



**COMMITTEE OF THE WHOLE MEETING
MONDAY, JUNE 5, 2017
NORTH AURORA VILLAGE HALL - 25 E. STATE ST.
(Immediately following the Village Board Meeting)**

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Electric Aggregation
2. Collection Bins
3. Liquor Code Updates

EXECUTIVE SESSION

1. Collective Bargaining

ADJOURN

Initials _____

Handwritten initials, possibly "SB", written in black ink over a horizontal line.

Village of North Aurora Memorandum



To: Village President and Board of Trustees

From: Bill Hannah, Finance Director
Steven Bosco, Village Administrator

Date: June 1, 2017

RE: Residential Aggregation Renewal Pricing

Background

The Village of North Aurora’s electric aggregation program has been in place since it was approved by voters via referendum in 2011. The program solicits pricing from energy suppliers based on the potential usage of residential accounts in order to try and provide a competitive price and option for residents to consider in comparison to the default ComEd rate. Residents have the option to opt-out of the program and select either the default rate with ComEd or choose an alternate supplier. Although the ComEd rate can end up being lower than the rate under the Village’s aggregation (in which case residents have been encouraged to switch back to ComEd), since the program was implemented residents have saved approximately \$2,100,000 through the program.

The Village is nearing the end of a two-year agreement with Dynegy which expires September, 2017. The following shows the rates and comparisons over the last two years. The Village has historically procured a rate which supports 100% renewable energy credits (RECs). This typically adds about 0.25c to the cost of the agreement.

	<i>Supply + transmission</i>	<i>PEA fee</i>	<i>Renewable Energy Sources</i>
Com Ed rate			
Sep 2015 - May 2016	7.157¢	+ /- 0.5¢	10%
June 2016 - May 2017	6.318c		
June 2017 – Sept 2017	7.000c		
North Aurora / Dynegy Rate			
Sep 2015 - Sep 2016	7.073¢	None	100%
Sep 2016 - Sep 2017	6.838¢		

Current ComEd Rates

The power market has fluctuated significantly over the past couple of years. ComEd recently released its default price for the months of June 2017 through September 2017 (also known as the summer rate) which is 7.0 cents per kWh. The effective ComEd rate for September 2017 through May 2018 is **7.122 cents per kWh**.

These rates do not account for the Purchased Electricity Adjustment (PEA) which is an additional charge or credit of up to 0.50 cents per month based on the cost of electricity provided and the revenues received by ComEd. Taking into account the PEA, the effective upcoming non-summer rate could **fluctuate between 6.622 and 7.622 cents per kWh**. A chart has been attached showing the history of the PEA.

Future Aggregation Pricing

The Northern Illinois Municipal Electric Collaborative (NIMEC) who assists the Village with the coordination of the aggregation process has provided indicative pricing from five (5) energy suppliers. The pricing shows base pricing over a fixed term, then pricing which supports 100% renewal energy credits. This pricing will be refreshed prior to the June 19th Board meeting where the Village will determine whether or not to enter into a new aggregation agreement or to let all customers and residents in the aggregation program go back to ComEd.

At this time all indicative pricing is higher than the upcoming ComEd rate, with Dynegy providing the lowest quote so far at **7.244 for a 13-month term**. Their rate which would support 100% renewable energy credits is **7.437 for a 13-month term**. The attached document shows the indicative pricing at this time.

Discussion Items for COW

At this time it appears that future aggregation pricing will be higher than the upcoming ComEd rate. Final pricing will be presented to the Village Board at the June 19th meeting. At that meeting the Village can chose to not enter into a new aggregation agreement, in which case customers in the current aggregation will be returned to ComEd's default supply price.

Some factors that the Village may wish to discuss as possible reasons for entering into a new aggregation agreement, even if the price is higher that ComEd's default price include:

- The value of including 100% (or some other percentage) Renewable Energy Credits in the pricing in order to provide subsidization of renewal energy supply in the markets
- Having a fixed rate versus the ComEd rate which can fluctuate monthly + / - 0.50 cent.
- The value of having an aggregation program in order to provide consistency for residents who can also avoid solicitation on an individual per home basis by energy suppliers.

Representatives from NIMEC will be in attendance at the upcoming June 19th meeting to answer any questions the Board may have regarding the pricing and the aggregation program.

