

City of Naperville

400 S. Eagle Street Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, January 17, 2023 7:00 PM Council Chambers

Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 Comcast, 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 January 17 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

- 1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on January 17. 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 January 17.

Online sign-up closes at 4 p.m. on January 17, 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 January 17.
- 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 5:45 p.m.

B. ROLL CALL:

Present: 9 - Mayor Steve Chirico

Councilwoman Jennifer Bruzan Taylor

Councilman Paul Hinterlong Councilman Ian Holzhauer Councilman Patrick Kelly Councilman Paul Leong Councilwoman Theresa Sullivan Councilman Benjamin White

Councilwoman Nicki Anderson

C. CLOSED SESSION - 5:45 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilman White, to recess to Closed Session to discuss 120/2(c)(5) Purchase of Property, 120/2(c) (11) Pending Litigation, 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

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

Also Present

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

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

TED Review Process

Marilyn L Schweitzer (Naperville) requested that any submittal include a statement from staff that it has been reviewed for compliance with ordinances.

Laff explained that cases proposed at Planning and Zoning Commission (PZC) are not required to be in full technical compliance until they are presented to the City Council, that PZC is not reviewing plans for technical requirements because that is staff's responsibility, and that plans may contain non-compliance but by the time it gets to Council all items have been reviewed.

DuPage Environmental Summit - Electrify DuPage Amy Phillips (Naperville - The Conservation Foundation) discussed the summit on January 19 and the benefits of installing EV charging stations.

Groth explained municipal incentives offered for installing residential and commercial EV charging stations and stated any questions can be directed to the Electric Utility.

3 Minutes with NEST Regular topic

Barbara Benson (Naperville - NEST) discussed benefits of, and processes to, making buildings more energy efficient and urged the City to adopt the Stretch Codes drafted by the State of Illinois.

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

A motion was made by Councilman Hinterlong, seconded by Councilman White, 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 Councilman White, to approve the Consent Agenda with the exception of items I17 and I18. The motion carried by the following vote:

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

1. Approve the Cash Disbursements for the period of 12/01/2022 through 12/31/2022 for a total of \$37,559,016.83

Council approved.

2. Approve the regular City Council meeting minutes of December 20, 2022

Council approved.

3. Approve the City Council meeting schedule for February, March and April 2023

Council approved.

4. Approve appointments to various Boards & Commissions

Council approved.

5. Approve the award of Option Year One to Contract 21-365, Electronic Bill Payment, to Fidelity Information Services, LLC for an amount not to exceed \$199,399

Council approved.

6. Approve the award of Change Order #1 to Contract 21-059, Outage Management System, to Schneider Electric for an additional 11 months to December 10, 2023

Council approved.

7. Approve the award of Change Order #2 to Option Year 1 of Contract 19-273, Traffic Signal and Street Light Maintenance, to Meade, Inc. for an amount not to exceed \$32,303.23 and a total award of \$905,617.74

Council approved.

8. Approve the award of Bid 22-341, Molded Rubber and Cold Shrink Products, to

Universal Utility Supply, Fletcher-Reinhardt Company, RESCO, Wesco Distribution

Inc. and Power Line Supply for an amount not to exceed \$160,000 and for a one-year term

Council approved.

9. Approve the award of Bid 22-187, Aggregate Materials, to Boughton Materials, Inc. for an amount not to exceed \$442,901.50, and for a one-year term

Council approved.

Approve the award of RFP 22-287, Land Mobile Radio (LMR) Consultant Services, to TUSA Consulting Services for an amount not to exceed \$194,620 and for a three-year term with two, one-year options

Council approved.

11. Approve the award of Cooperative Procurement 23-025, General Supplies and Equipment, to Amazon for an amount not to exceed \$250,000 and for a 12-month term

Council approved.

12. Approve the payment of \$162,750 to DuPage County for off-site wetland mitigation for the North Aurora Road Underpass project

WRITTEN COMMENT ONLY

Steven Shamrock (Naperville) On the Agenda for January 17 is approval of payment for wetlands banking. What is the purpose of wetland banking and why does Naperville need to or has chosen to make the payment?

Council approved.

13. Approve an extension to Contract 17-039, EMS and Non-EMS Billing Services, to Andres Medical Billing & Fire Recovery USA LLC, for a six-month period and total dollars collected for EMS and Non-EMS billing services

Council approved.

14. Accept the public underground improvements at Tru by Hilton and authorize the City Clerk to reduce the corresponding public improvement surety

Council approved.

15. Pass the ordinance reserving the City's 2023 Volume Cap

ORD 23-001

Council passed.

Pass the ordinance proposing and setting a public hearing for the establishment of Special Service Area No. 35 for streetscape improvements along Washington Street from Benton Avenue to Chicago Avenue in downtown Naperville

POSITION STATEMENT - SUPPORT Marilyn L Schweitzer (Naperville)

ORD 23-002

Council passed.

