



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, November 21, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 7:07 p.m.

B. ROLL CALL:

C. CLOSED SESSION - After NEW BUSINESS

OPEN SESSION - 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 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; Deputy Director of Public Utilities - Water, Amy Ries; Director of Public Works, Dick Dublinski; Senior Assistant City Attorney, Kristen Foley

Chicago Sun Times, Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:

1. Presentation of the Small Business Saturday Proclamation

Anderson presented the Proclamation.

Hinterlong announced that the Accessible Community Task Force received the 2017 Advocate of the Year Award presented by the Achieving Independence and Mobility Center for Independent Living.

G. PUBLIC FORUM:SECA

James Haselhorst discussed funding challenges.

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:

Approval of the Consent Agenda

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of item I10 and including the amendments made to the November 7, 2017 minutes in the Q/A. The motion carried by the following vote:

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

1. Approve 10/04/2017 thru 10/27/2017 Cash Disbursement for \$25,690,406.66

Council approved.

2. Approve the Regular City Council Meeting Minutes of November 7, 2017.

Council approved as amended.

3. Approve the Award of Change Order #1 to Contract 16-099, Uniform Rentals, to Aramark Uniform Services for an amount not to exceed \$15,650 and a total award of \$133,048.

Council approved.

4. Approve the Award of Cooperative Procurement 17-001, Uniform Rentals, to Cintas for an amount not to exceed \$224,070 and for a three-year term.

Council approved.

5. Approve the Award of Option Year One to Contract 16-115, Naper Settlement Janitorial Maintenance, to Coverall Health Based Cleaning Systems for an amount not to exceed \$190,738.

Council approved.

6. Approve the Award of the First Three-Year Extension to Contract 16-054, Flow Meter Maintenance, Flow Data Analysis and Sanitary Sewer Overflow (SSO) Alarming Service, to ADS, LLC for an amount not to exceed \$678,060.

Council approved.

7. Approve the Award of Change Order 1 to Option Year One of Contract 16-170, Residential Water Meter Replacement Program, to HBK Water Meter Service (HBK) for an amount not to exceed \$35,000 and a total award of \$243,750. (Item 1 of 2)

Council approved.

8. Approve the Award of Option Year Two to Contract 16-170, Residential Water Meter Replacement Program, to HBK Water Meter Service for an amount not to exceed \$90,000. (Item 2 of 2)

Council approved.

9. Approve the appointment of Ananya Ram to serve as a Student Representative on the Naper Settlement Museum Board.

Council approved.

10. Approve the City Council meeting schedule for November & December 2017 and January & February 2018.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved as amended to cancel the January 2, 2018 City Council meeting. The motion carried by the following vote:

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

11. Pass the Ordinance approving the sale of certain property located at 635 4th Avenue, Naperville. (7 votes required)

Enactment No. ORD 17-161

Council passed.

12. Adopt the resolution approving the intergovernmental agreement for collaboration on grants between the City of Naperville and City of Aurora.

Enactment No. RES 17-43

Council adopted.

13. Adopt the resolution approving an amendment and execution of a temporary lease agreement with Partners in Performance

Enactment No. RES 17-44

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Deny the request at 1821 Appaloosa Drive (PZC 17-1-095), for a deviation to allow a patio to encroach into the front yard setback.

Hany Tadrous, Petitioner, (via Interpreter, Imad Amro) explained the request for a deviation to allow a patio to encroach into the front yard setback.

Laff explained that the patio was constructed without a permit, is allowed because it is less than 500 square feet in area; however, the patio is still required to comply with all applicable Building and Zoning Code regulations. She further explained that staff learned about the patio through a Code Enforcement complaint, and while modifications have been made to the patio based on feedback from the Ranchview Estates Homeowners Association, it continues to not comply with the City's regulations

Council discussed other non-conforming buildings, appropriateness of requiring just the Petitioner to become compliant or requiring all neighbors to become compliant, that patio in question is substantially larger than others, and the modification requests made by Ranchview Estates Homeowners Association (REHA).

Marsne Hana, Petitioner, (via Interpreter, Imad Amro) discussed safety for children, the Code Enforcement complaint, and REHA rules.

Laff stated that the requested deviation is not consistent with the underlying Code requirements, nor does it add a superior level of design to the PUD. She discussed the options that were presented to the Petitioner and said that the Petitioner chose to build outside of those recommendations. She explained the need for an Encroachment Agreement, that the REHA regulations can be more restrictive than the City but not less, that no action will be taken on remaining patios unless complaints are received, and that any variance and Encroachment Agreement will stay with the property,

Jean Pare, Representative of REHA, spoke in favor of granting the variance and discussed the letter that was sent to the City Council which included a list of recommendations to the fence and patio.

A motion was made by Councilman Coyne, seconded by Councilwoman

Gustin, that the request for a variance be approved with the following conditions: the Petitioner must comply with the recommendations in the August 21, 2017 letter from the REHA and entering into an Encroachment Agreement with the City of Naperville.

Krummen requested to amend the motion to include the condition of requiring the Petitioner to pay the appropriate fees as if the project had been completed in compliance.

Enactment No: ORD 17-162

An amended motion was made by Councilman Coyne, seconded by Councilwoman Gustin, that the request for a variance be approved with the following conditions: the Petitioner must comply with the recommendations in the August 21, 2017 letter from the REHA, entering into an Encroachment Agreement with the City of Naperville, and payment of appropriate fees had the project been completed in compliance. The motion carried by the following vote:

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

Nay: 4 - Anderson, Brodhead, Obarski, and White

2. Conduct the First Reading of the Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations)

Councilwoman Obarski recused herself to avoid the appearance of impropriety and left the dais from 7:58 p.m. - 9:37 p.m.

Gail Diedrichsen, Naperville, spoke in favor of the proposed ordinance.

Sharon Murphy, Naperville, spoke in favor of the proposed ordinance.

Speaker, spoke in favor of the proposed ordinance.

Greg Gordon, Dog Patch, spoke in favor of the proposed ordinance.

Jonathan Berning, Happiness is Pets, discussed state legislation.

Anna Payten, spoke in favor of the proposed ordinance.

Sherri Oslick, spoke in favor of the proposed ordinance.

Carl Swanson, Petland, spoke in favor of the proposed ordinance.

Council discussed breeders, brokers, and inspection reports.

Jeanine Miller, Lisle, spoke in favor of the proposed ordinance.

Montean Laporte, spoke in favor of the proposed ordinance.

Trish Wegner, spoke in favor of the proposed ordinance.

Council discussed business practices of local pet stores, the Chicago

ordinance, language in the state ordinance, private breeders, lack of transparency with USDA reports, number of inspectors, and City resources available to research inspection paper trails. Council also discussed incorporating stronger language into the proposed ordinance regarding enforcement, can be more restrictive than the state law but not less restrictive, and without an ordinance the City cannot enforce.

Foley explained that the ordinance is limited to sourcing, that Animal Control is complaint based and will inspect reports to ensure they are in compliance, that the burden on the pet stores to keep documentation and prove compliance.

Council discussed labor practices in other industries, the ordinance can make life better for animals and opens the door to local officials to inspect record keeping, this is a reasonable measured step, and animal supporters are in favor of the proposal. Council further discussed impact on police department and budget, microchip policy, and appropriateness of changing the ordinance to require the store owners to visit breeder and submit an Affidavit.

Council stated Joliet is voting on a similar ordinance, Internet sales, and at-home breeders.

First reading held.

The meeting went into recess from 9:26 p.m. - 9:37 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Uphold the decision of the Zoning Administrator and the Planning and Zoning Commission's with respect to the Downtown Design Standards (2011) for the subject property located at 22-26 W. Jefferson Avenue (Denim & Soul) - PZC 17-1-105.

Robert Sawchuk, Petitioner, discussed his appeal of the Zoning Administrator and the Planning and Zoning Commission with respect to the Downtown Design Standards (2011) and his request to permit the painting of the building located at 22-26 W. Jefferson Avenue, Denim & Soul.

Laff discussed the Downtown Design Standards and specifically stated that the proposed building will not be compatible with the adjacent buildings on either side, which while grey in tone, are comprised of natural unpainted materials, such as stone and stucco.

Council discussed existing brick, the impact of painting brick, and that the business should conform with other buildings.

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

Nay: 1 - Chirico

2. Approve the revised 2018 Annual New Sidewalk Program consisting of Chicago Avenue/Julian Street, Eagle Street, Loomis Street, Willow Road, and Book Road at a City cost of \$155,000.

Council discussed the streets with the most immediate needs and that those listed in Option Two are most valuable.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that Option Two be approved. The motion carried by the following vote:

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

P. NEW BUSINESS:Sister Cities Commission

Gustin requested that the Commission be reduced from 15 members to nine in order to have a quorum.

By consensus Council directed staff to bring back an Ordinance reducing the Sister Cities Commission membership from 15 to nine.

Leaf Pick-up

Dublinski updated Council on leaf pick-up efforts and the transition to winter operations, specifically highlighting that the third round will be completed by December 1 and that after the final pick-up the department must convert 22 trucks to be ready for winter operations. He stated that after December 1, residents can bag leaves for pick-up, that the leaf program should not be extended into December, and that 95% of similarly-sized communities do not have leaf program.

Council asked DPW to research alternate equipment for pick-up, if the third cycle can be contracted, and to partner with Communications to continue to educate residents on the program.

Q. CLOSED SESSION:

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

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

R. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to adjourn the Regular City Council meeting of November 21, 2017 at

10:40 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