



Meeting Minutes

City Council

Tuesday, May 2, 2023

7:00 PM

Council Chambers

Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 - Comcast) Please note that WCNC is currently unavailable to AT&T U-verse (Ch. 99) customers. We encourage these customers to view meetings online at <https://naperville.legistar.com>.
- Watch online at <https://naperville.legistar.com>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on May 2 at: 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 4 p.m. on May 2. 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.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. 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.
3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on May 2.
Online sign-up closes at 4 p.m. on May 2, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

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 May 2.
- 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:

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

Also Present

City Manager, Doug Krieger; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Deputy Director of Public Utilities - Electric, Olga Geynisman; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche; Deputy

Director of Finance, Ray Munch

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Present the Accessible Community Task Force student recognition awards](#)

Bruzan Taylor presented the Proclamation.

2. [Recognize the District 203 High School Architectural Class competition winners](#)

Wehrli announced that the students were unavailable and that the awards will be presented at a later date.

3. [Proclaim May 2023 as Mental Health Awareness Month in the City of Naperville](#)

Bruzan Taylor presented the Proclamation.

4. [Proclaim May 14-20, 2023 as National Police Week in the City of Naperville](#)

Bruzan Taylor presented the Proclamation.

WRITTEN COMMENT ONLY

Chris Muir (Naperville) - Police Week - Thank you to Democrats for declaring national police week. It is a week to honor the men and women who risk their lives every day in the line of duty. Thank you to all the police locally and nationally. I look forward to thanking Naperville police personally

5. [Proclaim May 13, 2023 as the 31st Annual Letter Carriers' "Stamp Out Hunger" Food Drive Day](#)

Bruzan Taylor presented the Proclamation.

G. PUBLIC FORUM:

Naperville Support of Illinois Base Energy Code Update
Carl VanDril (Naperville - NEST - Naperville Environment and Sustainability Task Force) urged Council to join the support of Illinois code updates without weakened provisions.

Naperville business
Robert Bevis (Naperville) asked Council to stop enforcement of the sales ban ordinance and begin negotiations regarding civil rights and financial relief.

Naperville business
Thomas Ewald (Naperville) spoke against the Naperville gun sales ban.

Naperville business

John Coyne (Naperville) spoke against the Naperville gun sales ban.

Naperville business

Katrina Karczewski (Naperville) spoke against the Naperville gun sales ban.

Pending Litigation

Hannah Hill (Loveland, CO - Research and Policy Director, National Foundation for Gun Rights) spoke against the Naperville gun sales ban.

Pending Litigation

Dudley Brown (Loveland, CO - President of the National Association for Gun Rights) spoke against the Naperville gun sales ban.

2nd Amendment rights

Marc Berkowicz (Naperville) spoke against the Naperville gun sales ban.

Christine Jeffries (Naperville - Naperville Development Partnership) discussed the I-88 corridor, compared tax revenue from office buildings (\$1.2M) versus distribution logistics warehouses (\$650K), and asked Council to review the current ORI zoning ordinance.

Pending Litigation

Dianne McGuire (Naperville) spoke in favor of the Naperville gun sales ban.

Regulation of Commercial Sale of Assault Rifles

Laura Morgan (Naperville) spoke in favor of the Naperville gun sales ban.

Naperville Forward Flyer Election

Becky Rudolph (Naperville) discussed trademark infringement of the Naperville logo and the conflict of interest ordinance.

POSITION STATEMENT

Naperville assault weapons sales ban - SUPPORT

Ralph Badrina (Aurora)

Ken Powell (Naperville)

Gary Grissinger (Lisle) - Anti firearm, and law weapons

Sandip Ghosal (IL)

James Beltrame (Melrose Park)

Suspending Assault weapons ordinance - SUPPORT

Kenneth Powell (Naperville) - Law weapons and supplies

Ken Powell (Naperville)

Michelle Powell (Aurora) - Law Weapons and Supply

WRITTEN COMMENT ONLY

Demetrius Mathis (Naperville)- Naperville police written warnings - I was stopped by the Naperville police on April 28, 2023 at 1:58. the officer thought I was on my cell phone because I had my hand near my face when he saw me. once he pulled me over he took my drivers license got my insurance

information and concluded that from his observation when he approached my car that I was not on my phone, however I was given a written warning. the officer did say that the warning is not a citation or anything but it just acknowledges the reason why he stopped me. The officer was very polite and professional. I'm just concerned by the fact that it says "written warning" . I think Officers should be given or have the opportunity to document stops and not give a written warning, but maybe give a document that sites the reason why but not say written warning because that looks like I was actually doing something wrong. Thank you.