Waive the first reading and pass the ordinance for an overnight parking exemption on Shandrew Drive and Blakely Lane for the Vintage Club (requires six positive votes)

(Item 1 of 2)

POSITION STATEMENT
Arijit Ghosh (Naperville) - SUPPORT

Council discussed overnight parking, that it can interfere with City services, that it can increase the opportunity for stolen vehicles, and that procedures are already in place for temporary overnight parking.

ORD 23-003

A motion was made by Councilman Hinterlong, seconded by Councilman White, to waive the first reading and pass the ordinance for an overnight parking exemption on Shandrew Drive and Blakely Lane for the Vintage Club. The motion carried by the following vote:

Aye: 6 - Chirico, Holzhauer, Kelly, Sullivan, White, and Anderson

Nay: 3 - Bruzan Taylor, Hinterlong, and Leong

Waive the first reading and pass the ordinance for parking restrictions on the west side of Shandrew Drive and the north side of Blakley Lane

POSITION STATEMENT
Arijit Ghosh (Naperville) - SUPPORT
Renee Waldron Kesepalli (Naperville-Sedgwick community) - OPPOSE

ORD 23-004

A motion was made by Councilman Hinterlong, seconded by Councilman White, to waive the first reading and pass the ordinance to establish no parking on the west side of Shandrew Drive and the north side of Blakely Lane for the Vintage Club. The motion carried by the following vote:

Aye: 6 - Chirico, Holzhauer, Kelly, Sullivan, White, and Anderson

Nay: 3 - Bruzan Taylor, Hinterlong, and Leong

19. Adopt the resolution of Official Intent for Reimbursement of Capital Projects

RES 23-01

Council adopted.

J. PUBLIC HEARINGS:

1. Conduct the public hearing and direct staff to prepare ordinances approving the Block 59
Business District Plan and setting an associated Business District tax of one percent

Chirico opened the public hearing at 7:20 p.m.

Andrew Balzer, Brixmor (Petitioner) presented details on the proposed Block 59 Business District and specifically dicussed the current vacant square footage, the proposed increase of community gathering spaces, the opportunity to create a new regional shopping/dining destination, that it will generate \$21.2 million in additional tax revenue over ten years, that 67% of Westridge Court visitors came from outside Naperville in the past two years, and the increase to school district revenue.

Basim Esmail (Naperville) spoke against the proposed Block 59 Business District.

Adrian Talley (Naperville - Indian Prairie School District 204 [D204]) spoke in favor of proposed Block 59 Business District.

Steve Rubin spoke in favor of the proposed Block 59 Business District.

Council inquired how revenue estimates were calculated.

Brett Michaelson (Kane McKenna) explained the property tax analysis based on estimated growth.

Balzar explained that estimated sales revenue was determined by configuring the development space-by-space and gathering data from similar tenants. He said a 1% tax will raise \$18.7 million over ten years and the City will receive \$17.7 million.

Council discussed vacancies in Westridge Court and Heritage Square, whether the tax will be applied to both, the property tax assessment projection, enforcement mechanisms, charging higher rate for tenants to pass on to customers, the entrance from Jefferson Avenue and making it safer by installing a traffic signal.

Balzar responded that Westridge Court has a 35% vacancy rate and Heritage Square is nearly empty, that the tax will be applied to both properties, that rent is dictated by the market, and Brixmor is willing to pay the developer portion of installing a traffic signal.

Council discussed setting precedent, evaluating each case on its own merits, the definition of "blight," changing the project boundaries, that the majority of

shoppers are coming from outside Naperville, and the positive impact to D204.

Balzar explained Brixmor will work with staff on the traffic light, that changing the project boundary will impact financials, and that the preference is to not bifurcate the property.

Council discussed revised financials of \$26M over 21 years if the property to the north is excluded, the goal of reducing the payback period in investments, that at one point the City considered tearing it down and expanding the auto dealerships as the highest and best use for the property, that a traffic light is needed on Jefferson today but it may be more appropriate to share the installation cost.

Novack explained options to pay for signal installation.

Council asked about LEED certified buildings and went on to discuss current tax revenue in D204, local and regional property vacancies properties, and that the proposal is an opportunity to create a vibrant shopping center.

DiSanto explained public hearing requirements and that if the proposed boundary is changed it may add one month to the review/approval process.

A motion was made by Councilman Kelly, seconded by Councilwoman Anderson, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres, work with the developer to install a traffic signal on Jefferson Street at the northern property entrance, and set an associated Business District tax of one percent.

