



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, March 1, 2022

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-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- 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 March 1st: 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 March 1. 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 March 1. Online sign-up closes at 4 p.m. on March 1, 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 March 1.
- 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:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

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

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

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
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Deputy Fire Chief, Amy Scheller; Police Chief, Jason Arres; Budget Manager - Finance, Ray Munch; 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; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

Coal-fired generation
Gregory Hubert encouraged the City to transition to cleaner alternatives.

NEST meeting with IMEA
Carl VanDril informed Council that he will be meeting with IMEA CEO Kevin Gaden on March 11 and encouraged the City to transition to clean energy.

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

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

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

1. [Approve the regular City Council meeting minutes of February 15, 2022](#)
Council approved.
2. [Approve the City Council meeting schedule for March, April and May 2022](#)
Council approved.
3. [Approve the award of Cooperative Procurement 22-078, Unit 779 Vehicle Replacement, to Vac-Con for an amount not to exceed \\$520,851](#)
Council approved.
4. [Approve the award of Cooperative Procurement 22-079, Water Utility Service Truck Unit 774, to National Auto Fleet Group for an amount not to exceed \\$183,205](#)
Council approved.
5. [Approve the award of Bid 21-345, Daily Fee Parking Machine Maintenance and Repair, to Electronic Security Solutions, Inc. for an amount not to exceed \\$203,777.80 and for a two-year term](#)
Council approved.
6. [Approve the award of Option Year One to Contract 21-128, Emergency and Amber Lighting and Related Equipment, to Fleet Safety Supply Inc. for an amount not to exceed \\$175,000, and for a one-year term](#)
Council approved.
7. [Approve the award of Option Year Three to Contract 18-024, Generator Maintenance Services, to Interstate Power Systems, Inc. for an amount not to exceed \\$120,000](#)
Council approved.
8. [Approve the award of Bid 22-059, EAB Insecticidal Treatments, to Kinnucan Tree Experts and Landscape Company, Inc., for an amount not to exceed \\$253,922](#)
Council approved.
9. [Approve the award of Bid 22-036, Landscape Restoration Services, to Semper Fi Landscaping Inc and Local Lawn Care and Landscaping for an amount not to exceed \\$325,000 and a one-year term](#)
Council approved.
10. [Approve the award of Bid 22-049, Fire and Security Alarm, Fire Suppression System](#)

and Extinguisher Maintenance Services, to Fox Valley Fire and Safety Company for an amount not to exceed \$187,290.45 and for a two-year term

Council approved.

11. Approve the award of Bid 22-046, Panasonic Toughbooks, to CDS Office Technologies for an amount not to exceed \$223,832

Council approved.

12. Approve the award of Change Order #3 to Contract 19-009, 248th Avenue Phase I, to Civiltech Engineering for an amount not to exceed \$55,889 and a total award of \$403,207

Council approved.

13. Approval of Mayoral appointment to the Historic Preservation Commission

Council approved.

14. Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2244 Corporate Lane - PZC 21-1-131

Enactment No.: 22-017

Council passed.

15. Pass the ordinance approving a variance to Section 6-16-5:2.2.1 to allow a ground sign at 3032 English Rows - PZC 21-1-138

Enactment No.: 22-018

Council passed.

16. Pass the ordinance granting a variance to permit the construction of a 20.5 foot tall detached garage at 132 South Loomis Street - PZC 21-1-141

Enactment No.: 22-019

Council passed.

17. Waive the first reading and pass the ordinance to establish a "No Parking, Stopping, or Standing Zone" on Honey Locust Drive from 600' north of Winterberry Avenue to a point 100' north of the centerline of Winterberry Avenue on school days from 8:45 AM - 9:15 AM and from 3:15 PM - 3:45 PM (requires six positive votes)

Enactment No.: 22-020

Council passed.

J. PUBLIC HEARINGS:

1. Receive the staff report for 7S345 Columbia Street (Rocas Hill Subdivision) and conduct

[the public hearing to consider the Annexation Agreement for said property - PZC 21-1-119 \(Item 1 of 5\)](#)

Chirico opened the Public Hearing at 7:12 p.m.

Patti Bernhard (Attorney for Petitioner) explained the request and detailed the annexation, rezoning to R1A upon annexation, the preliminary/final plat of subdivision, and subdivision deviation to the ninety percent rule in order to have two single-family residences.

Novack confirmed that the northern part of Columbia is abandoned and the petitioner's request will not impact any future use.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing regarding the Annexation Agreement for 7S345 Columbia Street (Rocas Hill Subdivision) at 7:17 p.m. The motion carried by a voice vote.

