



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Final

City Council

Tuesday, August 15, 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 U-verse)
- 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 August 15 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 August 15. 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 August 15. Online sign-up closes at 4 p.m. on August 15, 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 August 15.
- 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:

Wehrli called the meeting to order at 6:15 p.m.

B. ROLL CALL:

- Present:** 8 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson
- Absent:** 1 - Councilman Patrick Kelly

C. CLOSED SESSION - 6:15 p.m.

A motion was made by Councilman White, seconded by Councilman Holzhauer, to recess to Closed Session to discuss 120/2(c)(2) Collective Bargaining and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

- Aye:** 8 - Wehrli, Bruzan Taylor, Holzhauer, Leong, Longenbaugh, McBroom, White, and Wilson
- Absent:** 1 - Kelly

OPEN SESSION - 7:00 p.m.

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

D. ROLL CALL:

Present: 9 - Mayor Scott Wehrl
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Assistant to the City Manager, Marcie Schatz; 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; Deputy Director of Public Utilities - Electric, Olga Geynisman; 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:

1. Presentation of two Fire Chief's Citizen Awards

Puknaitis presented the Fire Chief's Citizen Awards.

2. Designate Central Park Road as "Ron Keller Commemorative Way"

Wehrl presented the street sign to Ron Keller.

A motion was made by Councilman White, seconded by Councilman Kelly, to designate Court Place as "Ron Keller Commemorative Way." The motion carried by the following vote:

Aye: 9 - Wehrl, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

G. PUBLIC FORUM:

Ticketing of students
LaTunja Jackson (Naperville - PATHS) spoke against ticketing students by the Police Department.

Amara Harris... Where do we go from here?

Janice F Guider (Naperville) spoke against ticketing students by the Police Department.

July NEST Community Meeting

Susan Greenwood (Naperville) discussed topics from the July meeting including, but not limited to, bikeability, walkability, solar energy, recycling, and gas powered lawn equipment.

3 minutes with NEST

Jeff Gross (Naperville - NEST) discussed transitioning from coal generated power to clean energy.

Council inquired about an Illinois bill lifting the moratorium on construction of nuclear power plants that the governor vetoed.

Krieger stated that he will speak to the City's lobbyist and explained that the governor cited safety and ancillary matters related to nuclear power.

Police ticketing students

Maryann Sprinkle-Walker (Naperville) spoke against ticketing students by the Police Department.

Enforcing parking regs. and issues with signage

Glenn Sharkey (Naperville) informed Council that he is getting emails that are spam but look like they are being sent from the City and discussed the process for reporting overnight parking violations.

Arres explained that an officer is sent to ticket the vehicle when a complaint is received. He also clarified that the person reporting the vehicle does not need to be present when the officer arrives.

Ticketing

Kijuana Boulrege (Aurora; DuPage NAACP education Advocate) spoke against ticketing and suggested policy changes.

Council discussed examining the current ticketing process with the school district and the need to clarify misinformation.

Arres discussed the call he had with the speaker, that officers do not like citing students as a first option, that at 18 years old the students are adults, and a citation is preferred over a state charge. He went on to explain that the number of citations is extremely low, specifically stating that eight tickets in total were given for the entire school year in both districts and those tickets were given to students 18 years of age.

Boulrege discussed that this is a state issue, that the role of the NAACP is to help parents and work with those who make decisions on behalf of children.

Council stated it is pleased to know that issuing citations is extremely rare and used as a last resort, that the City and schools need to continue the discussion, and assured the speakers that everyone is taking the matter

seriously.

POSITION STATEMENT

Zoey Bishop (Naperville) - SUPPORT - school policing/in support of Amara

WRITTEN COMMENT ONLY

Debra D Jordan (Naperville) - Comment for public record: Justice has been served in the Amara Harris case. As a citizen of Naperville, parent and grandparent, I hope that we will make changes at the Naperville School District Levels (D203 and D204) as well as at the local government/police level, to avoid unjust actions like this in the future. The mental and emotional state of our youth is at risk because of how we, as adults, are managing situations. The job of the police is to protect and serve: Who did you protect in this situation? No one!

