



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, March 3, 2020

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

#### B. ROLL CALL:

#### C. CLOSED SESSION - CANCELED

OPEN SESSION - 7:00 p.m.

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

#### D. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilman John Krummen  
Councilwoman Theresa Sullivan  
Councilman Benjamin White

#### Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Division Chief-NFD, Scott Salela; 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, Brian Groth; Deputy Director of Public Utilities - Water, Darrell Blenniss, Jr.; Budget and Administration Manager-Public Works, Christine Schwartzhoff

Daily Herald, Naperville Sun, NCTV-17

#### E. PLEDGE TO THE FLAG:

The pledge was given.

#### F. AWARDS AND RECOGNITIONS:

Chirico called for a moment of silence for the victims of the recent tornadoes in Nashville, Tennessee.

1. Proclaim the month of March 2020 as “Kindness Matters Month”

Hinterlong presented the Proclamation to representatives from Kids Matter and 35 various non-profit organizations.

**G. PUBLIC FORUM:**

Election Referendum

Philip Buchanan (Opt In) spoke in favor of allowing the sale of adult-use recreational cannabis.

Cannabis

Joy Grainge spoke in favor of allowing the sale of adult-use recreational cannabis.

March Referendum

Nancy Turner spoke in favor of allowing the sale of adult-use recreational cannabis.

Cannabis

Lyndsey Kokoris spoke in favor of allowing the sale of adult-use recreational cannabis.

Lance Fuhrer, Alan Lowe, Shafeek Abooubaker (Sister Cities Commission) requested that Cancun, Mexico be added as a new Sister City for Naperville.

By consensus Council directed staff to bring back an ordinance adding Cancun, Mexico as Naperville's newest Sister City.

Referendum

James Haselhorst (Opt In Naperville) spoke in favor of allowing the sale of adult-use recreational cannabis.

Cannabis Referendum

Derrick Levy (3C Compassionate Care Center/Naperville For Legal Cannabis) spoke in favor of allowing the sale of adult-use recreational cannabis.

Cannabis Referendum

Mark V Urda spoke in favor of allowing the sale of adult-use recreational cannabis.

Marijuana Sales in Naperville

Aaron Weiner spoke against allowing the sale of adult-use recreational cannabis.

843 Santa Maria Drive

Dean Batogowski/Don Russell (owners of Santa Maria property) apologized for the events on Super Bowl Sunday, discussed short-term rental advertising, increased communication with potential guests, and offered to work with the

City on establishing regulations.

Council discussed underage drinking, liability exposure, capacity for vehicles at the property, shuttles/valets, parking offsite, security, what is appropriate for a residential neighborhood, and options for rental regulations at this property.

Laff explained that staff is currently researching ordinances and compiling information into a report to be presented to Council at a future date.

#### Recreational Marijuana

Matthew Taylor spoke against allowing the sale of adult-use recreational cannabis.

#### Uber/Lyft/Taxi Safety

Hank Hydell requested the City regulate ride share services.

DiSanto explained that the City has limited authority to regulate such agreements between private parties.

#### Opt-in for Cannabis Dispensaries

Dianne McGuire spoke in favor of allowing the sale of adult-use recreational cannabis.

#### Adult-use Cannabis Referendum

Becky Rudolph spoke against allowing the sale of adult-use recreational cannabis.

Council discussed potential revenue and the City brand.

#### Deck

Dick Furstenau gave a brief history on the property near Nichols Library where a deck was to be built.

## **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 items I11-I13, I14, I16-I18, and amending the City Council calendar by adding a 5th Avenue Workshop on April 6. 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 February 18, 2020  
**Council approved.**
2. Approve the release of certain designated closed session meeting minutes and continue to maintain the confidentiality of all other unreleased closed session meeting minutes  
**Council approved.**
3. Approve the City Council meeting schedule for March, April & May 2020  
**Council approved as amended.**
4. Approve the award of Change Order #3 to Contract 17-057, Telecommunication Services, to AT&T for an amount not to exceed \$102,000 and a total award of \$475,073 and for an additional 11 months  
**Council approved.**
5. Approve the award of Option Year Four to Contract 16-199, Street Lighting Controller and Municipal Lots Maintenance, to Meade Electric Inc. for an amount not to exceed \$218,025  
**Council approved.**
6. Approve the award of Option Year Two to Contract 17-045, Landscaping Restoration Program, to Alaniz Landscape Group for an amount not to exceed \$187,000, plus a 5% contingency  
**Council approved.**
7. Approve the award of Option Year One to Contract 19-063, Concrete Restoration Services, to Whiteline Construction Inc., Baish Excavating Inc. and Davis Concrete Construction Company for an amount not to exceed \$250,000, plus a 5% contingency  
**Council approved.**
8. Accept the record of Emergency Procurement 20-109, Engagement of Cisco Services, to CDW Government for an amount not to exceed \$100,000  
**Council approved.**
9. Approve the award of Change Order #1 to Contract 19-270, 4th Avenue Train Station Improvements, to RoMAAS Inc. for an additional 80 days  
**Council approved.**
10. Approve the award of Change Order #1 to Contract 19-213, Municipal Center - Front

