



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, April 7, 2020

7:00 PM

On Zoom due to COVID19

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilman John Kruppen  
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 Louden; 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

OPEN SESSION - 7:00 p.m.

The mayor explained that the City Council meeting is being conducted via Zoom in order to comply with the governor's Stay-at-Home Order during the COVID-19 pandemic. He also discussed how the public can watch and participate in the meeting.

#### C. PLEDGE TO THE FLAG:

The pledge was given.

**D. AWARDS AND RECOGNITIONS:**

1. Proclaim April 2020 as Autism Awareness Month in Naperville

Hinterlong read the Proclamation.

**E. PUBLIC FORUM:****COMMENTS SUBMITTED ONLINE AND READ BY STAFF****Bill Simon - COMMENT ONLY**

First of all, I would like to THANK all of our first responders, city utilities workers, and others -- most especially, our hospital workers who are fighting the coronavirus for the rest of us. The March 31st show of NPR's "Morning Edition" prompts my questions about what steps the City of Naperville is taking to protect the city's critical utilities workers from exposure to COVID-19. The show described how Des Moines, Iowa has been sequestering their drinking water treatment plant operators inside their plant's fence line in order to prevent their exposure to COVID-19. The story also mentioned similar steps at a water treatment plant in Carlsbad, California, a city slightly smaller than Naperville. In Naperville, our highly-trained utilities workers not only operate and maintain our water and wastewater systems, but also our power distribution systems, all critical to our everyday personal and economic lives. We citizens would like to know, what steps have been implemented to prevent COVID-19 community exposure to these critical personnel? What steps remain to be taken if, and when, the local COVID-19 situation worsens?

Krieger responded that all departments have changed operations in order to comply with social distancing and personal protection guidelines.

**Ajay Buti - COMMENT ONLY**

All forest preserves should be shut down. Last week the one on Plainfield Naperville road was packed and that does not bode well for what we are all trying to achieve. In addition, all parks should be closed also.

Chirico responded that the City has partnered with the Forest Preserve and Park District representatives to encourage recreating while complying with social distancing directives.

**Gerald Roethel - COMMENT ONLY**

What contingent measures are planned, or in place, to expand local hospital capacity, if needed during the current health emergency? Is leadership from the "Naperville Emergency Management Agency" professionals a part of the city's plan to manage the current emergency?

Puknaitis explained that the City is in constant communication with Edward Hospital and plans remain flexible in order to change as circumstances dictate. He also discussed the appropriateness of utilizing the NEMA volunteers.

**Afshin - COMMENT ONLY**

Nuisance should be taken very seriously. Your current city ordinance rules doesn't help or makes it much harder for an officer to deal with a nuisance complaint. For example, dog barking is one them that a police officer is not allowed to handle but has to forward the complaint to the city's animal control department. It makes the situation complicated when the animal control department is closed and the officer refuses to contact the home owner! You need to fix this!

**Jennifer Bruzan Taylor - COMMENT ONLY**

Governor Pritzker's Orders from March 16th and April 1st only suspend the rules as to those on City Council needing to have a physical quorum and allowing remote participation by those on City Council. The Orders do not suspend any of the rules regarding the meetings to be equally accessible to the entire general public and allow public comment. Having the meeting over Zoom, or any internet platform, does not meet the Open Meeting Act requirements. First of all, to participate a member of the general public (1) needs internet access and (2) feel comfortable using a new software program. With how much technology is part of our lives, it is easy to forget that there are many people who either cannot afford access to the internet and/or are too intimidated to try to use it. Oftentimes, but not always, these tend to be our retirees. Do not take my word for it, here is a link to an article that about 10% of the US population choose not to have internet service. <https://www.allconnect.com/blog/33-million-americans-dont-use-internet> <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.allconnect.com%2Fblog%2F33-million-americans-dont-use-internet&data=02%7C01%7CKellyP%40naperville.il.us%7Cf47b5a4066f74535270208d7db122fe3%7Cb9a0f99f4bde4b818b21fcedd458fec5%7C0%7C0%7C637218743483082067&data=iISG2JaHiCwn%2F3lzJ8qGrltPQvBWom8rFVj0VxFBlo4%3D&reserved=0> By having the meeting over Zoom, these individuals are being prevented from utilizing their legal right under the Open Meetings Act of participating in today's meeting. Now, as to the fact that the only way to view the meeting is by (1) over the cable TV station or (2) streaming over the internet. Again, those who cannot afford cable and internet, again typically retirees, are unable to view the meeting. I can think of at least 5 Naperville households, my parents included, who do not have cable and do not have internet. If I can think of 5 families, you know there are much more in Naperville. Because libraries and other public places to view are closed, these individuals are prevented from watching the meeting. As to notice, how have those who do not have access to the internet been informed of City Council holding this meeting and that it is being held over Zoom? If people do not have internet access how would they know? I did not see any newspaper notices. Was there a sign posted on City Hall's door? In addition, although yesterday Naperville placed on its website notice of the meeting being held over Zoom and the details regarding it under the COVID-19 section, there was nothing on Friday when I conducted an extensive search all over the website. The only thing on Friday I found was on the Agenda itself that said the meeting was being held under "Zoom" with no details as to what Zoom was or how the meeting would be conducted via Zoom. To get this information a person needed to be signed up to receive general City of Naperville updates. I bring this all to your attention to ask: why is anything being discussed and decided on the agenda outside of necessary consent agenda items? Even the Governor in his Order says to postpone governmental meetings when possible. There is a low risk of a resident suing the City for violating the Open Meetings Access regarding a vote on whether, for example, how much to pay for brush pick up. When there are controversial items on the agenda, however, that risk is pretty high especially when there is a violation of the Open Meetings Act happening, as is here. As someone who spent their career as a litigator both at the trial and appellate level, I know that the government in times of crisis often tries to argue extenuating circumstances to get around due process rights belonging to its citizens.

DiSanto responded that the City is under an emergency declaration and the City is making every effort possible to conduct business and allow the public to participate in a variety of methods while complying with the Open Meetings Act. He also added that cable providers are providing free internet access during this time and the City will continue to widely notice the meetings.

## F. 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

## G. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items G6, G12, G13, G14, G17, and G18 and also tabling items G8 and G11 to the May 5, 2020 meeting. The motion carried by the following vote:

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

1. Approve the cash disbursements for the period of 03/01/2020 through 03/31/2020, for a total of \$23,653,617.20

**Council approved.**

2. Approve the emergency City Council meeting minutes of March 17, 2020

**Council approved.**

3. Approve the regular City Council meeting minutes of March 17, 2020

**Council approved.**

4. Approve the City Council meeting schedule for April, May & June 2020

**Council approved.**

5. Approve the award of Bid 20-073, 2020 Cured-In-Place Water Main Rehabilitation, to Michels Corporation for an amount not to exceed \$289,224, plus a 5% contingency

**Council approved.**

6. Approve the award of Bid 20-087, Brush Collection Services, to Steve Piper and Sons and Trees "R" Us, Inc. for an amount not to exceed \$410,090 and for a two-year term

Council discussed the number of bids, the difference between the bid amounts, staff recommendation to hire both, and the appropriateness to rebid in order to hire one vendor.

Dublinski explained that this service is similar to snow contracting and that several vendors are necessary due to the size of the City, that this service is conducted regardless of the pandemic, and that prices will most likely increase if rebid.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the award of Bid 20-087, Brush Collection Services, to

Steve Piper and Sons and Trees "R" Us, Inc. for an amount not to exceed \$410,090 and for a two-year term. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White  
Nay: 2 - Kelly and Sullivan

7. Approve the award of Bid 20-007, 2020 Patching Program, to Schroeder Asphalt, Inc. for an amount not to exceed \$482,467.50, plus a 5% contingency

Council approved.

8. Approve the award of Cooperative Procurement 20-136, Unit 315 Equipment Replacement, to Fire Service Inc. for an amount not to exceed \$680,282

Council tabled to May 5, 2020.

9. Approve the award of Bid 20-006, 2020 Crackfilling Program, to Denler, Inc. for an amount not to exceed \$330,340, plus a 5% contingency.

Council approved.

10. Approve the award of Sole Source Procurement 20-143, Distribution Automation Upgrade, to Universal Utility Supply Company for an amount not to exceed \$297,000

Council approved.

11. Approve the award of Cooperative Procurement 20-154, Unit 238 and 293 Equipment Replacement, to JX Peterbilt for an amount not to exceed \$403,388.97

Council tabled to May 5, 2020.

12. Approve the award of Option Year Three to Contract 16-173, Leaf Disposal Services, to BioAg and Option Year Two to Contract 18-146, Leaf Disposal, to Tri-County Excavation and Construction, Inc. and to Steve Piper and Sons for an amount not to exceed \$272,500 for both contracts (Item 1 of 2)

Council discussed approving this award at this time, the appropriateness of tabling until May 5, and the risks associated with not performing this service.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to approve the award of Option Year Three to Contract 16-173, Leaf Disposal Services, to BioAg and Option Year Two to Contract 18-146, Leaf Disposal, to Tri-County Excavation and Construction, Inc. and to Steve Piper and Sons for an amount not to exceed \$272,500 for both contracts. The motion carried by the following vote:

Aye: 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Sullivan and White  
Nay: 1 - Kelly

13. Authorize the City Manager to extend the lease for three parcels of City property for leaf disposal (Item 2 of 2)

A motion was made by Councilwoman Brodhead, seconded by Councilman

Hinterlong, to authorize the City Manager to extend the lease for three parcels of City property for leaf disposal. The motion carried by the following vote:

**Aye: 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Sullivan and White**

**Nay: 1 - Kelly**

14. Pass the ordinance granting a major change to amend Lot 11 of the Cantore Place PUD, a conditional use for an automobile repair facility, and a Final PUD plat on the subject property located at 2643 Forgue Drive (Firestone-Naperville)- PZC 19-1-111

**POSITION SUBMITTED ONLINE AND READ BY STAFF**

**Jason Horowitz - SUPPORT**

**COMMENTS SUBMITTED ONLINE AND READ BY STAFF**

**Craig Cole, Managing Director Net Lease Division, GBT Realty Corp - SUPPORT**

I represent the Developer, in favor of Agenda Item #14 - Approval of a Firestone in Cantore Place by approving the conditional use-Applicant is seeking, and is in favor of Agenda Item #14. In addition to having met with City Staff prior to pursuing our potential use, applicant has worked diligently with staff to design the development in such a way as to minimize any perceived or potential impact upon neighboring properties. In addition to mailing notifications to neighbors, a neighborhood meeting was held at the Naperville Public Library. There was only one attendee at the neighborhood meeting, and she was in favor of the development. Subsequently, applicant hosted an online meeting with representatives of the Arbor Terrace senior living facility. As a result of that meeting, applicant has agreed to add a fence and a berm to our plans to further mitigate any potential or perceived impact from our development upon the neighboring development.

Laff explained the landscape plan does not reflect the improvements due to the timing of the agreement, however should Council approve the recommendation, the plan will be updated prior to the issuance of the ordinance.

Enactment No.: ORD 20-031

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance granting a major change to amend Lot 11 of the Cantore Place PUD, a conditional use for an automobile repair facility, and a Final PUD plat on the subject property located at 2643 Forgue Drive (Firestone-Naperville) - PZC 19-1-111. The motion carried by the following vote:**

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

15. Pass the ordinance proposing the establishment of and setting a public hearing for Special Service Area No. 32 for the Wagner Farms shared-use paths

**Council passed.**

**Enactment No.: ORD 20-029**

16. Pass the ordinance approving a minor change to the Hobson West Commons Lot 2 PUD- PZC 20-1-005

**Council passed.**

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**Enactment No.: ORD 20-030**

17. Pass the ordinance approving a minor change to the Naperville Crossings PUD and revised final PUD plat to allow for development of building 7 on lot 16 - PZC 19-1-133

Enactment No.: ORD 20-032

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance approving a minor change to the Naperville Crossings PUD and revised final PUD plat to allow for development of building 7 on lot 16 - PZC 19-1-133. The motion carried by the following vote:**

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

18. Pass the ordinance approving a minor change to the PUD to allow for renovation of an existing car wash for Ducky's Car Wash at 1095 E. 75th Street (fka 1090 E 75th Street) - PZC 19-1-079

**SPEAKERS**

**Mahoob Abbas, Petitioner - SUPPORT**

Enactment No.: ORD 20-033

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance approving a minor change to the PUD to allow for renovation of an existing car wash for Ducky's Car Wash at 1095 E. 75th Street (fka 1090 E 75th Street) - PZC 19-1-079. The motion carried by the following vote:**

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

## **H. PUBLIC HEARINGS:**

## **I. OLD BUSINESS:**

## **J. ORDINANCES AND RESOLUTIONS:**

1. Waive the first reading and pass the ordinance amending the municipal code to establish a municipal cannabis retailers' occupation tax (requires six positive votes)

**COMMENTS SUBMITTED ONLINE AND READ BY STAFF**

**Erika DeCarlo - SUPPORT - COMMENT ONLY**

Naperville has been ready for recreational cannabis for a very long time and our votes reflect this. The Asian (mainly Chinese) opposition group, Opt Out, is funded by a dark money group, is full of roving carpetbaggers, and their unscientific views certainly don't represent Naperville, or the Asian-American community here. Many Opt Out members aren't even American citizens or voters! Do I have the right to go to China and randomly demand that the Chinese abstain from alcohol, green tea, and rice, simply because I showed up? Besides, it was the Chinese and Indians who wisely brought the medicinal use of cannabis to the world 10,000 years ago. For this gift, we all owe them our gratitude. Now these folks have done a 180 and they think Reefer Madness is a documentary. The same Opt Out members go from town to town and in each town they visit, they claim they live there. Do these people each own 20 homes? Enough! Bottom

line, those of us who were born in IL, as I was 48 years ago, and actually grew up in Naperville, as I did, and did all of our K-12 here (Steeple Run, Madison, Naperville Central for me) DO want recreational cannabis. We will not be silenced or bullied by carpetbaggers funded by nefarious dark money PACs. I will never apologize for believing in freedom, personal choice, and traditional American values. Please honor the will of the majority of citizen residents and support recreational cannabis. Marijuana is here anyway, and it's been in popular use locally for over 100 years. Do we want regulated, taxed, controlled sales, or should Naperville citizens continue to buy it from the dealers who have been here for decades? Should we buy it in neighboring towns, depriving Naperville of much needed revenue? Either way, Naperville residents will obtain and use cannabis. Why not derive some benefit? Support recreational cannabis stores and refute the racist drug war. Ironically, historically, marijuana prohibition was tacked on to opium prohibition specifically to keep Chinese immigrants out of the USA and to harass the ones already here. Now this Asian coalition, totally ignorant of American drug war history, embraces the very same racist anti-marijuana rhetoric that was specifically concocted to keep them out. Strange days indeed. Most peculiar. Show courage. Open the recreational stores and stop bowing to outside pressure groups. As a voter, citizen, and resident, thank you for allowing us this forum and for considering my viewpoint. I will be watching your votes on this extremely carefully and I have voted in every election since turning 18.

**Bill Collins - OPPOSE - COMMENT ONLY**

My name is Bill Collins, and I live at 112 Split Oak Road, Naperville- Mr Mayor and city council members, thank you for the opportunity to submit my opposition to file #20-416, Agenda 1, municipal cannabis retailers' occupation tax. You have all studied the data. In their report published in Nov 2019 regarding school violence, studying attackers from 2008-2017, they looked at substance abuse: "Half of the attackers, 49%, had a history of substance use and/or abuse. The most frequently used substances included marijuana 40%..." (pg 27 of Protecting America's Schools, US Secret Service analysis of targeted school violence. Let's not make it easier for our youth to obtain cannabis, please vote no, thank you.

**George Hardwidge - OPPOSE - COMMENT ONLY**

The citizens of Naperville are clearly opposed to the sale of recreational marijuana. So why are we moving forward with this. Certainly a 3% tax will not offset the damage done to our community by selling marijuana which has clearly been demonstrated to be a gateway drug. And there has been no effort state or local to identify and codify driving while under the influence. There is little or no traffic enforcement on our road ways now. So I guess this wise assembly thinks it is OK to combine drug use with texting speeding and drinking while driving on our roads. I will vote against any council member who supported or supports legalization of marijuana sales in Naperville.

**POSITION SUBMITTED ONLINE AND READ BY STAFF**

Nancy Turner - SUPPORT

Jean Page - SUPPORT

Philip Buchana - SUPPORT

Lyndsey Kokoris - SUPPORT

Joy Grainge - SUPPORT

RJ Hermanowicz - Opt In for recreational cannabis sale in Naperville - SUPPORT

Dianne McGuire - Opt In Naperville - SUPPORT

James Full & Courtney Halcomb - OPPOSE

Norma Hnilo - OPPOSE

Enactment No.: ORD 20-034



**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Sullivan, to waive the first reading and pass the ordinance amending the municipal code to establish a municipal cannabis retailers' occupation tax. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Brodhead, Kelly, Krummen, Sullivan, and White

**Nay:** 3 - Coyne, Gustin, and Hinterlong

2. Receive the staff report regarding the Nokia Campus located at 1940, 1960, 1980, 2000, and part of 1935 Lucent Lane Naperville - PZC 20-1-008 (File 1 of 5)

**COMMENTS SUBMITTED ONLINE AND READ BY STAFF**

**Kenneth Schmidt - COMMENT ONLY**

To the Naperville City Council, this concerns the proposed Ordinances for the rezoning and other issues of the Nokia property, including any proposed changes to Lucent lane, both south and east access points. First, I want to comment on the possible density of houses in Lot 4, assuming the proposed R2 zoning is passed. Our Fairmeadow Neighborhood consists of 35 homes on about 19.7 acres, or approximately one half to 6/10 of an acre per home. To maintain consistency in housing in the Lot 4 area, please consider mandating minimum lot size to 0.5 acres per lot. Second, considering access and egress for Lot 4, please mandate that no new access and egress roads shall be planned or constructed. Lucent Lane's connection to both Warrenville Road and Naperville road shall suffice for all access and egress for all proposed Lots in the Nokia property. In no way will it be acceptable to connect any type of roadway between the Fairmeadow Neighborhood and any part of the proposed Lots 1 - 4. Kenneth Schmidt, Fairmeadow Neighborhood Resident

**Robert Rubens - Fairmeadows HOA - OPPOSE**

When the first homes were built in Fairmeadows subdivision in the mid 1950's residential zoning codes regarding drainage, well, septic and other building ordinances were substantially different than today. The area was attractive to homeowners due to its rural surroundings. Drainage studies of the time were quite rudimentary and Fairmeadows was a stepchild in the area using a Naperville mailing address but being in unincorporated Milton Township, bordering Lisle and Wheaton, even though in DuPage county. The engineers and commissioners who approved those building permits 60 years ago are long gone, but we aren't. When Bell Labs began building 10 years later in the back yard of our 33 Fairmeadows homes, but in Naperville proper, it was in a wetland area. Covenants were created which sought to satisfy the commissioners and residents of the day. The increased tax base of a major corporation was a good trade off. The berm bordering the west side of Fairmeadows was supposed to hide the TEMPORARY parking lot until the parking deck was built. Financial times have changed. Those commissioners who approved Bell Labs and the Labs people who agreed to the berm and TEMPORARY lot 50 years ago are long gone, but we aren't. Please be aware that drainage in this entire very wet area was poorly designed at the beginning and only got worse with Bell Labs. We helped pay the price of progress and resultant tax revenues. Our home, like virtually all others in Fairmeadows has multiple pumps in the basement that run continually. Our last flood cost us \$10,000 to remediate. We have ducks in our back yard since mid March. My wife and I moved here to be near nature and although we are now retired and on fixed income I understand business and progress. I would be very disappointed if the rookery and Danada wildlife is endangered. I will be disappointed if property values suffer, but I understand business and progress. The commissioners who will hear this proposed rezoning must be made aware that we have learned from history. We, the HOA will be

reasonable but will not yield on our health, our drinking water safety and drainage. After you are gone, we will be here. The south extension of I 355 was held up for years while the EPA reviewed the collocated habitat of the Emerald Dragonfly. The 33 families living in Fairmeadows deserve at least the local, state and if necessary federal review accorded the dragonfly to ensure our drinking water is safe and our basements aren't moldy.

**Jen Banowetz - Fairmeadow Neighborhood Association**

I OPPOSE the Nokia Campus items on tonight's agenda, that is, I oppose any new development there. My family has resided in the Fairmeadow Neighborhood adjacent to the Nokia campus for more than 18 years. I would like the board realize that this area (the Nokia greenspace) is a WETLAND. In fact, just north of the property there a giant sign along Butterfield Road that designates this area as a "DuPage Forest Preserve Wetland Project." Simply put, anyone buying/developing this green parcel is buying SWAMPLAND. Historically, our neighborhood had experienced decades of wet basements and flooded properties. Stormwater worries is a major concern--and only will get worse with more development. Honestly, the undeveloped parcels of the Nokia property is best suited as greenspace, ESPECIALLY since it is surrounded by diverse DuPage Forest Preserve property. Any further development could have a serious negative impact on the quality of the preserve lands. As you may know, for example, there is a Great Blue Heron rookery within sight that is currently quite active. It would be a travesty for any of this crucial--and beautiful--preserve to be disturbed in any way. Thank you for your time and the opportunity to share my first-hand knowledge of the area.

**POSITION SUBMITTED ONLINE AND READ BY STAFF**

**Rebecca Rogers - Fairmeadow Neighborhood Association - President - OPPOSE**

**SPEAKERS**

**Tom Gorman - NOKIA - SUPPORT**

The petitioner seeks subdivision of the subject property into 3 lots (Lots 2, 3, and 4) and 1 outlot in order to facilitate the possibility of selling one or more lots. Lot 1, which was created by a 2011 plat of subdivision and is not part of the proposed Nokia subdivision, is owned by the City and is the location of the City's Indian Hill Electric Substation. Petitioner's proposed Lot 2 will include the improvements on 1960 Lucent Lane as well as two garage buildings located on 1940 and 1980 Lucent Lane which will be renovated and leased to multiple office tenants. Lot 3 will consist of the 2000 Lucent Lane improvements and will be leased back to Nokia. Lot 4 is vacant land intended to be sold for future development. Outlot A is a stormwater detention facility which will be a source of stormwater management for Lots 2, 3, and 4.

**James Butt (Fairmeadow Neighborhood Association) - OPPOSE**

**Tim Feldballe (Fairmeadow HOA) - OPPOSE**

Novack explained the order of zoning, studies, that stormwater is reviewed by both the City and County, and stated that the vast majority of developments improve stormwater drainage.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items J2 - J6. The motion carried by the following vote:**

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

3. Pass the ordinance approving of the preliminary/final plat of subdivision of the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000

Lucent Lane (File 2 of 5)

Enactment No.: ORD 20-035

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving of the preliminary/final plat of subdivision of the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane. The motion carried by the following vote:**

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

4. Pass the ordinance rezoning of Lot 4 of the Nokia Campus to R2 (Single-Family and Low Density Residence District) for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane (File 3 of 5)

Enactment No.: ORD 20-036

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning of Lot 4 of the Nokia Campus to R2 (Single-Family and Low Density Residence District) for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane. The motion carried by the following vote:**

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

5. Pass the ordinance approving a conditional use to establish a planned unit development for Lot 4 of the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane (File 4 of 5)

Enactment No.: ORD 20-037

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a conditional use to establish a planned unit development for Lot 4 of the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane. The motion carried by the following vote:**

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

6. Pass the ordinance approving variances associated with the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane (File 5 of 5)

Enactment No.: ORD 20-038

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving variances associated with the Nokia Campus for the subject property located on part of 1935 Lucent Lane and 1960-2000 Lucent Lane. The motion carried by the following vote:**

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

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

1. Approve the award of Bid 20-032, 2020 Sanitary Sewer Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,249,980 plus a 3% contingency

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 20-032, 2020 Sanitary Sewer Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,249,980 plus a 3% contingency. The motion carried by the following vote:**

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

2. Approve the award of Bid 20-008, 2020 Micro-surfacing Program, to AC Pavement Striping Co. for an amount not to exceed \$1,282,310.00, plus a 3% contingency

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 20-008, 2020 Micro-surfacing Program, to AC Pavement Striping Co. for an amount not to exceed \$1,282,310.00, plus a 3% contingency. The motion carried by the following vote:**

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

## **L. PETITIONS AND COMMUNICATIONS:**

## **M. REPORTS AND RECOMMENDATIONS:**

## **N. NEW BUSINESS:**

### Finance presentation

Mayer gave an overview of how the current pandemic may impact the 2020 budget. She stated that it is far too early in this rapidly changing and unprecedented event to have accurate data, that staff is committed to providing updated information as the event evolves, that increasing cash reserves, reducing debt and securing the AAA bond rating has given the City time to make measured strategic decisions, and that staff is monitoring revenue streams and changes to service delivery.

Council discussed executive orders, financial principles, small business assistance, outreach by the Chamber of Commerce, essential and non-essential businesses, and prioritization of expenditures.

Krieger stated that each month staff will present refined estimates to the Council and identify service changes and purchase deferrals.

### Zoning for adult-use cannabis sales

Council discussed the declaration of a national emergency, the stay-at-home order, the need for public input on this topic, that the issue has been divisive, the need to provide various methods to allow the public to participate, new source of revenue for the City, voter data from the March 17 primary, and the need to respect the will of the voters.

By consensus Council directed staff to initiate the zoning process to allow for the legal sales of adult-use cannabis and bring a roadmap/timeline recommendation back to a future meeting.

### Council Rules

Chirico explained that comments made by Gustin at a previous meeting violated provisions of Council Rules regarding conduct of members. He said his statement serves as a warning, to the entire Council, that this type of behavior is unacceptable and if it occurs again he will recommend censure.

Gustin, Brodhead, and White responded.

## **O. CLOSED SESSION:**

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(6) Sale of Property; 120/2(c)(8) Safety & Security Procedures; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:**

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

## **P. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of April 7, 2020 at 10:10 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