Glenn Sharkey (Naperville) - Volunteering W/Naperville govt and community. - I would like to discuss City Signage, speed bumps and/or changing the speed limit from 25 to 15, cars left on the street over-night (we have called several times about this), being a disabled person people OFTEN part across the sidewalks, making it extremely difficult me and other disabled persons in my community to pass, Neighborhood watch program, and other resident safety issues. I would like to be on record and be directed to the appropriate people to discuss this with. I have met/spoke to many of the different departments and either do not get replies or state it cant be done, with no explanation. The above items are extremely important to me as I see way TOO MANY close calls with cars and children. There is 1 spot/curve on Stonewater Drive where drivers just cannot see around the corner and wind up slamming on their brakes due to their rate of speed. Full disclosure, I am a 21 year military retiree (1998) and rated @90% disabled. I am fully retired since 2017 since I retired (due to medical reasons) from my other civilian job. I have several health conditions, which the HINES VA has helped me with tremendously, to a point where I believe I can be able to join a council with all of the council and department meetings to volunteer for. Lastly, though I did spend 12 years with the Westmont Emergency Agency as a Captain, I had to stop due to my medical conditions. Please put me in touch with someone I can discuss options with. Thank you and I will be there at tonight's meeting; Please do not cancel my request to speak, which I previously submitted.

Robin J Vannoy (Naperville) - Police ticketing of students - I would like to express my opposition to police ticketing students for infractions that can be handled through the school's disciplinary process. As a dean of students, I understand the complexity of keeping the school environment safe while protecting the rights of students. I also understand that the School to Prison pipeline is real and that there are inequities in disciplinary practices. The decision to issue a citation is a subjective one and can have serious implications for a young person. I question the outcome of issuing citations, other than a student entering the penile system too soon and undue financial hardships for families. Unless it is a serious crime that warrants an arrest, such as violence with a weapon, the school can handle disciplinary infractions.

Patrick Watson (Lisle) President of the DuPage, Kane, Kendall, Northern

Cook, and Will NAACP - Further Investigation on Police in school tickets - The NAACP strongly condemns and calls for further investigation and action regarding the misuse of Police as revenue gathering agents, ensuring punishment and shame, in the Naperville Schools. The manner in which Amara Harris has been, seemingly still is being, treated is horrendous and not in keeping with a community positing that it is open, welcoming and affirming to all. The NAACP requests a community involved and informed effort to assist with more appropriated, not lending to prejudicial personal biases, creation of means to assist trained and licensed school professional in ensuring school community norming and discipline. Amara Harris fought the good and heroic fight to clear her name, yet a spokesperson, speaking on behalf of the City of Naperville, could not and would not in The Press extend an apology, but chose to utter words casting Amara Harris' character in further doubt.

Zoey Bishop (Naperville) - School Policing /Justice for Amara - Subject School policing /In support of Amara and asking for an investigation of this matter.

Patricia Ann Watson (Barrington Hills) - Former Naperville Fair Housing Commission Member and Chair, soon to be returning to FT Naperville Residency - Police Ticketing in Schools - I am saddened to have followed the saga of Amara Harris and the accusation surrounding the of theft of missing iPods. I am further saddened that the City of Naperville made the choice to try and bend the resolve of a young woman who knew and stood by her own innocence with the allowance of the continuation of court proceeding. Naperville, I KNOW YOU to be better than this. The manner of the handling of this case, and with the Police being used in the schools, in the first place, to issue tickets to students, is nothing but trouble and sets into motion further mistrust between PROFESSIONAL law enforcement and communities of persons often treated as less than and suspect. Surely there is another means for a first-rate municipality with second to none schools to ensure discipline and standards. Police should be policing deviants in the streets, not misused to create deviants in the schools. Imagine how horrible this could have made the life of this young woman? What other numbers of students have had life altering interactions with police involvement in the schools?

Hello Naperville City Council, My apologies for not being able to locate the website note system so I ask that this email be entered and placed on the city website. In preparing this I would like to thank Ms Andrea Nair for clearing up some questions. I am both a healthcare provider downtown everyday, even during the pandemic, a senior, a 12-16 hr day happens with regularity. I previously was a math major, masters degree in Infinite Dimensional Dynamics which does modeling of current and future outlook platforms. I moved to Naperville in 1986, raised 3 kids, very active in the community. The Survey The survey was done by city staff and asked questions to gain more information about commuter patterns, and gather feedback on existing parking options but commuters were not asked specifically about how they feel or how they would be impacted. The surveys I have been involved in would be not done during religious holidays, more then one time, note mailed with the mid Sept sticker and rely on contacting beyond just the social media or internet to maximize. It is such a major change esp for those that travel everyday and waited for a decade to earn that pass. It is very important to ask and know the impact. A

