



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, February 18, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilwoman Theresa Sullivan
Councilman Benjamin White

Absent: 1 - Councilman John Krummen

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: 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

Absent: 1 - Krummen

OPEN SESSION - 7:00 p.m.

Chirico opened the meeting at 7:00 p.m.

D. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilwoman Theresa Sullivan
Councilman Benjamin White

Absent: 1 - Councilman John Krummen

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Andy Hynes, Deputy City Engineer; Pat Lord, Senior Assistant City Attorney

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

Chirico proclaimed February as Black History Month in the City of Naperville and presented the Proclamation to Councilman White and members of the Naperville Neighbors United group.

G. PUBLIC FORUM:

Lack of restrictions for short-term rental properties (Airbnb's)

Nancy Cole spoke in favor of establishing restrictions on short-term rental properties.

Request for restrictions on short-term rentals

Andy Hunter (East Highlands) spoke in favor of establishing restrictions on short-term rental properties.

Marshall explained that officers were called to a house on Santa Maria on Super Bowl Sunday, were present for four hours, and issued a number of citations. He also stated that Police Department staff is meeting with the owners of the property this week.

Puknaitis discussed potential fire hazards due to the number of party attendees.

Restrictions for short-term rentals

Christopher Long spoke in favor of establishing restrictions on short-term rental properties.

Snow removal

Tim Messer spoke about Ogden Avenue businesses not removing snow on sidewalks.

Nichols Library Parking Working Group
Kathy Benson asked for details on the working group.

Chirico discussed library ratings, the deck that was to be built in the mid-2000's, and that library staff approached the City to put together a group to explore the potential to build a parking deck.

Party House at Santa Maria Drive
Angie Hunter (East Highlands) spoke in favor of establishing restrictions on short-term rental properties.

Laff explained that staff is compiling research from other municipalities, ICMA, legal organizations, and area residents. She said staff will present recommendations at an upcoming Council meeting.

Council discussed the Airbnb complaint process, the appropriateness of citing the homeowner, and potential remedies to deter conduct.

Opt-out
Jennifer Taylor discussed the referendum on March 17 and urged people to vote no.

Chirico discussed financial data related to sales and the cap on dispensaries.

Cannabis
Charles Brown spoke in favor of opting out.

Airbnb-VRBO
David Wentz discussed regulations that are in place, potential ramifications for owners of an Airbnb and/or VRBO, and suggested the Chamber of Commerce and Housing Advisory Commission provide input.

House Rentals and Cannabis
Mark Urda spoke in favor of establishing restrictions on short-term rental properties and the opt in choice for selling recreational adult-use cannabis.

Marshall stated the City is gathering data from other municipalities on the unintended consequences of the legalization of recreational adult-use cannabis.

DiSanto reiterated the research that has been done, and what is currently underway, regarding short-term rentals.

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

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Krummen

I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of I3. The motion carried by the following vote:

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

Absent: 1 - Krummen

1. Approve the cash disbursements for the period of 01/01/2020 through 01/31/2020, for a total of \$35,123,134.49.

Council approved.

2. Approve the regular City Council meeting minutes of February 4, 2020

Council approved.

3. Approve the City Council meeting schedule for March, April & May 2020

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the City Council meeting schedule for March, April and May 2020 as amended to remove the March 2nd 5th Avenue workshop. The motion carried by the following vote:

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

Absent: 1 - Krummen

4. Approve the award of Change Order #1 to Cooperative Contract 19-211, Janitorial Supplies, to Grainger Inc. for an amount not to exceed \$85,000 and a total award of \$145,000.

Council approved.

5. Approve the award of Cooperative Procurement 20-026, Municipal Center Roof Replacement Phase Three, to Garland/DBS Inc. for an amount not to exceed \$395,925, plus a 5% contingency

Council approved.