A motion in substitution was made by Councilman Hinterlong, seconded by Councilman Leong, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres, include a promissory note requiring Brixmor to pay 50% of the traffic signal installation on Jefferson Street at the northern property entrance, have staff secure funding for the remaining 50%, and set an associated Business District tax of one percent. The motion failed by the following vote:

Aye: 4 - Chirico, Hinterlong, Leong, and White

Nay: 5 - Bruzan Taylor, Holzhauer, Kelly, Sullivan, and Anderson

A motion was made by Councilman Kelly, seconded by Councilwoman Anderson, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres, work with the developer to install a traffic signal on Jefferson Street at the northern property entrance, and set an associated Business District tax of one percent. The motion failed by the following vote:

Aye: 3 - Kelly, White, and Anderson

Nay: 6 - Chirico, Bruzan Taylor, Hinterlong, Holzhauer, Leong, and Sullivan

A motion was made by Councilwoman Anderson, seconded by Councilman White, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres, explore an SSA for the development, require Brixmor to pay

50% of traffic signal installation on Jefferson Street at the northern property entrance, and set an associated Business District tax of one percent.

A motion in substitution was made by Councilman Holzhauer, seconded by Councilwoman Bruzan Taylor, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres and a portion of Westridge Court, explore an SSA for the development, require Brixmor to pay 50% of traffic signal installation on Jefferson Street at the northern property entrance, and set an associated Business District tax of one percent. The motion failed by the following vote:

Aye: 2 - Bruzan Taylor, and Holzhauer

Nay: 7 - Chirico, Hinterlong, Kelly, Leong, Sullivan, White, and Anderson

A motion was made by Councilwoman Anderson, seconded by Councilman White, to close the public hearing and direct staff to prepare ordinances approving the Block 59 Business District Plan as amended to exclude the northern 20 acres, explore an SSA for the development, require Brixmor to pay 50% of traffic signal installation on Jefferson Street at the northern property entrance, and set an associated Business District tax of one percent. The motion carried by the following vote:

Aye: 6 - Chirico, Hinterlong, Kelly, Leong, White, and Anderson

Nay: 3 - Bruzan Taylor, Holzhauer, and Sullivan

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance amending Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent - PZC 22-1-113

Council thanked everyone involved and stated compromises were made on both sides.

WRITTEN COMMENT ONLY

Kendra Parzen (Chicago) - Landmarks Illinois - Dear Naperville City Councilmembers: During the December 20 meeting of the City Council, Councilmembers heard and discussed amendments to the historic preservation ordinance. Landmarks Illinois appreciates the Council's careful consideration of the proposed amendments and reiterates our support for them. We find the revisions made following the December 20 meeting to be fair and reasonable. However, during deliberation, we were alarmed to hear Councilmembers describe local landmarking as "taking" property rights. We would like to clear up any misperception that may arise from the use of that particular terminology. By legal definition, a taking is an instance where government either a) seizes private property for public use or b) when government regulation limits the use of private property to such a degree that the property owner is deprived of all reasonable economic benefit deriving from ownership. The U.S. Supreme Court's decision in Penn Central Transportation Company et al. v. City of New York, 438 U.S. 104 (1978) established that landmark designation for the purpose of historic preservation does not

constitute a taking. The Penn Central decision held that historic preservation is a legitimate governmental objective and that designating landmarks is an appropriate means for accomplishing historic preservation. It also established that a property owner must be denied all reasonable and beneficial use of their property to constitute a taking, not merely what the owner believes to be the highest and best use. Since Penn Central, federal and state courts have routinely rejected takings claims arising from the designation of properties as historic resources under historic preservation ordinances. It is therefore inaccurate and misleading to characterize local landmark designation as "taking" property rights. Similar to zoning, building code, and other property regulations, landmark designation regulates the use of private property to provide for the public interest. It is in the interest of Naperville as a community to be able to protect the historic and cultural resources that tell the story of Naperville's past, and local landmark designation is a legitimate tool for that purpose. Sincerely, Kendra Parzen Advocacy Manager Landmarks Illinois

Marilyn L Schweitzer (Naperville) - Please wrap up modifications to the ordinances and begin sincerely promoting Historic Preservation. For example: • Apply as a certified local government for federal grants - see https://www.nps.gov/subjects/historicpreservationfund/certified-local-government-program.htm • Conduct and publish new surveys assessing our historic structures. • Provide better education and promotion of known historic structures. Again, I appreciate the 1st steps staff has taken on the city's website and the recent involvement of the NACC and NDP. I commend Naperville Preservation Inc for their work. But the city must play a positive role in promoting historic entities in our community as well.

ORD 23-005

A motion was made by Councilman White, seconded by Councilman Hinterlong, to pass the ordinance amending Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent. The motion carried by the following vote:

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

2. Option 1: Concur with staff and uphold the Zoning Administrator's interpretation of the setback variance granted through ordinance 21-111; or Option 2: Concur with the PZC and petitioner and overturn the Zoning Administrator's interpretation of the setback variance granted through ordinance 21-111

Dan Ignash (Petitioner) explained the request to permit the construction of a porch that is larger than previously approved.

Laff explained the miscommunication and stated staff is not opposed but does not have authority to approve.

WRITTEN COMMENT ONLY

Marilyn L Schweitzer (Naperville) - Please support option 1, concurring with staff and upholding the Zoning Administrator's interpretation of the setback variance granted through ordinance.

A motion was made by Councilman White, seconded by Councilman Hinterlong, to concur with the PZC and petitioner and overturn the Zoning Administrator's interpretation of the setback variance granted through ordinance 21-111 (Option 2). The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Provide direction regarding the proposed Affordable Housing Incentive Program (AHIP) - PZC 22-1-017

Dylan Swanson (Naperville) spoke in favor of the proposed AHIP.

Marilyn L Schweitzer (Naperville) spoke against the proposed AHIP.

Ryan Schaible (Oswego - 360 Youth Services) spoke in favor of the proposed AHIP.

Anne Schultz (Naperville - DuPage Housing Alliance) spoke in favor of the proposed AHIP.

Eric Dolittle (Naperville - North Central College) spoke in favor of the proposed AHIP.

Jill Sobie (Wheaton - DuPage Habitat for Humanity) spoke in favor of the proposed AHIP.

Gabriela (Naperville - Bridge Communities, DuPage Habitat for Humanity) spoke in favor of the proposed AHIP.

Phil Meno (Naperville - DuPage Housing Alliance) spoke in favor of the proposed AHIP.

Council thanked the speakers, SB Friedman, and staff, stated it was a historic night after years of work and visioning, affordable housing is critical to create a more inclusive future, and that program impacts and metrics still need to be developed.

POSITION STATEMENT - SUPPORT

Helen D. Huie (Naperville) - DuPage Housing Alliance

Art Davida (Lockport) - DuPage Habitat for Humanity & Chicago South Suburbs Habitat

Carol Conley (Naperville)

Susan Greenwood (Naperville)

Donna Ryder (Naperville) - St. Thomas the Apostle Catholic Church

Theresa Van Dyne (Naperville)

Carolyn Wujek (Naperville)

Michael Ryder (Naperville)

Verona E Ryder (Naperville)

Kelley Trombly-Freytag (Naperville)

Donielle Deering (Naperville)

Michael Deering (Naperville)

Andrew Deering (Naperville)

Nicole Shields (Naperville)

Megan Shields (Naperville)

Wendy Wagner (Naperville)

Rasa Fumagalli (Naperville)

Daniel Fumagalli (Naperville)

Penny Boyle (Naperville)

Nancy & Bill Hui (Naperville)

Kathleen McGowan (Naperville) - Naperville Senior Task Force

Marc Jacob Dunn (Naperville)

Elizabeth Sartell (Naperville)

Vivienne Venderley (Naperville)

Mary Anne Buckman (Naperville)

Mitali Joshi (Naperville)

Andrew Sparks (West Chicago) - Habitat for Humanity

Kristen Tang (Naperville)

Timothy C Higgins (Naperville)

Jane F Gano (Naperville) - DUUC

John Brubaker (Naperville)

Katerina Mockapetriene (Naperville)

Sherry Healey (Naperville)

Mary Beth Nagai (Naperville)

Koji Nagai (Naperville)

Willow Nagai (Naperville)

Hope Nagai (Naperville)

Russell Manthy (Naperville)

Thomas Craighead (Naperville)

Marcy Miller (Naperville) - My family

Fredric Donald Miller (Naperville) - My family

WRITTEN COMMENT ONLY

Eugene G Wollaston (Naperville) - I support!

Tom Cordaro (Aurora) - I support the Affordable Housing Incentive Program (AHIP), a voluntary program that would create more affordable housing in Naperville by offering incentives to developers. I had worked in Naperville for over 20 years but could never afford to live there. It is time that those who make Naperville a great place to live be given a fair chance to live there.

Pam Cahill (Naperville) - I support AHIP

Lynne Rowe (Lisle) - Habitat for Humanity - I support this. Thank you.

A motion was made by Councilman White, seconded by Councilman Hinterlong, to support the AHIP as presented. The motion carried by a voice vote.

P. NEW BUSINESS:

Mill Street overpass

Hinterlong asked for Code Enforcement to place signs on Mill Street to deter campaign signs from being placed near the overpass.

Tornado relief funds

White announced \$1 million from the State of Illinois has been granted for property repair and remediation resulting from the June 2021 tornado.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilman White, to adjourn the Regular City Council Meeting of January 17, 2023 at 9:53 p.m. The motion carried by a voice vote.

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