hard audit, no additional tags and grandfather those that waited would assure fairness and increase the availability greatly. They would die out. Seniors are the leaders and they do not have the prime health and the lesser walk during snow and ice would keep them safe and show respect. Fairness does not always mean first come first serve, one would have to do a daily lottery. Some in service, healthcare or first response have shifts that do not always start early, Some of us work double shifts and need safe parking close by. The study really assumes to a large degree a hybrid worker with an early start and under 60. This does not fit all of us. Why not allow a 3rd trimester pregnant woman to have a close pass as it keeps her staff. A temp pass can be issued with a letter from the MD. My estimates have an increase in the kiosks by up to 50%. The comments I hear are that they run out of receipts (we know not required but it saved me a few times from a ticket), the LCD display in the winter does not always function and the buttons are a negative for health reasons. I noticed there are sanitizers in city hall but how come with the increased traffic this is not in the plan to keep us safer? I can work doubles or later to work on some of the charity programs if I knew I could reserve a monthly or weekly spot. Riverside does it. Why is this not proposed? Is the App reliable and has it ever gone down or hacked? It is owned by VW Financial which has had some problems. What does the study say? In closing a couple thoughts. I think this is so impactful that a deep study and discussion that meets study/discussion standards be and not just a cursory approach. Also I do wish to thank Jennifer Bruzan-Taylor who did return one of my emails but she was the only one. I may be naive but I am a serious voter, the train is safe, reliable, good for our carbon footprint reduction, When those that visited the train station around election, I was told there would be transparency and responsive approach. Only one answered me. No one wants to think they got the slip of the hand. Please table this, dig deeper as it is a Major change. Thank you for your time. Robert S Deaver 331 Avena Circle, Naperville, Ill 60565.

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

A motion was made by Councilman White, seconded by Councilman Kelly, 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 White, seconded by Councilman Kelly, to approve the Consent Agenda with the exception of items I15, I32-35, I36, and I38. The motion carried by the following vote:

Aye: 9 - Wehrl, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. Approve the Cash Disbursements for the period of 07/01/2023 through 07/31/2023 for a total of \$38,893,049.34

Council approved.

2. Approve the regular City Council meeting minutes of July 18, 2023
Council approved.
3. Approve the City Council meeting schedule for August, September, October and November 2023
Council approved.
4. Receive the year-to-date budget report through July 31, 2023
Council received.
5. Approve the award of Sole Source Procurement 23-193, Unit 249 Camera Truck replacement, to EJ Equipment for an amount not to exceed \$381,907.78 and for a one-time purchase
Council approved.
6. Approve the award of Sole Source Procurement 23-199, S & C Switchgear, to Weldy Lamont Group, Inc. for an amount not to exceed \$958,029.02 for a one-year term
Council approved.
7. Approve the award of Cooperative Procurement 23-206, HPE Support, to Hewlett Packard Enterprise, for an amount not to exceed \$165,864.26 and for a one-year term
Council approved.
8. Approve an extension to Contract 17-039, EMS and Non-EMS Billing Services, Andres Medical Billing and Fire Recovery USA LLC, for an additional six-month term from June 30, 2023 to December 31, 2023
Council approved.
9. Approve the award of Option Year One to Bid 21-274, Curbside Leaf Collection Services, to Steve Piper and Sons, Inc. for an amount not to exceed \$137,925
Council approved.
10. Approve the award of Option Year Two to Contract 21-273, Cartage Services, to International Hauling for an amount not to exceed \$202,000
Council approved.
11. Approve the award of Option Year Three to Contract 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed \$464,980
Council approved.

12. Approve the award of Option Year Five to Contract 17-097, Holiday Lighting and Decorations, to Holiday Creations Pro, Inc. for an amount not to exceed \$206,000
- Council approved.**
13. Approve the award of Change Order #1 to Contract 05-030, Alliance Agreement, to Utility Concrete Products for an amount not to exceed \$250,000 and a total award of \$580,000
- Council approved.**
14. Approve the award of Change Order #1 to Contract 23-006, 2023 Sidewalk and Curb Maintenance Program, to Schroeder & Schroeder for an amount not to exceed \$49,386.50 and a total award of \$1,232,291.50
- Council approved.**
15. Approve the award of Change Order #1 to Contract 23-131, Naper Settlement Perimeter Fence and Entry Gate Improvements, to Peerless Fence for an amount not to exceed \$77,100 and a total award of \$537,022.04
- A motion was made by Councilman Holzhauer, seconded by Councilman Wilson, to table the approval of the award of Change Order #1 to Contract 23-131, Naper Settlement Perimeter Fence and Entry Gate Improvements, to Peerless Fence for an amount not to exceed \$77,100 and a total award of \$537,022.04 to September 5, 2023. The motion carried by a voice vote.**
16. Approve the award of Change Order #1 to Cooperative Procurement 23-064, Vehicle Storage Garage and MCC Building Restoration, to Garland/DBS Inc. for an additional 122 calendar days
- Council approved.**
17. Approve the award of Change Order #1 to Procurement 22-063, Municipal Center Chiller Control Panel Replacement, to Carrier Corporation for an additional eight months
- Council approved.**
18. Approve the award of Change Order #1 to Option Year One of Contract 22-058, Storm Sewer Lining, to Hoerr Construction for an amount not to exceed \$75,000 for a total award amount of \$725,000
- Council approved.**
19. Approve the award of Change Order #1 to Option Year One of Bid 22-036, Landscape Restoration Services, to Semper Fi Landscaping Inc. and Local Lawn Care and Landscaping for an amount not to exceed \$350,000 and a total award of \$850,000
- Council approved.**
20. Approve the award of Change Order #1 to Option Year Two of Contract 19-197,