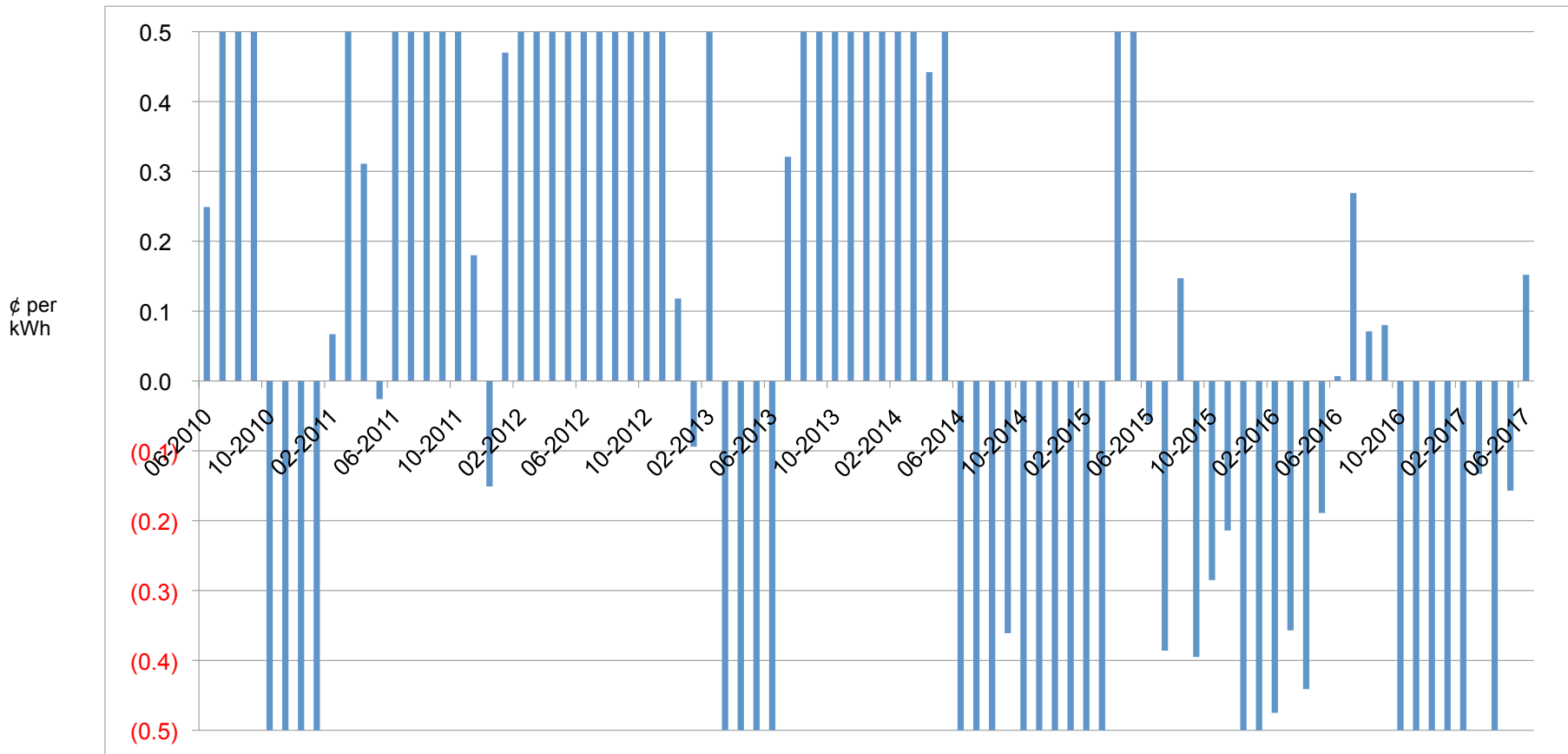


Village of No. Aurora
May 30, 2017

ComEd default rate September 2017 to June 2018: 7.122¢ per kWh

	Term (mos) Fixed Rate, per kWh	Renewable 100%	Escape Clause	Early Term Fee	Ownership	IL Aggregations (# A/Cs)	Power Sources	Pass-through charges
Constellation Energy Services	12: 7.540 13: 7.590 24: 7.620 36: 7.810	12: 7.589 13: 7.640 24: 7.846 36: 7.877	Ind'l	\$0	Wholly owned by Exelon (NYSE-EXC)	104 (872,000)	Coal: 33% Nuclear: 37% Nat Gas: 25% Other: 5%	No
Dynegy Energy	12: 7.367 13: 7.244 24: 7.615 36: 7.625	12: 7.560 13: 7.437 24: 7.818 36: 7.839	Ind'l	\$0	(NYSE-DYN)	371 (800,000)	Coal: 34% Nuclear: 35% Nat Gas: 27% Other: 4%	No
MC Squared	12: 7.60 13: 7.60 24: 7.97 36: 8.00	12: 7.70 13: 7.70 24: 8.07 36: 8.10	Ind'l	\$0	Wholly owned by Wolverine Holdings	39 (140,000)	Coal: 34% Nuclear: 35% Nat Gas: 26% Other: 5%	12 mo: No 24,36: Yes
MidAmerican Energy Company	12: 7.65 13: 7.67 24: 7.90 36: 7.94	n/a	Ind'l	\$0	Wholly owned by Berkshire Hathaway Energy	31 (34,700)	Coal: 36% Nuclear: 33% Nat Gas: 28% Other: 3%	No
Eligo Energy	12: 7.540 13: 7.400 24: 7.700 36: 7.650	12: 7.620 13: 7.480 24: 7.780 36: 7.730	Ind'l	0	Privately held by Eligo Energy, LLC, in business 5 yrs	15 (27,000)	Coal: 33% Nuclear: 28% Nat Gas: 34% Other: 5%	TBD - ?

PURCHASED ELECTRICITY ADJUSTMENT (PEA)
AS CHARGED TO COMED RATEPAYERS
HISTORICAL MONTHLY CHARGE (CREDIT)
JUNE 2010 THROUGH JUNE 2017



**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR

FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

SUBJECT: COLLECTION BIN TEXT AMENDMENTS

AGENDA: 6/5/2017 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

In 2007, the Village Board approved the current regulations pertaining to collection bins. Section 8.34 of the North Aurora Municipal Code defines a collection bin as a standalone structure or structure attached to the outside of a building that is designed and intended for the purpose of collecting and temporarily storing clothing and other items deposited into the structure for collection and periodic removal. Intended for the collection of clothing and other items, it was determined in 2007 that collection bins had become a nuisance around the Village and a prohibition of unattended collection bins was established.

After citing a property owner for having an unattended collection bin on their property, the Village was contacted by legal counsel representing the company found to be in violation who stated that solicitation of charitable donations is a form of speech protected by the First Amendment and subject case law was referenced.

In order to provide consistency and better regulate certain structures and activities, staff presented amendments to the collection bin provisions to the Village Board at their May 15, 2017 Committee of the Whole meeting. The intent of the amendments is to provide specific provisions directly related to collection bin operations and treat them in a similar manner to commercial garbage containers by allowing unattended collections bins, as long as they are screened and meet all other requirements.

If left unattended, the Board wanted to keep the screening provisions in the draft ordinance. They also wanted quicker turnaround times for pickup – every fourteen days, as opposed to every thirty days. Regardless of the screening requirements, the Board did not want collection bins to be located within certain yard areas, namely the front, interior side yard and corner side yard. This would be similar to the location requirements of non-residential accessory buildings. The Board was also reluctant to allow any additional signage for collection bins.

Per the suggestions of the Village Board, staff updated the draft ordinance. All provisions after the Committee of the Whole discussion are highlighted in green.

Attachments:

1. Draft Ordinance amending Title 8 Chapter 8.34 of the North Aurora Municipal Code regarding collection bins

VILLAGE OF NORTH AURORA



VILLAGE OF
NORTH
AURORA

VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

Ordinance No. _____

**ORDINANCE AMENDING TITLE 8 CHAPTER 8.34 OF THE
NORTH AURORA MUNICIPAL CODE REGARDING COLLECTION BINS**

Adopted by the
Board of Trustees and President
of the Village of North Aurora
this ____ day of _____, 2017

Published in Pamphlet Form
by authority of the Board of Trustees of the
Village of North Aurora, Kane County, Illinois,
this ____ day of _____, 2017
by _____.

Signed _____

VILLAGE OF NORTH AURORA

ORDINANCE NO.

ORDINANCE AMENDING TITLE 8 CHAPTER 8.34 OF THE
NORTH AURORA MUNICIPAL CODE REGARDING COLLECTION BINS

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.

2. **Chapter 8.34 - COLLECTION BINS**

8.34.010 - Definitions.

"Collection bin" means a stand-alone structure or structure attached to the outside of a building that is designed and intended for the purpose of collecting and temporarily storing ~~clothing and other items~~ **from persons other than the owner of the parcel on which the structure is maintained** ~~are~~ deposited into the structure for collection and periodic removal.

8.34.020 - Nuisance. Regulation

- A. Collection bins ~~that are~~ **may not be** left unattended outside ~~in public view~~ **are declared a public nuisance in the village when left in public view**. A collection bin shall be deemed to be in public view if it can be readily seen from any public road, sidewalk or other public ~~or private~~ property. Collection bins that are located inside a building **or which are screened as to not be readily visible from public places** shall not be considered in public view for purposes of this Chapter. **Screening shall consist of a solid wood fence or masonry screen wall to a height of not less than six feet (6') but no more than eight feet (8')**.
- B. **Collection bins shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.**
- C. **Collection bins shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.**
- D. **Collection bins shall identify the name, address, email, website and phone number of the owner and/or operator of the collection bin with a minimum, half inch (1/2") type visible from the front of each collection box.**
- E. **Collection bins shall be closely monitored to ensure that material is not allowed to accumulate outside of the collection bin. Property owners, business operators and collection bin operators shall be jointly and severally responsible for removing all junk,**

VILLAGE OF NORTH AURORA

garbage, trash, debris and other material in the area surrounding the collection bin, and anyone receiving written or verbal notice of junk, garbage, trash, debris and other material in the area surrounding the collection bin shall remove it within twenty-four (24) hours of the notice from the Village.

- F. Collection bins shall be serviced and emptied as needed, but at least every fourteen (14) days.
- G. Collection bins shall not be permitted on any land used for residential purposes.
- H. Collection bins shall not be permitted on any unimproved parcel, and shall not be permitted on any parcel where the principal use of the land has been terminated or the principal building has been unoccupied for more than thirty (30) days.
- I. Collection bins shall not cause a visual obstruction to vehicular or pedestrian traffic.
- J. Collection bins shall not interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking spaces.
- K. Location. No collection bin shall be located:
 - a. In any required front, interior side or corner side yard.
 - b. Within ten (10) feet of any rear lot line.
 - c. Within thirty (30) feet of any rear or interior side lot line abutting a residential district.
 - d. On or within any designated easement.
 - e. In front of the front line of the principal building that is nearest to the front property line.

8.34-030 - Violation.

Any ~~person who places~~ **owner** of a collection bin or **property owner** who allows or suffers a **collection bin** to be placed or to remain placed on property in the Village that is left outside unattended in public view is in violation of this Chapter. **Each day that a violation continues shall be considered a separate offense.**

8.34.040 - Fine—Enforcement.

- A. The fine for a violation if this Chapter shall be no less than ~~one hundred~~ **ten** dollars (\$100.00) and no more than ~~seven hundred fifty~~ **five** hundred dollars (\$750**500**.00). Each day that a violation continues shall be considered a separate offense **for which a separate fine may be imposed.**
- B. ~~The village may enforce this chapter by fine, by seeking an injunction and by any other remedy available to the village for enforcement of nuisance ordinances~~ **Violations of this Chapter may be enforced by any combination of fines, injunctions and any other enforcement remedies available to the Village.**
- C. If, after notice of a violation has been given, the person receiving the notice fails to ~~abate the nuisance~~ **comply** within seven (7) days from the date of such notice, **the Village may treat the**

VILLAGE OF NORTH AURORA

noncompliance as a nuisance and abate the nuisance by removing and disposing of the collection bin, and. The Any person who fails to comply with a notice of violation of this Chapter shall be liable to the Village to reimburse the costs for such removal and disposal shall be reimbursed to the village of any collection bin that is placed or allowed to be placed and to remain in violation of this Chapter in addition to any fine that is imposed, from any person or persons who placed or allowed or suffered to be placed the collection bin in violation of this chapter or other remedy that is sought by the Village.

