



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, May 5, 2020

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

Due to the ongoing Coronavirus (COVID-19) pandemic and the Governor's statewide stay-at-home order, the May 5 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 May 5

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 May 5 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 May 5) 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 May 5).

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 May 5, 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 May 5
- 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

OPEN SESSION - 7:00 p.m.

C. PLEDGE TO THE FLAG:

The pledge was given.

D. AWARDS AND RECOGNITIONS:

Chirico recognized the recent passing of community leader, Herb Nadelhoffer and Naperville's first woman mayor Peg Price.

1. Present the Accessible Community Task Force Student Recognition Awards

Hinterlong presented the awards.

2. Proclaim May 2020 as Mental Health Awareness Month in Naperville.

Kelly presented the Proclamation.

E. PUBLIC FORUM:

COMMENTS READ BY STAFF

Lynn Gosselin

I am a 22-year resident of Naperville and I'm writing to City Council to express my concerns about city officials requesting Naperville receiving an exemption from the state's Stay at Home order in an effort to re-open businesses in Naperville. The COVID-19 pandemic took this nation by surprise. The country was unprepared with respect to PPE, ventilators, contact tracing, treatment, and a vaccine. The only weapon the country had available to staunch the virus's advance was isolation. Up until this past weekend, residents of Naperville and Illinois were doing a great job at staying close to home, which we can see from cell phone data. That said, Illinois has not peaked with respect to daily cases. Lifting restrictions earlier than 14 days after the peak will prolong the spread. Some have argued that the virus and deaths are concentrated in nursing homes so restrictions should be lifted for everyone else. But to do that with confidence would require tools we don't have: expansive testing to identify asymptomatic carriers and contact tracing so those who have been exposed can isolate to prevent the spread. Others argue that Naperville is somehow better positioned relative to our neighbors and should open before the state does. This ignores that the virus respects no boundary: state, county, city, nor age, gender, race. If Naperville re-opens before the Illinois Department of Public Health and Governor advise, residents and guests of Naperville will circulate the virus resulting in an increase in cases and deaths. I understand that the Stay at Home order is difficult socially, emotionally, and that the economic impact is felt far and wide. I work in the banking industry and have been volunteering outside of work hours to help my institution process PPP loans for small businesses and see this devastation daily. However, I believe that all of us, including our elected officials, have an obligation as members of our shared community to make this shared sacrifice and investment so that we flatten the curve and shorten the period of time needed to take these drastic measures. I believe that a more productive role for our local leaders is to participate on task forces, lobby for additional aid from the federal government, work with the Chamber of Commerce and other groups to promote creative solutions for our town's businesses, etc. And I also ask all of you to exercise your leadership to encourage residents to follow the restrictions, such as wearing masks and maintaining social distance, especially when we have beautiful weather like this past weekend. We are all in this together and by making this sacrifice and investment, we will protect our community and position Naperville for a successful comeback.

SPEAKER*Allison Longenbaugh*

Asked if the mayor is supportive of adhering to governor's order or accelerating the opening of the City.

Chirico responded that municipalities must follow the governor's order, but the municipalities can advocate for their own areas because individual data may be different than regional data.

F. 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

G. 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 G3 and G5. 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 April 21, 2020
Council approved.
2. Approve the City Council meeting schedule for May, June & July 2020
Council approved.
3. Approve the award of Cooperative Procurement 20-178, Unit 040 and Unit 084 Vehicle Replacement, to Altec, Inc. for an amount not to exceed \$271,292

Council discussed fleet expenditures, trade-in value, and delivery time.

Dublinski explained that the City has deferred the purchase of 15 vehicles, delivery is optimal for the Electric Department, and that the recommendation is to put one current vehicle in dry storage.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the award of Cooperative Procurement 20-178, Unit 040 and Unit 084 Vehicle Replacement, to Altec, Inc. for an amount not to exceed \$271,292. The motion carried by the following vote:

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

4. Approve the award of Cooperative Procurement 20-180, Unit 276 Equipment Replacement, to Altec Industries for an amount not to exceed \$159,092

Council approved.

5. Approve the award of RFP 19-041, City Council Chambers Audio Visual Upgrade, Installation and Support, to Sound Incorporated for an amount not to exceed \$604,798 and for a five-year term

LaCloche explained the timing, funding, and overall project specifics. She said the upgrade is two years past due, that the message board system failed in 2018 and staff has been using a number of workarounds. She went on to explain significant issues with the podium, severed chords, and that projection quality is poor.

Mayer explained that PEG fees would be an appropriate source for the purchase but use of those funds will need to be discussed with NCTV.