Security Camera Maintenance and Repair Services, to Pace Systems Inc. for an amount not to exceed \$70,000 and a total award of \$205,000

Council approved.

21. Approve the award of Change Order #2 to Contract 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 \$225,000 and a total award of \$485,000

Council approved.

22. Approve the award of Change Order #4 to Contract 22-002, 2022 Street Resurfacing Program-City, to K-Five Construction Corporation for an additional 119 days (Item 1 of 2)

Council approved.

23. Approve the award of Change Order #2 to Contract 23-001, 2023 Street Resurfacing Program-MFT, to K-Five Construction Corporation for an additional 91 days (Item 2 of 2)

Council approved.

24. Pass the ordinance approving the sale of property located at 636 4th Avenue, Naperville (requires seven positive votes)

ORD 23-114

Council passed.

25. Pass the ordinance approving variances related to the proposed ground signs at 720-944 S Route 59 (Fox River Commons) - PZC 23-1-060

ORD 23-115

Council passed.

26. Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the 2023 Water Street Long Table Dinner scheduled on Sunday, September 10, 2023

Wehrlı stated that the City's Code requires Council members to disclose Relevant Campaign Contributions. In this case, he received a Relevant Campaign Contribution from Marquette Properties in the amount of \$2,303.05, including in-kind contributions, and said he is able to consider this agenda item fairly and impartially and a recusal is not required.

ORD 23-116

Council passed.

27. Pass the ordinance to establish temporary traffic controls and issue a Special Event permit for the 2023 Riverwalk Fine Art Fair scheduled on September 16-17,

2023

ORD 23-117

Council passed.

- 28.** Pass the ordinance approving the preliminary/final plat of resubdivision for 209 N. Brainard Street and 213 N. Brainard Street (Buhr Resubdivision) - PZC 23-1-050

ORD 23-118

Council passed.

- 29.** Pass the ordinance approving the enlargement of Special Service Area 33 to include the property located at 235 W. Jefferson Avenue

ORD 23-119

Council passed.

- 30.** Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the 2023 Last Fling and Labor Day Parade on Friday, September 1 through Monday, September 4, 2023

ORD 23-120

Council passed.

- 31.** Pass the ordinance approving a parking variance for the property located at 1504-1516 N. Naper Boulevard (Tower Crossing) - PZC 23-1-052

ORD 23-121

Council passed.

- 32.** Receive the staff report for Highpoint 2B located at 2304 Ferry Road - PZC 22-1-119 (Item 1 of 4)

Tom Burgess (Naperville - Petitioner) discussed the request for revocation of a portion of the Iron Gate Phase 2B PUD to allow for construction of a Sunbelt Rentals building and indicated that development of a residential product in the PUD is no longer feasible due to changes in economic conditions and material costs. Additionally, the Petitioner noted that the Iron Gate Motor Condos' Board of Directors is unwilling to allow the approved residential project to be a part of the Iron Gate community. Burgess also indicated hardie board siding was chosen as the predominant material due to desirable appearance, low maintenance, durability, and the 30-year warranty.

SPEAKERS

Bharat B Shah (Naperville; owner of condo at Iron Gate) spoke against the proposal stating it will devalue the Iron Gate complex.

Burgess rebutted the speaker's comments saying that development around Iron Gate did not impact unit pricing, that SunBelt is an excellent choice, that landscape buffers will be incorporated, and that there is currently a wait list for

condos.

Council discussed the site plan, staff's recommendation, and the appropriateness of expanding Iron Gate.

The report was received.

- 33.** Pass the ordinance revoking the Iron Gate Motor Condos Phase 2B PUD for the property located at 2304 Ferry Road (Highpoint 2B) - PZC 22-1-119 (Item 2 of 4)

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance revoking the Iron Gate Motor Condos Phase 2B PUD for the property located at 2304 Ferry Road (Highpoint 2B) - PZC 22-1-119. The motion failed by the following vote:

Aye: 1 - Leong

Nay: 8 - Wehrl, Bruzan Taylor, Holzhauser, Kelly, Longenbaugh, McBroom, White, and Wilson

- 34.** Pass the ordinance approving a minor change to the Iron Gate Motor Condos Phase 2A approved by Ordinance 15-145 and a final PUD plat for Iron Gate Motor Condos Phase 2A for the property located at 2212 Ferry Road (Highpoint 2B) - PZC 22-1-119 (Item 3 of 4)

No vote taken.

- 35.** Pass the ordinance approving a preliminary/final plat of subdivision for Highpoint 2B - PZC 22-1-119 (Item 4 of 4)

No vote taken.

- 36.** Waive the first reading and pass the ordinance repealing and replacing Title 9 Chapter 3 of the Naperville Municipal Code regarding urban forest protection (requires six positive votes)

SPEAKER

Gail Diedricksen (Naperville) thanked staff, spoke in favor of the ordinance, and asked who is responsible for trimming trees be clarified.

Dublinski explained the process, stated that the TED Business Group requires builders to protect trees, said the language in the ordinance is based on the grant, and that staff has enough information to respond appropriately.

DiSanto read a portion of the ordinance and stated he believes the ordinance is clear and enforceable.

ORD 23-122

A motion was made by Councilman White, seconded by Councilman Kelly, to waive the first reading and pass the ordinance repealing and replacing Title 9 Chapter 3 of the Naperville Municipal Code. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 37.** Adopt the resolution authorizing the City Manager to execute the Interim Intergovernmental Agreement between the City of Naperville and the Illinois Environmental Protection Agency for the continued operation of the regional Household Hazardous Waste Facility

RES 23-23

Council adopted.

- 38.** Adopt the resolution approving the sixth amendment to the intergovernmental agreement between the City of Naperville and the Naperville Park District for maintenance of the Riverwalk

Wehrli recused himself due to a conflict of interest and left the dais from 8:41 p.m. - 8:42 p.m.

Holzhauer assumed Mayor Pro Tem.

RES 23-24

A motion was made by Councilman White, seconded by Councilman Kelly, to adopt the resolution approving the sixth amendment to the intergovernmental agreement between the City of Naperville and the Naperville Park District for maintenance of the Riverwalk. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

Recused: 1 - Wehrli

- 39.** Adopt the resolution authorizing a workers' compensation settlement contract between the City of Naperville and Rodney Burkes

RES 23-25

Council adopted.

The meeting recessed from 8:42 p.m. - 8:51 p.m.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

- 1.** Option 1: Concur with the intent of the PZC to allow a continued temporary use of the chicken coop structures and associated home occupation for a period of time as

determined by the City Council and subject to certain conditions, or

Option 2: Concur with staff to deny PZC 23-1-033, finding that the chicken coop structures and associated home occupation are too intensive for a single-family residential property, and that the facilities and operations should comply with all applicable provisions of the Naperville Municipal Code

Rick Montalbano (Naperville - Petitioner, Touch My Heart) explained the request for variances and specifically discussed the mission of the chicken therapy program, specific services for adults 22 years old and older, the importance of safe housing for therapy animals, and that a calm environment is provided for hypersensitive individuals.

SPEAKERS

Regina O'Connor (Naperville - Touch My Heart volunteer) spoke in favor of Option 1.

Brandon Quaintance (Oswego - Awesome Life Academy/Touch My Heart) spoke in favor of Option 1.

Kristin Krok (Waukegan - Aspire) spoke in favor of Option 1

Eric Rush (Naperville) spoke in favor of Option 2.

Council asked if the Petitioner has investigated other properties, discussed personal site visits, landscaping, impact to the neighbors, complaint based enforcement, the ability to move the operation in one year, and specific conditions put in place until moving is possible.

Petitioner responded that Touch My Heart has complied with instructions given by staff, that other properties have been researched but are cost prohibitive, that the Conservation Foundation does not allow for animals, meetings are scheduled with unincorporated land owners and the Naperville Park District.

Laff explained that staff provides information based on what is asked, however chicken coop regulations are very clear.

Council asked that staff review communications and asked the Petitioner about incimate weather and the ability to operate under current restrictions.

Petitioner stated the coops are where chickens sleep and lay eggs, that the other structures are screened-in enclosures to keep the chickens safe to free range, that chickens stay outside in the winter and structures are wrapped, and that keeping the structures in place until a move is possible is preferred.