Plaza Renovations, to Berglund Construction Company for an additional 166 days

**Council approved.**

11. Receive the staff report for Beyond Self Storage (PZC 19-1-088) located at 2403 W. Diehl Road (Item 1 of 3).

JJ Jenkins (Petitioner) requested approval of a parking variance and a plat of subdivision with a deviation to reduce width between the right-of-way and the building line in order to allow construction of a three-story, 138,855 square-foot self-storage facility.

Laff explained the PZC decision authority and the appeal process.

Council discussed the building materials.

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to receive the staff report for Beyond Self Storage (PZC 19-1-088) located at 2403 W. Diehl Road. The motion carried by the following vote:**

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

12. Pass the ordinance approving a plat of subdivision with a deviation to Section 7-4-4 for the property located at 2403 W. Diehl Road (Beyond Self Storage) - PZC 19-1-088 (Item 2 of 3)

Enactment No.: ORD 20-016

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance approving a plat of subdivision with a deviation to Section 7-4-4 for the property located at 2403 W. Diehl Road (Beyond Self Storage) - PZC 19-1-088. The motion carried by the following vote:**

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

13. Pass the ordinance approving a parking variance to Section 6-9-3 for the property located at 2403 W. Diehl Road. (Beyond Self Storage) - PZC 19-1-088 (Item 3 of 3)

Enactment No.: ORD 20-017

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance approving a parking variance to Section 6-9-3 for the property located at 2403 W. Diehl Road. (Beyond Self Storage) - PZC 19-1-088. The motion carried by the following vote:**

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

14. Waive the first reading and pass the ordinance amending the City's municipal code by decreasing the liquor license fee for a lifestyle amenities facility and increasing the number of available Class M liquor licenses for a lifestyle amenities facility from 3 to 5 (Requires six positive votes)

Council discussed the components of the M license, the appropriateness of separating the components into two distinct licenses, the change to the license fee, and the proposed cap.

Marshall explained citation and hearing processes.

Enactment No.: ORD 20-018

**A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to waive the first reading and pass the ordinance amending the City's municipal code by decreasing the liquor license fee for a lifestyle amenities facility and increasing the number of available Class M liquor licenses for a lifestyle amenities facility from 3 to 5 and amending the proposed license fee to \$500. The motion carried by the following vote:**

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

15. Pass the ordinance approving a variance to Section 6-7D-4 to allow a general service use (Lovesac) to be located below the second floor in the B4 District at 12 W. Jefferson Avenue - PZC 20-1-10

Enactment No.: ORD 20-015

**Council passed.**

16. Receive the staff report for Ashwood Park North - Townhomes - PZC 19-1-090 (Item 1 of 3)

Chirico recused himself to avoid the appearance of impropriety and left the dais from 8:58 p.m. - 9:00 p.m.

Hinterlong assumed Mayor Pro Tem.

**A motion was made by Councilwoman Brodhead, seconded by Councilman White, to receive the staff report for Ashwood Park North - Townhomes - PZC 19-1-090. The motion carried by the following vote:**

**Aye:** 8 - Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

**Recused:** 1 - Chirico

17. Pass the ordinance approving the Preliminary/Final Plat of Subdivision for Ashwood Park North - Townhomes First Resubdivision and a revised Owner's Acknowledgement and Acceptance (Ashwood Park North - Townhomes) - PZC 19-1-090 (Item 2 of 3)

Enactment No.: ORD 20-019

**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to pass the ordinance approving the Preliminary/Final Plat of Subdivision for Ashwood Park North - Townhomes First Resubdivision and a revised Owner's Acknowledgement and Acceptance (Ashwood Park North - Townhomes) - PZC 19-1-090. The motion carried by the following vote:**

**Aye:** 8 - Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

**Recused:** 1 - Chirico

18. Pass the ordinance approving a minor change to the Ashwood Park North - Townhomes PUD and the final PUD plat for the subject property at the southwest corner of 103rd Street and 248th Street (Ashwood Park North - Townhomes) - PZC 19-1-090 (Item 3 of 3)

Enactment No.: ORD 20-020

**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to pass the ordinance approving a minor change to the Ashwood Park North - Townhomes PUD and the final PUD plat for the subject property at the southwest corner of 103rd Street and 248th Street (Ashwood Park North - Townhomes) - PZC 19-1-090. The motion carried by the following vote:**

**Aye:** 8 - Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

**Recused:** 1 - Chirico

## J. PUBLIC HEARINGS:

1. Conduct the public hearing for the Springbrook Water Reclamation Facility (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 1 of 6)

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to open the public hearing at 9:01 p.m. The motion carried via Voice Vote.

Jodi Trendler (Naperville Environment and Sustainability Task Force) spoke in favor of the photovoltaic system.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing for the Springbrook Water Reclamation Facility (Springbrook Photovoltaic System) - PZC 19-1-121 at 9:02 p.m. The motion carried by the following vote:**

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

2. Receive the staff report for Springbrook Water Reclamation Facility's proposed Photovoltaic System located at 3712 Plainfield-Naperville Road- PZC 19-1-121 (2 of 6)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items J2-J6. The motion carried by the following vote:**

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

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for Springbrook Water Reclamation Facility's proposed Photovoltaic System located at 3712 Plainfield-Naperville Road- PZC 19-1-121. The motion carried by the following vote:**

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

3. Pass the ordinance annexing the vacant lot located to the northeast of the Springbrook Water Reclamation Facility (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 3 of 6)

Enactment No.: ORD 20-021

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, passed. The motion carried by the following vote:**

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

4. Pass the ordinance rezoning the vacant lot located to the northeast of the Springbrook Water Reclamation Facility to R1 (Low Density Single-Family District) upon annexation (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 4 of 6)

Enactment No.: ORD 20-022

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the vacant lot located to the northeast of the Springbrook Water Reclamation Facility to R1 (Low Density Single-Family District) upon annexation (Springbrook Photovoltaic System) - PZC 19-1-121. The motion carried by the following vote:**

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

5. Pass the ordinance approving the preliminary/final subdivision plat for the Springbrook Water Reclamation Facility (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 5 of 6);

Enactment No.: ORD 20-023

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary/final subdivision plat for the Springbrook Water Reclamation Facility (Springbrook Photovoltaic System) - PZC 19-1-121. The motion carried by the following vote:**

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

6. Pass the ordinance approving major changes to a conditional use pursuant to Section 6-6L-3, Section 6-3-8:5.1, and Section 6-15-6 for a public utility expansion and permitting a ground-mounted photovoltaic system and approving variances to Section 6-2 to allow a 7' chain link fence at the Springbrook Water Reclamation Facility located at 3712 Plainfield-Naperville Road (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 6 of 6)

Enactment No.: ORD 20-024

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving major changes to a conditional use pursuant to Section 6-6L-3, Section 6-3-8:5.1, and Section 6-15-6 for a public utility expansion and permitting a ground-mounted photovoltaic system and approving variances to Section 6-2 to allow a 7' chain link fence at the Springbrook Water**



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**Reclamation Facility located at 3712 Plainfield-Naperville Road (Springbrook Photovoltaic System) - PZC 19-1-121. The motion carried by the following vote:**

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

**K. OLD BUSINESS:**

**L. ORDINANCES AND RESOLUTIONS:**

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

**N. PETITIONS AND COMMUNICATIONS:**

**O. REPORTS AND RECOMMENDATIONS:**

1. Concur with the Riverwalk Commission and select Alternative No. 1, repair the Moser Tower in one phase, to address the structural condition of the tower and direct the Riverwalk Commission to prepare construction plans and documents in 2020 such that the work can be performed in 2021

Marilyn Schweitzer spoke in support of Alternative #1.

Novack explained that the agenda item is giving staff direction to proceed with Alternative #1, it is non-binding, and that construction bids will be let with an estimated 2021 construction start.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to concur with the Riverwalk Commission and select Alternative No. 1, repair the Moser Tower in one phase, to address the structural condition of the tower and direct the Riverwalk Commission to prepare construction plans and documents in 2020 such that the work can be performed in 2021. The motion carried by the following vote:**

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

**P. NEW BUSINESS:**

IMEA

Krummen updated the Council on his recent trip to Washington, DC to meet with representatives.

**Q. ADJOURNMENT:**

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of March 3, 2020 at 9:13 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