Loader for an amount not to exceed \$189,900.
6. Approved the Award of Cooperative Procurement 17-135, 2018 Peterbilt Tandem Axle Dump Truck with Plow, to JX Peterbilt for an amount not to exceed \$167,144.98.
7. Approve the Award of Procurement 17-129, South Central Interceptor Sewer Hardening and Protection Engineering Design - Phase II, to Strand Associates for an amount not to exceed \$233,320.
8. Approve the Award of Option Year 2 to Contract 16-041, Aggregate Materials, to Nagel Trucking and Materials, Inc. for an amount not to exceed \$260,799.90.
9. Adopt the Resolution authorizing the City Manager to execute the License Agreement from the Naperville Park District to the City of Naperville for the installation of security cameras at Knoch Park. (Item 1 of 2)

Council discussed the location of security cameras, appropriate notification to patrons, and antenna placement.

A motion was made by Councilman White, seconded by Councilman Coyne, that this agenda item be adopted. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Kruppen, Obarski, and White

10. Approve the Award of Change Order #1 to Option Year One of Contract 15-058, Security Camera Maintenance, to Pace Systems for an amount not to exceed \$29,490 and a total award of \$104,400. (Item 2 of 2)
11. Approve the Award of Change Order #2 to Contract 15-181, Multi-Functional Copiers - Cost-Per-Copy, for Phase III to Canon Solutions America for an amount not to exceed \$256,520.74, plus a 2% contingency and for a five-year term.
12. Pass the Ordinance establishing temporary traffic controls for the Harry Potter-themed event on Saturday, July 29, 2017 and issue a Special Event permit for the event.
13. Pass the Ordinance establishing temporary traffic control and issue a Special Event Permit and Amplifier Permit for Ribfest 2017
14. Approve the Naperville Country Club's permit request to hold a fireworks display on June 25, 2017.
15. Approve the Exchange Club of Naperville's permit request to hold a fireworks display on July 3, 2017.
16. Receive the staff report for Camarena Subdivision located at 535 N Webster Street, PZC 16-1-173 (Item 1 of 3).

At 7:45 p.m. Obarski recused herself due to a conflict of interest and left the dais.

Tim Voss, Naperville, spoke in favor of maintaining a front yard set back at 24' and requested this item be presented at another Planning and Zoning Commission meeting.

Laff explained the survey and that the proposed home will have a 20' setback.

Gail Diedrichsen, Naperville, urged Council to consider water flow resulting from building large homes on small lots.

Jerry Pokorny, Petitioner, clarified driveway parking and discussed existing homes in the area.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be received. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

Recused: 1 - Obarski

17. Pass the Ordinance approving the Preliminary/Final Plat of Subdivision and Owner's Acknowledgement and Acceptance for Camarena Subdivision located at 535 N Webster Street, PZC 16-1-173 (Item 2 of 3).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

Recused: 1 - Obarski

18. Pass the Ordinance approving a variance to Section 6-6B-7 to reduce the rear yard setback on Lot 1 of Camarena Subdivision, and a variance to Section 6-6B-7 to reduce the front yard setback on Lot 2 of Camarena Subdivision, located at 535 N Webster Street, PZC 16-1-173 (Item 3 of 3).

Obarski returned to the dais at 7:53 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

Recused: 1 - Obarski

19. Pass the Ordinance approving a variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land; Percentage of Required Yard Occupied) to allow for an existing game court to remain at the subject property located at 2631 Sweetbroom Road, PZC 17-01-032.
20. Approve the City Council meeting schedule for June, July and August 2017.

L. ORDINANCES AND RESOLUTIONS:

1. Receive the staff report for Naperville Elderly Homes located at 310 Martin Avenue, PZC 17-1-019 (Item 1 of 5).

Russ Whitaker, Petitioner, requests approval of a subdivision plat to subdivide the property into 2 lots, a conditional use to allow multi-family dwellings in the OCI district, and several variances necessary to permit the construction of 68 new dwelling units at 310 Martin Avenue. The 68 new dwellings units will be located in a new 5-story building located behind (south of) the existing building. The two buildings will be connected with a 1-story glass atrium.

Dave Weeks, discussed the history and mission of Naperville Elderly Homes.

Council directed staff to come back with a full package, including specific funding criteria, for the June 20 meeting.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be received. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Pass the Ordinance approving deviations to Municipal Code Section 7-3-5 regarding school and park donations, and the Preliminary Plat of Subdivision for Naperville Elderly Homes located at 310 Martin Avenue, PZC 17-1-019 (Item 2 of 5).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

3. Pass the Ordinance approving a conditional use in the OCI district to allow multi-family dwellings for Naperville Elderly Homes located at 310 Martin Avenue, PZC 17-1-019 (Item 3 of 5).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

4. Pass the Ordinance approving a variance to Section 6-7F-5 to reduce the minimum lot area per dwelling unit, a variance to Section 6-9-3 to reduce the number of required parking spaces, a variance to Section 6-7F-8 to increase the permitted building height, a variance to Section 6-7F-7 reduce the side yard building setback, and a variance to Section 6-9-2:4 to reduce the rear and side yard drive aisle setbacks for the property located at 310 Martin Avenue, PZC 17-1-019 (Item 4 of 5).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

5. Pass the Ordinance approving a variance to Section 5-2C-3 to waive the 50% masonry requirement for the property located at 310 Martin Avenue, PZC 17-1-019 (Item 5 of 5).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

6. Waive the first reading and pass the Ordinance to move the 15-minute passenger vehicle / 30-minute commercial vehicle, 6:00 a.m. to 6:00 p.m. loading only zone on the north side of Water Street to the posted location and establish a 15-minute passenger vehicle loading only zone on the south side of Water Street as posted. (Item 1 of 2)

Council discussed loading area, designating the street as one-way, and parking at the Municipal Center.

Novack responded two-way traffic is appropriate and not a safety concern.

Jeff Presapio, Marquette Companies, explained the hierarchy of valet spaces and stated that all uses are allowed by the current ordinance.

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

7. Approve a Valet Parking Transfer Zone for the Water Street Area on the North Side of Water Street between Webster Street and Main Street. (Item 2 of 2)

A motion was made by Councilwoman Gustin, seconded by Councilwoman Obarski, that this agenda item be approved. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

8. Pass the Ordinance approving the Final Plat of Subdivision for Ashwood Crossing located at the southwest corner of 95th Street and 248th Avenue, PZC 17-1-029.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

9. Conduct the first reading of an ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code amending the outdoor seating permit to allow for liquor sales and service on the public way.

Athanikar explained the review process which included input from the Downtown Naperville Alliance, Chamber of Commerce, liquor establishments, Liquor Commission, and the public.

Council discussed minimum walkway distances, high top tables, smoking prohibition, semi-permanent barriers to allow for removal during winter, security in the area, limited number of tables, and the Water Street area development. Also highlighted were topics of appropriateness of leasing City property, and the benefits of issuing a permit.

Council discussed quality of life, sidewalk clutter, potential opportunities for misbehavior, and the ability to share a sidewalk space.

Athanikar explained that sharing space would not be allowed because the license is attached to establishment.

Council discussed certain establishments are larger than the service that is

proposed, catering to the market, risk is limited because of the sunset provision, the desire to preserve green space, establishments on Washington would not be eligible to apply, and that future parking configuration changes may change outdoor dining/drinking eligibility.

Council requested a map depicting possible locations for outdoor dining.

First reading held.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

J. PUBLIC HEARINGS:

1. Receive the staff report for Columbia Park Townes located at 26W161 Old Plank Road, PZC 16-1-174. (Item 1 of 7)

Russ Whitaker, Attorney for the Petitioner, explained the project specifically outlining the intent to demolish the existing structures and construct 35 single-family attached residences (townhomes). The proposed residences will be 3-story units, with an optional 4th story (with no overall height increase), and an attached two car garage. Access to the development is provided via a private drive with two entrance/exit points at Plank Road. Nine guest parking spaces are available, with four guest spaces provided off-street and five guest spaces provided on-street. The proposal requires annexation of the subject property into the City of Naperville, rezoning of the property to R3A (Medium Density Multiple-Family Residence District) upon annexation, approval of a preliminary plat of subdivision, a variance to allow an encroachment in the required rear yard, and a variance to allow the building height to exceed 35'.

Council discussed facade, ordinance requirement of 50% masonry, parkway trees, line of sight from Plank Road, parking, gathering space, landscaping plans, grade, and use of wall as a sound barrier.

Laff explained that parking meets requirements of the Municipal Code.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be received. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Conduct the public hearing to consider the Annexation Agreement for the Subject Property located at 26W161 Old Plank Road, PZC 16-1-174. (Item 2 of 7)

Chirico opened Public Hearing at 8:16 p.m.

Whitaker explained current discussions with BNSF due to the fact that staff has requested the petitioner provide a sidewalk along both the property's Plank Road frontage and to the west along the neighboring properties through Columbia Street. As a part of this installation, the developer will be required to obtain easements from the adjacent property owner to the west and the BNSF railroad. He explained that staff recommends installation of the proposed sidewalk connection as it will provide residents of the Columbia Park Townes development access to the Naperville Metra Station and Columbia Estates Park to the north. Whitaker explained possible alternatives if a resolution cannot be reached with BNSF regarding the cost of obtaining a license to install sidewalk.

Novack explained staff does not support the sidewalk alternatives proposed and recommends that the City Council approve the Annexation Agreement which requires Petitioner to obtain the legal right to install the sidewalk on the south side of Plank Road west from the Subject Property to Columbia Street prior to issuance of a site permit, and to install that sidewalk prior to issuance of any final occupancy permit. He discussed progress made to-date and that BNSF has yet to respond.

Council discussed the sidewalk and the objection to developing an area as an island.

Julie Johnson, Naperville, discussed the facade, speeding on Plank Road, signage on her property, and safety.

Council discussed speed limits, traffic study, risk, negotiations with BNSF, authority to build but not sell units until the sidewalk is installed.

A motion was made by Councilman Hinterlong, and seconded by Councilwoman Gustin, to continue this Public Hearing to the meeting of June 20, 2017.

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

3. Pass the Ordinance authorizing execution of the Annexation Agreement (*requires six positive votes*), PZC 16-1-174. (Item 3 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be tabled to the June 20 meeting. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

4. Pass the Ordinance annexing the Subject Property located at 26W161 Old Plank Road (*simple majority*), PZC 16-1-174. (Item 4 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be tabled to the June 20 meeting. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

5. Pass the Ordinance rezoning the Subject Property to R3A (Medium Density Multiple-Family Residence District) upon annexation (*simple majority*), PZC 16-1-174. (Item 5 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be tabled to the June 20 meeting. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

6. Pass the Ordinance approving the Preliminary Plat of Subdivision for Columbia Park Townes (*simple majority*), PZC 16-1-174. (Item 6 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be tabled to the June 20 meeting. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

7. Pass the Ordinance approving variances from 6-6D-7 (R3A: Yard Requirements) and 6-6D-8 (R3A: Height Limitations/Bulk Regulations) relating to setback and height requirements, PZC 16-1-174. (Item 7 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, that this agenda item be tabled to the June 20 meeting. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

8. Pass the Ordinance rezoning the subject property located at 1748 W. Jefferson Avenue from B3 (General Commercial District) to I (Industrial District) - PZC 17-1-022.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

K. OLD BUSINESS:

P. NEW BUSINESS:

Marquette Properties Temporary Sign

Chirico discussed the request to expedite approval of a temporary banner on a building facade in the Water Street development to coincide with the opening of establishments.

By consensus, Council directed staff to prepare appropriate documents to approve the temporary banner at the June 20 meeting.

Liquor Commission

Chirico discussed the desire to be flexible with the number of Liquor Commissioners appointed.

By consensus, Council directed staff to prepare appropriate documents to increase the Liquor Commission to nine members at the June 20 meeting.

Wildlife

Gustin discussed the appropriateness of an ordinance prohibiting the feeding of area wildlife.

Q. ADJOURNMENT:

At 10:27 p.m. a motion was made by Councilman Krummen, seconded by Councilman Hinterlong to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual; 120/2(c)(11) Pending Litigation. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

At 11:55 p.m. a motion was made by Councilman Krummen, seconded by Councilman Hinterlong to adjourn the Regular City Council meeting of June 6, 2017. The motion was carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White