



Meeting Minutes

City Council

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Tuesday, August 4, 2020

7:00 PM Zoom - Open agenda to see cable, phone & streaming options

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On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the COVID-19 pandemic.

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk's Office, (630) 305-5300, by 5 p.m. on August 4

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on August 4 at: [www.naperville.il.us/speakersignup](http://www.naperville.il.us/speakersignup)

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting (by 5 p.m. on August 4) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on August 4).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on August 4, at which time no other speakers or comments will be accepted.

**PUBLIC ACCOMMODATION:**

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on August 4.
- Questions regarding online sign-up may be directed to the City Clerk's Office by calling (630) 305-5300.

**PARTICIPATION GUIDELINES:**

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Council members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.
- **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes. Petitioners may speak on an agenda item first and have up to 10 minutes and are also granted a five-minute rebuttal once all other speakers have commented.
- **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the City Council meeting. Once your name is called you may identify yourself for the public record and then address remarks to the City Council as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

**A. CALL TO ORDER:**

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

**B. ROLL CALL:****PRESENT:**

Mayor Steve Chirico  
Councilwoman Brodhead  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilman John Krummen  
Councilwoman Theresa Sullivan  
Councilman Benjamin White

**ABSENT:**

Councilman Coyne  
Councilwoman Gustin

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

A motion was made by Councilman White, seconded by Councilman Krummen to recess to Closed Session to discuss 120/2(c)(2) Collective Bargaining and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

**AYE:** Chirico, Brodhead, Hinterlong, Kelly, Krummen, Sullivan, White

**NAY:** None

**ABSENT:** Coyne, Gustin

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:00 p.m. via Zoom.

#### **D. ROLL CALL:**

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilman John Krummen  
Councilwoman Theresa Sullivan  
Councilman Benjamin White

#### Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; 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, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

#### **E. PLEDGE TO THE FLAG:**

The pledge was given.

#### **F. AWARDS AND RECOGNITIONS:**

#### **G. PUBLIC FORUM:**

##### ***COMMENTS TO BE READ BY STAFF***

**Philip Buchanan**

Good evening Mayor and Council Members My name is Philip Buchanan

and a Naperville resident. I'd like to add my condolences to the family and staff of US Congressman John Lewis. He was a Civil Rights Icon and will be sorely missed. The following is his last essay: "While my time here has now come to an end, I want you to know that in the last days and hours of my life you inspired me. You filled me with hope about the next chapter of the great American story when you used your power to make a difference in our society. Millions of people motivated simply by human compassion laid down the burdens of division. Around the country and the world you set aside race, class, age, language and nationality to demand respect for human dignity. That is why I had to visit Black Lives Matter Plaza in Washington, though I was admitted to the hospital the following day. I just had to see and feel it for myself that, after many years of silent witness, the truth is still marching on. Emmett Till was my George Floyd. He was my Rayshard Brooks, Sandra Bland and Breonna Taylor. He was 14 when he was killed, and I was only 15 years old at the time. I will never ever forget the moment when it became so clear that he could easily have been me. In those days, fear constrained us like an imaginary prison, and troubling thoughts of potential brutality committed for no understandable reason were the bars. Though I was surrounded by two loving parents, plenty of brothers, sisters and cousins, their love could not protect me from the unholy oppression waiting just outside that family circle. Unchecked, unrestrained violence and government-sanctioned terror had the power to turn a simple stroll to the store for some Skittles or an innocent morning jog down a lonesome country road into a nightmare. If we are to survive as one unified nation, we must discover what so readily takes root in our hearts that could rob Mother Emanuel Church in South Carolina of her brightest and best, shoot unwitting concertgoers in Las Vegas and choke to death the hopes and dreams of a gifted violinist like Elijah McClain. Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out. When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself. Ordinary people with extraordinary vision can redeem the soul of America by getting in what I call good trouble, necessary trouble. Voting and participating in the democratic process are key. The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it. You must also study and learn the lessons of history because humanity has been involved in this soul-wrenching, existential struggle for a very long time. People on every continent have stood in your shoes, through decades and centuries

before you. The truth does not change, and that is why the answers worked out long ago can help you find solutions to the challenges of our time. Continue to build union between movements stretching across the globe because we must put away our willingness to profit from the exploitation of others. Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring. When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide." Thank you for your attention

**Judi Davey**

July 21, 2020 / August 3, 2020 Council members, Community leaders, and Neighbors: I am very concerned about the home that has squatters living in it. The property at 413 Tupelo is poorly maintained, the people are loud and use vulgar language, and have guests coming and going at all hours of the night. Doors slamming, babies crying, verbal fighting and can be heard through out the day and evening. There are so many people coming in and out of this house it is difficult to determine how many people are actually living there. Perhaps 20? This situation has been criminal and unlawful from the beginning, which was first reported to the authorities on or about May 23, 2020. At what point does trespassing, destruction of property (damage to window screens) breaking and entering, and burglary not a crime? Is the answer when people commander a home and live in it? Why does it seem that the squatters have rights that outweigh the needs of a whole community? What would stop them or others from securing another home in our community to take over? What is being done to protect our safety, our property, and our piece of mind? How can we trust that we will be protected in the future? Aug 3, 2020 Things have not improved since the first letter of July 21st was written. I did not submit that letter to the city council meeting. I was hopeful that the eviction process would be July 31st as relayed to the neighbors by the real estate agent. I briefly spoke with him this morning. He stated that he was not allowed by the bank to communicate with anyone regarding this property. He recommended that we contact the police for any further information. The vulgarity and fighting coming from that house has impacted how I live now. I no longer invite close friends or my family to my home or back yard for social distancing gatherings. I keep my outside time limited and am not able to enjoy all the comforts of my home due to their behavior. The property is in a state of neglect and garbage is drifting on the parkway, street, and back yards of the adjacent houses. Covid 19 impacts all of us, add next door squatters to

the mix and it is horrifying! The realtor who represents the bank that owns the property informed neighbors that an eviction court date was scheduled for July 31, 2020. That was a ray of hope that this situation would be resolved. As it turns out, the bank never filed for eviction or the rep. did not follow through. Whatever the issue, it seems that these squatters have privileges that trump the community's. It seems that they are benefitting from Covid 19 as their rights are being protected, which has increased the distress of our community. There are 119 vacant properties listed on Zillow in just 60540. One of those homes might be next door to you. The timeframe for criminal trespass to become squatting is very short, as illustrated by this ongoing nightmare. I assure you that your concerns for your home security and personal safety would urge you to want better laws, required communication with owners of vacant homes, including required lists of vacant property provided to the police and an over site management team to fine owners that neglect the home and do nothing to prevent squatting or remove the squatters. We have lived in our home for 33 years. We have to live in fear of what is going to happen next and how to protect ourselves. We need your help. Sincerely, The Davey's and Neighbors on Tupelo, Buckeye, and Barbara Court

Krieger stated that staff will follow up on these concerns.

