



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, June 16, 2020

7:00 PM Zoom - Open agenda to see cable, phone & streaming
options

REVISED File No. 20-699 - Receive the June 2020 Financial Report

Due to the ongoing Coronavirus (COVID-19) pandemic and the Governor's statewide stay-at-home order, the June 16 City Council meeting will be conducted using Zoom Webinar technology.

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk's Office, (630) 305-5300, by 5 p.m. on June 16

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on June 16 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 5 p.m. on June 16) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on June 16).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on June 16, at which time no other speakers or comments will be accepted.

PUBLIC ACCOMODATION:

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on June 16.
- Questions regarding online sign-up may be directed to the City Clerk's Office 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:

Chirico called the meeting to order 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 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; 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 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; Communications Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

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

Rescheduled and held at the end of open session.

OPEN SESSION - 7:00 p.m.

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

Marshall read a statement regarding recent protests and calls for police reforms. He discussed policies and procedures of the Naperville Police Department, the coordinated effort regarding body cameras across municipalities, the "8 Can't Wait" use of force policies, and efforts to partner with the Chamber to give reassurance and instill a sense of safety.

Council discussed forming a youth working group to address topics of current interest, how this group would be different from student participation on existing boards and commissions, and the recent episode of Finding Common Ground on NCTV17 which highlighted the police department.

By consensus, Council directed staff to research the feasibility and best practices of developing a youth working group and bring a recommendation back for review.

G. PUBLIC FORUM:***COMMENTS TO BE READ BY STAFF***

Alan J Laatz

I wish to inquire if we as a great city issue permits for protests? If not why not? If so, are we charging the leaders of the protesters for the damage that they cause. Can we hold them criminally liable if one of our Officers or firemen are hurt, disabled, or God forbid killed? Thank you, Alan Laatz, Naperville, IL..

Lexy

Naperville should allow recreational cannabis sales. We are missing out on tax revenue. As a former budtender, I attest to the significant amount of Naperville residents ALREADY partaking in the practice of consuming cannabis. ALLOW recreational cannabis at the sites that already have an established patient basis. 3C Naperville specifically would benefit immensely. They are essentially already a recreational facility. Open it up to all patients. All Americans deserve the right to have access to this medicine, medicinally or recreationally. Please consider the people in Naperville who benefit from this herb but are scared of the stigma. Cannabis IS a medically helpful supplement and Americans should have the right to choose to use it or not. Your grandparents or family members might already be using this substance without you even knowing. ALLOW cannabis sales and taxation in Naperville, it will benefit our economy AND help those in need to have access to desperately needed medication.

Naperville Area Chamber of Commerce

Mayor and City Council Members, On behalf of our board of directors and staff, the NACC wishes to express our sincere gratitude for your recent vote to direct city staff to explore offering grants to support our local businesses who sustained damage to their property on June 1. We commend Mayor Chirico for having the foresight to propose this grant program and the city council for voting unanimously to direct staff to development grant guideline recommendations. Thank you. Ian Holzhauer, Board Chair Kaylin Risvold, President & CEO.

Naperville Area Chamber of Commerce

Mayor and City Council Members, Re: NACC Statement on Diversity, Equity & Inclusion The Naperville Area Chamber of Commerce Board of Directors and Staff stand united with business and community leaders in denouncing racism and promoting a more equitable future. The crescendo of high-profile, racially charged incidents over the past year, both locally and nationally, has left many members of our community enraged, confused, and dejected. Today we share our sincere condolences with the family and friends of Mr. George Floyd, Ms. Breonna Taylor, Mr. Ahmaud Arbery, Ms. Sandra Bland, and the families that have been impacted by high and low-profile incidents in our own community and elsewhere. Business Leaders. We ask you to be open-hearted and empathetic; to have conversations about the harsh realities of inequity, including difficult and uncomfortable conversations about race. We ask you to commit to loudly denounce injustice and to compassionately give and accept feedback when equity is compromised in your companies. We further encourage you to adopt Diversity, Equity & Inclusion (DE&I) policies, including promoting DE&I committees within your organizations. Upon assuming her position as President and CEO last year, Kaylin Risvold immediately implemented a new Chamber DE&I Committee, led by Kim White. The Chamber and its DE&I committee are dedicated to assisting our community's businesses, non-profits, schools, and other organizations to move forward with concrete solutions - please reach out to us if you need resources or would like to share best practices. To be clear, we do not conflate the worst behavior of a group of individuals with the overwhelming mass of community members promoting solidarity, equity, and justice last week. We intentionally resist the temptation to give attention to the few that seek to dilute that message. We recognize, acknowledge, and celebrate that Black Lives Matter. This statement is the first step in a journey for us all to do better and be better. Pledge to join NACC, City, and Community leaders on Monday, June 29 at 10:00 am for a listening session on how we can effect lasting change. Pledge to support a continued conversation about change, and to be part of that much-needed change. Thank you for supporting our efforts to make the Naperville area a more equitable community. Ian Holzhauer, Board Chair Kaylin Risvold, President & CEO