2. [Pass the ordinance authorizing the execution of the Annexation Agreement \(requires six positive votes\) for 7S345 Columbia Street \(Rocas Hill Subdivision\) - PZC 21-1-119 \(Item 2 of 5\)](#)

Enactment No.: 22-021

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance authorizing the execution of the Annexation Agreement (requires six positive votes) for 7S345 Columbia Street (Rocas Hill Subdivision) - PZC 21-1-119. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

3. [Pass the ordinance annexing 7S345 Columbia Street \(Rocas Hill Subdivision\) - PZC 21-1-119 \(Item 3 of 5\)](#)

Enactment No.: 22-022

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance annexing 7S345 Columbia Street (Rocas Hill Subdivision) - PZC 21-1-119. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

4. [Pass the ordinance rezoning 7S345 Columbia Street \(Rocas Hill Subdivision\) to R1A upon annexation - PZC 21-1-119 \(Item 4 of 5\)](#)

Enactment No.: 22-023

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance rezoning 7S345 Columbia Street (Rocas Hill Subdivision) to R1A upon annexation - PZC 21-1-119. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

5. [Pass the ordinance approving the preliminary/final plat of subdivision and deviation to the 90% rule lot size for 7S345 Columbia Street \(Rocas Hill Subdivision\) - PZC 21-1-119 \(Item 5 of 5\)](#)

Enactment No.: 22-024

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance approving the preliminary/final plat of subdivision and deviation to the 90% rule lot size for 7S345 Columbia Street (Rocas Hill Subdivision) - PZC 21-1-119. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Pass the ordinance amending Title 1 \(Administrative\), Chapter 11 \(Comprehensive Plan\) of the Naperville Municipal Code to adopt a new Land Use Master Plan as presented - PZC 19-1-134](#)

[OR](#)

[Pass the ordinance amending Title 1 \(Administrative\), Chapter 11 \(Comprehensive Plan\) of the Naperville Municipal Code to adopt a new Land Use Master Plan including a modification that reclassifies the future land use for the properties immediately west and northwest of the Plank Road and Naper Boulevard intersection to Neighborhood Center - PZC 19-1-134](#)

Michael Siurek (ROC, Inc. - owner of property along Plank Road identified in the Future Land Use Study) spoke in favor of the requested modification.

Council discussed the neighborhood center, how it relates to building density in the area, and properties that may be acquired by ROC in the future.

Tim Messer spoke in favor of the plan as originally presented.

Max W. Coolidge II asked that the item be tabled until such time the proper land use designations are made for the current use.

Laff explained the issue regarding the existing vet clinic and staff's recommendation to designate the property as commercial as shown, she said it is not in the City's jurisdiction, that the study is a snapshot in time and may change depending on what use is on the property. She concluded by stating that regardless of current use, staff will look at what is recommended for future land use.

Scheller explained that the property is delegated to the fire protection district.

Marilyn L Schweitzer spoke in favor of the land use plan as originally presented.

Council discussed the requested modification, that the master plan is a guiding plan, the importance of a public hearing process for the request, the goal of providing diversified housing stock, the appropriateness of sending the request back to PZC, and that PIN numbers change for accessory dwelling units.

Laff explained that the proposal includes commercial, townhome, and apartment complexes, that the plan as a whole has a goal of providing more residential options, and that staff is not opposed to the requested neighborhood center but does not think it is feasible.

Enactment No.: 22-025

A motion was made by Councilwoman Sullivan, seconded by Councilman Hinterlong, to pass the ordinance amending Title 1 (Administrative), Chapter 11 (Comprehensive Plan) of the Naperville Municipal Code to adopt a new Land Use Master Plan as presented - PZC 19-1-134. The motion carried by the following vote:

Aye: 7 - Bruzan Taylor, Gustin, Hinterlong, Kelly, Leong, Sullivan, and White

Nay: 2 - Chirico, and Holzhauer

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the report regarding food trucks and direct staff accordingly](#)

Tim Messer spoke against regulating food trucks but in favor of collecting food/beverage taxes.

Dick Furstenau spoke against allowing a property owner to change zoning.

Marilyn L Schweitzer spoke against regulating food trucks.

Kathleen Murray (owner of Saucy Kat Food Truck) spoke against regulating food trucks, detailed experiences in the Chicagoland area as an owner, described point of sale, and discussed area food truck programs.

Nathan Albert spoke against regulating food trucks.