6. Approve the award of Change Order #2 to Contract 17-057, Telecommunication Services, to AT&T for an amount not to exceed \$51,000 and a total award of \$373,073.60

Council approved.

7. Approve the award of Cooperative Procurement 20-057, Police Department Roof Restoration - Phase One, to Tremco/WGI for an amount not to exceed \$243,204.91, plus a 5% contingency

Council approved.

8. Approve the award of Cooperative Procurement 20-053, Fire Station 2 and 5 Roof Replacement, to Garland/DBS Inc. for an amount not to exceed \$280,452, plus a 5% contingency.

Council approved.

9. Approve the award of Option Year Two to Contract 17-210, Emerald Ash Borer Insecticidal Treatment, to The Davey Tree Expert Company for an amount not to exceed \$325,000

Council approved.

10. Approve the award of Bid 20-001, Pipefitting, Plumbing and Mechanical Services, to Dahme Mechanical Industries, Inc. for an amount not to exceed \$198,290 and for a 10.5 month term

Council approved.

11. Approve the award of Cooperative Procurement 20-094, Police Utility Interceptor Hybrids, to Currie Motors for an amount not to exceed \$347,634

Council approved.

12. Accept the public underground improvements at Auburn Manor and authorize the City Clerk to reduce the corresponding public improvement surety.

Council accepted.

13. Pass the ordinance approving a variance to Section 6-7D-4:1 of the Naperville Municipal Code to allow a general service use on the first floor of the property located at 236 S. Washington Street, Naperville - PZC 19-1-141

Enactment No.: ORD 20-011

Council passed.

14. Pass the ordinance approving the final plat of subdivision and the owner's acknowledgement & acceptance (OAA) for Chicago Commons located at 920-930 E. Chicago Avenue - PZC 19-1-098

Enactment No.: ORD 20-012

Council passed.

15. Adopt the resolution authorizing the City Manager to execute the 2020 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage Program

Enactment No.: RES 20-06

Council adopted.

J. PUBLIC HEARINGS:

- 1. Conduct the public hearing on the first amendment to the annexation agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 1 of 3)

A motion was made by Councilman Hinterlong, seconded by Councilman White, to open the public hearing at 7:52 p.m. The motion carried via Voice Vote.

A motion was made by Councilman Hinterlong, seconded by Councilman White, to close the public hearing at 7:53 p.m. The motion carried by the following vote:

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

Absent: 1 - Krummen

- 2. Receive the report on the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 2 of 3)

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to receive the report on the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006. The motion carried by the following vote:

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

Absent: 1 - Krummen

- 3. Pass the ordinance authorizing the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 3 of 3)

Enactment No.: ORD 20-013

A motion was made by Councilman Hinterlong, seconded by Councilman White, to pass the ordinance authorizing the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006. The motion carried by the following vote:

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

Absent: 1 - Krummen

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

- 1. **Option A:** Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a major change to the River Main PUD to allow height and FAR deviations, and a fee in lieu of parking for the property located at 315 S. Main Street (River Main) - PZC 19-1-131; or

Option B: Concur with staff and pass the ordinance approving a major change to the River Main PUD to allow a height deviation and denying the requested FAR deviation for the property located at 315 S. Main Street (River Main) - PZC 19-1-131

Steve Rubin, Petitioner, requested approval of a major change to the River Main PUD to allow the River Main building to exceed the maximum permitted height of 60 feet and the maximum floor area ratio (FAR) of 2.5. A five-story, mixed-use building measuring 69 feet in height with an FAR of 2.88 is planned for the site.

Mark Nosky, Architect, discussed the overall design.

Council discussed rooftop and delivery access, the security of the trash area, building design, height variance, and FAR.

Rubin explained that the building was designed based on the FAR, however when Water Street was replotted it resulted in a reduction of 2,000 feet.

Council discussed PZC approval, bulk, FAR calculation compared to benchmark cities, and whether it should be reviewed.