3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2017, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2017, A.D.

Mark Carroll _____ Laura Curtis _____
Mark Gaffino _____ Mark Guethle _____
Michael Lowery _____ Tao Martinez _____

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2017, A.D.

Dale Berman, Village President

ATTEST:

Lori Murray, Village Clerk



MEMORANDUM

To:

FROM: KGD

DATE: May 24, 2017

RE: Special Events Liquor Licenses

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Some changes to the provisions on special event liquor licenses are necessary in keeping with the way things have been done in the past. We changed the Liquor Code recently to allow liquor sales in the North Aurora Riverfront Park in conjunction with Village-sponsored events.

The Code provisions allow for special event liquor licenses whereby nonprofit organizations can obtain a liquor license and sell liquor in conjunction with a Village-sponsored event as well as to allow people to bring their own alcohol into the park. We did not limit the BYOB to beer and wine, and we did not specifically limit the special event license to beer and wine, but the special event license is subject to the general provisions in section 5.08.360 that do limit special event licenses to beer and wine only.

Because it was not the intention to limit the sales for Village-sponsored events in the Riverfront Park to beer and wine only, we are proposing a change to section 5.08.360 to allow an exception for Village-sponsored events, generally. That exception would allow the sale of alcohol other than beer and wine for Village-sponsored events at the North Aurora Riverfront Park as well as other Village-sponsored events, like North Aurora Days. We think this makes sense because the Village has more control of Village-sponsored events and usually a police presence, and so we don't see any issues with eliminating the limitation.

The other change being proposed to section 5.08.360 regarding special event licenses is to expand the hours. Previously, the hours were limited to six (6) hour time spans. We actually have not followed that in practice with North Aurora Days, and we see no reason to keep the six (6) hour limitation. Therefore, staff is proposing the expansion of the hours to equal those hours for special use liquor licenses, which is Sunday through Thursday's, 10 a.m. to 11 p.m., and Friday's and Saturday's from 10 a.m. to 12 midnight.





VILLAGE OF NORTH AURORA  
KANE COUNTY, ILLINOIS

Ordinance No. \_\_\_\_\_

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**AN ORDINANCE AMENDING SECTION 5.108.135 OF  
THE NORTH AURORA MUNICIPAL CODE REGARDING  
SALE AND CONSUMPTION OF LIQUOR OUTSIDE  
IN THE VILLAGE OF NORTH AURORA**

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Adopted by the  
Board of Trustees and President  
of the Village of North Aurora  
this \_\_\_\_ day of \_\_\_\_\_, 2017

Published in Pamphlet Form  
by authority of the Board of Trustees of the  
Village of North Aurora, Kane County, Illinois,  
this \_\_\_\_ day of \_\_\_\_\_, 2017  
by \_\_\_\_\_.

Signed \_\_\_\_\_

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 5.108.135 OF  
THE NORTH AURORA MUNICIPAL CODE REGARDING  
SALE AND CONSUMPTION OF LIQUOR OUTSIDE  
IN THE VILLAGE OF NORTH AURORA**

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.

2. Title 5 (Business Licenses and Regulations) Chapter 5.08 (Alcoholic Beverage Sales) and Section 5.08.135 is hereby amended as follows:

**5.08.360 - Special events liquor licenses.**

A. ....

B. Outdoor Special Events Liquor Licenses.

1. Outside special events liquor licenses shall be issued to a qualified special events liquor licensee on the same basis as special events liquor licenses for the sale of liquor for consumption and use, and not for resale, on a designated outdoor area, subject to the additional requirements and limitations in this subsection and subsection (C) below. Non-Village sponsored events shall be limited to beer and wine only.

Deleted: beer or wine

2. Each licensee shall reimburse the Village for the actual costs incurred by the Village in providing additional police personnel, if deemed necessary by the Chief of Police. If additional police personnel are deemed necessary, the licensee shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the liquor commissioner, and shall thereafter promptly pay any such additional charge determined by the commissioner to be due the Village. The reimbursement requirement shall be waived for all Village-sponsored events.