**Carol Schmidt**

I live in the Naperville Historic District. Although I live just a few blocks from downtown Naperville, I have not felt comfortable patronizing downtown businesses since Illinois moved to phase 4 of the State of Illinois Covid-19 response around June 1. The last time that I visited downtown Naperville was to pick up takeout from a restaurant a few weekends ago. At that time, the sidewalks were full of people; and at that time, I was unable to maintain a social distance from the moment I stepped out of my car until I stepped inside the restaurant. I understand from another resident that there was a similar issue with the recent street closing on Jefferson to allow dining on the street. Although there was a sign at the entrance to the area, no one enforced the requirement to wear a mask. When our downtown is busy, it is not possible to maintain the recommended social distance. And even when it's not busy, the very nature of the walkways around downtown make it impossible to maintain a social distance when passing others on the sidewalk. For this reason, it should be mandatory for visitors to wear masks at all times when outside in the downtown business district. I have been to the city of Chicago on multiple occasions during phase 4, including the busy downtown and lakefront area. Although I expected similar non-compliance with mask wearing, I was pleasantly surprised to find that it is far less an issue in Chicago that it is here at home in Naperville. In fact, most people on the streets of Chicago wear masks even in residential areas outside of the busy downtown area. Given the current upward trend

of the pandemic, our city needs to make it clear to residents and visitors that the way to get through this pandemic is to follow some simple, common sense guidelines. This includes wearing a mask at all times when it isn't possible to maintain a social distance. And, although people may be unhappy about it, that includes whenever you are outdoors in our downtown area. The steady decline in the rate of infection with COVID-19 that we experienced prior to moving to Phase 4 is no longer occurring. It is clear that the pandemic will be with us for much longer than people hope. If we are forced to move back to Phase 3, the economic and social impact will be much greater than the minor inconvenience of having to wear a mask. I strongly urge the city to mandate wearing a mask in the downtown area including the river walk and other park areas and also for police officers to be present to enforce the mandate. Thank you.

Council stated that the closing of Jefferson worked well and that it was to get people more comfortable wearing masks in a controlled environment and discussed what is considered an exposure, when masks should be worn, the City's mask campaign, social media efforts, and that staff should speak to the Downtown Naperville Alliance about using volunteers to enforce the wearing of masks when entering the area the next time the street is closed.

#### ***SPEAKERS***

Mark Rice discussed the 2020 U.S. Census, Naperville's performance, and the new September 30 deadline.

Thomas Armstrong discussed the proposed youth advisory team and offered suggestions for implementation.

Council stated that youths currently have a role in local government, expressed condolences on the passing of U.S. Representative John Lewis, and thanked the speaker for his efforts during the civil rights movement.

Thomas Verdone spoke against the 95th Street/Book Road expansion project.

## **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, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, 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 15. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

1. Approve the regular City Council meeting minutes of July 21, 2020

**Council approved.**

2. Approve the City Council meeting schedule for August, September & October 2020

**Council approved.**

3. Approval of Mayoral appointments to various Boards and Commissions

**Council approved.**

4. Pass the ordinance approving variances for wall signs proposed for Target (PZC 19-1-105) located at 1951 W. Jefferson Avenue

Enactment No.: ORD 20-074

**Council passed.**

5. Pass the ordinance granting a deviation to the 40' platted building line for the property located at 656 North Eagle Street - PZC 20-1-060.

Enactment No.: ORD 20-075

**A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to pass the ordinance granting a deviation to the 40' platted building line for the property located at 656 North Eagle Street - PZC 20-1-060. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Coyne, Gustin, Krummen, Sullivan, and White

**Nay:** 3 - Brodhead, Hinterlong, and Kelly

6. Adopt the resolution authorizing an intergovernmental agreement between the City of Naperville and DuPage County for participation in DuPage County's local government COVID-19 reimbursement program

Enactment No.: RES 20-021

**Council adopted.**

7. Approve the application and issue a permit for the August 15, 2020 fireworks display at Frontier Park.

**Council approved.**

## **J. PUBLIC HEARINGS:**



**K. OLD BUSINESS:****L. ORDINANCES AND RESOLUTIONS:**

1. Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046; or

Option B: Concur with staff and deny the request for a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046

***SPEAKERS***

Marilyn Schweitzer spoke in favor of Option B.

Council discussed the Ogden Avenue initiative, the appropriateness of approving any more variances, and the importance of removing the pole signs.

Laff confirmed that the Sign Program has funds.

**A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, for Option B: to concur with staff and deny the request for a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

2. Waive the first reading and pass the ordinance adding a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) of the Naperville Municipal Code (requires six positive votes)

***COMMENTS TO BE READ BY STAFF*****Diane Russell**

Dear Naperville City Council Members, I wish I could be with you to speak to the need for strict regulations on short-term rentals in Naperville, but I am unable to attend this evening. As I said to you in an email last week, there are many problems inherent in short-term rentals, and regulations are badly needed. I know you are already aware of several problematic short-term rentals here in town, and I'm guessing that there are additional cases where residents are suffering more or less in silence. I ask you to consider how you would feel if the house next to yours was turned into a short-term rental. You would be subjected to a revolving stream of strangers, many of whom are there just to party. Think about the noise, the parking issues, and the serious disturbance of peace. These renters and their guests are strangers without the accountability that goes with being a neighbor. Ask yourself if you would feel comfortable having your children play outside and walk to school without knowing what they will overhear or who they will encounter. To those who would argue that people have a right to do what they wish with their property, I would remind them that the city has many ordinances that govern property owners. When it comes to

other types of home businesses, the city would never allow them to be run out of residences without the owner or the owner's representative on site while business is being conducted. I strongly prefer that short-term rentals be outlawed in Naperville, but I encourage you to at least pass the proposed ordinance that requires short-term rentals to be owner-occupied. After that, I think the ordinance should be amended to establish a minimum rental duration of at least 14 days. If you are saying to yourself, "I haven't heard many complaints from residents," consider that there has not been a lot of publicity around this issue, and that people are very preoccupied right now. If you were to conduct a survey, I am confident that the vast majority of voters would agree with me on the need for strict regulations on short-term rentals. Sincerely,  
Diane Russell 130 N. Julian St.

**Frederick M Haumesser**

Council Members, I write regarding the proposed regulations concerning STR units in Naperville and specifically regarding provision #8 that requires a STR to be owner occupied for a minimum of 6 months out of the year. I question the intent of the requirement as it runs counter to a number of factors that might come into play for a property owner considering STR as an option to monetize the unit. STRs are often listed by owners that are facing particular situations that might include: - temporary financial duress - an option if a listed property isn't fetching an expected or required price - under utilization of a corporately owned property (e.g. employees not traveling due to COVID) Owners with multiple properties that would allow for seasonal living aren't typically interested in letting their house while staying at a second home. They own two properties for a reason; to have their own space (not shared with others) in multiple locations where they enjoy living. My family is currently residing in a short term rental near downtown as we manage time between selling our home and renovations are completed on the new house (approx 4 weeks) in Cress Creek. Temporary housing options were very limited and extended stay hotel rooms weren't an option for a family of 5 with a new puppy. We were lucky to find our temporary home with our own space, yard and garage and; speaking from experience I can attest to the fact that Naperville could benefit by having more supply available versus imposing restrictions that would all but eliminate these options. I believe the other provisions in the proposed regulations will have the desired effect of limiting disruptive use of the property and benefit those managing said properties to operate a profitable and needed rental option in our area. Thanking you, Fred Haumesser 649 S Main St (STR)

**Ann Hahn-Baiyor**

Dear Naperville City Council members, As I cannot attend tonight's council meeting I would like to add my comments here. I know that you have heard from a number of residents on the problems with short term rentals in Naperville. There are myriad problems with these rentals and regulation is badly needed. The issues that stem from a revolving door of strangers occupying these homes include: traffic safety, noise and parking issues. Some neighbors have been harassed and disrespected by the occupants of the STR's and by the absentee owners. Absentee ownership brings a host of problems as there is little or no accountability. If regulations are placed on these rentals I foresee problems in enforcement. It is my strong preference that STR's be out-lawed in Naperville. Short of banning please consider an ordinance that would require

short term rentals be owner occupied. I also think occupancy should be limited to two per bedroom and that a minimum rental duration of at least 14 days be established. I am confident that most Naperville residents would support a ban on short term rentals. Respectfully, Ann Hahn-Baiyor 22 N Columbia S

### ***SPEAKERS***

#### ***Oppose owner-occupied as a primary residence for more than 6-months of each calendar year***

Theresa Mueller spoke in favor of short-term rental regulations.

Jacalyn Green spoke in favor of short-term rental regulations.

Matt Murphy suggested revisions to the ordinance.

Don Russell suggested revisions to the ordinance.

Lauren Castady suggested revisions to the ordinance.

Tracy Kalfas suggested revisions to the ordinance.

Marisol Garcia suggested revisions to the ordinance.

Portia Mandel suggested revisions to the ordinance.

Lee Mandel suggested revisions to the ordinance.

Justin Earls discussed his positive Airbnb experience on Santa Maria.

Chris suggested revisions to the ordinance.

Felicia Jackson discussed her positive Airbnb experience on Santa Maria.

Dean Batogowski, Santa Maria STR, stated that complaints are misrepresenting and exaggerating rental activity.

Council discussed complaints that have been received at the Santa Maria Airbnb.

Roger Federick suggested revisions to the ordinance.

Michelle Sucich suggested revisions to the ordinance.

Michael G. Cole spoke in favor of short-term rental regulations.

Tom Schaefer spoke in favor of short-term rental regulations.

Mike Mika spoke in favor of short-term rental regulations.

Elizabeth Murphy suggested revisions to the ordinance.

Andre Kelley suggested revisions to the ordinance.

Marilyn Schweitzer spoke in favor of short-term rental regulations.

Tonia Batogowski suggested revisions to the ordinance.

Matthew Grundy suggested revisions to the ordinance.

Nancy Cole spoke in favor of short-term rental regulations.

April Rouner discussed her positive Airbnb experience on Santa Maria.

Dave Wentz, attorney for a VRBO owner, suggested revisions to the ordinance.

#### ***Council recessed from 9:05 p.m. - 9:13 p.m.***

Council discussed appropriateness of implementing regulations, the need to take action, how to keep from hurting rentals that have not received complaints, the Zoning Code, and restricting parties.

Arres stated that the police department has found no citable offenses at the Santa Maria residence and that issues are not occurring in the presence of police.

Council discussed the videos that have been shown, conversations with neighbors, talked the appropriateness of banning the use immediately and implementing a regulation scheme later, that the common complaints are traffic and nuisance based, the six month proposal, that short-term rentals are part of the new reality but may not work in a residential area, and enforcement mechanisms.

**A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to waive the first reading and pass the ordinance adding a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) of the Naperville Municipal Code.**

**A motion in substitution was made by Councilwoman Sullivan, seconded by Councilwoman Brodhead, to reduce occupancy to a maximum of ten, waive the owner-occupied six-month requirement, and mandate that rental agreements must be entered into with the owner, not third parties. The motion failed by the following vote:**

**Aye:** 4 - Chirico, Brodhead, Sullivan, and White

**Nay:** 5 - Coyne, Gustin, Hinterlong, Kelly, and Krummen

**The main motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to waive the first reading and pass the ordinance adding a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) of the Naperville Municipal Code. The main motion carried by the following vote:**

**Aye:** 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

3. Conduct the first reading on an ordinance repealing Chapter 17 (Cannabis Business Establishments Prohibited) of Title 3 (Business and License Regulations) and amending various Chapters of Title 6 (Zoning Ordinance) related to Cannabis Facilities - PZC 20-1-053.