John A. Ruggiero (Naperville)- Law and Weapon Suspension of Sales- Law and Weapons has been providing comprehensive services, including firearm sales, safety education and repair services to the greater Naperville community, even providing services to our police department as requested. Then in 2022, Naperville enacted an ordinance severely affecting Law Weapons and all American's constitutional rights. Naperville did this preemptively with little thought to any benefit, harm, or even financial risk to our City. I respectfully ask that Law and Weapon be allowed to operate unimpeded and the current Naperville ordinance is suspended until a Supreme Court ruling is determined.

Stephen Weiss (Naperville)- No, I am a United States Citizen, a 34 year resident of Naperville, and a Home owner - Unconstitutional gun ban- The City of Naperville in passing the Unconstitutional gun Ban, that your very own Benny White is quoted as saying" WE HAVE TO DO SOMETHING EVEN IF IT DOES NOTHING" ...is wrong..The FEDERAL JUDGE in the case against Pritzger ruling is very clear...So your Ban, DID NOT DO NOTHING....you are I FIRMLY believe in Violation of several amendments of the Constitution.....something B White should be aware of since as a Military Officer he swore an oath to uphold the Constitution. Despite your PRO BONO law firms assurances that the Naperville ordanance is SOUND.....you are going to lose, and I very much hope that the two business' in Naperville who your ordanace has SEVERLY DAMAGED are successful in filing suit for lost revenues, both against the City of Napervilleand EACH MEMBER OF THE Board as individuals who voted in favor of the ordanance.

Bryan- (Aurora) - BCJK Safety, LLC- Assault Weapons Ban- You have pushed more FFLs to be created in the immediate area. I hope this goes to the supreme Court. Just like Justice McGlynn shut down the Illinois ban, yours will be crushed as well.

Terrence Alan Swatkowski (Naperville) - Naperville City Council Ban on Rifles- I'm in support of Robert Bevis, owner of Law Weapons, in Naperville. The fact that the Naperville City Council, and more recently Governor Pritzker, joined in an outright assault on our God-Given Constitutional Rights is appalling. I joined Robert in his lawsuit against the City of Naperville and Governor Pritzker to defeat these unconstitutional ordinances and laws and to protect our Second Amendment Rights. You should all be ashamed of your behavior to try to abridge your fellow American's of our full Constitutional Rights. If you don't take your oath to defend and protect the U.S. Constitution from all enemies foreign and domestic seriously, please resign your post immediately!

Kenneth Powell (Naperville)- Assault weapons ban ordinance - This ordinance / ordinances of like needs to be lifted as it violates our 2nd amendment constitutional rights and also puts unconstitutional restrictions on law abiding citizens , gun owners and businesses within the city limits from supplying commonly used and purchased rifles , parts and magazines from being legally purchased within the city limits , This ordinance is also causing a direct and devastating financial loss burden on the federally licensed law abiding gun shops and businesses , its residents and citizens within the city limits of naperville because of this unjust ordinance restricts the sales of these decades old and commonly used rifles, magazines and parts from being purchased by lawful and responsible gun owners and concealed carry permit residents and non residents who frequent these businesses for their gunsmithing , sales and services and knowledge staff and the employees they keep employed and to the safe environment they provide , the revenue & taxes paid and the services they provide to the residents of Naperville and the patrons that live outside the city on Naperville and surrounding cities suburbs & towns that include and impact Police agencies and their fellow officers , families and their extended family members who use and frequent these businesses for their services , Service weapons , ammunition and accessories range time and to every single law abiding gun owner citizen. hunter , sportsman and to our fundamental right to keep and bare & housed legally obtained firearms and it's commonly used accessories by law abiding citizens and that right shall not be infringed upon by any body or form of government entity or by this unjustified act of this ordinance and to which i firmly believe to be a unconstitutional ordinance. Which if left in place and not removed by this Mayor and city council may cause these businesses to loose a substantial portion of their business services & revenue and possibly close their doors for good and for its Naperville residents and its surrounding town's citizens unable to adequately protect their families, their family owned businesses & livelihood that has and will continue to be directly effected if this ordinance is not removed from its books . Please revoke and remove this ordinance. My voice is just one of hundreds if not thousands that are here today in support and hopes this council and council members hears our voices and petition to remove and revoke this ordinance in this town of Naperville il of which I have been a resident of 12 years