3. The applicant shall designate the outside area where liquor will be served and consumed, and the liquor may only be consumed in the area so designated.

Deleted: beer or wine

Deleted: beer or wine

4. The licensee shall maintain the designated premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required to protect the public health, safety, welfare and morals of the residents of the village, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage in accordance with village ordinances.

C. Restrictions on Outdoor Special Events Liquor Licenses.

The following restrictions shall apply to licenses issued under subsections (A) and (B) of this section:

1. The maximum term for a special events liquor license is three days;
2. The maximum number of licenses issued in any calendar year to any special events liquor licensee shall be three;
3. A special events liquor license may be issued after application to the village liquor commissioner by a qualified special events liquor licensee on an application form to be

provided by the village designating the date and location of the event, the sponsor and purpose of the event and upon proof of dram shop insurance for the date and event requested. If the premises designated for the special events liquor license is owned by some person other than the applicant or proposed licensee, the application must include written permission of the owner of the premises on the letterhead of the owner. If the application is for an outdoor special event license, the outdoor area shall be designated;

4. Alcoholic liquor may be sold for use and consumption, and not for resale, on the designated premises only;
5. ~~The duration of a special event liquor license shall be limited to:
  - a. Sundays through Thursdays between the hours of 10:00 a.m. and 11:00 p.m.; and
  - b. Fridays and Saturdays between the hours of 10:00 a.m. and 12:00 a.m. midnight;~~
6. No person may serve alcoholic liquor pursuant to a special events liquor licensee unless at least one person is present at all times who has been through training approved by the State of Illinois as provided in Section 5.08.365 within the last thirty-six (36) months;
7. Only persons twenty-one (21) years of age or older shall be permitted to sell, serve or dispense any alcoholic beverage pursuant to a special events liquor licensee;
8. The last call for alcoholic liquor shall be announced at least thirty (30) minutes prior to the designated ending time. Dispensing of alcoholic liquor shall cease fifteen (15) minutes prior to the designated ending time.

D. General Regulations on all Special Events Liquor Licenses.

The following restrictions shall apply to licenses issued under subsections A and B of this section:

1. The maximum term for a special events liquor license is three days;
2. The maximum number of licenses issued in any calendar year to any special events liquor licensee shall be three;
3. A special events liquor license may be issued after application to the Village Liquor Commissioner by a qualified special events liquor licensee on an application form to be provided by the village designating the date and location of the event, the sponsor and purpose of the event and upon proof of dram shop insurance for the date and event requested. If the premises designated for the special events liquor license is owned by some person other than the applicant or proposed licensee, the application must include written permission of the owner of the premises on the letterhead of the owner. If the application is for an outdoor special event license, the outdoor area shall be designated;
4. Alcoholic liquor may be sold for use and consumption, and not for resale, on the designated premises only;
5. The length of time during which alcoholic liquor may be sold or distributed pursuant to a special events liquor licensee is limited to six hours per day, and then only during the regular hours during which alcoholic liquor may be sold or distributed by a regular liquor licensee;
6. No person may sell, serve or dispense any alcoholic beverage pursuant to a special events liquor licensee without having attended a State Certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program licensed by the State of Illinois Liquor Control Commission within the last twelve (12) months;
7. Only persons twenty-one (21) years of age or older shall be permitted to sell, serve or dispense any alcoholic beverage pursuant to a special events liquor licensee;

**Deleted:** The length of time during which alcoholic liquor may be sold or distributed pursuant to a special events liquor licensee is limited to six hours per day, and then only during the regular hours during which alcoholic liquor may be sold or distributed by a regular liquor licensee

8. The last call for alcoholic liquor shall be announced at least thirty (30) minutes prior to the designated ending time. Dispensing of alcoholic liquor shall cease fifteen (15) minutes prior to the designated ending time.

3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2017, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2017, A.D.

|                |       |              |       |
|----------------|-------|--------------|-------|
| Mark Carroll   | _____ | Laura Curtis | _____ |
| Mark Gaffino   | _____ | Mark Guethle | _____ |
| Michael Lowery | _____ | Tao Martinez | _____ |

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2017, A.D.

\_\_\_\_\_  
Dale Berman, Village President

ATTEST:

\_\_\_\_\_  
Lori Murray, Village Clerk