**COMMENTS TO BE READ BY STAFF**

**Nancy Turner**

In the first 6 months of 2020, the state of Illinois has seen legal cannabis sales of more than \$300 million dollars and millions of tax dollars generated for the state and the local municipalities. I encourage the City Council and Mayor to overturn the ban on recreational dispensaries in Naperville, to allow Naperville to benefit from the strong demand of legal cannabis.

**Rita Mathern**

I believe it is very important to keep the citizens of Naperville involved in the decision making process of granting permission for cannabis establishments. Therefore, conditional use permits should be the rule.

**Susan Sperl**

I am opposed to the use and selling of all cannabis. I graduated from high school in 1969. Most of the students could not have graduated if graduation requirements weren't lowered. There was much destruction to the school property especially in the washrooms. I do not see any good coming from any of this. 1,000 feet is still way too close!

**Randall S Bernacki**

I request that the recreational marijuana dispensaries be zoned as a "conditional" use.

**Bradford Miller**

Related to the proposed Cannabis Ordinance, I urge City Council to zone these dispensaries as conditional uses rather than permitted uses. Each potential dispensary needs to go to planning and zoning to allow both residential and business neighbors to have their thoughts heard. We should not be afraid of that process. We should want to listen to the concerns of nearby residents and businesses since this is a controversial issue. Zoning these dispensaries as permitted uses will not allow their concerns to be heard

**David Peace**

I would like for the Council to approve "Conditional" use for local Cannabis stores. This is not a vote against the stores but more that the City still has control over locations and numbers. With so many residents opposed to the stores to begin with this provides you with some ability to control locations and number of stores.

**Kenn Miller**

Thank you for this opportunity. For residents, even those who voted YES in the primary referendum, probably don't want a retail dispensary within 1-3 doors from their home! A minimum of zero or 250 feet from residential area should be a non-starter. Additionally, the City has liquor licenses "A" through "V" to get very specific alcohol control. But not for marijuana as the City doesn't want any control by not requiring a "conditional" use that would require a dispensary to go to Planning & Zoning with a proposed location to allow both residential and business neighbors to provide input. A dispensary could go into any zoning location allowed including next to residential with no oversight. Also, without the "conditional" use, only the State has control as the license is only by the State. Good luck with any oversight with that scenario. Please support your Naperville residents with a distance requirement of 500 feet or more and the designation for a "conditional" use to give your residents and businesses some input on the location!

**Dianne McGuire**

Let's just consider some recent headlines from local papers: "If estimates hold true, Naperville's pandemic losses could be as high as \$18 million"...Naperville Sun, May 29, 2020; "DuPage County \$14 million shortfall... due to the pandemic economic slow-down. "Daily Herald, August, 4th, 2020; and then there is this: "July cannabis sales set record t \$61 million...likely leading to a record in tax revenue, as well": Daily Herald, August 4th, 2020. We are facing economic uncertainty in nearly every sector of our economy: the legalization of cannabis has been a bright spot for the Illinois economy. Please do not further delay, impede the approval process or restrict arbitrarily the operations of cannabis dispensaries in Naperville. The voters have spoken: let's get this done now

**Joy Grainge**

I am a Naperville resident. The zoning amendment for a cannabis dispensary is a reasonable compromise for everyone. Please vote yes to except this amendment. I agree that dispensaries should be allowed in commercial and industrial districts. This will allow stores to be spread throughout the city rather than in one area. Day care and youth centers are not schools. They can be found in residential, commercial, and industrial areas. Designating them as schools would restrict where stores can operate. This would be bad for both businesses and consumers. Restricting a cannabis business to 250 feet from residential areas is not necessary. While there might be long social distance lines now, This is due to the pandemic and will not last long. By the time I dispensary opens we may no longer need to social distance. While I believe 250 feet is not necessary it is a reasonable compromise. Store hours are comparable to other adult use outlets in the area. They are reasonable. I agree that dispensary should not be required to receive a conditional use permit. Naperville employees are talented and competent. I have confidence that the Naperville administration will make good decisions regarding cannabis businesses as we move forward. I encourage you to vote yes to except this amendment.

**Michael Gresh**

Members of the City Council and my fellow Naperville residents. I have lived in Naperville since 1992 - 28 years. I have discussed with many of my neighbors in the Glens the pending Marijuana Dispensary Ordinance provision. What none of us can understand is why on God's Earth would we want to relinquish local control of the approval process of new dispensary locations. The truth is that permitted use gives the industry a 'free pass' to locate new outlets without local community input. And thereby the only appeal residents would have is at the state level, not the local level. This is madness - and clearly not in the best interests of Naperville's

citizenry. I champion conditional use, where each and every new dispensary application must be vetted to ensure this new industry will not run roughshod over our lives or our family culture. As proposed there is no distance requirement put into place from preschools, daycare, and tutoring places. There appears to be a hidden agenda in the current proposal. On our city council who is representing the residents of Naperville and who has a vested interest in surrendering local control. Do the right thing. Protect our way of life as you were elected to do. Period.

**Karen Duncan**

I'm a long-time resident of Naperville, parent of three and a parent organization leader and I'm asking the City Council to zone recreational marijuana dispensaries as conditional use. Naperville is a diverse city. No two neighborhoods or business areas are the same and each is unique in terms of residents, proximity to schools and businesses that serve children as well as traffic patterns and parking. It's only fair that residential and business neighbors of potential recreational marijuana dispensary locations have an opportunity to provide input, ask questions and express their concerns especially on a topic as controversial as this one. While many people drink alcohol, they don't necessarily want a bar or liquor store next to their home or business. I suspect the same holds true for marijuana dispensaries. Why not give neighbors a voice and avoid potential conflicts and issues? Thank you for your time and consideration.

**Erik Abderhalden**

I am speaking in support of two critical changes which I believe are necessary to preserve the overall public safety and welfare of our community relative to the implementation of the Cannabis Dispensary Ordinance (or Dispensary) first reading. The first critical change is to increase the proposed 250 feet distance from residences to a minimum of 500 feet. This is included in the following suggested ordinance modifications: LOCATION: No person shall operate or cause to be operated a Cannabis Dispensing Organization (or Dispensary) within five hundred (500) feet of any of the following preexisting uses, including preexisting uses located outside the corporate limits of the City of Naperville, and/or zoning districts: Public or private elementary or secondary school; Nursery school, preschool or, day care center; Park, playground, or forest preserve; Religious institution; All zoned districts excepting I Industrial district. No person shall operate or cause to be operated a Cannabis Dispensing Organization (or Dispensary), within any of the following preexisting uses and/or zoning districts: All zoned districts excepting I Industrial district. Any premises licensed to sell alcoholic liquor. A Cannabis Dispensing Organization (or Dispensary) shall be a permitted use within any I Industrial District as such District is defined in Section 6-8C-1 et seq., of the City Zoning Ordinance. For the purpose of this

Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Cannabis Dispensing Organization (or Dispensary) is conducted, to the nearest property line of the other specified use. The second critical change is to require that conditional use language modifications be inserted for Exemption from the above Location Restrictions in the proposed ordinance. The City of Naperville has chosen similar wording in crafting an adopted ordinance under Chapter 12 ADULT USES as pertaining to SEXUALLY ORIENTED BUSINESSES in the City in 6-12-2, 6-12-3, and 6-12-4. Why deviate from this 500 foot distance now for adult use Cannabis locations? We need to take our time and do this right!

### **Philip Buchanan**

Good evening Mayor, Council Members and Staff My name is Philip Buchanan and a Naperville resident Last fall and this spring I spoke about the need for Adult use Cannabis Dispensaries in Naperville. One of the many reasons was a dedicated revenue stream derived from the potential city taxes. These taxes could be substantial. Now we have a Pandemic, Black Lives Matter and economic devastation. This revenue stream could help fill depleted city coffers in the near term and help fund the enhanced Public Health, mental health and Social Services budgets long term. Since Jan. 1 the state has sold \$239 million on adult use cannabis. State revenues are \$53 million, almost double the estimate. \$18 million in local taxes. Naperville could have been apart of this. The longer we delay, the less the city will receive. Let's approve the dispensaries and help fund much needed programs. The state zoning restrictions are sufficient and more onerous government regulations will be a burden and hurt local businesses. This process has taken far too long. The people have spoken. Let's approve this and move on. Thank you for your attention

### **Bill Smith**

I am speaking in support of two critical changes which I believe are necessary to preserve the overall public safety and welfare of our community relative to the implementation of the Cannabis Dispensary Ordinance (or Dispensary) first reading. The first critical change is to increase the proposed 250 feet distance from residences to a minimum of 500 feet. This is included in the following suggested ordinance modifications: LOCATION: No person shall operate or cause to be operated a Cannabis Dispensing Organization (or Dispensary) within five hundred (500) feet of any of the following preexisting uses, including preexisting uses located outside the corporate limits of the City of Naperville, and/or zoning districts: Public or private elementary or secondary school; Nursery school, preschool or, day care center; Park, playground, or forest preserve; Religious institution; All zoned districts



excepting I Industrial district. No person shall operate or cause to be operated a Cannabis Dispensing Organization (or Dispensary), within any of the following preexisting uses and/or zoning districts: All zoned districts excepting I Industrial district. Any premises licensed to sell alcoholic liquor. A Cannabis Dispensing Organization (or Dispensary) shall be a permitted use within any I Industrial District as such District is defined in Section 6-8C-1 et seq., of the City Zoning Ordinance. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Cannabis Dispensing Organization (or Dispensary) is conducted, to the nearest property line of the other specified use. The second critical change is to require that conditional use language modifications be inserted for Exemption from the above Location Restrictions in the proposed ordinance. The City of Naperville has chosen similar wording in crafting an adopted ordinance under Chapter 12 ADULT USES as pertaining to SEXUALLY ORIENTED BUSINESSES in the City in 6-12-2, 6-12-3, and 6-12-4. Why deviate from this 500 foot distance now for adult use Cannabis locations? We need to take our time and do this right!

**Lisa**

I am writing to strongly urge the Mayor and the council members to vote to have The Marijuana Dispensary Ordinance to be zoned as CONDITIONAL USE only! While, it's nice to have a democracy, it is ludicrous that our city council would consider any other option! What has happened to keeping our youth and young adults safe? Have you given any consideration to residents/home owners who have invested in homes in our "safe and family friendly" community, to then be faced with the decline of their property values because a dispensary is now placed within close proximity; not to mention now putting young children and young adults in jeopardy of being exposed to such dangerous ( or how other's view marijuana; deceptively safe") drugs, potentially corrupting our children and diminishing their full future potential because of early drug use. It is proven, in states like Colorado, where recreational Marijuana has been legal, that use in teens and young adults is and has been on the rise! Sorrowfully, you have won the fight to even bring this garbage to our community, please be as responsible and as respectful as you can and be smart and vote to have this Marijuana Dispensary Ordinance zoned as "CONDITIONAL!" Thank you, Lisa Howard 3812 Looking Post Ct

**Julie Anne Berkowicz**

My name is Julie Berkowicz, County Board Commissioner, District 11. I am addressing Council regarding the Dispensary Ordinance. A priority of City government is the safety of residents in the community and to preserve the character of our neighborhoods. This ordinance should be designated

“Conditional Use”. This designation allows the public to communicate concerns prior to approval of a dispensary. Naperville residents expect that their voice will be heard and the appropriate process is at a public hearing through a conditional use ordinance. Also, please require a 1,500 foot buffer from churches, schools, community and day care centers and residences. Without a buffer, traffic and parking from a dispensary will negatively impact neighborhoods. Prior to the COVID crisis I visited a local recreational cannabis facility. Located in an industrial setting, the small parking lot was full. Several cars had occupants sitting inside, perhaps waiting for customers or an appointment. Current social distancing guidelines may create more customers waiting outside. The business next door indicated that parking from the dispensary frequently spilled into their lot. In summary, we are requesting:: Designate the Ordinance: “CONDITIONAL USE”. Require a 1,500 foot buffer from Churches, schools, community centers and residences. Provide adequate parking to accommodate social distancing for customers waiting outside. This will reduce the impact on nearby residential areas. Thank you, Julie Anne Berkowicz, Will County Board Commissioner, District 11

### **Jiang Luo**

To all the people who care about Naperville, This is Jiang Luo, a resident in naperville since 2013. I am writing to you about being against to have the recreational marijuana dispensaries zoned as a “permitted” use in Naperville. Thank you very much for reading it. We have been living in Naperville area for more than 10 years and absolutely love Naperville for its great education system, and safe, family-friendly and beautiful environment. Unfortunately, we have noticed that things start to change recently as we are getting more and more frequent crime reports in the neighborhood. Some of them were never heard of in Naperville before and are really concerning for moms and dads with young kids. One of the concerning changes is selling Marijuana in Naperville. We totally understand that Marijuana has medical benefits. However, we're **STRONGLY AND ABSOLUTELY AGAINST** to have the recreational marijuana dispensaries zoned as a “permitted” use. We strongly ask City Council to have the recreational marijuana dispensaries zoned as a “conditional” use. Any potential dispensary needs to go to Planning & Zoning with their proposed location and allow both residential and business neighbors of that location to give their input. Allowing these individual zoning meetings under a conditional use zoning designation will help address if it is too close to a school, child centered business, or home, and any traffic concerns. Please **VOTE AGAINST** “permitted use” in Naperville. Thank you very much again for reading this letter. Best Jiang Luo

### **Ann Liu- Rising Stars**

Please do not allow Marijuana store within boundary in walking school

distance. Because it will increase traffic, burglary, attraction for teen use, etc safety issues.

**Jan Pfeifer**

Good Evening. I want to urge the Council to vote yes to recreational cannabis dispensaries in Naperville. To those who stated, from the dais or in interviews with the media, I hope you keep your word and will follow the referendum decision by the voters. If a new dispensary has complied with all the requirements and zoning regulations, there is no reason to have a public forum for each one. That is a waste of time and energy as the zoning requirements dictate distance between schools, daycare and residences. I hope each of you have visited a dispensary and seen first hand all the checks in place so minors cannot purchase this product. The dispensaries should be zoned permitted use. Thank you

**Gina Jones**

As a Naperville resident since 2004, I was happy in my neighborhood, happy to visit other neighborhoods and local businesses, happy to watch my kids walk to school. Today that is not the case. For myself and many other residents, that happiness and comfort level are disappearing because the mayor and City Council are salivating at the almighty dollar that is supposed to come from pot sales. I am stunned that I have to try and convince grown men and women to protect our kids. I am disgusted at the likelihood that a 12-year-old can leave his neighborhood and walk 250 feet to a pot store. I am sickened at the likelihood that a 13-year-old will ride her bike to Walgreens and see a line of pot users waiting to get into a pot store next to the bike rack. California grows more pot than any other place in the country (according to CBS 60 Minutes show on August 2, 2020) YET 80% of California municipalities do not want recreational pot stores near their homes, subdivisions, daycare centers, or schools. Chicago restricts pot stores to a minimum of 500 feet away from schools and residents and businesses still complain about the close proximity because of the activity in/out and around the store (per Chicago Tribune article July 14, 2020). Chicago's Zoning Board invites the communities in to share their positions to consider for each dispensary. Today is potentially Naperville residents' last day to be heard. Allow the zoning to be designated "conditional" and give the residents and businesses a voice before the pot industry takes control of our neighborhoods and our environment. Our kids are worth discussing don't you think?

**Nancy Laures**

Mayor and Council, I'm a long-time resident. Your proposal to allow marijuana dispensaries as "permitted" businesses, at any location identified on the map within 250 feet from residential neighborhoods, is careless and disrespectful of the citizens of Naperville, whose lives will be

disrupted by the car traffic, noise and foot traffic which you have already identified as results of a dispensary site. Not to mention the security challenge of a high volume cash business nor the possible safety and vandalism from the expected volume of visitors driving thru our neighborhoods. Council has rejected the procedure of allowing Naperville residents to view the detail of the proposed zoning locations in a display that could be commented on. Instead, the Council is proposing to eliminate any input of the public on the sites that will have a dispensary placed near them. It was dismaying to hear Councilman Sullivan state, understandably, that she is tired of hearing from the public in these meetings because they go very late into the night and therefore she does not want the zoning to be conditional to let the residents comment; however the issue of locations of marijuana dispensaries allowed 250 feet from residences will certainly be disruptive to the lives of Naperville citizens, and so the locations should be open to comment under a "conditional" zoning. Perhaps Council is secure that locations are "Not In My Backyard", but you are supposed to care about all of the residents of Naperville. Please consider carefully. Thank you.

**James Laures**

My family and I are long-time residents of Naperville. Before final action on the proposed Cannabis Zoning Ordinance, I request the City Council to make the following revisions. First, change zoning for Cannabis Businesses to "Conditional Use" from "Permitted Use" (6-2-32-2-2.2). Second, change the "Requests for a permit from the City related to a Dispensary" (6-2-32-3-3.9) to require the City to implement an impartial, transparent, lottery-type process that allows all adult use dispensing organization with Illinois licenses for the Chicago-Naperville, Elgin BLS Region to apply for a Naperville location. Under the Illinois Cannabis Regulation and Tax Act, the City may enact ordinances or rules not in conflict with the Act or with rules adopted pursuant to the Act governing the time, place, manner, and number of cannabis business establishment operations. For example, the Act allows a Cannabis Business to operate between 6 a.m. and 10 p.m. (i.e., 16 hours), seven days a week. While residents, who live just outside of the current 250 foot perimeter specified in this proposed ordinance, may demand a later opening and/or closing time or less than seven-day-a-week operations, State law prevails and prevents the City from doing anything to address residents' concerns. In the "Permitted Use" scenario affected residents would not become aware of this "16 hour day/seven day a week" issue until the Cannabis Business was in operation. However, in the "Conditional Use" scenario, this issue and similar ones would be identified during the Planning and Zoning Commission review, giving affected residents time to provide their input and allowing the Cannabis Business applicante to hear them. State Cannabis law already allows for only limited control over a Cannabis

Business by the City. Why does the City want to give up what little control it has by enacting a “Permitted Use” ordinance? “Conditional Use” is a “no brainer” if we truly care about what affected residents think. Finally, the availability of Naperville sites for Cannabis Businesses will be in high demand. Why is the proposed ordinance written to allow only three organizations, on a simplistic first-come-first-served basis, to apply for Naperville sites? In the interest of competition and best interest of residents, don’t we want as many adult-use dispensing organization with Illinois licenses for the Chicago-Naperville, Elgin BLS Region to apply as possible? The proposed ordinance should be changed to require an impartial, transparent, lottery-type process. This process would entail public communications about the availability Naperville sites, reasonable deadline for the submission of applications by all interest parties, through review for completeness of all submissions reasonable time allowed for follow-up on missing information, and, finally, a transparent, public lottery that selects the top three organizations that can then select their desired Naperville location. Thank you.

**Mary and Michael Duncan**

To the Mayor and Naperville City Council Members, We stand strong in our encouragement to “Opt Out” based on the many serious and proven reasons stated in our statement already submitted for the last meeting on Cannabis sales in Naperville. Now we are stating additional reasons to appeal to those members who disagree, to encourage you to consider only “conditional use” designated seller sites if you will not vote no. We ask for fairness to homeowners and businesses, the investors and taxpayers who have sacrificed for what they have established. Please allow them a voice in whether or not they will be negatively impacted. It is vitally important to be able to alter locations in the event of any unforeseen problems or problematic operators. This accountability can only encourage better relationships with the community and operation within laws and in ways respectfull to those surrounding them. It seemed accepted at the last meeting that Day care/ preschool centers would not be considered for setbacks for site placements, even though this is a state law requirement for medical cannabis sites. We find this disturbing because these places are visited by all age family members during drop off, pick up, events, visits and programs, just as grade schools are. Many little children have older siblings, blended families with older children of all ages who come there. Many parents of babies are still in high school and many parents are under the age of 21. These family oriented locations should not be considered for sites. The fact that the even the State of Illinois requires setbacks for this for medical marijuana is an open and accepted admission that there is a valid concern about negative influence on all age children who naturally vist there with the little ones. No cannabis retail sites should have lesser regulations than medical marijuana sites. Recreational use has no less

concerns. Regarding Rt 59 locations that the council has been focusing on, we would like the Council to be aware of the following serious and deadly potential placement on higher Speed highways based on other current events on that Route. On June 25, a resident posted his grave concern to thousands of people in 21 neighborhoods on the "Next Door " neighborhood website. He wanted input from the community on the "drag racing" occurring in the Naperville section of Rt 59 with drivers going over 80 mph. The response of agreement was huge to this well known problem. The Naperville Sun at that time wrote an article about the 200 to 300 cars, involving these drivers, congregating in a Rt 59 Naperville parking lot. Please stop focusing on Cannabis shops near and on Rt 59! Do we really want "one stop shopping for drag racing while high? The deaths and injuries that would result are a sad legacy. We take this personally and seriously because our car was totaled by a drivers going over 70 mph. We suffered serious injury and are lucky to be alive. Community input and " conditional use" permitting are essential for the well being of the community. Many were sold to vote for this idea based on the notion that licensed sales here would give more controls. Please follow through on that promise with open community input and the very best placement and setbacks for the benefit and safety of all of Naperville. Respectfully, Mary and Michael Duncan 3208 Plantation Ct, Naperville

#### **Anthony Morra - SUPPORT**

**At 10:43 p.m. a motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to extend the meeting to midnight. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

#### **SPEAKERS**

Jim Kreamer spoke against the proposed ordinance.

James Haselhorst spoke in favor of the proposed ordinance and suggested revisions.

Melinda and Chris Wong spoke against the proposed ordinance.

Jennifer Taylor spoke against the proposed ordinance.

Marilyn Schweitzer spoke in favor of the proposed ordinance.

DiSanto explained state regulations and enforcement mechanisms, described local control, and stated that the police department would be able to enforce ordinances.

Council discussed the referendum, getting additional public input, that

establishments are licensed by the state, municipalities may consider locations, caps, permitted use, and hours.

Laff explained current zoning restrictions on medical dispensaries.

First reading held.

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

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

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

1. Approve the eight priority housing program recommendations of the Housing Advisory Commission and direct staff to incorporate them into department work plans as appropriate

##### ***COMMENTS TO BE READ BY STAFF***

##### **Kristen Tang**

My name is Kristen Tang. I have been a Naperville resident for nearly 24 years. I am a member of the Accessibility and Inclusion Ministry Task Force at DuPage Unitarian Universalist Church in Naperville. The Accessibility and Inclusion Ministry strives to make our church building and programs as accessible and inclusive as possible to all people, including those with disabilities. As obtaining affordable and accessible housing can be an issue for many people with disabilities, our task force has been interested and encouraged by the recommendations of the Naperville Housing Advisory Commission to increase affordable housing in our community. I urge you to accept the HAC's recommendations and enact legislation to increase affordable housing in Naperville. Please also considering requiring some of the affordable housing units be made accessible to people of all ages who use wheelchairs. Naperville cannot be a truly welcoming and inclusive community if physical and financial barriers keep people with disabilities from living here. Thank you.

##### **Bradford Miller**

As a member of the Housing Advisory Commission, I wanted to voice my opposition to the inclusionary zoning ordinance (IZO) being proposed. The vote to include IZO was not unanimous and I believe Naperville residents would have real concerns with the impact of it on our community. In my opinion, the cost of inclusionary zoning will drive away developers therefore leading to less housing for homebuyers and making the perceived problem worse by lowering the supply of new housing available. I believe we should encourage economic growth and implementing strict regulations such as an IZO will hinder that growth. Further, artificial price controls lower assessed values on properties thereby costing local governments tax revenue. Because this type of ordinance restricts resale value, the loss in annual tax revenue will be substantial. I encourage City Council to think of the long term impact an IZO would have on our community

##### **Jim Hill**

Please take action on these recommendations. Our city's mission is to create an inclusive community that values diversity. That should include seniors and people who work in our schools, hospitals, retail stores and restaurants. Many of these people cannot live in our city because they cannot find housing they can afford. The housing needs analysis that supports these recommendations shows that in the next 10 years our city needs to add upward of 5,000 new housing units for households with incomes below \$50,000. That means we need to add at least 500 units per year for these people. In 2020, we added zero units, and in 2021 we will add less than 200 units. We will fall further and further behind in our mission to create an inclusive community unless this council acts now.