WRITTEN COMMENT ONLY

Meg Collins - Leave the food trucks alone. They provide a service to Naperville residents-offering tasty, quick, reasonably-priced food options for people on the go.

Council discussed food trucks, zoning designation, operator accountability, and establishing an annual permit to determine who is doing business in the city. Council also discussed any impact to brick and mortar establishments, stated that a food truck problem does not exist at this time, and if concerns arise in the

future staff has developed a process to address.

Laff discussed zoning designations and clarified that food sales are permitted on all of the private lots that food trucks are currently operating on.

Munch stated one of the five food trucks is paying food/beverage taxes.

DiSanto discussed food/beverage tax application and that payment is not currently required for food trucks because they are not designed for on-premise consumption. He also clarified that sales tax is reported to the Department of Revenue and that tax is collected at the point of sale.

Council discussed regulating what happens on private property, other businesses that sell food onsite, whether there is appropriate staff to enforce rules, and brick and mortar restaurants that also have food trucks.

Schatz explained staff needs would depend on the level of regulation and that additional personnel may be necessary.

A motion was made by Councilwoman Gustin, seconded by Councilman Leong, to direct staff to bring back an ordinance regulating food trucks requiring an annual permit for unlimited days with an application that includes operator name/address, email, insurance, and health department certificate and a fee of \$134.00.

A motion of substitution was made by Councilman Holzhauser, seconded by Councilwoman Sullivan, to receive the report regarding food trucks and direct staff to do nothing further on the matter. The motion carried by the following vote:

Aye: 5 - Hinterlong, Holzhauser, Kelly, Sullivan, and White

Nay: 4 - Chirico, Bruzan Taylor, Gustin, and Leong

2. [Receive the report regarding the proposed improvements to 248th Avenue from 95th Street to 103rd Street \(Item 1 of 3\)](#)

Steve Lohman (Tall Grass) spoke in favor of sound walls and conducting a comprehensive traffic study in southwest Naperville.

Novack explained direction for a preferred alternative, the approval to apply for federal funding, and that the goal is to finalize project development report and have it approved by IDOT in summer 2022. He also explained that new developments trigger traffic study and counts for a baseline of volumes and, post development, staff will take counts again. He also discussed what is necessary for a comprehensive traffic study.

WRITTEN COMMENT ONLY

George Howard - Honorable Council Members: I support expenditures for roadway improvements, but do not support the noise barrier walls for the 248th Avenue project. No additional funds should be spent for further consultant review. The walls would be an unwarranted discretionary expenditure of

government funds, which would be better spent for bridge and roadway repairs. The city should be fair to all subdivisions having similar noise impact concerns from contiguous roadways in expenditures for noise barrier walls. Many subdivisions in Naperville are adjacent to roads with significant traffic and noise, far in excess of the area under review. The developers and homeowners associations bore the entire cost to construct and maintain similar noise walls. In the area under review, walls exist on both sides of 248th adjacent to the right of way, including Tall Grass and Pencross Knoll. My relevant experience is regarding traffic on Hassert Boulevard, between Route 59 and Naperville Plainfield Roads. Hassert Blvd is a major arterial, four lane road, with the Vulcan and Boughton Quarries adjacent thereto. The road is a county truck route. The adjacent residential subdivisions of High Meadow, Saddle Creek, and Harmony Grove have noise barrier walls built and maintained at their own significant expense. The Naperville staff report for this item number states that federal funding could cover up to 70 percent of the eligible cost, not to exceed \$6.5 million. The roadway estimate is \$7.5 million and the noise barrier walls estimate is \$3.5 to \$4.5 million. The grand total would be up to \$12 million dollars. Where would the funds in excess of \$6.5 million come from? Is this project funded in the city capital improvement program? If the noise barrier wall project is pursued, then I strongly request council to consider a Special Service Area be established for repayment by the respective property owners of a share of the cost to design and construct the walls. Thank you for being fair and equitable for all taxpayers. George Howard, Naperville, Illinois

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the report regarding the proposed improvements to 248th Avenue from 95th Street to 103rd Street. The motion carried by a voice vote.

3. [Confirm that Alternative No. 2 is the preferred alternative for the 248th Avenue improvements \(Item 2 of 3\)](#)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to confirm that Alternative No. 2 is the preferred alternative for the 248th Avenue improvements. The motion carried by a voice vote.

4. [Direct staff to submit federal funding applications for the 248th Avenue improvements \(Item 3 of 3\)](#)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to direct staff to submit federal funding applications for the 248th Avenue improvements. The motion carried by a voice vote.

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of March 1, 2022 at 9:31 p.m. The motion carried by a voice vote.

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