



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, October 1, 2019

7:00 PM

Council Chambers

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**REVISED**

**Republished 9/26/2019 - The following items have been updated: I5 Annual increase numbers updated & O2 attachments amended**

#### **A. CALL TO ORDER:**

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

#### **B. ROLL CALL:**

#### **C. CLOSED SESSION - CANCELED**

OPEN SESSION - 7:00 p.m.

#### **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; Bureau Fire Chief, Jim Kubinski; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Interim 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:****1. Proclaim October 2019 as National Disability Employment Awareness Month**

Hinterlong presented the Proclamation.

Gustin made remarks about National Breast Cancer Awareness Month.

**G. PUBLIC FORUM:****Parking Lot Safety**

Bev Frier, Naperville, discussed her fall in a parking lot and made suggestions for improvement.

Kubinski discussed the number of EMS calls received for falls and the department's Community Risk Reduction Initiative.

Novack said there are no studies in progress, there is nothing in the building code to prohibit parking bumpers, discussed making amendments to the Design Manual for Public Improvements, and granting staff administrative authority to make amendments to the manual as necessary.

By consensus, Council directed staff to research necessary changes and bring recommendations for review at a future meeting.

**6 N. Wright Street**

Patti Bernhard, firm of Rosanova and Whittaker, requested permission for a right-of-way encroachment agreement to allow her client to leave the apron, or a suitable alternative, in the right-of-way.

Laff explained that Code Enforcement works on a complaint basis, and if there are other properties in this situation they are considered existing non-compliant. She stated that a variance cannot be granted because the apron is on public property and that ordinances don't prohibit parking on apron but vehicles cannot cross the sidewalk.

Novack said it would be cost prohibitive to remove the aprons when the road is resurfaced.

By consensus, Council directed staff to pause any enforcement, research the issue, and bring recommendations for review at a future meeting.

**Recreational Marijuana March referendum**

Lyndsey Kokoris requested the referendum be on the March 2020 ballot.

**Recreational Marijuana March Referendum**

Nicholas Kokoris requested the referendum be on the March 2020 ballot.

Putting Cannabis vote on ballot in March 2020  
Jean Page requested the referendum be on the March 2020 ballot.

Opt In  
Philip Buchanan spoke in favor of opting in and allowing the sale of adult-use cannabis.

Cannabis referendum  
Holly Hootman spoke about decorum at, and around, a recent Council meeting and asked that the referendum be on the March 2020 ballot.

Cannabis referendum  
Dianne McGuire spoke in favor of opting in and allowing the sale of adult-use cannabis.

Traffic Safety Gartner/Washington  
Len Kowalski discussed violations of the Municipal Code regarding construction start time at the Tartan development.

Novack said staff has received a complaint and Code Enforcement has spoken to construction workers.

Gartner/Washington Traffic Concerns  
Marilyn Schweitzer requested a report regarding how traffic resulting from the new development will be addressed.

Marshall explained there have been an increase in police presence.

Louden advised a memorandum will be forthcoming.

Cannabis Referendum  
Mark Borowicz requested the referendum be on the March 2020 ballot.

Marijuana Referendum  
James Haselhorst requested the referendum be on the March 2020 ballot.

Marijuana Referendum  
Jennifer Taylor rebutted previous speaker's comments and requested the referendum be on the November 2020 ballot.

Council discussed keeping the referendum item on the October 15 agenda, that both sides of the issue are organized, and the appropriateness of moving forward.

## **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 items. 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 items I11 and I13. 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 September 17, 2019  
**Council approved.**
2. Approve the City Council meeting schedule for October, November & December 2019  
**Council approved.**
3. Approve the appointments of student representatives to City Boards and Commissions.  
**Council approved.**
4. Approve the award of Bid 19-197, Security Camera Maintenance and Repair Services, to Pace Systems, Inc. for an amount not to exceed \$250,000 and for a two-year term  
**Council approved.**
5. Approve the award of Option Year One to Contract 17-199, Biosolids Removal Services, to Stewart Spreading for an amount not to exceed \$205,500  
**Council approved.**
6. Approve the award of Cooperative Procurement 19-273, Traffic Signal and Street Light Maintenance, to Meade Inc. for an amount not to exceed \$746,948.60, plus a 5% contingency and for a two-year term.  
**Council approved.**
7. Approve the award of Bid 19-270, 4th Avenue Train Station Improvements, to RoMAAS Inc., for an amount not to exceed \$159,900, plus a 5% contingency  
**Council approved.**
8. Approve the award of Option Year One to Contract 18-260, Cartage Services, to International Hauling and Excavating Inc. for an amount not to exceed \$145,000  
**Council approved.**
9. Approve the award of Cooperative Procurement 19-249, Mobile Broadband Data Services, to Verizon Wireless for an amount not to exceed \$235,000 and for a two-year

term

**Council approved.**

10. Approve the award of Cooperative Procurement 19-248, Cellular Phone Services, to Verizon Wireless for an amount not to exceed \$614,000 and for a two-year term

**Council approved.**

11. Waive the first reading and pass the ordinance amending Section 3-7 of the Naperville Municipal Code to allow vehicle vending at Naperville train stations (requires six positive votes)

Chirico explained that Council approved a repeal and replacement of the Solicitor/Peddler ordinance in August and Harry's Catering inadvertently fell out of compliance. He said the purpose of the text amendment was to bring Harry's Catering into compliance.

Rudy Radasevich, Naperville, spoke in favor of the text amendment.

Harry Buenger, Harry's Catering, spoke in favor of the text amendment.

Enactment No.: ORD 19-136

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to waive the first reading and pass the ordinance amending Section 3-7 of the Naperville Municipal Code to allow vehicle vending at Naperville train stations and to direct staff to negotiate a two-year agreement, with a similar termination clause, with Harry's Catering. The motion carried by the following vote:**

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

12. Pass the ordinance approving a variance to permit a detached accessory structure to enclose the existing pool for the property located at 1291 Leverenz - PZC 19-1-087.

Enactment No.: ORD 19-131

**Council passed.**

13. Pass the ordinance approving the Final Planned Unit Development for Tru by Hilton Subdivision at the subject property located at 1809 W. Diehl Road, Naperville - PZC 19-1-075

Traci Glon spoke against the proposed ordinance.

Council discussed signalization, zoning, and developments.

Laff explained that the underlying zoning will allow multiple hotels to be put in by right and without Council approval.

Enactment No.: ORD 19-137

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance approving the Final Planned Unit Development for Tru by Hilton Subdivision at the subject property located at 1809 W. Diehl Road, Naperville - PZC 19-1-075. The motion carried by the following vote:**

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

14. Receive the staff report for D& K Wake Subdivision located at 724 Jackson Avenue- PZC 18-1-136 (Item 1 of 3)  
**Council approved.**
  
15. Pass the ordinance approving the preliminary/final plat of subdivision and OAA for D&K Wake Subdivision with a variance from 7-4-4:2.4 for the subject property located at 724 Jackson Avenue - PZC 18-1-136 (Item 2 of 3)  
Enactment No.: ORD 19-132  
**Council passed.**
  
16. Pass the ordinance approving a variance from 6-6B-7:1 in order to subdivide the existing lot into two lots for the property located at 724 Jackson Avenue - PZC 18-1-136 (Item 3 of 3)  
Enactment No.: ORD 19-133  
**Council passed.**
  
17. Receive the staff report for the Naperville Crossings Community located north of Anna Marie Lane, west of Showplace Drive and known as Lots 9 and 21 of Naperville Crossings - PZC 19-1-068 (Item 1 of 3)  
**Council approved.**
  
18. Pass the ordinance approving a major change to the Naperville Crossings PUD and a final PUD plat for Naperville Crossings Community - PZC 19-1-068 (Item 2 of 3)  
Enactment No.: ORD 19-134  
**Council passed.**
  
19. Pass the ordinance approving a preliminary/final subdivision plat and the Owner's Acknowledgement and Acceptance (OAA) for Naperville Crossings Community - PZC 19-068 (Item 3 of 3)  
Enactment No.: ORD 19-135  
**Council passed.**
  
20. Adopt the resolution approving the settlement contract between Roy Moore and the City of Naperville  
Enactment No.: RES 19-34

Council adopted.