James Laures

My family and I are long-time residents of Naperville. After completing the Naperville Adult-Use Cannabis Facilities Online Survey, I asked City Management what controls and procedures were in place to ensure that only responses from Naperville residents are included in the survey results and that multiple, duplicate survey responses from the same individual are purged from survey results. To my surprise, City Management's replied: "The survey is not

exclusive to Naperville residents." This survey invites opinions from any person who provides a name, fake or not, (or no name at all) and has an email address (of which a person can have many). Hence, survey results will include: • Opinions of non-Naperville residents with no vested interest in our wonderful City; and • Opinions of those such as the commercial cannabis industry which is now salivating over getting a piece of the recreational cannabis "action" in Naperville and making money off of Naperville residents. In summary, for you, our elected representatives, the only "need to know" from this survey is to understand what your constituents, Naperville residents, think about recreational cannabis zoning. Opinions of nonresidents are irrelevant. It is Naperville residents who have a vested in, will be impacted by and will have to live with the City's recreational cannabis zoning decisions. Thank you.

Council asked about the survey, qualitative/quantitative,

Krieger explained it was an info gathering tool, not intended to be quantitative or statistically significant the referendum in March provided the stats, survey info would be used to help guide decisions at the June 22 workshop,

DiSanto explained no permits had been applied for

SPEAKER

Chad Treisch requested a home business permit and asked about the review/approval timeline.

Novack explained the transition to an entirely electronic process, there is significant backlog, and that he will work with the speaker offline.

Michael Siemann discussed the safety of Naperville citizens during illegal street blockages by protesters not allowing emergency vehicle passage.

Council discussed the ability to designate an area for protests.

DiSanto clarified that the Free Speech Pavilion on the Riverwalk is designated for protests.

Meena Banasiak discussed the City's revised mission statement, anti-discrimination language, and asked Council to validate these actions through the formation of a fifth Ends Policy and associated performance metrics.

Krieger explained the research into developing a Human Rights Commission and that staff intends to bring recommendations back to Council in July.

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 the Consent Agenda. 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 item I19. 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 05/01/2020 through 05/31/2020, for a total of \$28,078,571.06

Council approved.

2. Approve the regular City Council meeting minutes of June 2, 2020

Council approved.

3. Approve the City Council meeting schedule for July, August & September 2020

Council approved.

4. Approve the award of Sole Source Procurement 20-040, Cityworks Storeroom Equipment and Software, to Radley Corporation for an amount not to exceed \$171,651.46.

Council approved.

5. Approve the award of RFP 19-310, Maintenance Support Services, to JP Superior Cleaning and Janitorial Services Corporation, for an amount not to exceed \$128,665 and for a one-year term

Council approved.

6. Approve the award of Option Year Two to Contract 17-097, Holiday Lighting and Decorations, to Holiday Creations Pro, Inc. for an amount not to exceed \$185,000

Council approved.

7. Approve the award of Option Year Two to Contract 17-020, Custodial/Janitorial Services for City Sites, to Citywide Building Maintenance for an amount not to exceed \$560,000

Council approved.

8. Approve the award of Cooperative Procurement 20-225, Biosolids Storage Building Roof Restoration, to Garland/DBS for an amount not to exceed \$527,559, plus a 3% contingency

Council approved.

9. Approve the award of RFP 20-052, Springbrook Water Reclamation Center Facilities Plan, to Donohue and Associates, Inc. for an amount not to exceed \$255,950
Council approved.
10. Approve the recommendation by Alliant Insurance Services to award Excess Liability Insurance coverage to Great American Insurance Company for a one-year term and an amount not to exceed \$180,183
Council approved.
11. Approve the recommendation by Alliant Insurance to award Property, Cyber Liability and Pollution Liability insurance coverage through the Alliant Property Insurance Program for an amount not to exceed \$452,410.65 and for a one-year term
Council approved.
12. Accept the public underground improvements associated with Wagner Farm Phase 1 and authorize the City Clerk to reduce the corresponding public improvement surety.
Council approved.
13. Conduct the first reading on an ordinance amending the structure and fee amounts included in Articles E, F, and H of Chapter 9 (Municipal Finances) of the Naperville Municipal Code.
Council passed.
14. Receive the staff report for the property located at 110 S Washington Street (Central Park Place) - PZC 18-1-077 (Item 1 of 3)
Council approved.
15. Pass the ordinance approving a final condominium plat of survey for Central Park Place Residential Condominium, PZC 18-1-077 (Item 2 of 3)
Enactment No. ORD 20-065
Council passed.
16. Pass the ordinance approving the vertical subdivision plat for Central Park Place Commercial Subdivision, PZC 18-1-077 (Item 3 of 3)
Enactment No. ORD 20-066
Council passed.
17. Adopt a resolution approving an intergovernmental agreement with the State of Illinois for road improvements on Illinois Route 59 at Champion Road
Enactment No. RES 20-016
Council adopted.