WRITTEN COMMENT ONLY

Kurt Luporini (Oswego) - Touch My Heart - Good morning Naperville Council, I am writing on behalf of Touch My Heart and the case number mentioned in the above subject line. Rick and Touch My Heart reached out as I heard The City of Naperville has a potential issue with the permitting for their Chicken Coops/Runs. For a brief history, I have been close friends with Rick and

Wendy for the last 28 years and was actually the person that introduced them to each other while we were in high school together. I also lived in Naperville for the better part of 25 years and prior to moving to Oswego recently, held the positions of President of the Ashwood Creek Subdivision and Chair of the Ashwood Club in south Naperville for many years. I also have an 8 yr old Son who is severely autistic who attends Little Friends in Naperville and one of my daughters is in her senior year of college completing her teaching degree concentrating on Special Needs and is a para at Little Friends as well. For additional context and clarity, I am also a founder and co-President of the Accessibility for All Employee Resource Group at my company, Jamf. I have been fortunate over the last few years to donate approx. \$7,000 to Touch My Heart through my company to help their wonderful efforts in supplying a safe and friendly environment to people with special needs with education and therapy. In short, I know a significant amount about the needs of neurodiverse people and how these types of therapies can make significant and lifelong positive effects on them to enrich their lives. I will be attending the hearing and hope that the board sees a way to continue to let this amazing organization thrive for the well-being of our community when many look the other way to neurodiverse individuals. Let's make sure the City Council is the former! In a world where so many things could be better, this is one of those that already is, and we should not look to take it away. I appreciate your sincere consideration in this most important matter.

Margaret Eismann (Naperville) - I live in the neighborhood where they are located and walk my dog past their house multiple times of day. I find their back yard charming and inviting. I wish I could say that about half the people that live in this neighborhood that don't take care of their yards houses as well Rick. I have never seen anything annoy or distracting. I believe they should be able to continue the great work for people with disabilities. Thank you

Amy Smith (Naperville) - We are located at Flambeau drive in Naperville, Illinois, neighbors of Rick and Wendy, who run the non for profit agency "touch my heart". We have seen the work they do to supply therapeutic resources to our community of not only adults with special needs, but scouts and school age children. They have provided a safe, engaging and therapeutic environment for our community to come and experience therapy chickens. Their passion and dedication to help people, specifically with special needs has been a unique addition to our communities outreach to that population as well as others. We support and agree with their mission to provide a family friendly farm experience. Their peaceful presence in the neighborhood has graced us with their coop and during holiday seasons with their holiday tree. They have continued to support the social health and well being of our community with the implementation of the touch my heart program and their good hearts. Please approve the request for variance as it is financially and therapeutically beneficial to grant the variance so that multiple entities may continue to utilize the resources that Touch My Heart offers. Please support their program as it serves and helps not only adults with special needs but the community as a whole.

Holly Ramsey (San Antonio, TX) - Dear Council members: I lived in Naperville for 14 years and am an active supporter of Touch My Heart. I am asking you to

approve all the variances requested in order for the Montalbanos to continue to serve the community they love. Please approve a 24- month sunset and allow them to have the 16 therapy birds necessary for proper training and rotation. Additionally, please help them find affordable land for their amazing non-profit. The council may be concerned about a "slippery slope" and precedence that a variance can convey. Fortunately, that's not the case with this request. Rick and Wendy stand alone in providing the first chicken animal-assisted therapy venue in the United States. Wendy studied & received certifications in Backyard Poultry Education and Animal Assisted Therapy and Activities. This isn't "another backyard chicken case." This is the Montalbanos and Touch My Heart filling a need in the special needs community. Feel free to ask IPSD 204, who brought some individuals just a few weeks ago for a visit to the TMH chickens. This variance request is utterly unique because what the Montalbanos are doing is utterly unique. What a privilege for Naperville to be leading the nation in this regard! There is no smell associated with their coop. The Montalbanos have a regular rotation of volunteers who assist them in maintaining the highest standard of cleanliness. Additionally, they employ an autistic young adult to assist with opening and closing, providing a needed job for an often overlooked segment of Naperville. There is no issue with crowds. TMH limits its offerings to only small groups of special needs adults and only during daytime hours. All parking is done in the Montalbanos U-shaped driveway. There is no impact on street parking. There is no issue with noise or crowing. Only softly clucking hens reside in the coop. There are no roosters. The placement of the coop was done deliberately to allow for 360-degree motorized wheelchair turns by guests. The six inches to a foot variance will make no difference to any isolated neighbor complaint. It makes a world of difference to the accessibility of the community Rick and Wendy serve. Disapproving the variances would cost a huge investment in time and money to move the coop, and could have a shuttering effect on this aspect of the Touch My Heart non-profit. I don't think dismantling significant and beloved community non-profits is probably why any of you serve in local government. The Montalbanos and Touch My Heart enjoy near unanimous support from their neighbors who have sent their own letters about how the chickens have brought the community together. Additionally, when public documents revealed a neighbor complaint, Rick and Wendy took immediate steps to address the concern. The Montalbanos' work with Touch My Heart chickens has resulted in them being recognized as Illinois' first 4-H Partner to serve those 18+. Naperville itself recognized Rick as a Citizen of the Year not too long ago. The Nature Rx Coalition, which includes many of the parks in the Naperville area, asked Rick and Wendy to be a part of their coalition. The Montalbanos have already bolstered a sense of community within that organization by inviting partners to their backyard to see chickens and the benefits of outdoor education. The variances allow Touch My Heart to continue to build community, serve marginalized groups, and establish Naperville as firmly at the forefront of innovative animal-assisted therapy. After the city council approves the variances, I might also suggest visiting the chickens yourself. You may find this makes you an enthusiastic supporter in aiding the Montalbanos in finding several affordable acres within Naperville for Touch My Heart Farm to find its permanent home. These variances are a stop-gap measure as the Montalbanos continue to search for permanent land for the chickens. I have to think that such win-win propositions like approving these variances and using

your knowledge to find accessible permanent land for amazing groups like TMH are probably why each of you serve in local government. I look forward to seeing how your commission might help keep Touch My Heart firmly within Naperville! Sincerely, Holly Ramsey

ORD 23-123

A motion was made by Councilwoman Bruzan Taylor, seconded by Councilman Holzauer, to pass the ordinance with conditions allowing a continued temporary use of the chicken coop structures and associated home occupation at the subject property for a period of 12 months subject to the conditions recommended by the Planning and Zoning Commission. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

2. Conduct the first reading on the ordinance amending Section 11-2B of the Naperville Municipal Code to eliminate commuter parking permits and expand daily fee parking

Council discussed daily parking, the desire to utilize more parking, the importance of considering input from five day/week commuters, limited bus options, and the appropriateness of tabling the vote to September to allow time for staff to engage with Pace.

Novack said RTA will not change services based on City requests and discussed the service fee for app use, the changeover to pay by plate option that will be implemented in November, the use of the license plate reader for parking enforcement, payment bundle proposals for single day/week/month, and that there will be no price discounting.

Council discussed a menu of options for price points to consider at the second reading, possible discounts for certain groups, that the plan should not adversely affect daily commuters but rather encourage people to continue taking the train, and that a small City subsidy may be appropriate.

WRITTEN COMMENT ONLY

Julie Winkler (Naperville) - Hello, Mayor and City Council Members, After being a resident of Naperville for over 30 years and a Metra commuter for 25 of those years, I am well informed on the current situation for parking and commuting in our area. The proposal to eliminate the permit parking program that has served as a dependable transportation component in our community is completely irresponsible and disruptive to Naperville families. While the pandemic has changed commuting trends, there are still many of us who are regularly commuting to the city and we rely on the parking permit for greater convenience as we need to get our children to school. I can tell you that eliminating permits will dramatically disadvantage women with children as well as students who commute to school downtown. If anyone were to come to the train station in Naperville after 7:45 a.m., they would see that the ridership is working parents and college students who are taking the train downtown. I am entirely reliant on my parking permit to give me the flexibility to get my kids to school and still make a train to get to work. Going to daily parking is simply not an option. I completely appreciate that Naperville has expensive real estate

near the train station that it is looking to monetize. With that being said, I am not even sure if consideration was given to increasing the cost of the parking permit as prices have not been adjusted in many, many years. It makes far more sense as an interim step in 2024 to increase the permit fees to \$250 or \$300 per quarter and see how many people no longer need their permits as they are not regularly commuting. For them, it will be a cost/benefit analysis to determine if they would rather pay the higher amount or go to daily parking to reflect their new schedule. Clearly the permit lots are not full and it is also entirely reasonable to convert more of these spots to daily parking if that is what is desired. Or if permit spots are not filled by 9 am in some lots then allow daily parking in them so the City would get twice the revenue for it. In reviewing the proposed changes to the ordinance, it also eliminates any ability for commuters to park overnight in any of the lots. This does not work for people who may need to spend the night in the city or take the train downtown then later travel to ORD for a work trip. I am fine if a parking lot further away is designated as the overnight lot, but this must be a consideration. Not all of us can be daily commuters as defined by this ordinance. The concept of reserved parking exists everywhere in our community - parking garages, stadiums, large events, and even water parks. People are willing to pay a premium to have the convenience and certainty of a parking spot and commuting is no different than these other circumstances. I do not understand why permits cannot continue to be offered in Naperville as a benefit to its long-standing commuters including working parents and students who need to ride the train at off peak hours. I am not aware of any other community that is considering such a drastic measure and believe we will be forcing Naperville residents to other train stations like Lisle and Wheaton, thereby reducing any financial benefit that was expected by implementing this plan. I urge the Council to vote down this proposed ordinance and ask the staff for a new plan which includes the continuation of permit parking in Naperville. Thank you for your attention to this matter. Julie

Julie Flores (Naperville) - Has the City Council considered leaving the current commuter parking structure at the downtown Metra station as is? In other words, keeping the Burlington lot as a permit parking lot and all remaining lots would flip to daily fee parking? It seems like a win-win for all in my opinion. I have held a permit at the downtown station for over 20 years. I commute to Chicago 5 days per week. The new daily fee proposal is not only inconvenient but cost prohibitive for me IF I choose to park in the Burlington Lot where I have parked for 20 years. I do not see how this new structure benefits the majority especially since the Parkview Lot and all remaining "daily fee" lots continue to have open spaces on a daily basis. I noticed that IF the city provides a Mobile Electronic Payment option that there will be a "service fee" associated with this process. What is the amount of the service fee and who benefits from the service fee? Is it legal to modify the service fee without advance notice to users? Are there any members of the City Council who commute to Chicago on a regular basis BUT actually drive to the train station?

Hello Naperville City Council, My apologies for not being able to locate the website note system so I ask that this email be entered and placed on the city website. In preparing this I would like to thank Ms Andrea Nair for clearing up some questions. I am both a healthcare provider downtown everyday, even during the pandemic, a senior, a 12-16 hr day happens with regularity. I

previously was a math major, masters degree in Infinite Dimensional Dynamics which does modeling of current and future outlook platforms. I moved to Naperville in 1986, raised 3 kids, very active in the community. The Survey The survey was done by city staff and asked questions to gain more information about commuter patterns, and gather feedback on existing parking options but commuters were not asked specifically about how they feel or how they would be impacted. The surveys I have been involved in would be not done during religious holidays, more than one time, note mailed with the mid Sept sticker and rely on contacting beyond just the social media or internet to maximize. It is such a major change esp for those that travel everyday and waited for a decade to earn that pass. It is very important to ask and know the impact. A hard audit, no additional tags and grandfather those that waited would assure fairness and increase the availability greatly. They would die out. Seniors are the leaders and they do not have the prime health and the lesser walk during snow and ice would keep them safe and show respect. Fairness does not always mean first come first serve, one would have to do a daily lottery. Some in service, healthcare or first response have shifts that do not always start early, Some of us work double shifts and need safe parking close by. The study really assumes to a large degree a hybrid worker with an early start and under 60. This does not fit all of us. Why not allow a 3rd trimester pregnant woman to have a close pass as it keeps her staff. A temp pass can be issued with a letter from the MD. My estimates have an increase in the kiosks by up to 50%. The comments I hear are that they run out of receipts (we know not required but it saved me a few times from a ticket), the LCD display in the winter does not always function and the buttons are a negative for health reasons. I noticed there are sanitizers in city hall but how come with the increased traffic this is not in the plan to keep us safer? I can work doubles or later to work on some of the charity programs if I knew I could reserve a monthly or weekly spot. Riverside does it. Why is this not proposed? Is the App reliable and has it ever gone down or hacked? It is owned by VW Financial which has had some problems. What does the study say? In closing a couple thoughts. I think this is so impactful that a deep study and discussion that meets study/discussion standards be and not just a cursory approach. Also I do wish to thank Jennifer Bruzan-Taylor who did return one of my emails but she was the only one. I may be naive but I am a serious voter, the train is safe, reliable, good for our carbon footprint reduction, When those that visited the train station around election, I was told there would be transparency and responsive approach. Only one answered me. No one wants to think they got the slip of the hand. Please table this, dig deeper as it is a Major change. Thank you for your time. Robert S Deaver 331 Avena Circle, Naperville, Ill 60565.

First reading held.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Ron Keller

Holzhauser informed Council that Ron Keller is an avid trainspotter and asked for support to direct staff to research dedicating space at a train station for the trainspotting group.

By consensus, Council directed staff to research logistics of finding space.

Back to school

Wilson stated that school will be back in session soon and reminded the Council and audience to drive slow and pay attention.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of August 15, 2023 at 10:06 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue

Pam Gallahue, PhD

Director of Community Services/City Clerk