



Meeting Minutes

City Council

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Tuesday, November 17, 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 November 17

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 November 17 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 November 17) 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 November 17).

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 November 17, 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 November 17.
- 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:**

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

**B. ROLL CALL:**

- Present:** 6 - Mayor Steve Chirico  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilwoman Theresa Sullivan  
Councilman Benjamin White
- Absent:** 3 - Councilwoman Judith Brodhead  
Councilman Kevin Coyne  
Councilman John Krummen

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

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

- Aye:** 6 - Chirico, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 3 - Brodhead, Coyne, and Krummen

OPEN SESSION - 7:00 p.m.

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

**E. PLEDGE TO THE FLAG:**

The pledge was given.

**F. AWARDS AND RECOGNITIONS:**

**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; 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 Loudon; 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 Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

**G. PUBLIC FORUM:**

***SPEAKERS***

Traffic noise

Sumit Ray, PE (Tall Grass owners) discussed traffic noise on 95th Street from 248th to Deering Bay and requested the noise study be expanded.

Novack to follow-up with the speaker.

COVID-19

Marilyn Schweitzer discussed area COVID-19 cases and Tier 3 mitigations that go into effect November 20, 2020.

Mask mandate

Bill Simon spoke in favor of implementing a mask mandate.

## 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 17, 126, 129, and 130. 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 10/01/2020 through 10/31/2020 for a total of \\$28,439,085.80](#)  
Council approved.
2. [Approve the minutes of the City Council Budget Workshop #1 of October 26, 2020](#)  
Council approved.
3. [Approve the regular City Council meeting minutes of November 4, 2020](#)  
Council approved.
4. [Approve the City Council meeting schedule for November & December 2020 and January 2021](#)  
Council approved.
5. [Approve the award of Change Order #3 to Contract 18-007, Elevator Maintenance Contract, to Otis Elevator for an amount not to exceed \\$15,000 and a total award of \\$158,600](#)  
Council approved.
6. [Approve the award of Sole Source Procurement 20-320, Naviline Public Administration and Public Safety CAD/RMS Software Maintenance and Support, to CentralSquare Technologies for an amount not to exceed \\$374,803 and for a one-year term](#)

Council approved.

7. [Approve the award of Option Year One to Contract 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \\$572,700 plus a 3% contingency and for a one-year term](#)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to not approve the award of Option Year One to Contract 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \$572,700 plus a 3% contingency and for a one-year term and to direct staff to renegotiate for a 0% increase or rebid the contract. The motion carried by the following vote:

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

8. [Approve the award of Bid 20-306, Biosolids Removal Services, to Stewart Spreading Inc. for an amount not to exceed \\$499,000 for a two-year term](#)

Council approved.

9. [Approve the award of Option Year Two to Contract 18-221, Accounting and Payroll Services, to Lauterbach & Amen, LLP for an amount not to exceed \\$172,020 for a one-year term](#)

Council approved.

10. [Approve the award of Sole Source Procurement 20-382, Schweitzer Electric Laboratory \(SEL\) Transformer Fault Indicators, to A Star Electric for an amount not to exceed \\$242,500](#)

Council approved.

11. [Approve Mayoral appointments to the Sister Cities Commission and the Riverwalk Commission](#)

Council approved.

12. [Accept the public underground, street and streetlight improvements associated with Ashwood Crossings, Ashwood Park North Unit 4, Avenida Senior Living and Charleston Row II](#)

Council approved.

13. [Waive the first reading and pass the ordinance to establish one-way and two-way stop controls for streets within the Atwater subdivision \(requires six positive votes\)](#)

Enactment No. ORD 20-113

Council passed.

14. [Waive the first reading and pass the ordinance to establish one-way and two-way stop controls for streets throughout Naperville \(requires six positive votes\)](#)

Enactment No. ORD 20-114

**Council passed.**

15. [Waive the first reading and pass the ordinance to regulate parking on Cantore Road \(requires six positive votes\)](#)

Enactment No. ORD 20-115

**Council passed.**

16. [Waive the first reading and pass the ordinance amending Title 8 \(Public Utilities\) Chapter 1 \(Electricity\) Article B \(Service Rules and Policies\) Part 2 \(Communications\) of the Municipal Code regarding the transformer upgrade costs and residential electrical vehicle charging stations \(requires six positive votes\)](#)

Enactment No. ORD 20-116

**Council passed.**

17. [Waive the applicable provisions of the Naperville Procurement Code and award Procurement 20-368, External Audit Services, to Sikich LLP in an amount not to exceed \\$105,830 and for a one-year term \(requires six positive votes\)](#)

**Council approved.**

18. [Receive the staff report for Waldron Resubdivision \(610 N. Sleight Street\) - PZC 20-1-067 \(Item 1 of 4\)](#)

**Council approved.**

19. [Pass the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for Waldron Resubdivision \(610 N. Sleight Street\) - PZC 20-1-067 - \(Item 2 of 4\)](#)

Enactment No. ORD 20-117

**Council passed.**

20. [Pass the ordinance approving a temporary use for Waldron Resubdivision \(610 N. Sleight Street\) - PZC 20-1-067 - \(Item 3 of 4\)](#)

Enactment No. ORD 20-118

**Council passed.**

21. [Pass the ordinance approving a variance to Section 6-6A-6 for the subject property located at 610 N. Sleight Street \(Waldron Resubdivision\) - PZC 20-1-067 - \(Item 4 of 4\)](#)

Enactment No. ORD 20-119

**Council passed.**

22. [Pass the ordinance approving a variance to reduce the fencing requirement along the](#)

[subject property's west property line \(Costco Fence\) - PZC 20-1-087](#)

Enactment No. ORD 20-120

**Council passed.**

23. [Pass the ordinance approving an extension to ordinance 20-004 allowing a temporary banner to remain on the east wall of the Loggia Building \(123 Water Street\) subject to stated conditions](#)

Enactment No. ORD 20-121

**Council passed.**

24. [Pass the ordinance granting a variance to permit a 6' tall solid fence in the required corner side yard for the property located at 616 Caraway Court- PZC 19-1-095](#)

Enactment No. ORD 20-122

**Council passed.**

25. [Pass the ordinance approving an Amended Owner's Acknowledgment and Acceptance Agreement for Lincoln at CityGate Centre](#)

Enactment No. ORD 20-123

**Council passed.**

26. [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](#)

Council discussed the need to review additional information.

**A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to table to the December 15, 2020 meeting. The motion carried by the following vote:**

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

27. [Adopt the resolution authorizing dissolution of the West Suburban Mass Transit District](#)

Enactment No. RES 20-31

**Council adopted.**

28. [Adopt the resolution authorizing an intergovernmental agreement between the City of Naperville and the Naperville Fire Protection District for participation in the Will County and DuPage County local government COVID-19 reimbursement program](#)

Enactment No. RES 20-32

**Council adopted.**

29. [Adopt the resolution authorizing execution of an agreement between the City of Naperville and Naperville Community Television](#)

DiSanto explained how PEG funds can be used.

Council discussed that the City is seeing a reduction in PEG funds because cable services are going down with the popularity of online streaming, expressed the need to support NCTV, and appropriateness of using PEG funds for City expenses.

Enactment No. RES 20-33

**A motion was made by Councilwoman Gustin, seconded by Councilwoman Brodhead, to adopt the resolution authorizing execution of an agreement between the City of Naperville and Naperville Community Television. The motion carried by the following vote:**

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

30. [Pass the ordinance amending various chapters of Title 5 \(Building Regulations\), Title 6 \(Zoning Regulations\) and Title 7 \(Subdivision Regulations\) of the Naperville Municipal Code regarding developments including duplexes, single-family attached dwellings, multiple family dwellings or any combination thereof \(PZC 20-1-089\)](#)

**SPEAKERS**

Tim Messer spoke against the proposed ordinance.

Laff explained the proposed amendment has no impact on the underlying uses listed in each zoning district today; no changes are proposed to any existing permitted or conditional uses.

Russ Whitaker spoke in favor of the ordinance.

Council discussed timing, separating developments due to size, the appropriateness of permitting the changes in established neighborhoods or in the middle of single-family residential areas, and masonry requirements.

Laff clarified that the changes are not applicable to a single lot, discussed town home restrictions, that the recommendations are only applicable to shared areas managed by associations, that the Code is broken because workarounds are being done, that the subject text amendment has been on the to-do list for the past three years but staff began drafting when a development request was received, and that the proposal was reviewed and approved by PZC.