Council discussed delaying the project, use of alternate technology tools for meeting, that the equipment is at end of life, the concern of only one vendor, and that the project can be completed while chambers is unoccupied.

LaCloche explained the bid process, that staff solicited vendors across the country and used Granicus and NCTV to also find potential bidders. She said most companies are proficient in audio or visual, that NCTV was on the review team and put together a spec sheet for evaluation. She said that even with Zoom there is still a need to have an NCTV tech present at the meetings.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the award of RFP 19-041, City Council Chambers Audio Visual Upgrade, Installation and Support, to Sound Incorporated for an amount not to exceed \$604,798 and for a five-year term. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Hinterlong, Kelly, Krummen, Sullivan, and White

Nay: 2 - Coyne, and Gustin

6. Table the award of Cooperative Procurement 20-154, Unit 238 and 293 Equipment Replacement, to JX Peterbilt for an amount not to exceed \$403,388.97 to the August 18, 2020 meeting.

Council approved.

7. Approve the award of Cooperative Procurement 20-136, Unit 315 Equipment Replacement, to Fire Service Inc. for an amount not to exceed \$680,282

Council approved.

8. Approve the award of Change Order #1 to Contract 18-008, Electric Tree Trimming, to Asplundh Tree Expert Company for an additional 60 days

Council approved.

9. Approve the award of Change Order #1 to Contract 17-084, Riverwalk Consultant, to Engineering Resource Associates, Inc. for an amount not to exceed \$134,300 and a total award of \$408,592

Council approved.

10. Receive the report for Lincoln at CityGate Centre located at the northeast corner of CityGate Lane and Westings Avenue PZC 20-1-011 (Item 1 of 3)

Council approved.

11. Pass an ordinance approving a Final Plat of Subdivision for the resubdivision of Lots 2 & 3 of CityGate Centre Subdivision (Lincoln at CityGate Centre) - PZC 20-1-011 (Item 2 of 3)

Enactment No.: ORD 20-043

Council passed.

12. Pass an ordinance approving a Final PUD Plat for the resubdivision of Lots 2 & 3 of CityGate Centre Subdivision (Lincoln at CityGate Centre) - 20-1-011 (Item 3 of 3)

Enactment No.: ORD 20-044

Council passed.

H. PUBLIC HEARINGS:

I. OLD BUSINESS:

J. ORDINANCES AND RESOLUTIONS:

1. Pass an ordinance approving an amendment to reduce the City of Naperville Annual Budget for Calendar Year 2020 by \$24,974,860 (requires six positive votes).

Krieger explained how deferrals were identified, that staff is supportive of all recommendations, a report will be given to Council at the second meeting of each month, that revenues were good through February, and that the next several months will be difficult. He further discussed federal assistance to municipalities and the CARES Act.

Enactment No.: ORD 20-045

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass an ordinance approving an amendment to reduce the City of Naperville Annual Budget for Calendar Year 2020 by \$24,974,860. The motion carried by the following vote:

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

K. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L. PETITIONS AND COMMUNICATIONS:

M. REPORTS AND RECOMMENDATIONS:

1. Provide direction regarding the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities.

COMMENTS READ BY STAFF***Kenn Miller***

I plead for the City Council to postpone #20-510 Retail marijuana zoning and maps until after COVID-19 restrictions are removed allowing public meetings. This is a very controversial issue and the citizens have a right to an open in-person opportunity to address the Counsel on their opinions. A virtual meeting does not suffice.

Thank you. Kenn Miller

Charles Brown

Most seniors do not have the wherewithal to participate in your "open sessions" and there is very little info if any on how to listen or participate in the meetings. We were shut out of the vote for the recent referendum vote. We were told to stay home and then to vote. Registration for mail in ballots is very difficult. You call the county, push three and sometimes the call returns to you. I spoke with one of the women there and they know it is a difficult system I finally got through and had an application for a mail in vote mailed to me. Then I returned it and received a ballot which I returned to them. It amazes me that well-meaning elected officials refuse to listen to the school districts, the police department, and the fire department who oppose the sale of recreational cannabis. I do not feel that some members of the council are open to using these available resources. I would appreciate it if you would read this into the records of your next meeting. Charles Brown still hopeful at 84.

Kris Busche, Melissa Miscinski, Karen Messina, Kathy Mercado, Terri Nauman, Lori Hazen - OPPOSE

I request the City Council vote to table this agenda item indefinitely as it is a very controversial issue plus the Coronavirus continues to limit public physical participation. This is not a mandatory service of the City so a future workshop would allow residents to learn and understand store locations and zoning proposals. The referendum outcome was very close, identifying is controversy, with approximately 47% against and 53% for marijuana stores. The March 2020, Presidential primary had approximately 25% voter turnout versus the 2016 Presidential primary of approximately 54% voter turnout.

Simon Liang - OPPOSE

I request the City Council vote to table this agenda item indefinitely as it is very a controversial issue plus the Coronavirus continues to limit public physical participation. The City needs to be transparent and respect the normalcy of its constituents that support transparency. I request the City Council to vote to table this agenda item indefinitely as it is very controversial.

Catherine Lavigne - I support tabling M.1 (20-510)

I request the City Council vote to table this agenda item indefinitely as it is a very controversial issue plus the Coronavirus continues to limit public physical participation. This is not a mandatory service of the City so a future workshop would allow residents to learn and understand store locations and zoning proposals

Salve Messina

Government bodies should not opportunistically take advantage of the public's inability to attend large gatherings to make critical decisions affecting the public's interest if those decisions can reasonably be postponed, as there is really no substitute for physical presence." I request the City Council vote to table this agenda item indefinitely as it is very a controversial issue plus the Coronavirus continues to limit public physical participation. This matter can reasonably be postponed as it is not a core service of the City.

Dolores Billote, James Full - OPPOSE

I think government agencies need to be very careful not to unduly restrict the public's ability to see what government is doing and, maybe more importantly, to participate in what the government's doing. I request the City Council vote to table this agenda item indefinitely as it is very a controversial issue plus the Coronavirus continues to limit public physical participation. This matter can reasonably be postponed as it is not a core service of the City. Tabling is appropriate to safer times, as is a workshop.

Catherine Hanzelin, Bradford Miller

With respect to item 20-510, I request the City Council vote to table this agenda item for now as it is a controversial issue and the Coronavirus continues to limit public physical participation. This matter can reasonably be postponed as it is not a core service of the City. Further, when it comes to controversial topics such as this one I would argue that people being physically present to present their case is important for many reasons. First, we as Americans are used to being able to advocate for or against something in person. The physical act of going in front of a governing body and trying to persuade them one way or another is normal and important to us. We are often passionate when we are speaking and I don't think the same level of persuasion or passion comes through via zoom. Second, there is strength in physical numbers. As you know, when the community shows up to city council meetings in matching t-shirts or holding signs, that sends a message. That can't happen on the same level with zoom. Third, I think there is a technology barrier for some people. If you tell a non-tech person that the city council meeting is going to be online via zoom, I think their first instinct is that it seems complicated, especially if they never heard of zoom. That will very likely keep some people away and we should want people to be involved in these kinds of topics. Finally, I am concerned that with a controversial topic like this one, I think a lot of people are going to think that the city council intentionally did this during a time of crisis to get it done without having to deal with residents opinions in person and that it going to look negative in my view. On another note, I appreciate everyone's efforts in keeping our city safe during this time and I hope everyone stays healthy.

Joan Vitro - OPPOSE

Transparency is the core of legality. Throughout any circumstance, the government must remain accountable to the people. This matter can reasonably be postponed as it is not a core service of the City.

Michelle Hiller - OPPOSE

I support tabling. M-1 (20-510). Do not move forward with this until the public can be fully involved.

Rita Mathern - OPPOSE

I believe local governments need to guarantee their citizens that they operate in an open and transparent way during their deliberations. So, I request City Council table this marijuana agenda item, M.1(20-510) be postponed for consideration until the public can safely attend in person. As it is not an urgent matter, it should be rescheduled to a later date and include a workshop.

Paul Radzicki - OPPOSE

I request the City Council to vote to table Agenda item: M.1 20-510 indefinitely. Decisions of this gravity should not be made in a virtual meeting environment. Citizens have the right to be heard IN PERSON by the Council. There is no urgency to decide this matter at this time. Deciding whether to increase the availability of a harmful intoxicant can wait; it's not an emergency. I, and I hope all Naperville voters, will be noting which Council members are pro-weed and vote accordingly when they are up for reelection. Paul Radzicki, 1444 Terrance Drive.

Rose Hanson

Table M.1 (20-510) until people can be physically present to discuss this controversial issue. Trying to do this while people are ordered to shelter in place is not in the best interest of this community.

Keith Sheffer - OPPOSE

If there is anything perfectly clear about the controversial topic of whether or not the city of Naperville should be encouraging the creation of marijuana stores promoting the sale and recreational use of marijuana is that the residents are deeply divided. The referendum vote took place while fears and concerns of public safety limited participation of some segments of our community. Many questions remain if the combination of political timing and the pandemic

affected the results. One thing both sides of the topic can agree on is that the residents of this great city are deeply divided. For this reason, along with the current COVID pandemic in play, my concern is that proceeding with the agenda item M.1 20-510 for the upcoming council meeting will only deepen this division or our residents. As a resident of this community I do not see the "burning bridge" need to start the official process of developing a road map on "how to get there" before we have clarity on "where we want to go". I respectfully request that you think of the entire Naperville community - those that Opt in and those that Opt out - and table this topic until there is clear and open abilities to properly address this potential roadmap. We live in a democracy and as a local government; there is an obligation to allow the democratic process to be followed.

Julie Kukla - OPPOSE

Cannabis plans to be tabled indefinitely until covid is over. I am opposed to sales of cannabis in Naperville

Kim Roth

I request the City Council vote to table this agenda item indefinitely as it is very a controversial issue plus the Coronavirus continues to limit public physical participation.

Joy Grainge - SUPPORT

Like the majority of Naperville residents, I support an adult use cannabis store in our city. I encourage you to create clear direction for zoning a 21+ cannabis retail store. In April, Illinois sold over \$35 million dollars of cannabis in the adult use market, an increase from February and March. Naperville will need the tax revenue cannabis can generate as we move forward through these troubling times. A cannabis retail outlet is an excellent business to add to the Naperville portfolio.

POSITION

Mark McGrath - OPPOSE

Lisa Howard - OPPOSE

Deborah Landman - OPPOSE

Amy Benson - OPPOSE

Dawn Summers - OPPOSE

Donna Burke - SUPPORT

SPEAKER

Jennifer Taylor, Opt Out Naperville

Spoke against taking action until in-person meetings can be held.

Council discussed greater access to speak now since comments can be submitted and read by staff or residents can phone in to the meeting, the referendum reflects the residents' decision, that many questions need to be answered through the zoning process, and the appropriateness of continuing the discussion at a workshop or regular meeting.

Krieger explained that the action item is requesting Council to make a decision on moving forward with a workshop or regular meeting and using an electronic meeting process (Zoom) or wait to meet in person.

Council offered that the roadmap sidesteps the opt in/opt out question, assumes the City will opt in, and the appropriateness of determining the zoning parameters before an opt in/opt out decision.

Krieger explained staff could poll the Council on major decision points that have been discussed in the past prior to any meeting.

Council discussed logistics of an open house, past level of input and decorum, the appropriateness of having the public go through a process if the majority of Council are not

going to change their vote, and that a vote should not be avoided because of the pandemic.

DiSanto explained the requested action items and recommended Council not repeal the Opt out ordinance until zoning details have been agreed upon.

A motion was made by Councilwoman Sullivan, seconded by Councilman Krummen, to direct staff to proceed with the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities and schedule an electronic workshop for the City Council prior to the Planning Zoning Commission process.

A motion in substitution was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to direct staff to proceed with the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities with the addition of an open house for the public. The motion failed by the following vote:

Aye: 3 - Gustin, Hinterlong, and Krummen

Nay: 6 - Chirico, Brodhead, Coyne, Kelly, Sullivan, and White

A motion was made by Councilwoman Sullivan, seconded by Councilman Krummen, to direct staff to proceed with the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities and schedule an electronic workshop for the City Council prior to the Planning Zoning Commission process.

Aye: 6 - Chirico, Brodhead, Kelly, Krummen, Sullivan, and White

Nay: 3 - Coyne, Gustin, and Hinterlong

N. NEW BUSINESS:

Referendum

Coyne discussed placing a referendum regarding the 5th Avenue development on the November ballot.

Council discussed the appropriateness of a referendum because it is more complicated than a yes/no question.

DiSanto discussed timing, the number of allowable questions, and due dates.

By consensus Council directed staff to research placing referendum questions relative to the 5th Avenue development on the November ballot and bring recommendations back at a future date.

Teacher Appreciation Day

Gustin recognized Brodhead, Krummen, and White.

Electric Award

Krummen recognized the Electric Utility on receipt of the platinum designation award.

First Responders - Grocery workers

White recognized employees at grocery stores and thanked them for their efforts.

April 21 Public Forum

White praised speakers Bill Liu and Nancy Chen and discussed the upcoming Naperville Neighbors United Town Hall meeting.

O. CLOSED SESSION:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(5) Purchase of Property; 120/2(c)(6) Sale of Property; 120/2(c)(8) Safety & Security Procedures; 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

P. ADJOURNMENT:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of May 5, 2020 at 11:07 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