18. Adopt the resolution authorizing the City Manager to implement the policy entitled "Prohibition and Prevention of Harassment/Sexual Harassment".

Enactment No. RES 20-017

Council adopted.

19. Approve the application and issue a permit for The Salute's fireworks display at Frontier Park on July 4, 2020

COMMENTS TO BE READ BY STAFF

Annette Wehrli,

Life-long resident of Naperville. The Fireworks have ALWAYS been held in the downtown Naperville area. Over the years, we have watched from the bleachers of NCHS or the front yard of Aunt Marge Walsh's home on Webster street or from the fields at North Central College. I purchased my home in the West Highlands so that I could always walk to the fireworks. I have over 100 American Flags that I fly in my front yard and from my home on the 4th of July and on Memorial Day. Although I never had the honor of being a Veteran, I bleed red, white, and blue. After Memorial Day, where we honor those that have made the ultimate sacrifice and died for our Country, the 4th of July is the second most important day in our Country. Don't take the fireworks away from the downtown area. We've have already lost too much this year. Covid, Vandalism, Looting, and loss of jobs for many. Don't take another thing away from us. PLEASE KEEP THE FIREWORKS IN DOWNTOWN NAPERVILLE, this year, and ALWAYS! Thank you

Diane

please do not move the fireworks from downtown Naperville ! We have already lost Ribfest. It's so disappointing to see these changes happen in a town I've lived in for 27 years. It will not only hurt residents if this happens, but businesses as well if residents drive elsewhere to watch fireworks.

Jayne

I am asking you to reconsider moving the fireworks from the downtown area to south NAPERVILLE. Many of us have chosen to live in the downtown area to be close to the traditions of downtown Naperville. The fireworks are one of these traditions we all enjoy. As you are aware, our lives have been disrupted in so many ways. We need a consistent tradition to hold on to.

Lisa Konrad Daly

Regarding the fireworks. Fireworks should be held downtown Naperville, not down by NVHS. It only makes sense to do it in the center of town! Why change a good thing?

Council discussed the cancelation of the Salute event, the proposed relocation of the fireworks, social distancing guidelines, estimated attendance, parking, the impact of recent protests on the downtown, and street closures.

Gallahue explained that for the past two months the Special Events Team and

Naperville Responds For Veterans (NRFV) have worked together to modify the original two-day event to a fireworks-only celebration, that NRFV's first choice was to host the fireworks at Knoch Park, that it was inconsistent with their goals of increasing the size of the display, being able to host the maximum number of spectators as many other communities have canceled fireworks displays, and respecting the governor's social distancing order.

She went on to say that Springbrook Golf Course and Springbrook Prairie Path were also considered, but ultimately, Frontier Park was selected as it has 906 parking spaces that will allow spectators to view from their cars and a field large enough to accommodate both the larger fallout area and individuals wishing to watch from inside the park. She said the approval of the Neuqua Valley High School parking lot would add 1,000 more spaces and more parking is available at the Polo Fields. She also said NCTV17 will be providing a live simulcast of the event to bring the celebration to people who wish to watch from home.

Council discussed the current construction at Knoch Park, launching the fireworks from West Street, that the City has encouraged events to relocate to the south part of Naperville for years, the long-standing tradition of the fireworks being held at Knoch Park, the possibility of moving the display to a different location each year, and asked about the potential to host two fireworks events this year.

Gallahue responded that the Garden Plots cannot be used this year, that West Street may not be an appropriate launch site given the time to set up the display, and NRFV would need to verify whether it has the bandwidth to support two display sites.

A motion was made by Councilman Krummen, seconded by Councilman White, to approve the application and issue a permit for The Salute's fireworks display at Frontier Park on July 4, 2020 and to direct staff to partner with NRFV to evaluate moving the event back to Knoch Park or hosting two fireworks displays, and granting the city manager authority to close appropriate streets as necessary. The motion carried by the following vote:

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

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 20-020, Electric Tree Trimming, to Lewis Tree for an amount not to exceed \$1,858,100 and for a three-year term

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 20-020, Electric Tree Trimming, to Lewis Tree for an amount not to exceed \$1,858,100 and for a three-year term. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Provide direction regarding potential short-term residential rental regulations.

COMMENTS TO BE READ BY STAFF

Marilyn Schweitzer

O-1, File #20-684: In most residential households, the non-transient occupants have a both a large financial and personal long-term investment in the property. Whether they succeed or not, they generally attempt to get along with their neighbors, are familiar with local ordinances, and are acutely aware of the property's value. The occupants do not expect their neighboring dwellings to consist of transient occupants with no such commitment, more than 4 unrelated adults, and thrice the typical household occupancy. Non-transient occupants expect non-residential uses in residential districts to be well regulated, but Short-Term Residential Rentals are not. Operators of Short-Term Residential Rental properties have less of a commitment towards the neighborhood because of their absence and typically outsource much of the screening and management. Parties, celebrations, corporate events, and other large gatherings occur more frequently occur in Short-Term Rentals which further increases the risk of noise, nuisance, and parking problems. Neighbors, not the operators bear the brunt of the problems with little recourse other than to involve the police since disturbances typically occur after city staff hours. It seems over twice the rate of noise complaints came from Short-Term Rentals in 2018-2019 and that rate is rapidly increasing in 2020. Short-Term Residential Rental need regulation in a manner than that can be effectively and proactively enforced without necessarily involving the police. I support and encourage Council to consider regulations that have a minimum length of stay, a maximum occupancy, owner occupied rental requirements, parking regulations, and fines for both advertising and operating violations. To be both fair and effective, the regulations and a summary of other relevant ordinances must also be made readily available to transient occupants. Thank you.

POSITION

Nancy Cole - Support

Kim Beeler Groesbeck - Support

SPEAKER

Tom Schaefer spoke in favor of regulations on short-term rentals.

Dick Page spoke in favor of regulations on short-term rentals.

Michael G. Cole spoke in favor of regulations on short-term rentals.

Mike Mika spoke in favor of regulations on short-term rentals.

Don Russell spoke in favor of regulations on short-term rentals.

Dean Batogowski offered regulation and rental rule suggestions, discussed quiet rental events at the Santa Maria house, and the paradigm shift of traveling

and seeking alternatives to hotels.

Marshall discuss police calls to previous events at the Santa Maria house.

Council discussed recent incidents, permits, zoning, and that Naperville has more than 300 short-term rental properties.

Laff explained that the Naperville Municipal Code currently prohibits boarding houses in residential districts, but does permit the rental of up to two boarding rooms per owner occupied home or the rental of the whole structure under a single shared lease, and stated that staff finds that the majority of short-term residential rentals operating within the City are generally doing so in a manner consistent with a residential neighborhood.

Batogowski spoke against licensing regulations and suggested focusing on communication with the neighbors.

Council discussed the appropriateness of a registration process to address one rental property, that AirBnB is an important part of the economy, the need to put the responsibility on owners to fix the problem, and possible rental restrictions.

A motion was made by Councilman Kelly, seconded by Councilwoman Brodhead, to direct staff to prepare an ordinance defining short-term rentals, restrict the use of short-term rentals for parties, place restrictions on occupancy and parking limits, and establish a fine schedule for violations. The motion carried by the following vote:

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

2. Receive the June 2020 Financial Report

Mayer presented the June financial update which highlighted how COVID-19 is impacting revenues and expenses and explained how staff is actively researching how to recoup costs.

P. NEW BUSINESS:

Drag racing and excessive car noise

Chirico asked for an update on enforcement and stated 11 officers were assigned to the traffic unit in the past, and inquired as to how many officers are currently assigned.

Marshall responded that the vehicles have been identified to belong to a Chicago car club, more than 30 violations have been issued, and that the traffic unit is made up of five officers which diminishes the ability to enforce.

Public Art Program

Sullivan asked for an update on direction given at the February 4 meeting, that there are different groups working toward this goal, and that the City should establish a process and plan for funding and placement.

Krieger explained that staff met with two SECA commissioners this week to

start the process, that Century Walk has been invited to be part of the planning initiative, and a recommendation will be brought to Council on July 21.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(8) Safety & Security Procedures; ; 120/2(c)(11) Pending Litigation; 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

Q. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of June 16, 2020 at 11:00 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