**James Haselhorst**

I understand that the city staff and officials involved in this report and guidance have provided a definition for what they mean by affordable housing. I feel the use of this term is still ambiguous and misleading. I recommend the term low income housing, while less politically tolerated, is less ambiguous and more accurate. Low income housing is the oldest and most pervasive form of systematic prejudice in our community as well as our national culture. Low income housing has traditionally been used to segregate low income families from the rest of society in the US. This type of prejudice is what the south has used for generations to keep people of color in their place and deny them the opportunities that only come from the quality education and social opportunities available in more prosperous communities. In the south, when black people pulled together and built their own communities, they were tolerated so long as they did not become too prosperous. Whenever one of these communities start to get to prosperous, they were attacked and burned to the ground. The most infamous of these being the burning of "black Wallstreet" in Tulsa. There simply is no moral or ethical justification for accepting low income workers into our community to maintain our lawns, serve us food, care for our children and do a myriad of other low paying job while at the same time denying them a place to living in our community. A community made possible by contributions from their hard labor. Denying low income households the advantages of a community like ours, which they have not only helped build but are actually needed to ever be possible, is a crime against humanity. If we can justify providing developers incentives to build affordable senior housing we can surely provide developers with incentives to include a certain percentage of low income housing in all residential development in our community in the future. The old prejudice that low income equals more crime needs to be abolished and we can do our part by leading through example. When Trump told us we can thank him for issuing an executive order that made it easier to exclude low income housing from our community because it will mean less crime resulting in higher property values he is perpetuating this system of prejudice. The last thing any community that believes in christian and family values should be doing is thank Trump for encouraging the perpetuation of prejudice. I strongly request that our community continue to do the annual housing studies that Trump's executive order eliminated the requirement to do. Lets continue our community's heritage of being a city that leads by example and eliminate this form of systematic prejudice from our community. Having low income housing in our community should not be something we fear or are ashamed of , but something we take pride in. Let show other communities how to get it right.



**Dr Jennifer Jackson, The Svend and Elizabeth Bramsen Professor in the Humanities, Department of English, North Central College**

Dear Mayor Chirico and City Council members, One of President Trump's recent tweets takes aim at "Suburban Housewives of America." This overtly bigoted appeal means to inject fear among those living what he calls the "Suburban Lifestyle Dream" and are, he alleges without evidence, threatened by former President Obama's fair housing rule. I want to believe the leadership and citizens of Naperville will not be misled by such a cynical ploy. Council members and residents now return to deliberations begun well before 2017, when the "Analysis of Impediments to Fair Housing Choice" report was reviewed. That 105-page document makes for fascinating reading, not least because some claims in its Executive Summary section--per that "Naperville has low levels of racial segregation overall"--seem at odds with data in the text itself. At that time, the Council set a five-year goal for addressing priorities and implementing equitable changes. In the interim, Naperville's affordable housing options have dwindled. Modest one-car garage homes in East and West Highlands, for example, are torn down and replaced with houses well out of reach even for middle-class professionals, much less those designated as "protected classes" with disproportionately lower incomes. The concentration of affordable apartments at the edges of town is made less attractive because of inadequate public transit and other problems yet to be resolved. My own relatively comfortable life as a professor at North Central College was made possible by affordable housing: my working class father's V.A. loan made a \$12,000. two-bedroom, one-bath Colonial attainable in 1950, and from that modest start I was able to purchase a nice, lower-priced 1950s tri-level in Naperville in 1996. However, I now have younger colleagues who cannot live in the town where they teach. Who doesn't value the American Dream? We all claim to care about those seeking an affordable home and good schooling for their children. Many of us are brought to tears when we watch George Bailey (Jimmy Stewart) in the film *It's a Wonderful Life* defending the right of working class people when Potter wants to fold the Building and Loan that provided fair housing to the poor: "You're all businessmen here... doesn't it make people better citizens, better customers? You said they had to wait and save their money before they even thought of a decent home. Wait? What for what? Until their children grow up and leave, until they're so old and broken down ... you know how long it takes a working man to save \$5,000? Just remember this, Mr. Potter, that this 'rabble' you're talking about, they do most of the working and paying and living and dying in this munity. Well is it too much to have them work and pay and live and die in a couple of decent rooms and a bath? Anyway my father didn't think so. People were human beings to him. Napervillians are justly proud of all this city has accomplished. We get to live the Dream. But how can we believe in our goodness if we fail to provide for "the least of these"? The fear that property values will decline if modest housing were offered is alarmist and not borne out by research. In her article "We Can Have Beautiful Public Housing," Meagan Day writes that "American culture is saturated with the idea that such housing is inevitably and uniformly grim... the impression has always worked in favor of those who would rather there were no such housing at all." She calls out our "pessimism and lack of imagination" (and I would add greed) that keep us from a vision of the common good. Day cites a number of examples around the world where public, middle-class, and upscale housing

can coexist. What if rather than blocking efforts to provide housing we embraced ethical alternatives? I appeal to Council members and citizens to find solutions to address this problem. Surely the Covid virus has taught us the importance of being good neighbors to all? Thank you for reading all or portions of this letter on August 4th.

**Mary Hamill - SUPPORT**

***SPEAKERS***

Carol Ann Fisher (DuPage Housing Alliance) spoke in favor of the recommendations.

Dee Huie (DuPage Housing Alliance) spoke in favor of the recommendations.

Mark Rice (Housing Advisory Commission) explained the deliberation and spoke in favor of the recommendations.

Brian Palm (Housing Advisory Commission) explained the deliberation and spoke in favor of the recommendations.

Marilyn Schwetizer discussed the recommendations and how they should be incorporated into other City strategies.

Barbara Stark, Accessible Community Task Force, spoke in favor of the recommendations.

Council discussed the lateness of the hour, the Housing Advisory Commission deliberation, the success of other inclusionary zoning ordinances, including input from developers and the real estate community, the complexity of the recommendations, and that the topic would be better served by a standalone workshop.

By consensus Council directed staff to poll members and find a workshop date for the Housing Advisory Commission recommendations.

**P. NEW BUSINESS:**

**Q. ADJOURNMENT:**

**A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to adjourn the Regular City Council Meeting of August 4, 2020 at 11:57 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk