



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Wednesday, March 21, 2018

7:00 PM

Council Chambers

Moved from 3/20/18 due to election

A. CALL TO ORDER:

Mayor Pro Tem Coyne called the meeting to order at 5:45 p.m.

B. ROLL CALL:

Present: 7 - Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 2 - Mayor Steve Chirico
Councilwoman Becky Anderson

C. CLOSED SESSION - 5:45 p.m.

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

Aye: 7 - Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 2 - Chirico, and Anderson

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:07 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 Krummen
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, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski

NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

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, approved the Consent Agenda with the exception of item I-15. The motion carried by the following vote:

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

1. Approve 02/02/2018 thru 02/28/2018 Cash Disbursement for \$18,809,464.80

Council approved.

2. Approve the regular City Council meeting minutes of March 6, 2018

Council approved.

3. Approve the Special Events Cultural Amenities (SECA) Workshop minutes from February 26, 2018

Council approved.

4. Approve the award of Bid 18-022, Motor Fuel Tank Wagon, to Heritage FS, Inc. for an amount not to exceed \$599,053.80 and for a three-year term.

Council approved.

5. Approve the award of Bid 18-013, Tree Planting Services, to The Fields on Caton Farm, Inc. for an amount not to exceed \$444,250 and for a one-year term

Council approved.

6. Approve the award of Bid 18-026, Tree Removal and Stump Grinding to D Ryan Tree & Landscaping Service for an amount not to exceed \$120,960 and to Steve Piper and Sons for an amount not to exceed \$65,000 for a total award of \$185,960 and for a seven-month term

Council approved.

7. Waive the applicable provisions of the Naperville Procurement Code and award Procurement 18-082, Emergency Mass Notification System, to Everbridge for an amount not to exceed \$92,610 and for a three-year term. (Requires six positive votes)

Council approved the award.

8. Approve the award of Sole Source Procurement 18-083, IT Research and Advisory Services, to Gartner, Inc for an amount not to exceed \$363,000 and for a three-year term.

Council approved the award.

9. Approve the award of Cooperative Procurement 18-092, 2019 Peterbilt Model 348 Grapple Truck, to J X Enterprises, Inc., for an amount not to exceed \$216,510

Council approved the award.

10. Approve the City Council meeting schedule for April, May and June 2018

Council approved.

11. Approve implementation of an on-street bike route on Lisson Road, Wehrli Road, and Ranchview Drive

Council approved.

12. Pass the ordinance to establish a temporary street closure for the 2018 Soap Box Derby Races and issue a Special Event Permit
Enactment No: ORD 18-023
Council passed the ordinance.
13. Waive the first reading and pass the ordinance to establish a two-way stop at the intersection of Corktree Road and Sassafras Lane and a four-way stop at the intersection of Winterberry Avenue and Honey Locust Drive (requires six positive votes)
Enactment No: ORD 18-024
Council passed the ordinance.
14. Pass the ordinance reserving the City's 2018 Volume Cap
Enactment No: ORD 18-025
Council passed the ordinance.
15. Conduct the first reading of an ordinance repealing and replacing Sections 6-13, 9-1A, 9-1B, 9-1C, 9-1E-7, 9-1F-1, 9-1F-23 of Naperville Municipal Code pertaining to telecommunications facilities on both private and public properties and in the right-of-way.

Council discussed height comparisons, security ramifications of leasing space on water towers and the Carillon, free-standing towers in residential areas, non-City infrastructure and the permitting process in right-of-ways and easements, that staff is scheduling 2x2 meetings with Councilmembers for more detailed discussions, and that the majority of the text amendment is cleaning up outdated language.

First reading held.
16. Table the decision on whether to financially participate in funding a replacement fence along the north side of 95th Street to the May 1, 2018 City Council meeting
Council tabled the item.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance to abate a portion of the 2017 tax levy for the City of Naperville authorizing an abatement of \$1.8 million from the revised tax levy of \$48,686,811 for a net total tax levy of \$46,886,811
Enactment No: ORD 18-026
A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to pass the ordinance. The motion carried by the following vote:

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

2. Pass the ordinance to Abate a Portion of the 2017 Tax Levy for Special Service Area No. 23 (Naper Main)

Enactment No: ORD 18-027

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance. The motion carried by the following vote:

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

3. Pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit and increasing the required sidewalk clearance for liquor licensed establishments from five to eight feet.

Patrick Neary, Quiubo, spoke against the 8' requirement.

Council discussed restaurant caps and the appropriateness of allowing variances.

Laff stated a provision could be written into the ordinance that changes may be approved administratively by Council and not need a formal variance.

Barbara Stark, Naperville, spoke in favor of the 8' recommendation and discussed how sidewalk width impacts persons with disabilities.

Council discussed inspections and code compliance, that no complaints have been received and no violations have been cited, and the minimum accessible width.

Gary Smith, discussed accessibility and spoke in favor of an 8' minimum requirement.

Council discussed recommendations from the Accessibility Task Force, the Mayor's Commission for Disabilities, and overall pedestrian traffic in the downtown.

Dane Milldrum, Naperville, spoke against outdoor seating in the downtown.

Julie Milldrum, Naperville, spoke against outdoor seating and discussed the lack of non-establishment seating options.

Council discussed BASSET training, overserving, and downtown amenities.

Carl Skrabacz, Naperville and Senior Task Force, spoke in support of the recommendations made by the Accessibility Task Force and the Mayor's Commission for Disabilities, requested no brick pavers, highlighted the need to

promote opportunities for seniors to be active in the community, and stated that seniors will be less likely to visit downtown if accessibility is restricted.

Gabe Nanni, Craftsman, explained how the seating area is designed and discussed that 8' will be an issue for most businesses.

Laff explained that five establishments will comply with the 6' clearance, the 6' recommendation of the Downtown Advisory Commission (DAC) is consistent with streetscape standards, acceptable to the task forces and the Mayor's Commission for Disabilities. She stated that row widths vary in the downtown, obstructions like garbage cans, benches, trees, planters will always be present, it is not realistic to require larger clearance because it would eliminate a number of establishments for both liquor and general outdoor seating, and summarized that DAC recommended 6' minimum with 8' where possible for all establishments providing table service.

Council discussed sidewalk sales, sunset provision, investment by the establishment, permanence, the appropriateness of a blanket ordinance or evaluating applications on a case-by-case basis, and the streetscape project.

Laff stated that the streetscape project will be before Council in the near future and has a five-year implementation timeline.

Novack summarized site analysis, turn around points, and appropriate width for passing.

Council discussed the approval process, impediments, seating area at the Craftsman, public seating in the area, and whether regulations should not be implemented until after the streetscape project approved. Council further discussed the length of the outdoor seating license, impact to ice cream shops, installing public vs. private seating areas, appropriate fees, wi-fi access points, sunset clause, semi/permanent structures, amenity zones, and height regulations.

A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to pass the ordinance as amended to read: pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit and increasing the required sidewalk clearance for liquor licensed establishments from five to six feet and eight feet whenever possible.

The motion was amended by Councilwoman Brodhead, seconded by Councilman Coyne, to pass the ordinance as amended to read: pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code extending sunset provision contained within the outdoor seating permit to April 30, 2019 and increasing the required sidewalk clearance for liquor licensed establishments from five to six feet and eight feet whenever possible.

A second amended motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to pass the ordinance to read: pass the ordinance amending

Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code retaining the sunset provision for 13 months contained within the outdoor seating permit, increasing the required sidewalk clearance for liquor licensed establishments from 5' to 6' and 8' where possible, allowing Quiubo a 5' clearance, six contiguous feet for non-liquor licensed establishments, and prohibiting private furniture and accessories on the public way outside of April 1 through November 1 timeframe. The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Snow in the Downtown
Hinterlong asked what can be done about the piles.

Dublinski responded that he will evaluate.

Le Chocolate
Gustin congratulated the establishment for participation at a Hollywood pre-Oscar event.

Census
Gustin thanked staff for communication regarding census takers.

Election Signs
Chirico discussed signs from the recent election, specifically citing size and location, and requested increased efforts to regulate all signs.

Novack stated that staff has seen signs moved to unincorporated areas after candidates have been informed of violations.

DiSanto clarified that the City regulates signs in a content neutral fashion, discussed sign size, and that a general penalty provision would apply to violations.

Council discussed an analysis of staff time necessary to collect signs.

By consensus Council directed staff to seize all signs to abate the nuisance, hold signs for a prolonged period of time, and more aggressive efforts to collect signs that violate the Municipal Code.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to adjourn the Regular City Council Meeting of March 21, 2018 at 9:13

p.m. The motion carried by the following vote:

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

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk