



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, March 6, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

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

Absent: 1 - Councilman John Krummen

C. CLOSED SESSION - 6:00 p.m.

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

Absent: 1 - Krummen

Krummen arrived at 6:08 p.m.

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order 7:05 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 Human Resources, James Sheehan; 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; DPW Budget and Administrative Manager, Christine Schwartzhoff

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

Garbage Contract and Overnight Street Parking
Dick Furstenau, Naperville, suggested improvements to the garbage collection and overnight street parking enforcement processes.

Save Old Nichols Library
Becky Simon, Naperville, requested that Council work with any party that is interested in making an offer on the library.

**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 with corrections to the February 20, 2018 minutes as shown in the Q/A and adding a discussion of the appropriateness of potentially changing the zoning of 60 acres of vacant property in the city located north of the existing Nokia, formerly Lucent, campus for a potential residential development to the April 9, 2018 City Council workshop. 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 February 20, 2018.
2. Approve the minutes from City Council's February 20, 2018 5th Avenue Workshop with Ryan Companies.
3. Approve the award of option year one to Contract 16-011, Street Sweeping, to Waste Management of Illinois for an amount not to exceed \$164,000
4. Approve the award of Bid 18-024, Generator Maintenance Services, to Interstate Power Systems, Inc. for an amount not to exceed \$103,292.60 and for a two-year term
5. Approve the recommendation by Alliant Insurance Services to award Excess Workers Compensation coverage to Midwest Employers Casualty Company for a two-year term and an amount not to exceed \$102,479.40.
6. Approve the award of Change Order #1 of Contract 16-298, Alarm and Fire Suppression System Services to, Fox Valley Fire & Safety Company, Inc. for an amount not to exceed \$73,175 and for a total award \$146,350
7. Approve Mayoral appointments to the Public Utilities Advisory Board and the Sister Cities Commission
8. Accept the public underground and street light improvements at Bauer Place Subdivision Phase 3 and authorize the City Clerk to reduce the corresponding public improvement surety
9. Approve the City Council meeting schedule for March, April and May 2018
10. Pass the ordinance authorizing the execution of a recapture agreement for installation of improvements along Tuthill Road

Enactment No: ORD 18-015
11. Approve the Program Year 2018 Annual Action Plan allocating a total of \$476,617 of Community Development Block Grant funds

J. PUBLIC HEARINGS:

1. Receive the staff report for Clow Creek Farm Addition (PZC 17-1-129) located near the southwest corner of 103rd Street and Book Road (Item 1 of 8)

Len Monson, Attorney for the Petitioner, explained the request and the proposal to develop the property with 61 single family homes and to revoke the original Clow Creek Farm PUD as it relates to this incorporated piece, allowing the land to be governed by new ordinances pertaining to the Clow Creek Farm Addition.

Council discussed setbacks, zoning, historical value of the barn, student generation, sidewalk improvements, future expansion of Book Road, and plans for detention.

Nicholas Stanitz, Petitioner, explained the plans to build a memorial to the Clow family with existing stones that have been on the property since 1840.

Drew Walker, Engineer for the Petitioner, discussed enhancements to area naturalization.

Carl Reina, Clow Creek HOA, spoke in support of the development.

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

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

2. Conduct the public hearing for Clow Creek Farm Addition (PZC 17-1-129) located near the southwest corner of 103rd Street and Book Road (Item 2 of 8)

Chirico opened the Public Hearing at 7:36 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:36 p.m. The motion carried by the following vote:

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

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve J3-J8. 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 Clow Creek

Farm Addition (PZC 17-1-129) located near the southwest corner of 103rd Street and Book Road (Requires six (6) positive votes.)(Item 3 of 8)

Enactment No: ORD 18-016

4. Pass the ordinance annexing the subject property located at the southwest corner of 103rd Street and Book Road (Clow Creek Farm Addition, PZC 17-1-129) (Item 4 of 8)

Enactment No: ORD 18-017

5. Pass the ordinance rezoning a portion of the subject property near the southwest corner of Book Road and 103rd Street to R1A (Low Density Single-Family Residence District) upon annexation - PZC 17-1-129 (Item 5 of 8)

Enactment No: ORD 18-018

6. Pass the ordinance revoking a portion of the 1994 Clow Creek Farm Planned Unit Development and subdivision plat as it relates to the Clow Creek Farm Addition - PZC 17-1-129 (Item 6 of 8)

Enactment No: ORD 18-019

7. Pass the ordinance approving the preliminary plat of subdivision for Clow Creek Farm Addition - PZC 17-1-129 (Item 7 of 8)

Enactment No: ORD 18-020

8. Pass the ordinance granting a conditional use in the R1A (Low Density Single-Family Residence) District to establish the Clow Creek Farm Addition PUD, and approve a preliminary PUD plat with deviations to Sections 6-6A-5 and 6-6A-7 of the Naperville Municipal Code for the property located near the southwest corner of Book Road and 103rd Street (Clow Creek Farm Addition) - PZC 17-1-129 (Item 8 of 8)

Enactment No: ORD 18-021

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the Ordinance amending the Home Rule Sales Tax and Downtown Food and Beverage Tax by amending Section 11 of Chapter 1, Title 3 and Section 9 of Chapter 1, Title 3 of the Naperville Municipal Code.

Dick Furstenau, Naperville, spoke against the proposed home rule sales tax.

Council discussed the appropriate reserve level and effect on the City's bond rating.

Krieger responded that reducing reserve level 20% is on low end for AAA rated communities.

Mayer gave a presentation focusing on budget projections, how they are developed, how previous projections have fared, impact of missed assumptions, policy decision ramifications, projected expenditures and revenues, property tax rates, future debt service, and the home rule sales tax.

Council discussed impact of home rule sales tax to close the budget gap, when first receipts will come in, the financial principles, sunset provision, that the sales tax is discretionary spending and half of the associated revenue comes from non-Naperville residents, and that the proposed sales tax is still nationally competitive.

DiSanto explained that the proposed .75% home rule sales tax will sunset in 2020.

Council discussed using the reserve to close the gap would create an unstructurally balanced budget, the 2015 home rule sales tax amount was decided against staff and Financial Advisory Board recommendations, the City is more disciplined by evaluating the budget on an annual basis, an opportunity to review the financial principles in 2018, that prescription drugs, services, groceries, and cars are not subject to the tax, and that the property tax rate is lowest since the 1990's.

Enactment No: ORD 18-022

2. Waive the first reading and pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit (requires six positive votes)

Marilyn Schweitzer, Naperville, suggested changes to the proposed ordinance.

Gary D. Smith, spoke against the proposed ordinance and asked that the 5' pedestrian path be increased to 8'.

Carl Skrabacz, Naperville, spoke in favor of extending the path to 8', asked that Council consider mobility devices, wheelchairs, blind individuals and guide dogs, and strollers.

Council discussed outdoor seating, liquor, and permanent vs. semi-permanent barriers.

Novack responded that Quiubo is the only establishment with a walkway less than 8'.

Council discussed two of the five establishments using this ordinance, the appropriateness of an annual review of the ordinance, accessibility concerns, and the importance of receiving stakeholder input.

Council further discussed that liquor service mandates semi-permanent containment, this requirement is expensive and may explain why only two establishments are participating at this time, and that annual review may further

chill any commitment to invest. Council discussed pedestrian flow, that no complaints have been received, the ordinance can change without annual review, that in the past tables were not required to be away from the buildings, whether variances would be allowed, and that the text amendment simplifies the process.

DiSanto clarified that petitions for variances would be allowed.

Laff explained the streetscape standards review, that amenity zones include outdoor seating and liquor, and that a clear pedestrian path, separated from the amenity zone, serves as a buffer from pedestrian to street.

Spencer Tuzzo, Sullivan's, explained that establishments are hesitant to make a large investment until a decision is made by the Council.

Council discussed the lease agreement with Quiubo.

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to direct staff to bring back include sunset provision with an 8' path limited to front of facade. The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Yard Waste Bag Program
Hinterlong asked the start date.

Schwartzhoff responded that the program begins on March 15.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of March 6, 2018 at 9:17 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