



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, February 6, 2018

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

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

**Absent:** 1 - Councilman Paul Hinterlong

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

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, 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:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Krummen, Obarski, and White

**Absent:** 1 - Hinterlong

#### 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 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 IT, Jeff Anderson; 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; Development Manager, Trevor Dick

Daily Herald, Naperville Sun, NCTV-17

**E. PLEDGE TO THE FLAG:**

Pledge was given by Cub Scout Troop #317.

**F. AWARDS AND RECOGNITIONS:**

Chirico and Brodhead presented the awards to District #204 students for the Marketing Contest.

**G. PUBLIC FORUM:**

SB-2280

Carl Swanson, Naperville, discussed updates on state bills related to pet safety.

Electric Supply and Owners Option

Shan Bedi, Naperville, requested that residents be given the option to use alternate suppliers for utility services.

Chirico discussed enterprise funds and benchmark data related to costs for service.

**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, to approve the Consent Agenda and reschedule the March 20, 2018 City Council meeting date to March 21, 2018. 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 January 16, 2018.

2. Approve the Award of Cooperative Procurement 17-178, Fire Engine Purchase to Fire Service, Inc. for an amount not to exceed \$623,875.
3. Approve the Award of Bid 18-017, Excavation and Underground Utility Repairs, to Baish Excavating, Inc. for an amount not to exceed \$190,369, plus a 5% contingency.
4. Approve the City Council Meeting Schedule for February, March & April 2018.
5. Pass the Ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 730 Highland Ave - PZC 17-1-144

Enactment No: ORD 18-002

6. Pass the Ordinance amending Section 5 (Dedication of Park Lands and School Sites or for Payments or Fees In Lieu Of) of Chapter 3 (Required Improvements) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code pertaining to Payments or Fees In Lieu of Dedication of Park Lands and School Sites. PZC 16-1-032.

Enactment No: ORD 18-003

7. Waive the first reading and pass the Ordinance approving a revision to the City's Investment and Cash Management Policy (Requires six positive votes).

Enactment No: ORD 18-004

## **J. PUBLIC HEARINGS:**

1. Receive the staff report for Auburn Manor (PZC 17-1-101) located at 9s364 Naper Boulevard (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:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Conduct the public hearing to consider the Annexation Agreement for Auburn Manor (PZC 17-1-101) located at 9s364 Naper Boulevard (Item 2 of 6).

Hinterlong opened the Public Hearing at 7:17 p.m.

Steve Bauer, Petitioner, requested annexation of the subject property into the City of Naperville, rezoning of the property to R3A (Medium Density Multiple-family Residence District), subdivision, and deviations from Municipal Code Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) in order to construct eight townhomes.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that the Public Hearing be closed at 7:19 p.m. The motion carried by the following vote:**

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

3. Pass the Ordinance authorizing execution of the Annexation Agreement for Auburn Manor (PZC 17-1-101) located at 9s364 Naper Boulevard (Item 3 of 6).

Enactment No: ORD 18-005

**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 annexing the Subject Property located at 9s364 Naper Boulevard (Auburn Manor, PZC 17-1-101) (Requires six positive votes) (Item 4 of 6).

Enactment No: ORD 18-006

**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 rezoning the property located at 9s364 Naper Boulevard (Auburn Manor, PZC 17-1-101) to R3A (Medium Density Multiple-family Residence District) (Item 5 of 6).

Enactment No: ORD 18-007

**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. Pass the Ordinance approving the Preliminary/Final Plat of Subdivision and deviations to Municipal Code Section 7-3-5 for Auburn Manor (PZC 17-1-101) located at 9s364 Naper Boulevard (Item 6 of 6).

Enactment No: ORD 18-008

**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

7. Conduct the Public Hearing for the Community Development Block Grant Program Year 2018 Annual Action Plan.

Chirico opened the Public Hearing at 7:21 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:21 p.m. The motion carried by the following vote:**

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

## **K. OLD BUSINESS:**

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

1. Pass the Ordinance approving a variance to Section 1208.2 of the 2012 IBC for 215 S. Washington Street.

Council discussed ceiling height, Fire Department approval, fire rated door, whether a different use would alter the recommendation, and the variance process.