Nick Koutsokos (Glenview) - I understand there is a loss of income with any future purchase of an assault weapon as there is with any ban but we have to remember that these are weapons of war sold and marketed to kill. This is why they're marketed and sold under the pretense of "self protection" while in reality they are made to shoot long range, high speed and high impact to do the most damage possible. As far as the 2nd Amendment which begins with "well regulated" in it's wording, we must call that out as these weapons were NOT legal in America for decades so how did this technology start being part of the 2nd amendment when the ban lapsed? Remember Ronald Reagan clearly stated that these weapons of war shall not hit out streets. How much death, fear and destruction has to happen to overcome money and income of those in the gun industry and when did a way to make money become prioritized over safety? Perhaps our kids shouldn't have seat belts because auto manufacturers would lose \$\$ putting them in. These weapons must be

permanently banned for our right to freedom as we are not free to live while they're in circulation.

Sean Patrick Mikels (South Chicago Heights) - Rights to bear arms shall not be infringed upon.- As the constitution of the United States clearly states the right to bear arms.....yes back when the constitution was written they didn't know that AR style rifles were to be produced, but the word arms back then clearly meant a rifle, pistol, heck a pocket knife. So if you walk around with a knife of any sort that is weapon hence arms. Oh and what about the commonly carried pepper spray by most women these days, that is a weapon hence arms that can be used for safety and protection not to mention evidence if sued in court!??, so why are you banning so called Assault Weapons which if you understood the definition would know they were banned in the 1934 and are fully automatic rifles. Why are we not focusing on the real problems? Mental health and addiction in your town?? I hope that with all other people speaking and producing facts that you who took oath would not hold law abiding citizens accountable and start focusing on the real problems!! An armed society is a polite society! Thank you for your time sincerely Sean Mikels

Marilyn Schweitzer (Naperville) - I'm very pleased to learn that the City and Century Walk Corporation as of May 1, 2023 have a signed agreement. This helps both parties have a clear understanding moving forward as well as establishing trust within the community. My thanks to all who made this happen and who were willing to compromise. I am a strong proponent of cultural aspects such as Century Walk, the River Walk, the Millennium Carillon, Naper Settlement, Historic Preservation, and various SECA grants. I realize these may seem non-essential aspects of city government, but they greatly contribute to the well being and reflect the spirit of our Naperville community. To maintain public trust, they require the same oversight, fiscal responsibility, and transparency as do all our city services. Again, thank you.

Adam Greenberg (Wilmette) - Brady Campaign To Prevent Gun Violence - Our understanding is that gun advocates are showing up at today's Naperville City Council meeting to push for a repeal of the Assault Rifle Ordinance 22-0963 in the city of Naperville despite it not being on tonight's agenda. To the civilians of Naperville and surrounding regions, the ordinance is overwhelmingly welcome. There is no need to own, much less sell these horrifying weapons that are designed to inflict maximum carnage on their targets with unbelievable speed and efficiency. Weapons of war have no place in our communities. There cannot possibly be a justification for a use-case for having to use high capacity magazines and semi-automatic technology to shoot a target. There are plenty of other means of self-defense, hunting, etc including legally obtained firearms that are not banned based on this ordinance. The only outcome of repealing the Assault Rifle Ordinance will be more bloodshed and lives lost. Your community did a wonderful thing by making this change to the municipal code & we need to continue to prioritize outlawing these deadly weapons. Thank you! ~Adam

Susan Marshall (NAPERVILLE) - Commercial Sale of Assault Rifles - I understand that with a new council being sworn in this week, there will be some voices raised against the Naperville ordinance against the sale of assault

rifles. I stand in support of this ordinance. Several newly elected city officials ran on a platform focusing on the safety of our community. This ordinance also promotes the safety of our citizens and visitors. It demonstrates our commitment to ensuring that what happened to our neighbors in Highland Park will not happen here. We don't live in a bubble and this is not the sole answer. However, it is a positive step that demonstrates the leadership of the City of Naperville in promoting public safety on a regional and national level. Some may support the right of citizens to purchase these weapons. This law still allows such purchases, but not within Naperville. I am sorry to hear it adversely affects employees of the Naperville gun shop, and am frankly surprised to hear that assault rifles comprise such a large portion of their sales. Is the effect on business employment something we consider in the awarding of liquor licenses? It seems that both of these have an effect on public safety that transcends the effect on employment. I have also heard that some people are concerned about the cost of lawsuits challenging the constitutionality of the law. As a resident of Naperville since 1980, I am happy to commit city funds (my tax dollars) to promoting the physical safety of our citizens, law enforcement officers and all who visit our city. Please continue to support the regulation of the commercial sale of assault rifles in its current form to keep our community safe.

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 was carried by voice vote.

I. CONSENT AGENDA:

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda with an amendment to Item I.1: the minutes from the April 18, 2023 Council meeting, as reflected in Ms. Schweitzer's May 1, 2023 email to the Council. The motion carried by the following vote:

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

1. [Approve the regular City Council meeting minutes of April 18, 2023](#)

WRITTEN COMMENT ONLY

Marilyn Schweitzer (Naperville) My thanks to staff for their willingness to update the minutes on May 2, 2023 to more accurately represent what I stated at the April 18, 2023 City Council Meeting

Council approved as amended.

2. [Approve the City Council meeting schedule for May, June and July 2023](#)

Council approved.

3. [Approve the award of Cooperative Procurement 23-101, 138kV Hitachi Circuit Breakers, to Wesco for an amount not to exceed \\$860,220](#)

Council approved.

4. [Approve the award of Option Year One to Bid 21-241, Excavation and Underground Utility Repairs, to Baish Excavating, Inc., and IHC Construction Companies, LLC for an amount not to exceed \\$213,572 plus a 5% contingency](#)

Council approved.

5. [Approve the award of Bid 23-063, 2023 Pavement Markings to Precision Pavement Markings, Inc. for an amount not to exceed \\$207,479.59 plus a 5% contingency](#)

Council approved.

6. [Approve the award of RFQ 22-114 Work Order #4, Engineering Services for Central Elevated Water Tank Relocation, to Baxter & Woodman, Inc. for an amount not to exceed \\$192,670, plus a 5% contingency](#)

Blennis discussed the condition assessment, rehabilitation versus moving the tower, that the tower needs to remain at the current location but will be moved to the southeast corner of the lot, and construction will begin next year.

Council approved.

7. [Approve the award of RFQ 22-249, Land Surveying Services, to Accurate Group, Inc; Alfred Benesch & Company; Baxter & Woodman; Gewalt Hamilton Associates, Inc; and Mackie Consultants, LLC as approved vendors for future projects and for a two-year term](#)

Council approved.

8. [Waive the first reading and pass the ordinance amending Section 7-1-3:2 of the Naperville Municipal Code to add the transitional use \(TU\) zoning district](#)

ORD 23-058

Council waived the first reading and passed

9. [Pass the ordinance approving setback and driveway variances for the property located at 104 Triton Lane - PZC 22-1-125](#)

ORD 23-059

Council passed.

10. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Marquette Properties 40th Anniversary Celebration scheduled on Tuesday, June 13, 2023](#)

ORD 23-060

Council passed.

11. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the 2023 Downtown Naperville Car Show on Saturday, June 17, 2023](#)

ORD 23-061

Council passed.

12. [Adopt the resolution authorizing approval of certain relief from Section 6-16-5 related to the Ogden Avenue Pole Sign Grant Program](#)

RES 23-18

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of the Option Year One to Contract 20-020, Tree Removal and Disposal, to Lewis Tree Service for an amount not to exceed \\$2,369,503 and a three-year term](#)

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of the Option Year One to Contract 20-020, Tree Removal and Disposal, to Lewis Tree Service for an amount not to exceed \$2,369,503 and a three-year term. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the 2023 first-quarter financial report](#)

Mayer gave the presentation and focused on first quarter, revenue and expenditure summaries, and the 2023 CIP.

Council asked about the spending timeline of ARPA funds and the decline in real estate transfer tax revenue.

Mayer explained the ARPA funds, that the City received \$13M, that nothing has been spent to date, and that the outgoing Council believed it would be more appropriate to work with the incoming Council to decide projects. She explained eligible uses and restrictions, that the funds must be obligated by Dec 31, 2024 and spent by Dec 31, 2026, that the City's goal is to do something strategic, and that over the next several months staff will engage

with new Council members to provide direction and program projects into the 2024 budget.

Mayer also explained that 2022 was a record high in transfer tax and that the reduced value was anticipated and included in the 2023 budget.

P. NEW BUSINESS:

Office Corridors and Warehouse Facilities

Wehrlı asked for, and received, Council consensus to direct staff to review the City's zoning code pertaining to the ORI zoning district and bring back an ordinance that increases the City's protection through greater control over these uses.

Non-profit/crisis response process

Taylor asked for, and received, Council consensus to direct Fire Department and Emergency Management staff to form a working group with the goal of improving both long-term and short-term natural disaster response.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of May 2, 2023 at 8:19 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue
Pam Gallahue, PhD
Community Services Director/City Clerk