

May 1 2018 QA

Wednesday, April 25, 2018 4:17 PM

F. AWARDS AND RECOGNITIONS:

1. **18-358** Present the Accessible Community Task Force Student Recognition Awards
2. **18-349** Proclaim May 1, 2018 as Friedrich-Jones Funeral Home Day
3. **18-350** Proclaim May 12, 2018 as "Letter Carriers' "Stamp Out Hunger" Food Drive Day"
4. **18-351** Proclaim May 2018 as Mental Health Awareness Month

I. CONSENT AGENDA:

1. **18-353** Approve the minutes from City Council's April 17, 2018 5th Avenue Workshop with Ryan Companies.

Q:	Any reason I am being referred to as a "commissioner"? Just want it to reflect correctly for the record.	White, Benjamin
A:	The "commissioner" reference was included in error. The minutes will be approved with the edit to change "commissioner" to "Councilman".	Laff

2. **18-355** Approve the regular City Council meeting minutes of April 17, 2018.
3. **18-303** Approve the award of Bid 18-095, Insulated Conductors, to The Okonite Company for an amount not to exceed \$855,217.64
4. **18-331** Approve the award of Option Year One to Contract 17-091, Storm Sewer Rehabilitation (8"-24" Diameter) Cured-In-Place-Pipelining, to Hoerr Construction Inc. for an amount not to exceed \$600,000
5. **18-340** Approve the award of Option Year One to Contract 16-173, Leaf Disposal Services, to BioAg for an amount not to Exceed \$160,000 (Item 1 of 2)

Q:	What changed with the EPA permit?	Boyd-Obarski, Rebecca
A:	Prior to purchasing the incinerator DPW consulted with the Illinois EPA and obtained an Open Burn permit that the IEPA recommended for 2016 and 2017 operations. Recently, the United States EPA conducted a Clean Air Act Inspection in response to citizen complaints involving observations of smoke and fumes originating from the City's air curtain incinerator. The	DiSanto, Mike

	U.S. EPA advised the City that an Open Burn permit is appropriate for combusting "clean wood," but not leaves (yard waste). If the City uses the incinerator to combust yard waste (leaves) it must obtain a different permit (Title V permit) that imposes different federal standards particularly related to visible emissions (opacity).	
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6. **18-352** Authorize the City Manager to Extend the Lease for Three Parcels of City Property for Leaf Disposal. (Item 2 of 2)
7. **18-346** Approve appointments to the Board of Fire and Police, Planning and Zoning Commission and Sister Cities Commission
8. **18-337** Accept the public improvements at Ashwood Park IV and Ashwood Crossings and authorize the City Clerk to reduce the corresponding public improvement surety
9. **18-359** Approve the City Council meeting schedule for May, June and July 2018
10. **18-242** Waive the first reading and pass an ordinance amending Title 3, Chapter 1, Section 9 of the Naperville Municipal Code pertaining to the distribution of collected food and beverage taxes for the Special Events and Cultural Amenities (SECA) Grant Program reinstating an annual escalator component (six positive votes required)

Q:	If no reinstatement is approved what affect will this have on the overall SECA distribution? Example: Most of the new 2% will be absorbed by, administrative, committed expenses, etc.	Gustin, Patty
A:	The mission of SECA is to fund diverse experiences for residents and visitors. After the non-discretionary funding (approx \$1M) is dispersed, the remaining amount is allocated to cultural experiences and special events. Over the years, City services necessary to support current, growing, and new events has increased 25%. Without an escalator component, funding for smaller events may become unavailable as grants will be redirected to City services. The diversity of events that will be offered may decrease to only races and holiday parades.	Gallahue, Pam
Q:	a. Section 6.2 of the ordinance applies the tax to "community festivals", does that include fundraisers and special events? b. Section 6.2 also includes the language "as directed by City Council", in what circumstances has City Council intentionally elected to not apply the Food & Beverage tax to a "community festival" "special event" or "fundraiser"? c. May we state it in the reverse, "unless exempted by City Council"?	Boyd-Obarski, Rebecca
A:	a. In the past this has specifically applied to special events only. b. The City has historically only pursued Food & Beverage Tax from major events such as Last Fling, Ribfest, and Christkindlmarket. Smaller events such as 5k runs or triathlons typically have small amounts of food and beverage sales but the cost of notifying vendors, sending letters, and collection has historically outweighed the dollars collected. For instance when the original ordinance was implemented,	Hallgren, Erik

	<p>staff attempted to collect food and beverage from all events. A sampling of receipts from that year include: Naperville Arts Festival - \$66.93; Pow Wow - \$50.37; Naper Days – \$78.77; Soccer Tournament - \$22.01; 175th Anniversary - \$5.53. One hour of staff time (salary and benefits) costs approximately \$45. Another consideration is that local vendors (who typically support local events) already pay the food and beverage tax through their normal receipts. Only vendors from outside the community are assessed the food and beverage tax.</p> <p>c. The Council may direct staff to use the proposed language. Appropriate Action Requested language will be added to special event agenda items for Council review.</p>	
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11. **18-342** Waive the first reading and pass an ordinance amending Title 3, Chapter 1, Section 9 the Naperville Municipal Code reducing The Downtown Food and Beverage Tax to 0.75% (six positive Votes required)

Q:	Have the groups most affected by this change, change in funding specification, been consulted on this recommendation, i.e. DAC, DNA and Naperville Development Partners?	Gustin, Patty
A:	This change in ordinance will have no impact on the aforementioned groups. The ordinance change request is meant to maintain the total tax rate in the downtown (for food and beverage tax) at 9.5%. A portion of the 0.25% increase in the home rule sales tax will be transferred to the Downtown Parking Fund to make it whole. Downtown businesses that pay the food and beverage tax will be notified through the DNA and by individual letter from staff laying out the changes in the ordinance if approved.	Hallgren, Erik

12. **18-263** Pass the ordinance approving the transfer of \$14,894,565 of the 2018 Volume Cap to the City of Aurora in shared effort to assist qualified homebuyers in the City of Naperville.

Q:	Why do we transfer these funds to other cities?	Coyne, Kevin
A:	Only a unit of government may provide authority for the tax-exempt bonds so Naperville must either administer a program or cede its volume cap authority to another unit of government. Since, the City of Aurora already manages this program and Naperville residents are eligible to participate, it is Staff's recommendation to consolidate efforts with Aurora and transfer the City's available volume cap.	Hallgren, Erik
Q:	<p>a. Were there any other requests for this?</p> <p>b. Please explain the financial benefit to Naperville residents?</p> <p>c. How would a Naperville resident know to apply for this program?</p>	Boyd-Obarski, Rebecca
A:	<p>a. There have been no requests from any other government agency or organizations for the City's Volume Cap.</p> <p>b. A prospective Naperville homebuyer participating in the IL Assist Program may be offered a 30-year, fixed-rate mortgage and a 3.00 to 7.00% cash grant at closing. The grant can be used to fund down payment and closing costs for a conventional or FHA/VA/USDA loan. In addition, first time homebuyers may receive up to a \$2000 per year credit against their federal income taxes.</p> <p>c. Illinois Assist has established strategic partnerships with numerous area lenders including US Bank, Wells, Fargo, Guaranteed Rate, and Wintrust Mortgage. Additionally, Sand Creek Capital can provide marketing materials for the City to use to promote Illinois Assist.</p>	Hallgren, Erik

13. **18-268B** Pass the ordinance approving a conditional use for VR-360 (PZC 18-1-018) to allow an amusement establishment at 22 E Chicago Avenue

Q:	Are we opening the door to non-retail uses in the downtown? I don't want the city to get caught up with picking winners and losers if we open this door. Thoughts?	Hinterlong, Paul
A:	<p>Non-retail uses are currently permitted downtown, provided they comply with the B4 district conditions. For example, general service uses are permitted in the B4 district provided they are located on or above the second floor. City staff has previously recommended against some variances that have been requested to allow service uses on the 1st floor in the B4 based on their impact to the retail environment.</p> <p>In contrast, the proposed business (a virtual reality entertainment center) is an amusement establishment. Per Municipal Code Section 6-7D-3 (B4 Conditional Uses) amusement establishments are a conditional use in the B4 district; therefore, the petitioner has requested a conditional use to permit the proposed business on the subject property. The conditional use request for an amusement establishment is consistent with the B4 zoning district regulations, and does not alter the categories of uses that are currently permitted or conditional in the B4 district. Staff finds the proposed entertainment business will be complimentary to the downtown's existing retail and dining businesses.</p>	Evans

14. **18-329** Pass the ordinance establishing temporary traffic controls for the 2018 G.L.O.W. Run for Reading 5K and issue a Special Event permit for the event
15. **18-330** Pass the ordinance to establish temporary street closures and issue a Special Event permit for the Downtown Naperville Car Show to be held on Saturday, June 16, 2018
16. **18-339** Pass the ordinance granting a deviation to the 40' platted building line pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Municipal Code to allow for the construction of a new single-family residence at the subject property located at 1050 Prairie Avenue - PZC 18-1-033.
17. **18-344** Pass the ordinance establishing temporary traffic controls and issue a Special Event Permit and Amplifier Permit for the Naperville Women's Triathlon (formerly the Esprit de She Women's Triathlon) on June 10, 2018
18. **18-348** Conduct the first reading of an ordinance amending Sections 3-3-11:1 and 3-3-11:3 of the Naperville Municipal Code setting the limit of available Class M - Recreational liquor licenses at 12 and Late Night Permits for non-Downtown locations at 41.

L. ORDINANCES AND RESOLUTIONS:

1. **18-147C** Concur with the petitioner and the Planning and Zoning

Commission and pass an ordinance approving variances to Section 6-16-3:7 (Prohibited Signs), Section 6-16-5:2.2.2 (Sign Area), and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147;

OR

Concur with staff and pass the ordinance approving a variance to Section 6-16-3:7 (Prohibited Signs) and denying variances to Section 6-16-5:2.2.2 (Sign Area) and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147

Q:	Is there an opportunity to include the sign design standards proposed in Agenda item O.3 (18-354) in this sign design?	Boyd-Obarski, Rebecca
A:	Staff has not discussed the design standards with the petitioner to date; however, we can contact them to determine if they are agreeable to incorporating this design into their sign. If City Council approves the requested sign variances, they may include a condition in the approval ordinance requiring compliance with these design standards.	Laff

Q:	How will this affect other businesses in the area? Will this be drastically different than every other businesses. Are we setting a precedence that may allow the area to get out of hand?	White, Benjamin
A:	Staff finds the proposed sign is taller and larger than those in the surrounding corridor along Naper Boulevard. The surrounding signs, including the Latter Day Saints Church, MingHin restaurant, 1717 Naper office building, and the Marriot, along Naper Boulevard appear to meet the height and area requirements of the City's Sign Ordinance. Other taller, larger signs exist along Naper-Wheaton Road and along Ogden Avenue. A variance is specific to the subject property and does not set precedent for future requests.	Venard, Erin

2. **18-341** Adopt a resolution authorizing the City Manager to enter into a Line of Credit Agreement with the Riverwalk Foundation for an amount not to exceed \$120,000.

Q:	Please identify specific items that would be covered by this line of credit? Would you recommend the interest rate be changed to more current market rate? The 1.43 rate is being recommended. I did not see the awning, cloth retractable option and/or the more organic options discussed during the last presentation of this item. Will that be incorporated?	Gustin, Patty
A:	Please identify specific items that would be covered by this line of credit?	

	<p>Any costs directly related to the construction of the Park could be covered out of the line of credit, including items such as engineering drawings, material, labor, etc.</p> <p>Would you recommend the interest rate be changed to more current market rate? The 1.43 rate is being recommended.</p> <p>The City is not looking to make a profit off of the loan but rather to be made whole so applying the rate of interest (1.43%) the City would have earned on any loaned money is equitable and recommended.</p> <p>I did not see the awning, cloth retractable option and/or the more organic options discussed during the last presentation of this item. Will that be incorporated?</p> <p>The City has not made any firm changes to the plans submitted with the previous agenda item. We are still investigating different roof materials, such as species of wood.</p>	
Q:	<p>a. Please clarify (because of explanations in the last meeting's agenda write-ups), the use of the "excess funds" to cover "park maintenance and future costs"?</p> <ul style="list-style-type: none"> i. What costs will be funded through DPW's budget? ii. What costs will be funded through the Riverwalk Foundation use of the "excess funds"? <p>b. It is my understanding that the Riverwalk Foundation will hold the excess funds in a restricted account – please share the terms of the uses of those funds.</p> <p>c. What is the timeline for donors to make their contributions? That is, what commitments does the Riverwalk Foundation have for immediate (2018) contributions? What commitments are pledges overtime?</p> <p>d. Can we limit the City's obligation under the line of credit in a manner that any draw from the LOC would be available only after all current (2018) donation commitments have been funded? (i.e., to limit the City's risk to only the long term pledges)</p>	Boyd-Obarski, Rebecca
A:	<p>a. There will be two funding sources for future maintenance/repair. The Riverwalk Foundation will retain an excess of pledges over final cost. Other routine work will be performed by DPW.</p> <p>a.i. "Normal" maintenance (e.g. cleaning, trash removal, plant bed weeding and planting, etc.) would be completed by DPW staff.</p> <p>a.ii. It is our understanding that these funds will be restricted as to use specifically for this park, and that they would be used for significant replacements or future agreed-upon enhancements to the park. It is our understanding that this restriction would last for a period of ten years.</p> <p>b. Should a major repair be needed (e.g. furniture replacement, retaining wall repair, shade structure repair) the City will contact the Riverwalk Foundation to request the funding.</p> <p>c. Three of the funding sources have multi-year funding plans:</p> <ul style="list-style-type: none"> 1. Jaycees - \$200,000 up to ten years 	Krieger/DiSanto

	<p>2. Exchange Club - \$10,000 two years 3. Power Forward DuPage - \$25,000 two years</p> <p>The remainder of the pledges are anticipated shortly after City Council approval of the line of credit. If the vote passes, requests for funding (invoices) will be sent out later this week, for receipt later this year.</p> <p>d. Council may impose any restrictions or limits on the line of credit that it deems appropriate and in the best interest of the City. It is recommended, however, that the City Manager be given discretion to make decisions concerning the timing of authorizing appropriate draws because of the challenges predicting uncertain scenarios.</p>	
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O. REPORTS AND RECOMMENDATIONS:

1. **18-336** Receive the report and direct staff to establish a 50/50 Cost Share program for tree replacements and planting.

Q:	The \$330 cost for a tree is the total and the resident would pay \$165?	Hinterlong, Paul
A:	\$330 is the average cost for replacement trees under the new tree planting contract. Staff recommends that the 50/50 Cost Share program begin in fall of 2018, and residents would pay \$165 to replace their tree.	Dublinski
Q:	Dick, could you add more explanation to this memo? In other words, from now on, will the cost of replacement trees (either parkway trees that have died or those that have succumbed to EAB) all be shared 50/50 with residents? The developers will be reimbursing the full cost of the required parkway tree planting, correct? Why does the city plant the new development trees, rather than requiring the developer to do it, even if we are reimbursed? Is it to guarantee particular sizes and species, or some other type of planting compliance?	Brodhead, Judy
A:	<p>Staff's recommendation is that the 50/50 program be developed for all tree replacements going forward, beginning with the fall planting cycle in 2018.</p> <p>Developers are required to reimburse the full cost of the required parkway tree planting. The City plants the trees so that we can ensure that the size, species, and location of each new tree is consistent with the City's standards for tree planting.</p>	Dublinski

2. **18-345** Authorize the City Manager to approve the Police Department's request to increase the CY18 headcount by one FTE to hire an additional Community Service Officer (CSO) position

Q:	I'm fine with adding a CSO within the current police dept. budget, assuming it will be provided for going forward. My question is really for Doug Krieger and Mike DiSanto: is there any movement on the part of the counties toward making more of the required court documents electronic? Are they hard copy as a result of state ordinances? What would it take to make them electronic?	Brodhead, Judy
A:	We are continuing to explore options to make the transmission of records to DuPage and Will County more efficient. DuPage has recently begun to require all civil filings be made electronically and we have been making some progress with	DiSanto, Mike

	DuPage re: our code violations so we are optimistic. We will continue to work to reduce the manual transportation of all records to DuPage and Will.	
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3. **18-354** Approve the use of the City's logo on select monument signs to be installed along Ogden Avenue from Washington Street to

Q:	Throughout the City what other businesses currently are allowed to use/display the city logo? What other business locations in the city are allowed and or have approval to display the city flag with logo? Will it be recommended to allow all businesses along the Ogden, Naperville Road, Freedom Commons and other city entrances sign logo approval?	Gustin, Patty
A:	To the best of my knowledge no business entity is allowed to use the City logo or display a city flag that includes the logo. The current request only pertains to Ogden, any additional roadways would require City Council review and approval.	LaCloche/Laff

Q:	What if the petitioner uses the sign (logo)in advertisements or letterhead? Does that cross any lines? Should we take the logo off the sign? Thoughts?	Hinterlong, Paul
A:	The current request pertains to use of the City logo on the sign only. Any additional requests to use the logo in other formats would be subject to City Council review and approval.	Laff