Dick explained no kitchen equipment is proposed and confirmed that if cooking equipment had been included a different recommendation may have resulted.

Laff stated staff can stipulate that any higher level of use would need to go to the Building Review Board for approval.

Enactment No: ORD18-009

**A motion was made by Councilwoman Obarski, seconded by Councilman Krummen, that this agenda item be approved as amended to restrict use to a sink and dishwashers. The motion carried by the following vote:**

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

2. Receive the report on the CY2018 Budget and review options for the Property Tax Levy reduction (Item 1 of 4)

Colin Dalough, Naperville Area Chamber of Commerce (NACC), spoke against the HRST increase

Council asked the NACC for data showing the impact of HRST on business, discussed the percent of visitors shopping in Naperville, where the proposed tax ranks, the desire for an online sales tax, and the current case challenging interstate commerce.

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

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

3. Pass the Ordinance amending Section 2, of Chapter 11, of Title 3, of the Naperville Municipal Code increasing the local simplified municipal telecommunications tax rate to six percent (Item 2 of 4).

Enactment No: ORD 18-010

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, 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

4. Pass the Ordinance amending Chapter 10, of Title 3, of the Naperville Municipal Code increasing the hotel and motel use tax rate to 5.50% and clarifying said tax applies to the use of online rental companies (Item 3 of 4).

Krieger explained that online service providers are responsible for collecting and remitting taxes to the City.

Enactment No: ORD 18-011

**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. Conduct the first reading of the Home Rule Sale Tax and Downtown Food and Beverage Tax Ordinance Amending Section 11 of Chapter 1, Title 3, and Amending Section 9 of Chapter 1, Title 3 of the Naperville Municipal Code. (Item 4 of 4)

First reading held.

## **M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

## **N. PETITIONS AND COMMUNICATIONS:**

1. Consider re-opening the 2018 Special Events Calendar to Approve the Festa Italiana Event scheduled for Friday, August 3 - Sunday, August 5, 2018 at the Naper Settlement.

John Barry, Chicago/Naperville - Star Events, discussed the event, the Settlement application process, and communication with staff.

Gallahue explained the City's Special Event application process and approval timeline, that Council closed the calendar on November 7, that staff learned of the event during the November budget workshops, and that an event logistics meeting could not be scheduled until January.

Council discussed the application process, opportunities for improvement, the number of events in the downtown, impact on staff, businesses, and residents, parking concerns and solutions, the lag between the budget

workshop and the first logistics meeting, and the Naper Settlement mission.

Macarena Tamayo-Calabrese, Naper Settlement, explained that direction has been given to make the Settlement more relevant and discussed the Settlement's mission.

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

**Aye:** 2 - Chirico, and Gustin

**Nay:** 7 - Anderson, Brodhead, Coyne, Hinterlong, Krummen, Obarski, and White

## **O. REPORTS AND RECOMMENDATIONS:**

1. Approve the Calendar Year (CY) 18 Special Events Cultural Amenities (SECA) Grant Program Allocations.

**A motion was made by Councilman Hinterlong, 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

2. Approve the staff recommendation (Option 1) to not financially participate in funding a replacement fence along the north side of 95th Street from west of the Springbrook Tributary No. 2 Creek to Gateshead Drive

Doreen Swindhall, requested the item be tabled to allow negotiations with the neighbors to continue.

Novack explained the noise study that was conducted, the area covered by the study, and walls and levies in the area.

**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, that this agenda item be tabled to the March 6, 2018 City Council meeting. The motion carried by the following vote:**

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

## **P. NEW BUSINESS:**

### **Power Outage**

Krieger updated the Council regarding a substation failure and the resulting power outage which lasted between 19 and 90 minutes. He reported staff is currently performing repairs and BP and Nokia are operating on generators.

### **Winter Operations**

Dublinski discussed the snow operation budget and that in order to get through the season more funding will be necessary.

**Q. ADJOURNMENT:**

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council meeting of February 6, 2018 at 8:27 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