Enactment No. ORD 20-124

**A motion was made by Councilwoman Brodhead, seconded by**



Councilwoman Gustin, to pass the ordinance amending various chapters of Title 5 (Building Regulations), Title 6 (Zoning Regulations) and Title 7 (Subdivision Regulations) of the Naperville Municipal Code regarding developments including duplexes, single-family attached dwellings, multiple family dwellings or any combination thereof (PZC 20-1-089). The motion carried by the following vote:

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

**Nay:** 1 - Sullivan

## J. PUBLIC HEARINGS:

## K. OLD BUSINESS:

## L. ORDINANCES AND RESOLUTIONS:

1. [Conduct the first reading of alternative ordinances amending the Naperville Municipal Code regulation of conflicts of interest](#)

### **COMMENTS TO BE READ BY STAFF**

Gail Diedrichsen

I cannot imagine anyone casting a vote tonight opposing the passing of an Ethics Resolution. This action would not only encourage transparency, but it would protect council members and all city employees. A resolution would give clear guidance to what is appropriate behavior. In so doing, it stands to reason such an act would promote community trust. Gail Diedrichsen

### **SPEAKERS**

Allison Longenbaugh spoke in support of Option 2.

Marilyn Schweitzer discussed transparency and suggested posting mayor and council Report of Campaign Contributions and Expenditures (Form D-2).

Council discussed application to City employees, appropriateness of mandatory recusal, that contributions must be on the D2, that provisions would restart with each election, appropriate donation amount for recusal, and whether different amounts should be required for mayor and council.

DiSanto explained ethics rules do apply to employees but the particular text amendment only applies to mayor and council.

Council further discussed who would enforce, state contribution limits, that the ordinance requires campaign disclosures, the cost of running for office, that conflict of interest language currently exists, that rules are in place to keep elections fair, whether the ordinance suppresses participation, that contribution forms could be posted on an online transparency page, and whether or not in-kind contributions would trigger a recusal.

By consensus Council directed staff to include a transparency page on the City's website.

DiSanto stated that staff will incorporate changes listed in Q/A, add a transparency page to the City's website, and bring ordinance options back for review and approval.

**A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, to table the first reading of alternative ordinances amending the Naperville Municipal Code regulation of conflicts of interest to December 15, 2020. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Coyne, Gustin, Hinterlong, Krummen, and White

**Nay:** 3 - Brodhead, Kelly, and Sullivan

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

1. [Approve the award of Option Year One to Contract 20-032, Sanitary Sewer Service Lateral Lining and Vac-A-Tee, to Performance Pipelining, Inc. for an amount not to exceed \\$1,249,980, and a 3% contingency](#)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Option Year One to Contract 20-032, Sanitary Sewer Service Lateral Lining and Vac-A-Tee, to Performance Pipelining, Inc. for an amount not to exceed \$1,249,980, and a 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. [Receive the November 2020 Financial Report](#)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the November 2020 Financial Report. The motion carried by the following vote:**

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

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

Legislative Action Plan (LAP)  
Coyne suggested ethics and campaign finance reform be added to legislative priorities.

By consensus Council directed staff to include ethics and campaign finance reform to the LAP.

**Mental Health**

Krummen discussed efforts to address mental health awareness.

Marshall stated that Naperville is on pace to receive more than 1,000 mental health calls in 2020, that the Police Department is moving forward with scheduling officers and civilians for Crisis Intervention Training.

**Tier 3 Mitigations**

White discussed new mitigations and encouraged adhering to actions that reduce the spread of COVID-19.

**Mask Mandate**

Chirico discussed creating a mask mandate ordinance for public places.

Council discussed enforcement, fines, model ordinances, potentially designating areas where masks are mandatory, the appropriateness of having the Fire Department lead enforcement efforts, and the need to run the council mask PSA.

DiSanto explained that the state mandates individuals wear face coverings when in a public place and unable to maintain 6' social distance.

By consensus Council directed staff to bring back a draft ordinance.

**Ancillary Adult-use Cannabis Businesses**

Chirico discussed drafting a text amendment to allow businesses related to the sale of adult-use cannabis.

By consensus Council directed staff to bring back a draft ordinance.

**Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of November 17, 2020 at 10:07 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