Laff explained that staff is supportive of the overall design, that the FAR in this case gets the benefit of unbuildable property near the river, that FAR is a common application to regulate bulk, that 2.5 is specific to downtown in order to ensure that building height and bulk remain compatible with the surrounding properties. She said the proposed River Main building maximizes the buildable area of the site by utilizing zero setbacks where possible and exceeding the maximum permitted height of 60 feet. As a result, staff does not find the requested FAR deviation to serve as an enhancement to the River Main PUD. Instead, it is found to be a contributing factor to unnecessary bulk on the site when paired with the requested height deviation that has also been requested.

Enactment No.: ORD 20-014

A motion was made by Councilwoman Gustin, seconded by Councilwoman Brodhead, to concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a major change to the River Main PUD to allow height and FAR deviations, and a fee in lieu of parking for the property located at 315 S. Main Street (River Main) - PZC 19-1-131. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, and White

Nay: 1 - Sullivan

Absent: 1 - Kruppen

2. Adopt the resolution approving the sales tax revenue sharing agreement between the City of Naperville and Costco Wholesale Corporation

Chirico recused himself to avoid the appearance of a conflict and left the dais from 8:19 p.m. - 8:50 p.m.

Hinterlong assumed Mayor Pro Tem

Reba Morgan Osborne (Naperville Area Chamber of Commerce) spoke in support of the proposed resolution.

Barbara Grady spoke against the proposed resolution.

George Howard spoke against the proposed resolution.

Christine Jeffries (Naperville Development Partnership) spoke in support of the proposed resolution.

Council discussed the current landlord, the lessees, contribution to relocate, relocation clause, improvements to existing businesses, the grant program to improve Ogden Avenue, new signage, and that Costco is the catalyst for East Ogden corridor.

Dick Furstenau spoke in support of the proposed resolution.

Krieger stated that Ogden 6 revenue cannot be publicly disclosed because it is proprietary and that the City and NDP are aggressively assisting the owner to relocate in Naperville.

Mary Zalapi spoke against the proposed resolution.

Mike Stratis, Costco, discussed annual salaries and benefits of Costco employees, market prototype, hours, traffic impact, and tax incentive arrangements in other areas of the country.

Enactment No.: RES 20-07

A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to pass the ordinance approving the sales tax revenue sharing agreement between the City of Naperville and Costco Wholesale Corporation. The motion carried by the following vote:

Aye: 7 - Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

Absent: 1 - Krummen

Recused: 1 - Chirico

The meeting recessed from 8:50 p.m. - 8:56 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Receive the staff report for the Polo Club development located at 23450 and 23700 W 119th Street - PZC 18-1-022 (Item 1 of 3)

SUPPORT:

Michael K (South Pointe Resident)
Meg Pawelski (High Meadow HOA)
Don Pawelski (Plan for Us)
Bill Read (I view this as a great opportunity for the citizens of Naperville to increase their tax base without burdening the school system, and yet providing young couples an opportunity for value priced homes)
John Kuhn

OPPOSE:

