



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, July 17, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 5:30 p.m.

B. ROLL CALL:

Present: 7 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 2 - Councilwoman Becky Anderson
Councilman Kevin Coyne

C. CLOSED SESSION - 5:30 p.m.

A motion was made by Councilman White, seconded by Councilwoman Gustin, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual; 120/2(c)(5) Purchase of Property; 120/2(c)(6) Sale of Property; 120/2(c)(11) Pending Litigation; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Gustin, Hinterlong, Kruppen, Obarski, and White

Absent: 2 - Anderson, and Coyne

OPEN SESSION - 7:00 p.m.

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

D. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Becky Anderson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; 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 TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; 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; Jennifer Lutzke, Senior Assistant City Attorney; Scott Scheller, Fire Marshall; Paul Felstrup, TED Project Manager

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:**G. PUBLIC FORUM:**

Ribfest Parking

Ben Yu, spoke in favor of allowing residents to open their lawns and charge a fee for parking to those attending the event.

Chirico suggested the speaker make an appointment with him and Chief Marshall to discuss.

Overgrown vegetation on sidewalks

HR Hoffman, explained that the overgrowth is a safety issue for bicyclists.

Sales Taxes, Garbage

Dick Furstenau, discussed the upcoming garbage contract and taxes.

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

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Obarski, to use the Omnibus method to approve items. The motion carried by the following vote:

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

Absent: 1 - Anderson

I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Krummen, to approve the Consent Agenda with the exception of items I16: ordinance approving a variance for Illinois Cheer Enterprises; I22-25: CityGate Center North-PZC 18-1-029; and I26: text amendment regarding a Bartending Services Permit and Dispenser Permit. The motion carried by the following vote:

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

Absent: 1 - Anderson

1. Approve 06/01/2018 thru 06/28/2018 Cash Disbursement for \$29,950,835.85

Council approved.

2. Approve the 5th Avenue Project Workshop Minutes from June 27, 2018.

Council approved.

3. Approve the regular City Council meeting minutes of June 19, 2018

Council approved.

4. Approve the award of Bid 18-116, Mill Street and Commons Road Traffic Signal, to Meade, Inc. for an amount not to exceed \$344,979.53, plus a 5% contingency

Council approved.

5. Approve the award of Bid 18-111, Martin Mitchell Mansion Roof Preservation Project, to Renaissance Roofing Inc. for an amount not to exceed \$348,300, plus a 5% contingency

Council approved.

6. Approve the award of Bid 18-140, Aggregate Materials, to Boughton Materials Inc. for an amount not to exceed \$247,346.75 and for a one-year term

Council approved.

7. Approve the award of Bid 18-141, 2018 Small Diameter Cured-in-Place Pipe (CIPP) Sanitary Sewer Lining, to Hoerr Construction, Inc. for an amount not to exceed \$784,408.50, plus a 3% contingency

Council approved.

8. Approve the award of RFP 18-019, Design, Build and Operate Roof Mount Fixed Axis Solar Photovoltaic System, to WCP Solar Company, Inc. for an amount not to exceed \$100,893.03 plus a 5% contingency and for a 10-year term

Council approved.

9. Waive the applicable provisions of the Naperville Procurement Code and award Procurement 18-146, Leaf Disposal, to Tri-County Excavation & Construction, Inc for an amount not to exceed \$67,500 and to Steve Piper and Sons for an amount not to exceed

\$32,500 (Requires six positive votes)

Council awarded.

10. Approve the award of Bid 18-145, Grouting of Sanitary Sewer Service Connections and Service Laterals Cress Creek Phase 4, to Michels Pipe Services for an amount not to exceed \$273,700, plus a 3% contingency

Council awarded.

11. Approve the award of Bid 18-107, West Waterworks Electrical Upgrade Project, to Leyden Electric for an amount not to exceed \$538,880, plus a 3% contingency

Council awarded.

12. Approve the award of Change Order #2 to Contract 17-191, Southeast Water Works Booster Pump Upgrades, to Briesser Construction Co. for an additional eight months

Council awarded.

13. Approve the award of Change Order #1 to Option Year Three of Contract 14-115, Security Service for Municipal Center, to Securatex Ltd for an amount not to exceed \$22,213 and a total award of \$60,000 and for an additional 6 months

Council awarded.

14. Accept public underground and traffic signal improvements associated with Atwater Phase 2, Columbia Park Townhomes and Trumpet Avenue

Council accepted.

15. Approve the City Council meeting schedule for August, September, and October 2018

Council approved.

16. Pass the ordinance approving a parking variance for Illinois Cheer Enterprises (PZC 18-1-046) on property located at 1152 Frontenac Road

Chirico recused himself to avoid the appearance of impropriety and left the dais from 7:19 p.m. - 7:20 p.m.

Gustin served as Mayor Pro Tem

Enactment No.: ORD 18-077

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to pass the ordinance approving a parking variance for Illinois Cheer Enterprises (PZC 18-1-046) on property located at 1152 Frontenac Road. The motion carried by the following vote:

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

Absent: 1 - Anderson

Recused: 1 - Chirico

17. Pass the ordinance approving a sign variance for Starbucks (PZC 18-1-049) at 215 E Ogden Avenue
- Enactment No.: ORD 18-068
- Council passed.**
18. Receive the staff report for Clow Creek Farm Addition Final - PZC 18-1-030 (Item 1 of 4)
- Council received.**
19. Pass the ordinance approving the final PUD plat for Clow Creek Farm Addition (Clow Creek Farm Addition Final) - PZC 18-1-030 (Item 2 of 4)
- Enactment No.: ORD 18-069
- Council passed.**
20. Pass the ordinance approving the final plat of subdivision for Clow Creek Farm Addition (Clow Creek Farm Addition Final) - PZC 18-1-030 (Item 3 of 4)
- Enactment No.: ORD 18-070
- Council passed.**
21. Pass the ordinance approving a variance from the Design Manual for Public Improvements for Clow Creek Farm Addition (Clow Creek Farm Addition Final) - PZC 18-1-030 (Item 4 of 4)
- Enactment No.: ORD 18-071
- Council passed.**
22. Receive the staff report for CityGate Centre North located at 2415 & 2416 Corporate Lane, Naperville - PZC 18-1-029 (Item 1 of 4)
- Richard Backer, requested a barrier for the anticipated noise from the development.
- Council discussed the approval process for events, traffic control plans, and noise from similar venues.
- Laff explained the proposed sound barriers and the noise ordinance, that staff will partner with the developer to ensure a variety of plantings, and that a traffic management plan must be submitted for large-scale events.
- Novack stated that a traffic signal on Comfort Lane would require review and approval from DuPage County because it is a county highway.
- Kenneth Witkowski, Calamos Property, explained the main focus of the arena is to support ice-related events, that it is difficult to compare to other venues because the capacity is smaller at 6,600, depending on the host hockey team 25 concerts per year is anticipated, and that the proposed landscaping features

are designed to diffuse sound and were negotiated with Monarch Landing. He went on to say that an acoustical architect was engaged for the project, that the building serves as a noise barrier because the materials absorb sound, pedestrian traffic is limited, outlined traffic egress plans, and described the amenities for Monarch Landing residents.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve Items I22 - I25. The motion carried by the following vote:

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

Absent: 1 - Anderson

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve items I22 - I25. The motion carried by the following vote:

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

Absent: 1 - Anderson

- 23.** Pass the ordinance rezoning the property located at 2415 & 2416 Corporate Lane from OCI (Office, Commercial and Institutional District) to ORI (Office, Research and Light Industry District) CityGate Centre North - PZC 18-1-029 (Item 2 of 4)

Enactment No.: ORD 18-078

Council passed.

- 24.** Pass the ordinance granting a major change to the Monarch Landing PUD located at 2415 & 2416 Corporate Lane with deviations to reduce the amount of parking and the parking setback along Corporate Lane, CityGate Centre North - PZC 18-1-029 (Item 3 of 4)

Enactment No.: ORD 18-079

Council passed.

- 25.** Pass the ordinance granting a conditional use for the property located at 2415 & 2416 Corporate Lane to permit an eating/drinking establishment as a part of a planned unit development, CityGate Centre North - PZC 18-1-029 (Item 4 of 4)

Enactment No.: ORD 18-080

Council passed.

- 26.** Pass the ordinance amending Sections 3 and 11 of Title 3, Chapter 3, of the Naperville Municipal Code adding a Bartending Services Permit and Dispenser Permit.

Council discussed video monitoring, BASSET trained individuals are interested

in addressing the problem in the moment, and service liability issues.

Enactment No.: ORD 18-081

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance amending Sections 3 and 11 of Title 3, Chapter 3, of the Naperville Municipal Code adding a Bartending Services Permit and Dispenser Permit.. The motion carried by the following vote:

Aye: 5 - Chirico, Coyne, Hinterlong, Krummen, and White

Nay: 3 - Brodhead, Gustin, and Obarski

Absent: 1 - Anderson

- 27.** Conduct the first reading of an ordinance amending Sections 3-3-3 and 3-3-11 of the Naperville Municipal Code amending the Class P liquor license to incorporate craft distilleries.

First reading held.

- 28.** Pass the ordinance to establish temporary street closures and issue a Special Event and Amplifier permit for the Scott S'Cool Scoot on Saturday, August 25, 2018

Enactment No.: ORD 18-072

Council passed.

- 29.** Pass the ordinance to establish temporary street closures and issue a Special Event permit for Old Naperville Days to be held on Sunday, August 19, 2018

Enactment No.: ORD 18-073

Council passed.

- 30.** Pass the ordinance to establish temporary traffic controls and issue a Special Event Permit and an Amplifier permit for the 2018 Last Fling, Labor Day Parade, Fling Mile, and the NCAA Women's Triathlon scheduled for August 31-September 3, 2018

Enactment No.: ORD 18-074

Council passed.

- 31.** Pass the ordinance granting an extension to the July 19, 2018 deadline to install required improvements at 1210 E. Ogden Avenue as set forth in Ordinance 17-113.

Enactment No.: ORD 18-075

Council passed.

- 32.** Pass the ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code and adding Chapter 14 to Title 1 to the Naperville Municipal Code to establish an administrative procedure for assessing and determining claims made under the Public Safety Employee Benefits Act.

Enactment No.: ORD 18-076

Council passed.

J. PUBLIC HEARINGS:

1. Receive the staff report for World Missions Society Church of God located at 29W771 79th Street, Naperville - PZC 17-1-094 (Item 1 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report. The motion carried by the following vote:

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

Absent: 1 - Anderson

2. Receive the staff report for the Martinez Property located at 9S065, 9S080 and 9S081 Route 59, Naperville - PZC 17-1-093 (Item 1 of 6)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report. The motion carried by the following vote:

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

Absent: 1 - Anderson

3. Conduct the public hearing to consider the Annexation Agreement for the Martinez Property and World Missions Society Church of God - PZC 17-1-093 & PZC 17-1-094 (Item 2 of 6)

Hinterlong opened the Public Hearing at 7:49 p.m.

Suzette Selig, Naperville, spoke against the proposed annexation to allow commercial development.

Erika Selig, Naperville, spoke against the proposed annexation to allow commercial development.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:56 p.m. The motion carried by the following vote:

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

Absent: 1 - Anderson

4. Pass the ordinance authorizing the execution of an Annexation Agreement for the property located at 29W771 79th Street (World Missions Society Church of God) and 9S060, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093 & 17-1-094 (Item 3 of 6)

Laff discussed the annexation agreement, when a rezoning order would be appropriate, permitted height and the nearby flight path, and cross-access in the area.

Enactment No.: ORD 18-082

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing execution of an Annexation Agreement for the property located at 29W771 79th Street and 9S060, 9S080, and 9S081 Route 59. The motion carried by the following vote:

Aye: 6 - Chirico, Brodhead, Coyne, Hinterlong, Obarski, and White

Nay: 2 - Gustin, and Krummen

Absent: 1 - Anderson

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve Items J5 - J10. The motion carried by the following vote:

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

Absent: 1 - Anderson

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve Items J5 - J10. The motion carried by the following vote:

Aye: 6 - Chirico, Brodhead, Coyne, Hinterlong, Obarski, and White

Nay: 2 - Gustin, and Krummen

Absent: 1 - Anderson

5. Pass the ordinance annexing certain property located at 29W771 79th Street, Naperville (World Missions Society Church of God) PZC 17-1-094 (Item 4 of 7)

Enactment No.: ORD 18-083

Council passed.

6. Pass the ordinance annexing certain property located at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093 (Item 4 of 6)

Enactment No.: ORD 18-084

Council passed.

7. Pass the ordinance rezoning the property located at 29W771 79th Street to B2 (Community Shopping Center District) and R2 (Single-Family and Low Density Multiple-Family Residence District) (World Missions Society Church of God) - PZC 17-1-094 (Item 5 of 7)

Enactment No.: ORD 18-085

Council passed.

8. Pass the ordinance rezoning the property located at 9S065, 9S080 and 9S081 Route 59, Naperville to B2 (Community Shopping Center District) (Martinez Property) - PZC 17-1-093 (Item 5 of 6)

Enactment No.: ORD 18-086

Council passed.

9. Pass the ordinance approving the preliminary/final plat of subdivision for World Missions Society Church of God Subdivision - PZC 17-1-094 (Item 6 of 7)

Enactment No.: ORD 18-087

Council passed.

10. Pass the ordinance granting variances to Section 6-9-2:4.3.2 and Section 6-9-3:6 of the Naperville Municipal Code for the property at 29W771 79th Street, Naperville (World Missions Society Church of God) - PZC 17-1-094 (Item 7 of 7)

Enactment No.: ORD 18-088

Council passed.

11. 1. Concur with staff and the petitioner and pass the ordinance granting variances to Section 6-9-6 and Section 6-9-5 of the Naperville Municipal Code for the property at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093; or
2. Concur with the Planning and Zoning Commission and deny variances to Section 6-9-6 and Section 6-9-5 of the Naperville Municipal Code for the property at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) (Item 6 of 6)

Council discussed not granting variances until uses have been proposed and approved.

A motion was made by Councilwoman Obarski, seconded by Councilman Hinterlong, to concur with the Planning and Zoning Commission and deny variances to Section 6-9-6 and Section 6-9-5 of the Naperville Municipal Code for property at 9S065, 9S080, and 9S081 Route 59, Naperville (Martinez property). The motion carried by the following vote:

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

Absent: 1 - Anderson

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. 1. Concur with PZC and the Petitioner and pass the ordinance approving a variance from Section 6-2-10:2 of the Naperville Municipal Code to allow an existing

pergola to remain in the required corner side yard; or

2. Concur with staff and deny the request for a variance from Section 6-2-10:2 of the Naperville Municipal Code to allow an existing pergola to remain in the required corner side yard - PZC 18-1-023

Council discussed previous petitioners who did not get a permit prior to work being completed and whether a penalty can be established for when residents do not follow the appropriate application, review, and approval process.

DiSanto explained that the Code does allow for a penalty of double the permit fee.

Enactment No.: ORD 18-089

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to concur with PZC and the Petitioner and pass the ordinance approving a variance from Section 6-2-10:2 of the Naperville Municipal Code to allow an existing pergola to remain in the required corner side yard and apply a penalty of double the permit fee. The motion carried by the following vote:

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

Absent: 1 - Anderson

2. Pass the ordinance approving an extension to Ordinance 17-084 approving a temporary use to allow a temporary banner to be displayed on the east wall of the Loggia Building (123 Water Street) through December 31, 2019, subject to the terms included in the ordinance.

Laff explained the PUD was approved but the owner has not submitted final architectural plans.

Enactment No.: ORD 18-090

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance approving an extension to Ordinance 17-084 approving a temporary use to allow a temporary banner to be displayed on the east wall of the Loggia Building (123 Water Street) through December 31, 2019, subject to the terms included in the ordinance. The motion carried by the following vote:

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

Absent: 1 - Anderson

3. Receive the staff report for McDowell Point (PZC 18-1-019) located at the southwest corner of Diehl Road and Raymond Drive (Item 1 of 3).

Chirico recused himself to avoid the appearance of impropriety and left the dais from 8:15 p.m. - 8:34 p.m.

Councilwoman Gustin served as Mayor Pro Tem

Vince Rosanova, Attorney for Petitioner, described the development and discussed the proposal to rezone the subject property from ORI to OCI (Office,

Commercial and Institutional District) and develop an age-restricted, multi-family building that contains 174 dwelling units.

Laff explained the requirements for such developments and discussed parking.

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to receive the staff report. The motion carried by the following vote:

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

Absent: 1 - Anderson

Recused: 1 - Chirico

4. Pass the ordinance rezoning the subject property to OCI - PZC 18-1-019 (Item 2 of 3);

Enactment No.: ORD 18-091

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to pass the ordinance rezoning the subject property to OCI - PZC 18-1-019. The motion carried by the following vote:

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

Absent: 1 - Anderson

Recused: 1 - Chirico

5. Pass the ordinance approving a conditional use in the OCI (Office, Commercial and Institutional) zoning district to allow an age-restricted, multi-family building, a conditional use for a planned unit development, and a preliminary PUD plat with deviations to Section 6-9-3, Section 6-7F-5, and Section 6-7F-8 of the Naperville Municipal Code for McDowell Point - PZC 18-1-019 (Item 3 of 3).

Enactment No.: ORD 18-092

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, pass the ordinance approving a conditional use in the OCI (Office, Commercial and Institutional) zoning district to allow an age-restricted, multi-family building, a conditional use for a planned unit development, and a preliminary PUD plat with deviations to Section 6-9-3, Section 6-7F-5, and Section 6-7F-8 of the Naperville Municipal Code for McDowell Point - PZC 18-1-019. The motion carried by the following vote:

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

Absent: 1 - Anderson

Recused: 1 - Chirico

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Bill Kottman, Naperville, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Marshall Dahneke, Naperville, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Tim Messer, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Len Monson, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Jayme Koller, spoke against approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Laura Zeman, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Colin Dalough, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Dominick Nugent, discussed height restrictions, parking decks, mixed use options, commuters, and traffic patterns.

Mike Briggs, President of Little Friends, spoke in favor of approving the 5th Avenue Concept Principles and direct Ryan Companies to initiate concept plan creation.

Council discussed parking, traffic, impact on commuters, input from stakeholder groups, that the community is eager to see options, the design concept will lead to finance estimates, wait list for parking permits, the concept principles received at the June workshop, and the need to consider the Steering Committee's recommendations on the areas of conflict.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the 5th Avenue Concept Principles and direct Ryan Companies to initiate Concept Plan creation consistent with those principles and with the Steering Committee's recommendations on the areas of conflict. The motion carried by the following vote:

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

Absent: 1 - Anderson

2. Provide feedback on significant changes identified through the 2018 International Building Code Update.

Bob Tinucci, representative of the National Fire Sprinkler Association, spoke in favor of adopting the 2018 International Building Code update.

Council discussed the sprinkler change, giving the building community an opportunity to provide feedback, additional regulations, review by the Building Review Board (BRB), the aging population, that Glen Ellyn adopted the sprinkler requirements and subsequently reversed the decision, and smart home technology.

Novack said the BRB has reviewed the update and staff recommendations.

Felstrup discussed increased requirements when sprinklers are omitted from design in single family/duplex homes, explained how 5,000 sq ft can be calculated, and discussed subdivisions where homes are typically 5,000 sq ft or larger.

Scheller spoke in favor of the sprinkler requirement, discussed the cost of sprinklers, and stated that 66% of new homes built in the past 15 years are more than 5,000 sq ft.

Puknaitis spoke in favor of the sprinkler requirement and explained the intent of sprinkler systems.

By consensus, Council directed staff to omit the fire spinkler requirement in the residential code changes and draft a summarized version of the major changes for review at an upcoming meeting.

3. Select a funding level for City participation regarding a replacement fence along the north side of 95th Street

Doreen Swindall, Naperville, asked Council to install a sound wall for all residents impacted by the 95th Street project.

Diane O'Conner, Naperville, asked Council to install a sound wall for all residents impacted by the 95th Street project.

Novack clarified that at the May 16, 2018 City Council meeting a straw poll was taken regarding City cost participation at any level. The majority of the Council supported some level of cost participation and the purpose of the discussion is to determine the level of funding participation by the City.

Council discussed whether a fence will buffer traffic noise, that taxpayer money has already been expended for landscaping at the speaker's house and trees on the median, what would be the appropriate process for other sound barrier requests, and the cost difference between installing a wall and a fence.

Novack explained the noise study that was conducted and that the U.S. Department of Transportation stated that the limits of the study performed were proper and consistent with their practice and policy, the limits were correct in not extending west of Plainfield Naperville Road, and were not influenced by property values as stated by the residents.

Council discussed the terminus of the noise study, a cost share arrangement, and whether Will County would be amenable to contributing contingent upon City participation.

A motion was made by Councilwoman Obarski, seconded by Councilman Krummen, to direct staff to work with Will County to share funding and, if Will County participates, the City contribution will be no more than 30% of the cost. The motion carried by the following vote:

Aye: 6 - Brodhead, Gustin, Hinterlong, Krummen, Obarski, and White

Nay: 2 - Chirico, and Coyne

Absent: 1 - Anderson

P. NEW BUSINESS:

Penalty Fines

Krummen discussed fines for not receiving the appropriate permit prior to work being completed.

By consensus Council directed staff to review the current fines allowed and provide a recommendation at a future meeting.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Obarski, to adjourn the Regular City Council Meeting of July 17, 2018 at 9:59 p.m. The motion carried by the following vote:

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

Absent: 1 - Anderson

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk