

# August 18, 2020 Council QA

Wednesday, August 12, 2020 3:08 PM

## F. AWARDS AND RECOGNITIONS:

1. **20-885** Proclaim August 26, 2020 as the Centennial Anniversary of Women's Suffrage
2. **20-931** Proclaim August 26, 2020 as Naperville's Herstory Day in celebration of women and their contributions to our City

## I. CONSENT AGENDA:

1. **20-878** Approve the cash disbursements for the period of 06/30/2020 through 07/31/2020, for a total of \$34,295,846.33
2. **20-909** Approve the regular City Council meeting minutes of August 4, 2020
3. **20-915** Approve the release of certain designated Closed Session meeting minutes and continue to maintain the confidentiality of all other unreleased Closed Session meeting minutes
4. **20-922** Approve the City Council meeting schedule for September, October & November 2020
5. **20-415C** Award of Cooperative Procurement 20-154, Unit 238 and 293 Equipment Replacement, to JX Peterbilt for an amount not to exceed \$403,388.97
6. **20-831** Waive the applicable provisions of the Naperville Procurement Code in order to establish pricing for the 2020/21 winter season and award Procurement 20-289, Roadway Snow Removal, to certain contractors for an amount not to exceed \$390,000, and for the

positive period of October 1, 2020 through April 30, 2021 (requires 6 votes)

**7. 20-856** Approve the award of Option Year Two to Contract 18-260, Cartage Services, to International Hauling and Excavating Inc. for an amount not to exceed \$162,500

**8. 20-858** Approve the award of Option Year Three to Contract 17-182, Security Camera Installation, to Pace Systems for an amount not Exceed \$350,000 plus a 5% contingency Marshall, Inc. for an amount not to exceed \$157,400, plus a 5% contingency

**10. 20-813** Approve the award of Change Order 1 to Option Year 3 of Contract 17-077, Heating, Ventilation, Air Conditioning and Dehumidification Services to Beery Heating and Cooling for an amount not to exceed \$13,230 and a total award of \$231,680

**11. 20-886** Approval of Mayoral Appointment to the Police Pension Fund Board

**12. 20-884** Accept the public underground improvements at Clow Creek Farm and Freedom Plaza and authorize the City Clerk to reduce The corresponding public improvement surety.

**13. 20-802C** Pass the ordinance granting a variance to the front yard setback requirements in order to construct a porch for the property located at 421 School Street - PZC 20-1-043.

The incorrect ordinance was inadvertently attached to this agenda item in the City Council meeting packet. Please use the attached ordinance in reference to the subject case during Council discussions on August 18, 2020.

Russell

**14. 20-871B** Pass the ordinance granting a variance to permit an 8' tall privacy

Court, fence for the property located at 4040-4044 Ashwood Park  
Naperville - PZC 20-1-055

**15. 20-869B** Pass the ordinance granting a variance to the driveway tapering requirements in order to expand the driveway for the property

located at 26 W. 8th Avenue - PZC 20-1-058.

**16. 20-907** Pass the ordinance approving an amendment to the City of Naperville Annual Budget for Calendar Year 2020 in the amount of \$950,000 for the purchase of 329-333 Center Street. (requires six positive votes)

**17. 20-912** Pass the ordinance approving a minor change to the conditional Use for an automobile repair facility approved by Ordinance 20-031 for the subject property located at 2643 Forgue Drive (Firestone - Naperville) - PZC 20-1-066

**18. 20-913** Pass the ordinance approving a minor change to the CityGate Centre III Planned Unit Development approved by Ordinance 20-044 for the subject property located at Lots 2 & 3 of CityGate Centre, Naperville - PZC 20-1-063

**19. 20-916** Pass the ordinance granting a temporary use to allow for outdoor at Our Saviour's Evangelical Lutheran Church at 919 S. Washington Street.

<b>Q:</b>	<b>Do we have a copy of the letter that was sent out to the neighbors?</b>	<b>Hinterlong</b>
<b>A:</b>	Please see attached.	<b>Laff</b>
<b>Q:</b>	<b>Do we typically give permits for multiple events for a whole year? For instance could a homeowner come in for a amplification permit for a year? Give examples of where we do this now.</b>	<b>Hinterlong</b>

A:	Per the Municipal Code, staff can only issue daily residential amplifier permits. The Council must approve permit requests for longer duration. Staff conducted a brief review of recent agenda items and did not find any resident requests. Non-residential amplifier permits can be issued by staff on a daily or monthly basis. Typically, one permit per year is issued for the following:  Naperville Park District – various events at the Grand Pavilion Home Owners Associations – subdivision pools North Central College – various events on campus	Gallahue
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**20. 20-918** Receive the staff report for the 77th Street Project located at 24W560 77th Street, Naperville, PZC 19-1-140 (Item 1 of 3)

**21. 20-920** Pass the ordinance approving the Final Plat of Subdivision and OAA for the 77th Street Project located at 24W560 77th Street -PZC 19-1-140 (Item 2 of 3)

**22. 20-921** Pass the ordinance approving a variance to the Naperville Design Manual for Public Improvements for the 77th Street Project located at 24W560 77th Street - PZC 19-1-140 (Item 3 of 3)

<b>Q:</b>	<b>Explain the 1 inch differential. Will this be a problem in regards to possible flooding issues in the future for this neighborhood?</b>	<b>Hinterlong</b>
A:	This 0.1 foot differential will not create any flooding problems for this neighborhood or any of the adjacent neighborhoods. All of the nearby foundations are over 2 feet higher than the designed high water level of this basin.	Novack

**23. 20-883** Adopt the resolution authorizing a workers' compensation Settlement with Jody Jones

## **J. PUBLIC HEARINGS:**

**1. 20-890** Receive the staff report regarding the properties located at 1255 E Ogden Avenue and 1187 E Ogden Avenue (Costco Final) - PZC 20-1-047 (Item 1 of 4)

2. **20-904** Conduct the public hearing regarding the vacation of a portion of the Diehl Road right-of-way (Costco Final) - PZC 20-1-047 (Item 2 of 4)
3. **20-891** Pass the ordinance approving the plat of vacation of a portion of the Diehl Road right-of-way (Costco Final) - PZC 20-1-047 (Item 3 of 4) (six positive votes are required)
4. **20-892** Pass the ordinance approving the final plat of subdivision for Kirkland Ogden (Costco Final) - PZC 20-1-047 (Item 4 of 4)
5. **20-908** Conduct the Public Hearing for proposed Special Service Area No. 33 (Downtown Maintenance and Marketing)

## **L. ORDINANCES AND RESOLUTIONS:**

1. **20-834B** Pass the ordinance adding a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) of the Naperville Municipal Code
2. **20-784C** Pass the ordinance repealing Chapter 17 (Cannabis Business Establishments Prohibited) of Title 3 (Business and License Regulations) and amending various Chapters of Title 6 (Zoning Ordinance) related to Cannabis Facilities - PZC 20-1-053.

<b>Q:</b>	<b>Would the existing medical cannabis dispensary that exists on Quincy currently conform to all of the zoning rules set forth in this ordinance, including parking?</b>	<b>Sullivan</b>
<b>A:</b>	The petitioner is currently reviewing the total parking required on site per code (note: this includes required parking for the dispensary as well as required parking for all other tenants located within the building). Once the parking requirement is confirmed, the City will be able to determine if the current parking supply is adequate. It should be noted that the petitioner does have plans submitted to the City to reconfigure the existing parking lot to add additional parking spaces. The dispensary does comply with all other zoning requirements set forth in the proposed ordinance.	<b>Laff</b>

3. **20-357** Adopt the resolution authorizing a covenant incentive agreement

between the City of Naperville and Little Friends for the preservation of the Kroehler Mansion

Q:	<b>Item L5 of our agenda asks Council to temporarily permit Food &amp; Beverage tax to be used for whatever purposes the city needs to balance the budget. But in this item, it states that the \$450,000 funding for this will come out of the Food &amp; Beverage Tax fund. Please comment on how this expenditure will affect the other things which are normally paid for through Food &amp; Beverage (SECA, social service, pensions, and debt) and in what timeframes, i.e. will this be a long term debt or will it be paid in cash? What priority will this payment have in this 'bucket' of funding? Will it be secured before or after SECA funding, pensions, debt or social services?</b>	Sullivan
A:	The Food & Beverage Fund currently maintains a balance capable of supporting this expenditure. In addition, the fund will likely remain within its budgeted expenditure amount due to cancellation of events funded by SECA. Through July, cancelled events resulted in more than \$500,000 in unspent funds. The incentive payment does not have a negative impact on the items planned to be funded through the Food & Beverage Fund in 2020 and it would be paid in cash. There is validity to the question from which bucket these funds will come. The Council is the decision-maker as it relates to granting SECA funds. While historic preservation is not a traditional use of SECA, Council could determine that the cultural significance of the property makes this an appropriate use of SECA dollars.	Mayer
Q:	<b>Please list the other known instances when City Council voted to appropriate tax money to subsidize real estate transactions between two private parties, where the City is not among them and does not get any property or rights to a property in exchange for the subsidy. Please include the amount, the private parties, and the circumstances.</b>	Sullivan
A:	<p>In the past, when deemed in the City's best interest, the City has used monetary incentives concerning private development. In recent history, public incentives have been provided to private entities such as Costco, Walmart, Marquette (Water Street Development), Main Street Promenade, Chicago Marriott Naperville, Embassy Suites, and Calamos/City Gate. In those cases, the incentives were structured as tax rebates over multiple years ranging from hundreds of thousands of dollars to as much as \$5.5M. Generally, the City did not receive significant property or property rights in exchange for those incentives, except the improvements to abutting public property/amenities.</p> <p>In this case, the potential \$450,000 incentive to Little Friends in exchange for preservation of the Mansion is based on approximately \$562,000 in estimated property tax revenues anticipated to be generated from the residential development of the Little Friends property over 20 years. Under the proposal in exchange for the incentive, the City will be receiving rights to enforce the restrictive covenant that is intended to preserve the</p>	Mayer

	Mansion from demolition.	
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4. **20-926** Receive the August 2020 Financial Report and approve actions providing financial flexibility in the 2020 and 2021 budgets (Item 1 of 2)

<b>Q:</b>	<b>When will we get the financial report? At the meeting or is something going to be provided before?</b>	<b>Hinterlong</b>
<b>A:</b>	The August Financial Report was updated and released on Friday. The updated version is available in Legistar.  Attached is the presentation that will be provided on this agenda item at tomorrow's meeting.	Mayer

5. **20-928** Waive the first reading and pass the ordinance amending Section 11 (Home Rule Municipal Retailers' Occupation Tax and Home Rule Municipal Service Occupation Tax) and Section 9 (Food and Beverage Taxes) of Chapter 1 (Municipal Occupation Taxes), Title 3 (Business and License Regulations) of the Naperville Municipal Code (Item 2 of 2; requires six positive votes)

<b>Q:</b>	<b>Please comment on how these changes might likely affect the 2021, 2022 SECA fund, pensions and debt payments normally paid for by the Food and Beverage tax. For example, could this change pave the way for no budgeted SECA or social service grant funding in 2021?</b>	<b>Sullivan</b>
<b>A:</b>	Ultimately, the Council will determine how Food & Beverage Funds are allocated in 2021. The purpose of this action is to build flexibility in to the budget given the unknowns that still exist around the pandemic. While staff would not recommend the elimination of SECA or social service grant funding in 2021, it is still unclear as to when some of the larger special events that use SECA funds will be permitted to resume. Under the current state recovery plan, large special events are not permitted until Phase 5. If SECA dollars continue to go unspent, having the flexibility to use those dollars for other purposes may be helpful to the overall financial situation.	Mayer
<b>Q:</b>	<b>The Food and Beverage tax normally pays for the SECA fund among other things, but that fund has city obligations in it, usually around \$1M. Could you please list all of the city obligations, with the amounts and timing including the Carillon repairs, Naper Settlement projects, and the Little Friends mansion payment that all has been earmarked to be taken out Food &amp; Beverage taxes, specifically the obligatory SECA funding account? Do we expect 2021 revenues to cover all of these extra projects Council has directed to be taken from</b>	<b>Sullivan</b>

**SECA?**

A:

The annual SECA Grant Fund Program is funded via the Food/Beverage Tax at \$1.9M. In recent years, Council approved the addition of a 2% escalator (or CPI) as well as applying the underspend from the previous full grant year.

The City Obligations portion of the annual SECA Grant Fund includes items that must be funded in accordance with an ordinance, resolution, Intergovernmental Agreement, or in support of fund administration. City Obligations are not reviewed by the SECA Commission, but rather are approved by the City Council, and removed from the fund prior to the SECA Commission evaluation and funding recommendations for the discretionary requests.

On September 1, staff will be submitting an agenda item for Calendar Year 2021 City Obligations in the amount of \$2,521,616. Not included in the requests below, but have been part of Council discussion of using SECA as a potential funding source, are the Little Friends incentive (\$450,000) and the Naper Settlement's Innovation Gateway and Agricultural projects (\$2.4M).

Organization	CY18	CY19	CY20	CY21
Repair of the Moser Tower				1,500,000
4 <sup>th</sup> of July Fireworks – City Contribution	13,300	14,000	20,000	20,000
4 <sup>th</sup> of July Shuttle Busses	28,000	29,000	29,000	30,000
Carillon Maintenance	128,813	105,217	106,795	108,397
Century Walk Maintenance	50,000	50,000	50,000	50,000
DCM Debt Service	150,000	150,000	150,000	150,000
Grant Mgmnt Software Maintenance	5,200	6,420	7,100	7,600
Naperville Development Partnership	175,000	175,000	175,000	175,000
Naperville Municipal Band	153,151	155,820	153,615	155,403
NCTV17 – Community Event Coverage	24,000	24,000	24,000	24,000
NCTV17 – Naperville News	36,000	36,000	36,000	36,000
Riverwalk Maintenance	179,699	180,736	177,956	180,625
Special Events Coordinator	75,376	76,195	80,236	84,591
<b>Total City Obligations</b>	<b>1,018,539</b>	<b>1,002,388</b>	<b>1,009,702</b>	<b>2,521,616</b>

Gallahue



**PIN:**  
**08-18-137-008-0000**

**ADDRESS:**  
**421 SCHOOL ST.**  
**NAPERVILLE, IL 60540**

**PREPARED BY:**  
**CITY OF NAPERVILLE**  
**LEGAL DEPARTMENT**  
**630/420-4170**

**RETURN TO:**  
**CITY OF NAPERVILLE**  
**CITY CLERK'S OFFICE**  
**400 SOUTH EAGLE STREET**  
**NAPERVILLE, IL 60540**

**PZC Case #20-1-043**

**ORDINANCE NO. 20- \_\_**

**AN ORDINANCE GRANTING A VARIANCE  
TO SECTION 6-2-3:3.2 (YARD REQUIREMENTS) AND SECTION 6-6C-7:1 (R2 YARD  
REQUIREMENTS) FOR A FRONT PORCH AT 421 SCHOOL STREET**

**RECITALS**

1. **WHEREAS**, Mark E. Dowd ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to construct a one-story porch that encroaches into the front yard setback on the subject property located at 421 School Street, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Mark E. Dowd is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is currently improved with a two story single-family residence and detached garage; and

4. **WHEREAS**, Municipal Code Section 6-6C-7:1 (R2: Yard Requirements) requires a 25' setback from the front property line; and
5. **WHEREAS**, Municipal Code Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions in Required Yards) permits a patio to encroach 5' into the required front yard setback; and
6. **WHEREAS**, the Petitioner has proposed to construct a front porch that encroaches into the front yard setback closer than the required 20' setback, thus requiring a variance from Section 6-6C-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code; and
7. **WHEREAS**, on January 23, 2020, the Historic Preservation Commission reviewed the proposed variance and Certificate of Appropriateness (COA # 19-3032) and made a positive recommendation to the variance and approved the COA; and
8. **WHEREAS**, on August 5, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-043 and recommended approval of the Petitioner's request; and
9. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Granting a Zoning Variance) of the Naperville Municipal Code, the requested variance meets the Standards for granting a Zoning Variance as provided in **Exhibit C** attached hereto; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The variance to permit a one-story porch 13' 6.75" from the front property line as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 4:** The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

**SECTION 5:** This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 6:** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

**SECTION 7:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 8:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk



August 11, 2020

Dear Neighbor,

This letter to inform you as neighbors of Our Saviour's Lutheran Church - Celebration Campus, what we are doing in the neighborhood. The COVID-19 pandemic has caused challenges for many, including the church. Our Saviour's Lutheran Church is committed to achieving and maintaining a safe environment all, and we have moved cautiously and safely into in-person gatherings. The current CDC guidelines recommend the safest options for gatherings are outside. For this reason, Our Saviour's is asking the Naperville City Council consideration for a minor exception to the conditional use for the current outdoor amplification ordinance for the Our Saviour's Lutheran Church – Celebration Campus located at 919 S. Washington St, Naperville, IL 60540.

Our Saviour's Luther Church is asking consideration for the following:

- Permission to suspend the current limit of 4 outdoor amplification permits, to unlimited permits for one year, from August 2020 – August 2021, to hold outdoor worship service on **Sundays from noon until 3 pm at the Our Saviour's Lutheran Church - Celebration Campus** (These services would be held weather and local guidelines permitting).
- The number of people in attendance will be limited based on current local, state, and CDC guidelines.

This consideration will be reviewed at the Naperville City Council meeting on Monday, August 18, 2020, at 7 pm. Any feedback regarding these considerations to the amplification ordinance can be offered verbally at the Naperville City Council meeting.

Our goal is to use this outdoor space to help people connect and further our Mission of "**Knowing Jesus and Making Jesus Known**". We truly hope that you will embrace what we are doing. For more information about Our Saviour's ministries, please go to [www.oursaviours.com](http://www.oursaviours.com).

Sincerely,

A handwritten signature in black ink that reads "Jean Jepson".

Jean Jepson  
Director of Administration  
Our Saviour's Lutheran Church  
815 S. Washington St.  
Naperville, IL 60540  
[jeanjepson@oursaviours.com](mailto:jeanjepson@oursaviours.com)



# August Financial Update

CITY OF NAPERVILLE – August 18, 2020



# Current Information

## **COVID CASES RISING**

- Positive test rate increasing
- Continued increases may trigger new control measures

## **BACK TO SCHOOL**

- Dist. 203 & 204 beginning year at home
- NCC returning to school – no fall sports
- May have some economic impact

## **CARES ACT FUNDING**

- Will Co. allocating \$2.02M to Naperville

## **2021 BUDGET PROCESS**

- Budget development in process
- Workshops - Oct. 26, Nov. 9, Nov. 23

## State Sales Tax

- 24% below original projections
- Lower than statewide year-over-year decline at -19%

## Home Rule Sales Tax

- 29% below original projections
- In line with statewide year-over-year decline at -28%

## State Income Tax

- 82% **above** original projections

## Motor Fuel Tax

- 7% below original projections

## Local Use Tax

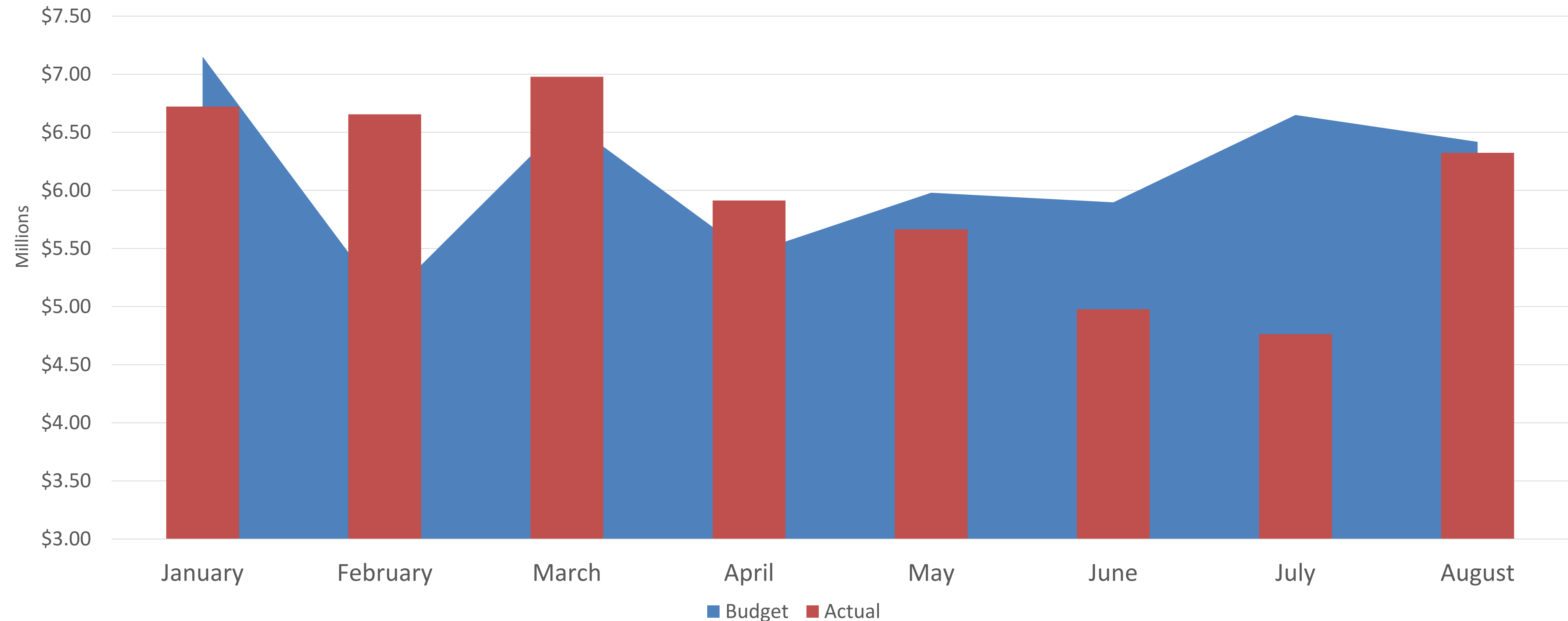
- 51% **above** original projections – due to internet sales

August income tax receipts sharply higher likely due to tax filing deadline being moved to July 15

# July State Revenues



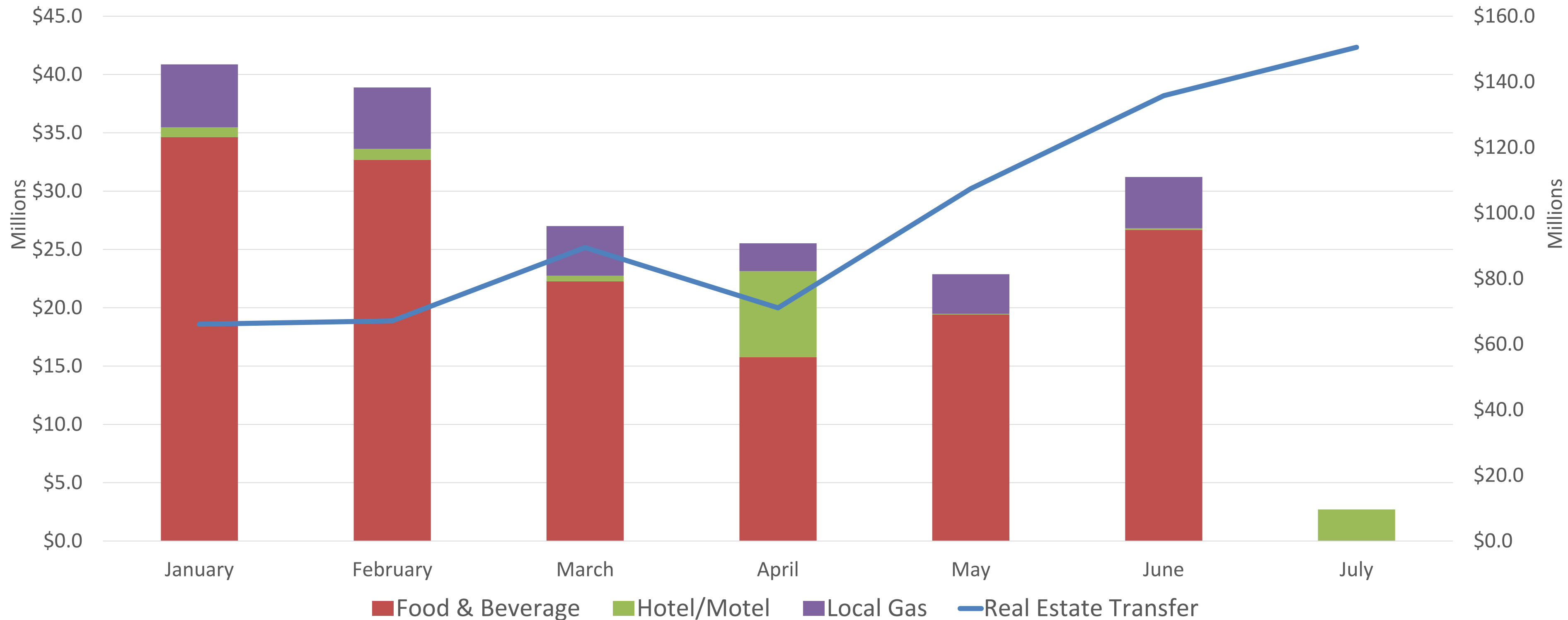
## YTD State Shared Revenues



- August revenue rebound largely due to income tax
- Major state revenues 7% below YTD projections through August
- Monitoring sales tax trends for Phase 4 recovery

# State Revenues

# Taxable Sales by Reporting Period



- Food & beverage taxes continue to show signs of recovery
- Real estate sales saw an 11% increase in July
- Hotel/Motel tax receipts for Q2 down 63% from Q1

# Local Revenues

# Areas of Risk - Revenues

## Hotel/Motel



Business/leisure travel continues to be limited

## Food & Beverage



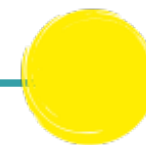
Sales continue to improve in Phase 4

## State Sales & Motor Fuel



Improvement from prior month, but remain constrained

## State Income



Revenue spike in August but unemployment remains high

## Commuter Parking Fees



Less commuter rail traffic as people telework or avoid public transit



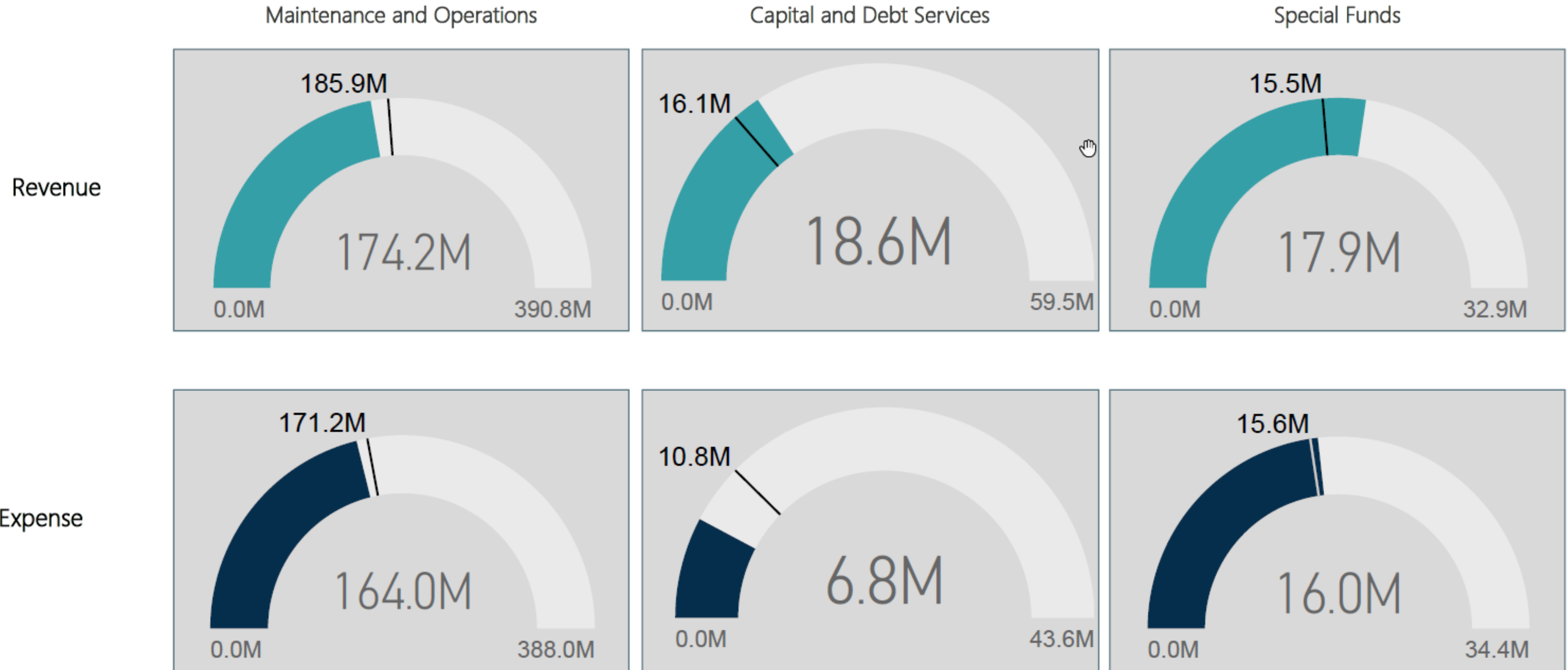
**High**



**Medium**



**Low**



- Revenues and expenses continue to trend below budget projections through June
- Does not account for all COVID revenue declines

# YTD Budget Review – Q2

# Financial Flexibility

## Home Rule Sales Tax

Restricted to capital & debt service

## Food & Beverage Taxes

Restricted to SECA, pensions, social services & debt service

Recommend removing restrictions through 2021 to add flexibility

Council would approve through budgetary process

Both actions supported by Financial Advisory Board



An aerial photograph of a city landscape. In the foreground, a river flows through a lush green area with many trees. A road with traffic lights and cars is visible. In the background, there are various buildings, including a prominent church with a tall steeple, and more trees under a clear sky.

# **Next Steps**

**2021 BUDGET DEVELOPMENT**

**OCTOBER DEBT ISSUANCE**

**FINANCIAL DASHBOARD RELEASE**





**QUESTIONS?**

