



Meeting Minutes

City Council

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Tuesday, December 15, 2020

7:00 PM Zoom - Open agenda to see cable, phone & streaming options

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On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the COVID-19 pandemic.

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk's Office, (630) 305-5300, by 5 p.m. on December 15

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on December 15 at: [www.naperville.il.us/speakersignup](http://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 5 p.m. on December 15) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on December 15).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on December 15, at which time no other speakers or comments will be accepted.

**PUBLIC ACCOMMODATION:**

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on December 15.
- Questions regarding online sign-up may be directed to the City Clerk's Office 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:****B. ROLL CALL:****C. CLOSED SESSION - CANCELED**

OPEN SESSION - 7:00 p.m.

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

**D. ROLL CALL:**

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

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Deputy Police Chief, Jason Arres; 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; Communications Specialist, Kelley Munch

Daily Herald, Naperville Sun, NCTV-17

**E. PLEDGE TO THE FLAG:**

The pledge was given.

**F. AWARDS AND RECOGNITIONS:**

Chirico recognized Electric Utility Director, Lucy Podlesny for her 28 years of service and congratulated her on her upcoming retirement.

**G. PUBLIC FORUM:*****SPEAKERS***

Zero Waste City Pledge Proposal

Jocelyn Freeman explained Zero Waste and asked Naperville to take the pledge.

Council gave the speaker information regarding NEST.

Combating single-use plastic bags

Aidan Ellison explained global plastic pollution.

Council gave the speaker information regarding NEST.

Century Walk

John Gallagher spoke in support of Century Walk and its SECA Grant request.

Electricity Rates

Richard Arrundale discussed Naperville rates and spoke in favor of being given options for alternate providers.

Century Walk - SECA Recommendations

Sangeeta Pande spoke in support of Century Walk and its SECA Grant request.

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

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

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

**I. CONSENT AGENDA:**

**Approval of the Consent Agenda**

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items I7 and I10. The motion carried by the following vote:

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

1. [Approve the cash disbursements for the period of 11/01/2020 through 11/30/2020 for a total of \\$46,548,045.79.](#)

**Council approved.**

2. [Approve the City Council Budget Workshop #2 minutes of November 9, 2020](#)

**Council approved.**

3. [Approve the City Council Budget Workshop #3 minutes of November 23, 2020](#)

**Council approved.**

4. [Approve the regular City Council meeting minutes of December 1, 2020](#)

**Council approved.**

5. [Approve the City Council meeting schedule for January, February and March 2021](#)

**Council approved.**

6. [Approve the award of Sole Source Procurement 20-375, Axon Taser Equipment, to Axon Enterprise for an amount not to exceed \\$276,000 and for a five-year term](#)

**Council approved.**

7. [Approve Mayoral appointments to the Emergency Telephone System Board and the Liquor Commission](#)

Chirico explained that the appointment to the Liquor Commission is approved by the Mayor and should not be included in the motion.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to approve Mayoral appointments to the Emergency

**Telephone System Board. The motion carried by the following vote:**

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

8. [Approve a temporary use to allow a searchlight to be used at The Compass Church, 1551 Hobson Road, on December 18-19, 2020](#)

**Council approved.**

9. [Accept the public underground and street light improvements at Wagner Farm Phase 2 and authorize the City Clerk to reduce the corresponding public improvement surety](#)

**Council approved.**

10. [Pass the ordinance granting a variance to allow a recreational vehicle exceeding the weight requirements to be parked on the driveway at 16 Pepperidge Road - PZC #20-1-095](#)

**SPEAKERS**

Linda Cusack explained the request and spoke in favor of the ordinance.

Enactment No.: ORD 20-137

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance granting a variance to allow a recreational vehicle exceeding the weight requirements to be parked on the driveway at 16 Pepperidge Road - PZC #20-1-095. The motion carried by the following vote:**

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

11. [Pass the ordinance granting a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097](#)

Enactment No.: ORD 20-130

**Council passed.**

12. [Pass the ordinance decommissioning the Downtown Advisory Commission of the City of Naperville and deleting Chapter 20 \(Downtown Advisory Commission\) of Title 2 \(Boards and Commissions\) of the Naperville Municipal Code](#)

Enactment No.: ORD 20-131

**Council passed.**

13. [Pass the ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 of the Municipal Code for the property located at 730 Highland Ave - PZC 20-1-111](#)

Enactment No.: ORD 20-132

**Council passed.**

14. [Pass the ordinance releasing obligations and covenants in an agreement affecting the property located at 850 E. Ogden](#)

Enactment No.: ORD 20-133

**Council passed.**

15. [Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \\$27,000 for Special Service Area No. 31 \(Downtown Streetscape - Block 423\)](#)

Enactment No.: ORD 20-134

**Council passed.**

16. [Pass the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for Webster Street Estates \(636 S. Webster\) - PZC 20-1-103](#)

Enactment No.: ORD 20-135

**Council passed.**

17. [Pass the ordinance approving a variance to allow a screened-in porch to encroach into the rear yard setback at 2429 Newport Drive - PZC 20-1-100](#)

Enactment No.: ORD 20-136

**Council passed.**

18. [Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and F.O.P. Lodge No. 42.](#)

Enactment No.: RES 20-36

**Council adopted.**

## **J. PUBLIC HEARINGS:**

1. [Conduct a Truth-in-Taxation hearing for the City's property tax levy \(Item 1 of 3\)](#)

Chirico opened the public hearing at 7:39 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing at 7:39 p.m. The motion carried by the following vote:**

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

2. [Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \\$62,126,976 \(Item 2 of 3\)](#)

Enactment No.: ORD 20-138

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \$62,126,976. The motion carried by the following vote:

**Aye:** 6 - Chirico, Brodhead, Kelly, Krummen, Sullivan, and White

**Nay:** 3 - Coyne, Gustin, and Hinterlong

3. [Pass the ordinance to abate a portion of the 2020 Tax Levy for the City of Naperville authorizing an abatement of \\$8,624,089 from the total tax levy of \\$62,126,976 for a net total of 2020 tax levy of \\$53,502,887 \(Item 3 of 3\)](#)

Enactment No.: ORD 20-139

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance to abate a portion of the 2020 Tax Levy for the City of Naperville authorizing an abatement of \$8,624,089 from the total tax levy of \$62,126,976 for a net total of 2020 tax levy of \$53,502,887. The motion carried by the following vote:

**Aye:** 7 - Chirico, Brodhead, Gustin, Kelly, Krummen, Sullivan, and White

**Nay:** 2 - Coyne, and Hinterlong

4. [Conduct a Truth-in-Taxation hearing for the Special Service Area No. 23 \(Naper Main\) property tax levy \(Item 1 of 2\)](#)

Chirico opened the public hearing at 7:44 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing at 7:44 p.m. The motion carried by the following vote:

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

5. [Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \\$98,939 for Special Service Area No. 23 \(Naper Main\) \(Item 2 of 2\)](#)

Enactment No.: ORD 20-140

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \$98,939 for Special Service Area No. 23 (Naper Main). The motion carried by the following vote:

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

6. [Conduct a Truth-in-Taxation hearing for the Special Service Area No. 25 \(IL Route 59 and Lacrosse Lane\) property tax levy \(Item 1 of 2\)](#)

Chirico opened the public hearing at 7:45 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to close the public hearing at 7:45 p.m. The motion carried by the following vote:

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

7. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \\$68,000 for Special Service Area No. 25 \(IL Route 59 and Lacrosse Lane\) \(Item 2 of 2\)](#)

Enactment No.: ORD 20-141

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane). The motion carried by the following vote:

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

8. [Conduct a Truth-in-Taxation hearing for the Special Service Area No. 33 \(Downtown Maintenance Expenses and Marketing Costs\) property tax levy \(Item 1 of 2\)](#)

Chirico opened the public hearing at 7:47 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing at 7:47 p.m. The motion carried by the following vote:

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

9. [Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \\$1,146,702 for Special Service Area No. 33 \(Downtown Maintenance Expenses and Marketing Costs\) \(Item 2 of 2\)](#)

Enactment No.: ORD 20-142

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \$1,146,702 for Special Service Area No. 33 (Downtown Maintenance Expenses and Marketing Costs). The motion carried by the following vote:

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

## K. OLD BUSINESS:

## L. ORDINANCES AND RESOLUTIONS:

1. [Pass the ordinance amending the Naperville Municipal Code to expand and replace the Housing Advisory Commission and fair housing ordinance with the Human Rights and Fair Housing Commission and human rights and fair housing ordinance](#)

**COMMENTS TO BE READ BY STAFF**  
Gary D. Smith



My name is Gary D. Smith and I am the Chairperson of the Accessible Community Task Force and am speaking tonight on behalf of the Task Force. The Task Forces mission is to enhance the lives of people with disabilities residing in, working in or visiting the City of Naperville. Consistent with our mission, the Task Force supports the passing of the revised ordinance creating the Human Rights and Fair Housing Commission with one recommended change. Under Section 2-5-2 Membership of the proposed ordinance it states "The Commission shall be broadly representative of the City's population and shall include members of Naperville's minority communities" The Task Force supports that membership requirement. However, it is our suggestion that Chapter 2 under definitions adds the definition of minorities as one of the definitions indicated. Specifically the Task Force would like to see the added definition include people with disabilities as one of the defined minority communities, particularly as they are often discriminated against when it comes to accessible housing options. Thank you for your consideration of this change prior to your passing to adopt this proposed ordinance.

**Tim (Naperville Resident)**

Last meeting there was emotional input from the public over mask mandate. It was clear this was a hot topic but the reaction of a council member who called comments "unbelievable" and indicated comments were short sighted was disappointing and showed contempt towards citizens. The proposed ordinance was not crystal clear, just like the comment that masks should be worn if 6ft distance cannot be maintained. An important factor in this is residence time which is why Dupage Health Department focuses on 15 min exposure for their contact tracing. The real question was what was the marginal risk/reward of this specific mandate. Besides, this mandate already exists for stores, restaurants, public transportation, etc. Aside from static crowd gatherings, there is little incremental benefit for this public mandate while there is considerable risk of alienating people from visiting downtown. In addition, dissension will rise as both citizens and police try to enforce the mandate. This redundant, government power ordinance has similar traits to one of tonight's topic, replacing current Housing Advisory Commission with a Human Rights and Fair Housing Commission. There are already Federal, State and Local laws in place for this purpose and there has been very small number of issues if any of discriminatory activity. The power of this commission will be large and most likely it will grow beyond property transactions, to all businesses. Affirmative action-like techniques will be used and businesses will need to prove they are NOT guilty much like an IRS audit. What this commission will accomplish is creating aversion to operating a business or multi-unit residence in Naperville. Ironically, those that support this type of government authority are the ones that are critical of over-policing.

**POSITION STATEMENT**

Abby McKenna - SUPPORT

Enactment No.: ORD 20-143

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance amending the Naperville Municipal Code to expand and replace the Housing Advisory Commission and fair housing ordinance with the Human Rights and Fair Housing Commission and human rights and fair**

housing ordinance. The motion carried by the following vote:

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

2. [Consider two options concerning regulation of conflicts of interest:](#)

[OPTION 1: Pass the ordinance amending the Naperville Municipal Code's regulation of conflicts of interest](#)

[OPTION 2: Direct staff to include access, via the City of Naperville website, to City Councilmember Campaign Committee Contribution reports on file with the Illinois Board of Elections](#)

**COMMENTS TO BE READ BY STAFF**

**Dick Page**

I strongly support Option 1 of the proposed amendment to the Conflict of Interest Ordinance. Money in the form of campaign contributions plays far too large a role in political decisions at the State and Federal levels, and causes a loss of confidence in our electoral and legislative institutions. The proposed Option 1 would serve to emphasize that Naperville's City government operates in a fair, open and accountable manner. Please support Option 1.

**Karen V. Peck**

I am in support of Item 20-1360-B, the Conflict-of-Interest Ordinance, Options 1. Disclosure of donations of more than \$500 dollars by the City of Naperville Council members is a commitment to accountability and transparency. Constituents need to know of any conflicts of interest or possible donor influence on votes or if a Councilperson has taken money from an organization that goes against a Constituent's values. This is the ethical thing to do. Not supporting voluntary disclosure makes one wonder what is being veiled. There is no downside to City Council members voluntarily disclosing if they received donations that are relevant to the topic being voted on, and to abstain if there is a conflict of interest or any possibility of quid pro quo. Karen V. Peck Naperville

**The Diedrichsens**

We support the ethics resolution spearheaded by Councilwoman Sullivan. Adopting her resolution establishes a higher bar for Naperville and shows a willingness to govern fairly. It's purpose would be to protect the council members as much as it would assure their transparency. Establishing trust in our leaders is more important now than it has ever been. What one city leader does while serving, reflects on all. Establishing clear rules for those elected in the future can only be helpful. Councilwoman Sullivan's proposal continues a reform former Councilwoman Anderson thought important enough to initiate before she left office. We agreed with Becky Anderson then, and we agree with Councilwoman Sullivan's proposal now. It moves Naperville in the right direction. Respectfully, The Diedrichsens

**Lucy Evans**

Please support the Conflict-of-Interest Ordinance Item 20-1360-B. If you care about transparency and responsible government officials, you will vote for this ordinance.

**Lynn Gosselin**

I support the Conflict of Interest ordinance. While the information is publicly available, putting together who has business before city council with their donor history is not an easy task for the average resident. This ordinance increases transparency and restores confidence in government

**Mark Urda**

I strongly support Option 1 to pass the ordinance amending the Naperville Municipal Code's regulation of conflict of interest. The ordinance clearly sets a \$500 contribution limit "from any Interested Entity" and "an "Interested Entity" is defined as any individual person, organization, union, partnership, proprietorship, firm or corporation who is a petitioner; Public Participant; or agent or representative of a petitioner or Public Participant, concerning an agenda item pending before the City Council." In no way "is picking winners and losers" the outcome of this ordinance as as stated by Councilman Coyne in his recent Patch article. Do not be misled by this interpretation since unions and organizations are explicitly listed and organizations covers "political parties, or partisan campaign accounts". I support transparency in all council matters and ask for your support to pass this ordinance.

**James Laues**

Annually Gallup asks Americans to rate the honesty and ethics of various professions. In its most recent poll that was released in January 2020, 85% of Americans said nurses' honesty and ethical standards were "very high" or "high," the highest of any listed profession, while only 9% of Americans said car salespeople's honesty and ethical standards were "very high" or "high," the lowest of any listed profession. Politicians did somewhat better than car salespeople. The ratings of State (governors) and national politicians (Senators and Members of Congress) were at 20%, 13% and 12%, respectively. Gallup's most recent rating for local office holders, like Naperville City Council members, was 24% in Dec 2017. What are the takeaways from this poll? First, Americans value honesty and ethical behavior. Second, Americans generally don't believe that politicians are very honest or ethical. How do we change American's views of politicians as not very honest or ethical? We start by combining Options 1 and 2 into the proposed "Conflict of Interest Amendment Ordinance." Next, we significantly expand the proposed ordinance to include Members of the City Leadership Team, in addition to City Council Members, and to include all family members residing in the same household as the City Council Member and City Leadership Team Members. Thank you. James Laues

**POSITION STATEMENT**

SUPPORT OPTION 1: Jean Page, Bill Simon, Allison Longenbaugh, Lisa, Sandee Whited

**SPEAKERS**

Beverly George spoke in favor of Option 1.  
Kaylin Risvold (President & CEO - Naperville Area Chamber of Commerce) spoke in support of Option 2.

Becky Simon (League of Women Voters of Naperville) spoke in favor of Option

1.

Marilyn Schweitzer spoke in favor of Option 2.

Council discussed traditional campaign contributions, that an ordinance will capture smaller/local donors and ignore larger issues, that this is a divisive issue, campaign costs, the need for government transparency, and the appropriateness of making amendments to the Code. Council also stated that relations on the dais have become political, that every vote should not be under suspicion, what is the appropriate dollar amount for disclosure, the number of current donations that are \$500 or greater, the process to identify conflicts, that local government can be held to a higher standard of accountability, that the ordinance doesn't change campaign finance law, and that the change will provide a path of trust for the public.

Council concluded the discussion by debating raising the contribution threshold to \$750 to mitigate the number of disclosures, the need to streamline the process, the change will set a good example for other governments where ethical problems exist, that the change will not apply to boards and commissions, and the impact on future Council candidates.

Enactment No.: ORD 20-144

**A motion was made by Councilwoman Sullivan, seconded by Councilwoman Brodhead, to pass the ordinance amending the Naperville Municipal Code's regulation of conflicts of interest, raise the donation declaration threshold to \$750, and direct staff to include access to City Council Members' campaign committee contribution reports on file with the Illinois Board of Elections on the City's website. The motion carried by the following vote:**

**Aye:** 5 - Brodhead, Kelly, Krummen, Sullivan, and White

**Nay:** 4 - Chirico, Coyne, Gustin, and Hinterlong

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

1. [Approve the award of Change Order #1 to Contract 18-036, Edward Substation Transformer, to Niagara Transformer Corporation for an amount not to exceed \\$298,612 and a total award of \\$1,500,684 plus 3% contingency](#)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Change Order #1 to Contract 18-036, Edward Substation Transformer, to Niagara Transformer Corporation for an amount not to exceed \$298,612 and a total award of \$1,500,684 plus 3% contingency. The motion carried by the following vote:**

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

## **N. PETITIONS AND COMMUNICATIONS:**

## **O. REPORTS AND RECOMMENDATIONS:**

1. [Option A: Concur with Petitioners' request to overturn the decision made by the Historic](#)

Preservation Commission and approve COA #20-3281 permitting the stone applied over the existing brick at the base of the primary façade at 219 North Ellsworth Street, which was installed without an approved COA, to remain in place.

Option B: Concur with the Historic Preservation Commission and deny Petitioners' request to overturn the Historic Preservation Commission's denial of COA #20-3281, thereby requiring the stone applied over the existing brick at the base of the primary façade at 219 North Ellsworth Street, which was installed without an approved COA, to be removed.

**COMMENTS TO BE READ BY STAFF**

**George Howard**

Honorable Council Members: The item seeks to overturn a decision by HPC to deny residential building facade alteration work at 219 N. Ellsworth. This is another example of a homeowner seeking forgiveness rather than initially seeking approval for work requiring a building permit and COA in the historic district. I believe the homeowner would have known upon purchase that the property was within the historic district and had unique requirements for making exterior alterations. Feigning ignorance by the petitioner should not be allowed and rewarded by city council. The respective fines should be assessed upon the homeowner and the appeal denied. Please select Option B to concur with the HPC decision and deny petitioners request. Thank you, George Howard

**Philip Buchanan**

I support the Council members vote for Option B., to support the Historic Preservation Commission denial of COA #20-3281, removal of the stone applied over the existing brick of the primary façade of 219 North Ellsworth St.

**Susan Fitch**

I am requesting that you approve Option B to Concur with the HPC on this matter and uphold their denial of the COA. The petitioner appears to have owned the property since 2017 and performed work at the property that would have flagged the project as requiring a COA had they pulled a permit. Since it was not flagged, I am assuming that they did not pull a permit for their work. The only way the Historic District is protected is if the City enforces the ordinance that guides the HPC. I have stood before Council before imploring you to support the HPC and the District to ensure their integrity, I do so again this evening by way of these comments. I would also encourage the City to explore means of notifying residents that a property is in the Historic District. It could be recorded on deeds, Real Estate Agents could be required to provide the information to purchasers but there should not be any opportunity for an owner to claim ignorance of a property being in the District. In this instance after 3 years and given all of the attention to properties in the District over the past 12 months it is impossible that this owner was unaware. Thank you for your service and consideration.

**SPEAKERS**

Joseph and Courtney Alvarez (Petitioners) explained the HPC decision, the timeline of events, and spoke in favor of Option A.

Jane Burke (Naperville Preservation) spoke in favor of Option B.

Carol Schmidt spoke in favor of Option B.

Tim Messer spoke in favor of Option B.

Alvarez rebutted the speakers and cited the Constitution.

Laff explained zoning notifications, how properties are flagged, and the Historic District boundary. She also said the design allowances are permitted based on historical style of the house.

Council stated that the general contractor is responsible for obtaining appropriate permits and that the request still would have been denied from the start if the process had been followed.

DiSanto confirmed that the provisions of the Historic District are not unreasonable and do not infringe upon a resident's Constitutional rights.

**A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to accept Option B: Concur with the Historic Preservation Commission and deny Petitioners' request to overturn the Historic Preservation Commission's denial of COA #20-3281, thereby requiring the stone applied over the existing brick at the base of the primary façade at 219 North Ellsworth Street, which was installed without an approved COA, to be removed. The motion carried by the following vote:**

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

## 2. [Receive the December 2020 Financial Report](#)

**Report received.**

### **P. NEW BUSINESS:**

Local Business Utility Bills

Krummen discussed delaying utility payments for businesses.

Krieger explained how the City is providing utility relief.

Food and Beverage Tax

Gustin suggested businesses be provided relief from the Food and Beverage Tax.

Council Chambers project

Gustin asked about the status of the audio/visual project.

Krieger said all equipment is on site, that IT is working with the vendor and NCTV for installation, and that a definitive date of when it will be logistically possible to meet cannot be provided.

North Central College

Krummen announced that he has been hired to teach an economics course at

North Central College.

SECA/Century Walk

Coyne asked about CY21 SECA Grant Fund allocations, public art consultant, and defining the relationship between the City and Century Walk.

Gallahue explained that given the approval of the citywide strategic plan consultant at the December 1 City Council meeting the SECA Commission will be meeting to review/revise allocations for CY21. She stated the updated allocations will be presented to Council in January or February for approval and, after that, the Commission will begin a series of meetings with representatives from the Century Walk to define a working relationship with a recommendation presented to the Council in 2021.

Budget report

Sullivan asked about future budget presentations.

Mayer explained that a CY20 recap will be presented at the second meeting in January and staff will continue with monthly presentations in 2021.

**Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of December 15, 2020 at 9:47 p.m. The motion carried by the following vote:**

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

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk