



City of Naperville

400 S. Eagle Street
Naperville, IL 60540
<http://www.naperville.il.us/>

Meeting Minutes - Final

City Council

Tuesday, February 4, 2025

7:00 PM

Council Chambers

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE: • Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 - Comcast, Ch. 99 – AT&T U-verse) • Watch online at <https://naperville.legistar.com>

TO PROVIDE PUBLIC COMMENT:

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

1. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the City Council during the meeting must sign up online at www.naperville.il.us/speakersignup by 6:30 p.m. on February 4.
2. Individuals can also have their name added to the speaker list by calling the Community Services Department at (630) 305-5300 by 6:30 p.m. on February 4.
3. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on February 4. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.
4. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item by 4 p.m. on February 4. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.

There will be no on-site speaker sign up permitted.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on February 4.
- Questions regarding online sign-up may be directed to the Community Services Department 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:**B. ROLL CALL:**

Present: 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

C. CLOSED SESSION - 6:00 p.m.

A motion was made by Councilman White, seconded by Councilman Kelly, to recess to Closed Session to discuss [5 ILCS 120/2(c)(21)] Approval of Minutes, [5 ILCS 120/2(c)(11)] Litigation [5 ILCS 120/2(c)(2)] Collective Bargaining and [5 ILCS 120/2(c)(5)] Purchase of Property. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

- Present:** 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Pam Gallahue; City Attorney, Mike DiSanto; City Clerk, Dawn Portner; Assistant to the City Manager, Marcie Schatz; Deputy Fire Chief Phil Giannattasio; Police Chief, Jason Arres; Director of Finance, Raymond Munch; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Budget and Administrative Manager Christine Schwartzhoff; Director of Public Utilities - Electric, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss; Director of Community Services, Melanie Marcordes; Director of Human Resources, Blaine Wing.

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

Mayor Wehrli called for a moment of silence for EMS Division Chief Doug Erwin.

F. AWARDS AND RECOGNITIONS:

1. Proclaim the month of February as Black History month in the City of Naperville

The proclamation was presented by Councilman White.

G. PUBLIC FORUM:

SPEAKERS

Overuse of salt in the downtown area
Julie Kulak (Naperville) discussed the overuse of salt in downtown, which could impact the environment and contribute to river pollution.

Neighborhood safety concern
Dana Schultz, Gina Gedutis, Myra Lagtapon (Naperville) discussed safety concerns at 1105 Modaff.

Children's safety in West Highlands Neighborhood

Sandra Garcia (Naperville Happy Times Preschool) discussed safety concerns at 1105 Modaff.

Safety concerns with drop-off at St. Raphael Catholic School

Zach Plancich (Naperville) discussed safety concerns at 1105 Modaff.

Continuing issues at 1105 Modaff Rd.

Richard Jecha (Naperville) discussed safety concerns at 1105 Modaff.

Support Naperville immigrants

Diana Torres Hawken (Naperville, ALMAS) discussed the need to support immigrant communities and the urgency of aligning policies and practices with the City's shared values of inclusion and equity.

Black History Month Proclamation

Catherine Clarkin (Naperville) thanked the Council for acknowledging the importance of Black History Month.

Safety concerns, Modaff & Gartner residence

Christopher Crofford (Naperville) discussed safety concerns at 1105 Modaff.

Upcoming community event

Maureen Stillman (Naperville, NEST) invited the community to an event hosted by North Central College and NEST titled "Decarbonizing the Grid". The event will be held on February 17, 2025 at Wentz Science Center beginning at 6:30 p.m.

3 minutes with NEST

Ted Bourlard (Naperville) thanked the Council for welcoming over 200 residents to the January 21, 2025 Council meeting where speakers discussed why Naperville needs to prioritize clean energy and the benefits of adopting sustainable energy solutions.

Council discussed safety issues at 1105 Modaff, a nuisance abatement ordinance, the amount of salt being used in downtown Naperville, the Police Department's response to immigration issues and the proper use of campaign signs.

Arres confirmed that the Police Department takes action on all crimes and pursues arrests. The January 31, 2025, incident at 1105 Modaff led to an arrest, with extra patrols, including the Strategic Response Unit, added to the area. Additional patrols will be in place during school drop-off and pick-up. The landlord has been notified but remains resistant to changes.

Novack stated Code Enforcement has been called to this residence on two occasions in the past two years and both times the issues have been resolved. If anyone sees anything, he urged residents to call 911 for police matters and use the City's website for Code Enforcement reports, assuring anonymity for callers.

Schwartzhoff stated Public Works has taken measures to reduce the amount of salt being used in the downtown and they understand the environmental concerns, but their number one priority is the safety of our motorists and pedestrians. Additional training has been provided to the contractors and staff responsible for the downtown and they will reduce the amount of salt when possible.

Arres stated State law prevents the Police Department from providing any assistance on issues involving immigration enforcement unless there is a criminal warrant involved.

Wehrli reminded all candidates running for office in the upcoming election to be aware of the sign ordinance in the City's Municipal Code, signs cannot be placed in the public right-a-way and if the signs are placed on private property they must have the approval of the property owner.

WRITTEN COMMENTS

Diana Torres Hawken (Naperville), Alliance of Latinos Motivating Action in the Suburbs (ALMAS), A Call to Stand Up for Immigrant Communities - At ALMAS (Alliance of Latinos Motivating Action in the Suburbs), our mission has always been to celebrate the diverse Latino cultures and stories, foster meaningful community connections, and empower individuals through education, leadership, civic engagement, and cultural initiatives. As the first Latino-led and Latino-serving nonprofit in Naperville, we hold a unique and vital role in championing the voices and experiences of our community. In light of recent events and ongoing challenges faced by immigrant communities across the nation, we reaffirm our unwavering commitment to stand with our neighbors, friends, and families. The political climate and increased threats to immigrant communities have created a ripple of fear and uncertainty, but history has shown us that solidarity, leadership, and community action are the antidotes to these trying times. Naperville has a unique opportunity to lead by example among suburban Illinois communities. Mayor Scott Wehrli's proclamation of October 28, 2023, as "Immigrants Day in the City of Naperville"-an initiative led by ALMAS in collaboration with local organizations was a testament to the city's dedication to diversity and inclusion. According to the 2021 Census, 21.6% of Naperville residents (32,337 people) were born outside the U.S., and 25.9% of households speak a language other than English at home. This rich cultural tapestry is a cornerstone of Naperville's identity. However, declarations and celebrations are just the beginning. Now, more than ever, is the time for action to ensure that our policies and practices reflect our shared values of inclusion and equity. We respectfully urge the Naperville City Council to consider the following steps: Implement Data Protection Policies: Safeguard personal information from misuse by federal immigration agencies. Develop Safe

Spaces: Designate public buildings as safe zones where all residents, regardless of immigration status, feel secure. Provide Resources: Expand access to legal, educational, and support services to meet the growing needs of our immigrant communities. Engage the Community: Host workshops and educational initiatives to inform residents of their rights and empower allies to support vulnerable neighbors. Cities like Evanston have set powerful precedents with initiatives such as their “Welcoming City Ordinance,” actively supporting immigrant communities and fostering trust within their neighborhoods. Naperville, with its resources, diversity, and reputation as a family-friendly city, can adopt and build upon these policies to create a safe, inclusive environment where all residents can thrive. Our commitment extends beyond cultural celebration-it is a pledge to advocate for justice, fairness, and opportunity for all. We believe that by aligning with our state’s sanctuary policies and demonstrating a commitment to social justice, Naperville can lead the way in fostering a safe and inclusive environment for all its residents, workers, and visitors. ALMAS Board of Directors stands ready to collaborate with the City Council to make these goals a reality. Together, we can create a stronger, more inclusive Naperville where every resident feels valued, supported, and empowered. Thank you for your attention to this important matter. Your leadership is essential in shaping a community that reflects the best of who we are.

Respectfully,
ALMAS Board of Directors

H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:

A motion was made by Councilman White, seconded by Councilman Kelly, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote.

I. CONSENT AGENDA:

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda including I13 with the amended ordinance published via the Council Q&A and removing I5. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. Approve the regular City Council meeting minutes of January 21, 2025

Council approved.

2. Approve the City Council meeting schedule for February, March, and April 2025

Council approved.

3. Approve appointment to the Special Events & Community Arts Commission

Council approved.

4. Approve the award of Cooperative Procurement 25-040, Naper Settlement Century Memorial Chapel HVAC Equipment Improvements, to Midwest Mechanical for an amount not to exceed \$315,000

Council approved.

5. Approve the award of Option Year #1 to Contract 22-027, Large Diameter Water Meter Testing and Repair/Replacement Services to, HBK Water Meter Service, Inc. for an amount not to exceed \$238,227.50

Council discussed the Responsible Bidders Ordinance (RBO), focusing on the requirement for vendors to participate in the U.S. Department of Labor's apprenticeship program.

Council directed staff to do some additional research on this requirement and report back to the Council at the next meeting scheduled for February 18, 2025.

A motion was made by Councilman Holzhauser, seconded by Councilman White, to table the award of Option Year #1 to Contract 22-027, Large Diameter Water Meter Testing and Repair/Replacement Services to, HBK Water Meter Service, Inc. for an amount not to exceed \$238,227.50 until the February 18, 2025 City Council meeting. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Longenbaugh, McBroom, White, and Wilson

Nay: 1 - Leong

6. Approve the amended award to include two one-year options to Contract 23-013, Residential Water Meter Replacement Program, to Calumet City Plumbing Company, Inc., and approve Option Year #1 for an amount not to exceed \$285,660

Council approved.

7. Approve the award of Option Year #2 to Contract 21-243, Consulting Engineering Services for Soils and Materials Testing, to NASHnal Soil Testing, LLC for an amount not to exceed \$120,000

Council approved.

8. Approve the award of Option Year #3 to Contract 22-036, Landscape Restoration Services, to Semper Fi Landscaping, Inc. and Local Lawn Care and Landscaping for an amount not to exceed \$750,000

Council approved.

9. Approve the award of Change Order #1 to Contract 23-183, Smart 9-1-1 Safety Solution

Renewal, to Rave Mobile Safety for an amount not to exceed \$14,082.19 and a total award of \$104,082.19

Council approved.

10. Approve the award of Change Order #3 to Contract 24-023, 2024 Street Resurfacing Program - MFT North, to K-Five Construction Corporation for an amount not to exceed \$100,501.91, for a total award of \$6,657,305.62, and an additional 59 calendar days

Council approved.

11. Accept the public street and streetlight improvements at Linden Woods Subdivision and authorize the City Clerk to reduce the corresponding public improvement surety

Council accepted.

12. Waive the first reading and pass the ordinance amending Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code to modify the definition of body piercing - PZC 24-1-144 (requires 6 positive votes)

ORD 25-003

Council passed.

13. Waive the first reading and pass the ordinance amending Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code to permit composite siding as an acceptable masonry material

ORD 25-004

Council passed with the amended ordinance published via the Council Q&A.

14. Pass the ordinance reserving the City's 2025 Volume Cap

ORD 25-005

Council passed.

15. Adopt the resolution authorizing the settlement contract between Chris Garon and the City of Naperville

RES 25-03

Council adopted.

16. Adopt the resolution authorizing the settlement contract between James Martino and the City of Naperville

RES 25-04

Council adopted.

17. Adopt the resolution approving prior unapproved closed session meeting minutes, designating certain closed session meeting minutes as non-restricted, and continuing to

maintain the confidentiality of all other restricted closed session meeting minutes

RES 25-05

Council adopted.

J. PUBLIC HEARINGS:

1. Conduct the public hearing for the Community Development Block Grant (CDBG) 2025-2029 Consolidated Plan and Program Year 2025 Annual Action Plan (Item 1 of 2)

Mayor Wehri opened the Public Hearing at 8:17 p.m.

Council discussed what HUD requires of the City other than creating the Consolidated and Annual Action Plans.

Krieger stated there are restrictions on how the funds are used, the program has been very effective and the City has maintained compliance with all the regulations.

A motion was made by Councilman White, seconded by Councilman Kelly, to close the public hearing for the Community Development Block Grant (CDBG) 2025-2029 Consolidated Plan and Program Year 2025 Annual Action Plan at 8:19 p.m. The motion carried by a voice vote.

2. Approve the Community Development Block Grant (CDBG) 2025-2029 Consolidated Plan and Program Year 2025 Annual Action Plan allocating \$535,000 (Item 2 of 2)

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Community Development Block Grant (CDBG) 2025-2029 Consolidated Plan and Program Year 2025 Annual Action Plan allocating \$535,000. The motion carried by the following vote:

Aye: 9 - Wehri, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance granting a variance to Section 6-7D-4 of the Naperville Municipal Code to permit a General Service use on the first floor at 47 E Chicago Avenue - PZC 24-1-132

SPEAKER

Caitlyn Cullbertson (Petitioner on behalf of Fidelity Brokerage Services LLC) requested a variance to allow general service use on the ground floor of the property, Fidelity will only be using a small portion of the first floor area along Washington Street, the first floor of the property will be used as a retail space and not a reception area, it will be dedicated to serving 50-70 clients a day who will be conducting banking needs, the second floor will be used as an investment center and Fidelity will have 45 employees dedicated to building relationships within the community.

Council discussed the email that was sent by the petitioner back in 2023, what would happen to the space if the variance was denied, the number of employees on site, the hours the business would operate, the DNA Board and businesses in the downtown opposing the variance and no sales tax being generated if this variance was approved.

Laff stated initial conversations with Fidelity began in January of 2023. Staff reviewed the proposal and the written description of the operations of the business and made the determination the proposal met the qualifications for a bank on the first floor. When prints were submitted a year and a half later including specific description of the business operations, it was determined the description did not match the description staff was given in 2023. Additional discussions took place with the petitioner and staff was informed the new plan did not include a bank or retail space. Staff communicated with the petitioner that the City's position had changed and put this request into the financial institution category which led to the need for a variance. When staff reviewed the variance request based on the other benefits, such as the use of the second floor and customer activity on the first floor, these benefits were added as a condition in the ordinance and led staff to recommend support of the variance.

The petitioner agreed to the following conditions:

- Staffing will be maintained on the first floor at all times during the normal business hours.
- Business hours will be consistent with normal banking hours, Monday - Friday 8:30 a.m. - 5:00 p.m..
- There will be a minimum of 45 full-time employees working on the first and second floors combined on the property.

WRITTEN COMMENTS ONLY

Ron Amato (Naperville) Dear Mayor Wehrli and City Council Members:

I hope this finds you well. I write in support of Fidelity Brokerage Services, LLC's request to use the first floor of the East Chicago Avenue property in order to greet clients, receive deposits, and transact business, and to obtain a variance that will allow it to conduct those activities (which are defined as General Services) on the ground floor/first floor of the location on East Chicago Avenue. I note that in the B-4 District, banking is considered a Commercial Service (as evidenced by several banking institutions in the downtown area), and that Fidelity will be engaging in activities that are not substantially different from retail banking. The fact that the current ordinance would allow a bank to use a first floor lobby by right, but not a financial institution/investment company such as Fidelity, does not make a whole lot of sense. I have worked in and around the securities and investment business for more than 30 years, and Fidelity has an excellent reputation in the industry. I do not personally do business with Fidelity,

but the company provides many low cost and no cost open-ended mutual funds for retail investors to invest and save for retirement, college, etc. Downtown Naperville and City leaders should welcome this type of business in our downtown business district. Further, the Fidelity office will both employ local residents as well as draw clients to our downtown, where they are likely to shop, dine in restaurants and patronize other businesses. Lastly, while some residents may have their own ideas about what type of businesses they would like to see in that location, it is my understanding that the property owner has already entered into a lease with Fidelity. Denying the variance would only result in the ground floor space being unused, under-utilized and remaining vacant. For those reasons, I respectfully request that you grant the variance as recommended by City Staff and approved by the PZC. Thank you for your time and consideration.

ORD 25-006

A motion was made by Councilman Kelly, seconded by Councilman White, to pass the ordinance granting a variance to Section 6-7D-4 of the Naperville Municipal Code to permit a General Service use on the first floor at 47 E Chicago Avenue, conditioned on the assertions made by the petitioners regarding the number of employees on the first and second floors, future use of the building and the staffing and hours of the first and second floors being consistent with normal business practices of the banking industry. The motion carried by the following vote:

Aye: 7 - Wehrli, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

Nay: 2 - Bruzan Taylor, and Holzhauer

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Option Year #2 to Contract 23-016, Sanitary Sewer Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,901,168.00, plus a 3% contingency

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Option Year Two to Contract 23-016, 2023 Sanitary Sewer Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,901,168.00 plus a 3% contingency. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Amending the City's Zoning Code

Kelly discussed adding retail banking as part of the current financial institution definition in the City's Zoning Code so future banking institutions would not be allowed to have facilities on the first floor in downtown Naperville.

By consensus Council directed staff to prepare an ordinance amending the City's zoning code to incorporate retail banks into the definition of financial institutions within the downtown zoning district in order to prohibit retail banks from locating on the first floor unless a variance is granted.

Lunar New Year

Leong wished a Happy Lunar New Year to the Chinese American Community and other communities who observe the Lunar calendar.

Nuisance Abatement Ordinance

McBroom discussed researching other communities who have a nuisance abatement ordinance in their Municipal Code.

By consensus Council directed staff to research what other communities have a nuisance abatement ordinance in their Municipal Codes and report the findings to the Council at a future Council meeting.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of February 4, 2025 at 8:54 p.m. The motion carried by a voice vote.

/S/ Dawn C. Portner
Dawn C. Portner
City Clerk