



I.5.

Approve the 2017 Special Events Calendar and designate the calendar as closed to all new major events and concur with the city services payment policy.

Gustin: Page 26, I-5: how many events next year have not-for-profit status verses for profit status? Or events that benefit not for profit community care organizations verses business community? Thank you.

In total we have 58 events recommended for the 2017 Special Event Calendar.

Of those 58 events, 12 are being organized by for-profit groups, such as the Naperville Half Marathon and 5K and the Naperville Sprint Triathlon. These groups pay for their own City Services, if needed.

Of those 12 events, 9 have a charity they are sponsoring as part of their event. For example, the Esprit de She Triathlon is run by a for profit, pays for its City Services, but supports ovarian cancer; the Women's Half Marathon and 5k, is run by a for profit, pays its own City Services, but supports 360 Youth Services and Little Friends; the Naperville Half Marathon and 5K, (formally the Naperville Marathon), supports several charities in this area.

Of those 9 events, 6 are required to have a non-profit associated with the event, since they have a liquor license and that is a requirements through the State of Illinois. For example, the Naperville Wine Festival is a for-profit, but supports the Naperville Humane Society due to the liquor license requirement.

The DNA, which has 5 events on the 2017 Calendar, is a 501 c 6 is a non-profit. All of their events are community builders and have been supported through SECA in the past, because the events require City services due to safety concerns. Each of their events not only support the community as a whole, but all of the downtown businesses, because they have the opportunity to participate in each event throughout the year. (Portner)

I.6.

Approve employee personal cell phone stipend as an alternative to supplying a City cell phone.

Gustin: Page 30, I.6: AT&T and others provide a \$25.00 credit on accounts with multiple users and or Association affiliates. Has this been investigated or considered?

Discounts such as those described in the question are available for consumer cellular accounts. Business contracts of this size are negotiated at the enterprise level to ensure equipment, minutes and data pricing are provided at the lowest rate for the enterprise. Both AT&T and Verizon (current City vendor) competitively bid their services and are under contract at the State level.

This stipend is an attempt to reduce the number of City-supplied cell phones for those employees who no

longer desire to carry two phones. Any reduction in City-supplied cell phones would be a reduction in the City monthly cellular spend. (Anderson IT)

I.7.

Pass the ordinance approving a Final Plat of Subdivision, Owner's Acknowledgement & Acceptance (OAA), and a deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites) for Ellsworth Street Subdivision located at 306-336 N. Ellsworth Street, 220 4th Avenue, & 205 North Avenue, PZC 16-1-077.

Gustin: Comment: Page 32, I.7: has this been done in the past? I think so. When? If so, are we setting a precedent? What is the petitioners financial hardship, if any?

The petitioner is seeking City Council approval of a deviation from Section 7-3-5 of the Naperville Municipal Code with respect to the timing of payment for required school and park donations. Similar requests have been processed for Emerson Park, Sedgwick, and Linden Woods. The petitioner's deviation request is consistent with the City's pending text amendment (PZC 16-1-032). The petitioner has provided responses to the standards for granting a variance, which are attached. (Venard).

I.8.

Pass the ordinance approving a variance to allow an opening closer than 3 feet to a lot line to join the upstairs of two separate buildings at 23 and 25 West Jefferson, subject to the conditions noted therein.

Gustin: Page 61. I.8- Are there sprinkler requirements or structural considerations?

Yes, Staff and the Building Review Board (BRB) took sprinkler requirements into consideration. With the opening creating an almost 9,000 square foot connected structure Staff and the BRB recommended that sprinklers be installed in the buildings prior to creating the opening. With regard to structural considerations, at this time, we only know that the buildings are very old, and we assume that the opening will be designed and engineered to continue to keep the buildings structural sound. Staff would make sure that we review any architectural drawings to ensure that is checked. (Trevor Dick)

I.9.

Adopt the resolutions authorizing the execution of right-of-way use license agreements with three separate companies: Vinakom, Crown Castle, and Level 3.

Gustin: Page 81. Has the IT Dept reviewed this proposal for the City's overall

The IT Department has been part of our review process for these agreements. At this time, the IT Department is ok with these proposals because they are serving customers, are relatively short runs, and we have expiration clauses in our agreements. City staff is in the process of creating a long-range city wide plan to handle these types of projects. Recently representatives from TED, Legal, Electric, Public Works and IT have created a task force. (Trevor Dick)

Findings of Fact

2.3.1 The petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner; *The petitioner's request to pay the school and park land cash fees at the time of building permit issuance is commensurate with the timing when the actual construction will take place. Requiring payment of the school and park land cash fees at the time of recording of the final plat is unnecessary and could create a significant hardship and loss to the petitioner. Construction will not occur for several months after the final plat is recorded and until a building permit is issued, so requiring payment so early in advance construction is very risky for this type of multi-family development. This is primarily because the City does not allow for refunds of school and park land cash fees. Therefore, to require hundreds of thousands of dollars be paid to account for anticipated future impact to the school and park districts long before construction is even started is not equitable. In the event the building was never constructed because a building permit was not granted in the future, then there would be no impact to the school or park district, but the developer would be out significant funds which were required to be paid at the time of final plat. The more equitable alternative is to require payment of school and park land cash fees when a building permit is obtained which is closer to when construction will actually begin. The most logical time to collect land cash fees would be when an occupancy permit is issued which is consistent when the impact will be realized by the school and park district.*

2.3.2. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title. *The requested deviation to pay the land cash fees at the time of building permit issuance is consistent with the intent of the land cash ordinance. Both the school and park districts will be financially compensated over and above the annual additional real estate tax revenue per the land cash ordinance. The only difference will be that the payment will be made at the time of building permit issuance instead of at the time of recording the final plat both of which are actually long before the impact is actually realized because the building will take over a year to build and no people or students will be produced until an occupancy permit is issued.*