**J. PUBLIC HEARINGS:**

**K. OLD BUSINESS:**

**L. ORDINANCES AND RESOLUTIONS:**

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

**N. PETITIONS AND COMMUNICATIONS:**

1. Deny a request by the Plastic Pipe & Fittings Association to repeal the City of Naperville's local amendment to Section 890.320 of the Illinois State Plumbing Code that prohibits the use of certain plastic pipe and fittings for domestic water distribution systems

Greg Pardue spoke against prohibiting certain plastic pipe and fittings.

Dean Wenzel spoke against prohibiting certain plastic pipe and fittings.

James T. Diangi spoke against prohibiting certain plastic pipe and fittings.

Ronald Davis spoke against prohibiting certain plastic pipe and fittings.

Council discussed plastic pipe and fittings, cost differences, Legionella, homes in Naperville, fraying of plastic products, and familiarity with copper.

Novack clarified that staff recommends staying with copper.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to deny a request by the Plastic Pipe & Fittings Association to repeal the City of Naperville's local amendment to Section 890.320 of the Illinois State Plumbing Code that prohibits the use of certain plastic pipe and fittings for domestic water distribution systems. The motion carried by the following vote:**

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

**O. REPORTS AND RECOMMENDATIONS:**

1. Determine future staffing for the administrative support of the Mayor and City Council and direct staff to begin recruitment

Jim Hill gave input from a volunteer perspective on the administrative staffing support item.

Council discussed that the positions are codified, that there will need to be a text amendment to decodify them so they can be reviewed like all other positions and recruitment can begin. Once the text amendment is approved, the city manager can work with the Council to post and recruit.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to direct staff to repeal the codification of Mayor's Office administrative staff. The motion carried by the following vote:**

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

2. Direct Ryan Companies to move forward with the baseline concept presented on September 19, 2019 for more detailed study to address public concerns and recommendations of the 5th Avenue Steering Committee and preparation of key business terms.

Amy Emery, TED Operations Manager, gave opening comments and explained the baseline concept is a document created from two years of community input, market analysis, housing analysis, Working Group efforts, Steering Committee feedback, and specific City Council direction. She said the next step is to concur with the Steering Committee recommendation to gather data. She continued by explaining that if City Council agrees to move forward, staff and the City Advocate will work with Ryan Companies to review the scope and results of any studies, prepare key business terms, and recommend modifications to the baseline concept for community and Steering Committee review.

Jim McDonald discussed the baseline concept, modeling, and data gathering.

Rory Fancier described the necessary multi-modal traffic study, the analysis that will follow, and how the baseline concept will be modified accordingly.

Dan Walsh described the residential program that is proposed in the baseline concept.

Jim Hill spoke in favor of moving forward with the baseline concept.

Mark Trembacki, DuPage Children's Museum, spoke in favor of moving forward with the baseline concept.

Jeffrey Havel spoke against moving forward with the baseline concept.

Krieger clarified that the baseline concept is not the final product and changes are anticipated based on data and studies to be gathered.

Council discussed the cost and findings of traffic studies.

Charles Canning spoke against moving forward with the baseline concept.

Brian Kelly spoke against moving forward with the baseline concept.

Greg Cook spoke in favor of moving forward with the baseline concept.

Cheryl Wilson spoke against moving forward with the baseline concept.

Tom Coyne spoke against moving forward with the baseline concept.

Jim Ruhl spoke in favor of moving forward with the baseline concept.

Marilyn Schweitzer spoke against moving forward with the baseline concept.

Allison Longenbaugh spoke against moving forward with the baseline concept.

Ron Coates spoke against moving forward with the baseline concept.

Karen Peck spoke against moving forward with the baseline concept.

Kathy Benson spoke against moving forward with the baseline concept.

Pilgrim's Addition representatives Jessica Lyzun, Susan Ahlfeld, Anne Giarate, Justin Holland, Sharon Neumann, Marcia Hamilton, and Greg Scalia spoke against moving forward with the baseline concept.

Jennifer Taylor spoke against moving forward with the baseline concept.  
Rob Pecak spoke against moving forward with the baseline concept.  
Dr. Robert Buckman spoke against moving forward with the baseline concept.  
Steve Purduski spoke against moving forward with the baseline concept.  
Thom Higgins spoke against moving forward with the baseline concept.  
Katie Sowa spoke against moving forward with the baseline concept.  
Vince Ory spoke against moving forward with the baseline concept.  
Jane Brueggemann spoke against moving forward with the baseline concept.  
Jayme Koller spoke against moving forward with the baseline concept.  
Larry Langer spoke against moving forward with the baseline concept.  
Patricia Meyer spoke against moving forward with the baseline concept.  
Randy Smith spoke against moving forward with the baseline concept.  
James Koller spoke against moving forward with the baseline concept.  
Dominic Nugent spoke against moving forward with the baseline concept.  
Beth Shaffer-McCarthy spoke against moving forward with the baseline concept.  
Drew Bruozis spoke against moving forward with the baseline concept.  
Amy Pera spoke against moving forward with the baseline concept.  
Rick Hitchcock spoke in favor of moving forward with the baseline concept.  
Jeff Oken spoke against moving forward with the baseline concept.

At 10:50 p.m. Councilwoman Brodhead made a motion, seconded by Councilman Hinterlong, to extend the meeting to midnight.  
The motion carried via Voice Vote.

Jim McDonald explained that Ryan Co. needs to give the information and data to the community, that Ryan Co. isn't opposed to reducing density but can't arbitrarily reduce or expand, and that many issues need to be solved with data.

Council reflected that they made an effort to improve parking 20 years ago, that the waiting list is now 14 years, that the City took possession of property in an effort to solve the problem. Council went on to say that the current project has engaged the community, thus far progress has been slow and methodical, the proposal is in response to direction given from residents, Steering Committee and the City Council, and Ryan Co. staff has not charged the City for their time.

Emery explained the development approval process and that studies change the project from concept level to first and second submittal to what ultimately comes before the Council.

Council discussed tradeoffs, that solutions need to be proposed, the appropriateness of sending the concept back to the Steering Committee, that more data is needed, questioned if the baseline concept is the appropriate starting point, the perception that saying "yes" means accepting the baseline concept, that it is a disservice to continue the study when the overwhelming

evidence says it is unacceptable in it's current form, that Pilgrim's Addition alternatives were creative, and that the project should be paused.

At 11:53 p.m. Councilwoman Brodhead made a motion, seconded by Councilman Hinterlong, to extend the meeting to 12:30 a.m. The motion carried via Voice Vote.

Council stated this is the people's property, it is a transit hub, that any proposal should be visionary, prefers to see affordable housing dispersed, and the need for more data.

Dan Walsh explained the affordable housing goal and that is unique to Naperville, the initiative is not being done in other suburbs, the financial and tax credit program, and that affordable housing cannot be dispersed without losing the subsidy.

Council discussed the appropriateness of changing the affordable housing building a senior housing building.

Jim McDonald continued to explain the importance of modeling the concept, stressed the need to provide the data behind the picture, and that educated decisions come with a combination of drawings and data.

Council discussed the appropriateness of a workshop on the project.

**A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, to direct Ryan Companies to move forward with the baseline concept presented on September 19, 2019 for more detailed study to address public concerns and recommendations of the 5th Avenue Steering Committee and preparation of key business terms. The motion failed by the following vote:**

**Aye:** 3 - Chirico, Brodhead, and White

**Nay:** 6 - Coyne, Gustin, Hinterlong, Kelly, Krummen, and Sullivan

## **P. NEW BUSINESS:**

## **Q. ADJOURNMENT:**

**A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to adjourn the Regular City Council Meeting of October 1, 2019 at 12:29 a.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

