

**Q/A for October 3, 2023**

<b>Agenda #</b>	<b>Title</b>	<b>Requestor Responder</b>
<b>I.11</b>	<b>Approve the award of Bid 23-205, 2023 New Sidewalk Program, to Triggs Construction, Inc., for an amount not to exceed \$240,571.50, plus a 5% contingency</b>	
<b>Q.</b>	Can you provide the maps of the five locations to be addressed in 2024?	<i>Longenbaugh</i>
<b>A.</b>	Maps of the five contract locations are provided as an attachment.	<i>Hynes</i>

<b>I.13</b>	<b>Receive the staff report to consider rezoning 2012 Corporate Lane, 2019 and 2043 Corporate Lane, and 2235 Corporate Lane from ORI (Office, Research, Light Industrial District) to I (Industrial District) (Item 1 of 4)</b>	
<b>Q.</b>	Can we get the PZC meeting minutes on this agenda item?	<i>Bruzan-Taylor</i>
<b>A.</b>	Please see attached.	<i>Kopinski</i>

<b>I.13-16</b>	<b>Receive the staff report to consider rezoning 2012 Corporate Lane, 2019 and 2043 Corporate Lane, and 2235 Corporate Lane from ORI (Office, Research, Light Industrial District) to I (Industrial District) (Item 1 of 4) Pass the ordinance rezoning certain property located at 2012 Corporate Lane from ORI to I (Industrial District) (Corporate Lane Rezoning) - PZC 23-1-072 (Item 2 of 4) Pass the ordinance rezoning certain property located at 2019 and 2043 Corporate Lane from ORI to I (Industrial District) (Corporate Lane Rezoning) - PZC 23-1-071 (Item 3 of 4) Pass the ordinance rezoning certain property located at 2235 Corporate Lane from ORI to I (Industrial District) (Corporate Lane Rezoning) - PZC 23-1-065 (Item 4 of 4)</b>	
<b>Q.</b>	It seems like the intent of the ordinance is essentially to grandfather the subject existing industrial properties after the Council took action this year to try to prevent further warehouse development on the I-88 corridor. I would be supportive of this (and agree these particular properties are attractive). However, I am concerned that the properties could turn into something else were they ever to be demolished and redeveloped with an I classification. Would it be possible to maintain them as ORI but grant a variance?	<i>Holzhauer</i>
<b>A.</b>	It is not possible to maintain an ORI zoning designation but grant a variance to land uses. Section 6-3-6 (Variances) of the Naperville Municipal Code states that the City Council shall not vary the provisions of this Title concerning permitted uses, conditional uses or the regulation of nonconforming uses, except as specifically provided in Chapter 4 (Planned Unit Developments). Staff finds the Subject Properties, and other properties within Prairie Point Corporate Park, function and are improved in a manner which more closely aligns with the I (Industrial District), making the I District a more appropriate zoning designation given existing uses and Prairie Point Corporate Park's location north of Ferry Road and outside of the City of Naperville's I-88 office corridor. No changes in land use are proposed at this time but should City Council approve the requests for rezoning, the Subject Properties would be subject to the I district's regulations moving forward.	<i>Kopinski</i>

<b>I.19</b>	<b>Waive the first reading and pass the ordinance amending Section 11-2B-13 of the Naperville Municipal Code increasing regulation of Municipal Parking Lots (requires six positive votes)</b>	
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<p><b>Q.</b></p>	<p>1. Is there an existing ordinance that prohibits loitering in public areas of Naperville?  2. What is stopping police patrols from enforcing the existing ordinances/laws about curfew, underage/public drinking, vandalism, graffiti etc? Or is it just tough to catch people in the act?  3. Do you have data about the problem today? eg the frequency of issues due to people hanging out in the decks? (I'm sure you have data because you wouldn't make a decision like this blindly.)  4. Are you already using surveillance technology/cameras in the decks?  5. Comparatively, what will the penalty be for violating this vs other misdemeanors?  6. If kids aren't able to hang out in the decks, where will they go? This brings us back to the original problem with kids congregating in the Top Fashion parking lot because of lack of other options.</p>	<p><b>Longenbaugh</b></p>
<p><b>A.</b></p>	<p>1. Per Legal the "loitering" law was repealed in 2009 consistent with a Supreme Court ruling (DiSanto provide further details upon request). This ordinance gives the City more latitude based on the appropriate use of a parking garage.  2. The Police Department is able to enforce these when discovered, but sometimes it is difficult. Curfew is a moot point because by 12 am on Fr/Sa most of the underage kids are gone.  3. Since 2018, 43 W. Van Buren is the #3 location in the entire city for calls for service. The calls are varied and while the ordinance is no guarantee to completely solve the problem, it is another tool at our disposal to work on some of the issues we deal with in the garages, that primarily consist of folks that are not using the garage for its' intended purpose.  4. The City does have cameras and license plate reader technology and although it is not monitored 24/7, it is good for evidence on the back end when necessary.  5. This is a City ordinance ticket, as opposed to a state charge, so not only is it a lesser charge, under the new Safety Act provisions, not arrestable. I can confirm with Legal what the fine will be, though I can assure you that individuals that receive citations will receive ample opportunity to voluntarily comply before being cited.  6. Teenagers and young adults will always find areas to congregate. Gathering in the garages is more of a problem based on the pull of police resources from other areas and the number of complaints from downtown patrons and businesses; chief among them are concerns about parking and navigating the groups.</p>	<p><b>Arres</b></p>
<p><b>Q.</b></p>	<p>Do we know how many times we've had DPW fence off floors of our downtown decks over the last several years to prevent the activity this ordinance is designed to address?</p>	<p><b>Wehrli</b></p>
<p><b>A.</b></p>	<p>DPW has been asked to close the top part of the Parking decks at Van Buren and Water Street a total of 3 times.  The first time happened during COVID in 2020 &amp; 2021. Water Street locked down on 9/20/20 and Van Buren locked down on 4/21/21. Both opened in October of 2021.  The second time was for about 30 days in late spring of 2022 until the hotel and VB required more space for the summer .  The third and most recent this year was for about 2 weeks from 8/13/2023 through 9/13/2023</p>	<p><b>Dublinski</b></p>