Joe Ulfig (Plan for Us) - OPPOSE
Christine Molek (Southpointe/Wolf Creek) - OPPOSE
Todd Papendick (Plan for Us) - OPPOSE
Kent Harms (Plan for Us) - OPPOSE
James Bain (Plan for Us) - OPPOSE
Marji Szwaya - OPPOSE
Elaine Spaete (Plan for Us) - OPPOSE
Edward Turner (Southpoint Neighborhood) - OPPOSE
Raymond Zamora (Plan for Us) - OPPOSE
Adrian Nicolson - OPPOSE
Richard Saraga (Plan for Us) - OPPOSE
Lesley Malone (Plan for Us) - OPPOSE
Lindsay Warriner (High Meadow HOA) - OPPOSE
Andrea Szwaya - OPPOSE
Eric-Jan Bronwasser (Plan for Us) - OPPOSE
Mitch & Teri Westra - OPPOSE
Sophia Patsios (Plan for Us) - OPPOSE
Alisa Derr (Plan for Us) - OPPOSE
Tim Nevins (Plan for Us) - OPPOSE
Kevin Rodgers (Plan for Us) - OPPOSE
Ellen Kozlowski - OPPOSE
Jennifer Schrieber - OPPOSE
Pavel A Petukhov - OPPOSE
Jennifer Manfredi (Plan for Us) - OPPOSE
Mario Manfredi (Plan for Us) - OPPOSE
Cindy Spiess (Plan for Us) - OPPOSE
Dale Riola (Plan for Us) - OPPOSE
Carrie Tuma (Plan for Us) - OPPOSE
Erin Ostendorf (Plan for Us) - OPPOSE
Beth Shedden (Plan for Us) - OPPOSE
Michael Larmon (Plan for Us) - OPPOSE
Rosemary Volenec - OPPOSE
Sarah Ohnemus - Available for Questions Only - OPPOSE
Michele Marko (Plan for Us) - OPPOSE
Mark Landrosh (Plan for Us) - OPPOSE

Susan Landrosh (Plan for Us) - OPPOSE
Armando D'Agostino - OPPOSE
Laura Hartman-Deluca - OPPOSE
Tamara (Southgate Community, Bolingbrook) - OPPOSE
Timothy Mellencamp - OPPOSE
Penelope Mellencamp (South Pointe Sub) - OPPOSE
Eileen Schwartz (Plan for Us) - OPPOSE
Caleb Mellencamp (South Pointe Sub) - OPPOSE
Amanda Konstantopoulos (Plan for Us) - OPPOSE
Mike Stoehrmann (Plan for Us) - OPPOSE
Chrissy Reinert - OPPOSE
Brianna Cap (Plan for Us) - OPPOSE
Kristen Scorsone - OPPOSE
Dennis Rollinger (Plan for Us) - OPPOSE
Cathy Verdone (Plan for Us) - OPPOSE
Jill Zastressek (Plan for Us) - OPPOSE
Martha Chlipala (Plan for Us) - OPPOSE
Thomas J Verdone (Plan for Us) - OPPOSE
Jayme Koller (Plan for Us) - OPPOSE
Diane Horton - OPPOSE
Jenni Singh (Plan for Us) - OPPOSE
Heidi Fisher (Plan for Us) - OPPOSE
Shannon Beavers (Plan for Us) - OPPOSE
Eric Salek (Plan for Us) - OPPOSE
Kim Barth and Susan Barth (South Pointe) - OPPOSE
Stacy Salek (Plan for Us/South Pointe) - OPPOSE
Rebecca Younh - OPPOSE
Sheena Magnesen (Plan for Us) - OPPOSE
Sonja Negrean (South Pointe Sub) - OPPOSE
Heather Zidek (Plan for Us) - OPPOSE
James Grana - OPPOSE
Lisa Little (Plan for Us) - OPPOSE
Jason Zidek (Plan for Us) - OPPOSE
Brett Clark (Plan for Us) - OPPOSE
Kerrie Bronwasser - OPPOSE
Carmen Campbell (Plan for Us) - OPPOSE
Alison Clark (Plan For Us) - OPPOSE
Roger Heinrich - OPPOSE
Isabella Heinrich - OPPOSE
Dan Kozak - OPPOSE
Jeff Maxick - OPPOSE
Gary Levard - OPPOSE
Casey - OPPOSE
Donna Relinger - OPPOSE
Mary - OPPOSE
Debra Moser - OPPOSE

SPEAKER:

Danielle Dasch, Petitioner, requested annexation into the City of Naperville, rezoning of the property to R3A (Medium Density Multiple-family Residence

District) upon annexation, subdivision, and a conditional use for a preliminary PUD in order to develop the subject property with 480 single-family detached homes, single-family attached homes (townhomes), common open space, a clubhouse and related amenities. The proposed development will be constructed in three phases.

Jeff Maxick spoke in opposition of the proposed development.

Mike Murray opposes the proposed development.

Jodi Trendler spoke in opposition of the proposed development.

Chris Leshock spoke in opposition of the proposed development.

Nicole Perez spoke in opposition of the proposed development.

Lorrie Williams spoke in opposition of the proposed development.

Manny Singh spoke in opposition of the proposed development.

Keith Sheffer spoke in opposition of the proposed development.

Deborah Landmen spoke in opposition of the proposed development.

Beth Quint spoke in opposition of the proposed development.

Karen Spangler spoke in opposition of the proposed development.

Eugene Geekie spoke in opposition of the proposed development.

Jeff Dycus spoke in opposition of the proposed development.

Julie Berkowicz spoke in opposition of the proposed development.

Bruce Brown spoke in opposition of the proposed development.

Council discussed the proposed performance bond and what is the remedy.

Lord explained that a performance bond has never been required for a traffic study.

DiSanto said there would be no recovery.

Novack discussed the improvements required by Carillon Club and that the City ultimately called the surety. He explained the Polo Club development requires coordinating with Plainfield and the Wheatland Township Road District, that the property is currently not in Naperville's jurisdiction, and that there is an intersection capacity problem today. He said any improvement of the intersection will take millions of dollars and many years, that this intersection is an excellent candidate for federal funding due to the involvement of multiple jurisdictions, that it may be six-eight years before improvement completed with a cost in excess of \$10 million, that the main traffic concern is the back up on 119th St. and it will be much worse with the proposed development.

Hynes explained traffic increase by the development, the outside traffic consultant review, and that the methodology follows industry standard for analyzing studies.

DR Horton traffic engineer explained how the traffic was analyzed in both static and dynamic modeling, age targeted/age restricted traffic impacts, what can be improved now, and what contributes to the intersection's F rating.

Krieger explained annexation, tax receipts, Plainfield involvement, and that the scope of ultimate solution will require federal funding. He said if the City elected

to not annex it is not a party to the transaction and the developer would have to decide next steps.

Council discussed multi-jurisdictional cost share agreement and boundary agreements.

Dasch rebutted and discussed improvements on 119th St.

Council discussed the need for diversified housing, how development has improved over time, the importance of housing stock, the impact to 119th St., the need for traffic studies to be accurate, petitioner revisions to the plan to reduce density, and that no affordable housing units are included.

At 10:55 p.m. a motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to extend the meeting to 11:30 p.m. The motion carried via Voice Vote.

Council discussed that the southwest sector plan is now 18 years old, that population is aging, residents want to downsize, other recent developments, the appropriateness of annexation at this time, that an age-targeted subdivision may not reduce traffic, and affordable housing recommendations vs requirements.

Laff discussed the status of the SB Friedman report on affordable housing.

Council discussed traffic on 119th St., the turn lanes, the quality presentation of the Plan for Us residents, cost share agreements, fee in lieu options, and that infrastructure is not in place because the road needs to be improved.

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to table the item indefinitely. The motion carried by the following vote:

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

Absent: 1 - Krummen

2. Direct staff to prepare ordinances and agreements for the Polo Club development located at 23450 and 23700 W 119th Street - PZC 18-1-022 (Item 2 of 3)
3. Adopt the resolution to extend the effective period of the development petition for Polo Club which is located at 23450 and 23700 W 119th Street - PZC 18-1-022 (Item 3 of 3) through March 2021

Enactment No.: RES 20-08

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution to extend the effective period of the development petition for Polo Club which is located at 23450 and 23700 W 119th Street - PZC 18-1-022. The motion carried by the following vote:

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

Absent: 1 - Krummen

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of February 18, 2020 at 11:24 p.m. The motion carried by the following vote:

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

Absent: 1 - Krummen

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk