



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, June 2, 2020

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

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Due to the ongoing Coronavirus (COVID-19) pandemic and the Governor's statewide stay-at-home order, the June 2 City Council meeting will be conducted using Zoom Webinar technology.

#### 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 June 2

#### 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 June 2 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 June 2) 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 June 2).

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 June 2, at which time no other speakers or comments will be accepted.

#### PUBLIC ACCOMODATION:

- 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 June 2
- 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:**

**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

Daily Herald, Naperville Sun, NCTV-17

OPEN SESSION - 7:00 p.m.

**C. PLEDGE TO THE FLAG:**

The pledge was given.

**D. AWARDS AND RECOGNITIONS:**

Council discussed the June 1, 2020 protest in downtown Naperville.

**1. Proclaim June 2020 as LGBTQ Pride Month in Naperville**

Kelly presented the Proclamation.

**2. Recognition of the winning teams from the District 203 Architectural Competition**

Chirico recognized the winning teams.

**3. Proclaim June 5, 2020 as National Gun Violence Awareness Day**

Kelly presented the Proclamation.

**E. PUBLIC FORUM:*****COMMENTS TO BE READ BY STAFF***

Wayne Baliga

As a 33-year resident of Naperville, I watched with dismay the events of yesterday. After months of lock down in my residence due to Covid 19 rules and regulations, I watched as "protesters" were allowed to violate these rules and regulations with impunity. I also watched while these so-called protesters later looting and vandalizing Downtown Naperville. Anyone that has watched the events of this weekend in other cities could predict with some certainty that so-called peaceful protests would turn violent as soon as the sun went down. Nevertheless, with that knowledge, city government allowed these "protesters" to assemble Downtown and engage in this exact conduct that was highly predictable from recent events. I am outraged at what occurred, and the pandering by the Mayor and city officials to the "protestors". I don't think genuflecting before the folks that are about to overrun your town is a great idea. I also believe that protestors should follow the same rules as Naperville citizens. Last I checked, if I walk down the middle of Aurora, in the middle of the day, without a parade permit from Naperville, I would be arrested. Only a few days ago, we were all told that if we did not wear a mask in public setting or social distance, we would be fined and/or arrested. Apparently the protestors can flaunt our laws with impunity and without recourse by the authorities. Not only will they not be stopped, but we will kneel before them. I have spoken with friends and neighbors, and there is a silent majority of hard working law abiding citizens that believe what happened yesterday was reprehensible and avoidable. It should never occur again. Your first duty as Mayor and council is to the residences of Naperville. You have the ability under recent Covid regulations and existing laws of the City of Naperville, the County of DuPage and the laws of

the United States, to disperse crowds which are violating these regulations and laws. There appears to be two sets of laws in the City. One set for citizens who pay their taxes, obey the law, peacefully go about their business and support the community, and another for folks present in Naperville yesterday. The first and foremost duty of government is to assure the safety and security of its citizens and their property. As a long-time citizen of Naperville who has never witnessed the conduct displayed yesterday in our town, I expect the government to recognize and meet this duty going forward. Wayne Baliga

Dianne McGuire

Two weeks ago I submitted comments in support of a Resolution that condemned acts of racism and discrimination, celebrated our diversity as a community and would, hopefully, lead to the creation of a new Human Rights Commission. This progressive and uplifting expression of goodwill and hope was followed not only by the hateful racist graffiti that was spray painted on an enclosure at Cantore Park, but by the horrific death of George Floyd in Minneapolis. During this most difficult time, I want to commend the Mayor and the City Council, the Naperville Park District and the Naperville Police Department for their leadership as we, as a nation, confront institutionalized discrimination. Thank you for your efforts to lead on these issues and to keep us all safe

**SPEAKER**

Mark Urda thanked the mayor, Councilman White, Chief Marshall, and the police department for their efforts at the protest on June 1 and the volunteers that cleaned up the downtown the following morning.

Claireese Krueger thanked the City for what was done at the protest on June 1 and asked what can be done to be peacefully proactive.

Chirico discussed the boards and commissions that are available.

Tim Messer discussed the appropriate and professional behavior exhibited by the Naperville Police Department in response to the June 1 protest.

Jordan Ordonez discussed racism in the country and the recent protests.

Council discussed the curfew, the dispersal order, and what happened after the peaceful protest.

## **F. 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

## **G. CONSENT AGENDA:**

**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

### 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 item G14. The motion carried by the following vote:**

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

1. Approve the regular City Council meeting minutes of May 19, 2020  
**Council approved.**
2. Approve the City Council meeting schedule for June, July and August 2020  
**Council approved.**
3. Approve the award of Option Year One to Contract 17-039, EMS and Non-EMS Billing Services, to Andres Medical Billing, Ltd. for an amount not to exceed 3.1% of total dollars collected for EMS billing services and to Fire Recovery USA, LLC for an amount not to exceed 20% of total dollars collected for non-EMS billing services  
**Council approved.**
4. Approve the award of Option Year Two to Contract 18-140, Aggregate Materials, to Boughton Materials Inc. for an amount not to exceed \$235,096.75  
**Council approved.**
5. Approve the award of Option Year One to Contract 19-064, SCADA Maintenance Services, to Advanced Automation and Controls, Inc. for an amount not to exceed \$104,675  
**Council approved.**
6. Approve the award of Option Year Two to Contract 18-017, Excavation and Underground Utility Repair, to Baish Excavating, Inc. for an amount not to exceed \$120,000  
**Council approved.**
7. Approve the award of Bid 20-164, 2020 Parking Lot Maintenance Program, to Denler Inc., for an amount not to exceed \$556,661.83, plus a 3% contingency

**Council approved.**

8. Approve the award of Bid 20-184, 2020 Small Diameter Cured-in-Place Pipe (CIPP) Sanitary Sewer Main Lining, to Michels Corporation for an amount not to exceed \$655,891.50, plus a 3% contingency

**Council approved.**

9. Approve the award of RFP 19-130, Preliminary Engineering Consultant Services for the 87th Street Bridge, to Engineering Resource Associates for an amount not to exceed \$159,069.63 (Item 1 of 3)

**Council approved.**

10. Adopt a Resolution approving an appropriation for an amount not to exceed \$159,069.63 for preliminary engineering services for the 87th Street Bridge Project (CIP Project #BR019) (Item 2 of 3)

Enactment No.: RES 20-12

**Council adopted.**

11. Adopt a Resolution approving the local-public agency agreement with the Illinois Department of Transportation for preliminary engineering services for the 87th Street Bridge Project (CIP Project #BR019, Section # 19-00174-00-BR) (Item 3 of 3)

Enactment No.: RES 20-13

**Council adopted.**

12. Pass the ordinance approving a variance to permit an open style fence within the required front and corner side yard setbacks at the subject property located at 1223 Oxford Lane, Naperville - PZC 19-1-143

Enactment No.: ORD 20-055

**Council passed.**

13. Pass the ordinance calling for the establishment of Special Service Area No. 33 and schedule a future public hearing for its establishment on August 18, 2020, to pay for the downtown maintenance and marketing services that are presently covered by Special Service Area No. 26.

Enactment No.: ORD 20-056

**Council passed.**

14. Adopt the resolution approving a purchase and sale agreement for the property located at 329-333 Center Street

**COMMENTS TO BE READ BY STAFF**

Marybeth Box, Dr. Bob Buckman, Thom Higgins, Jessica Lyzun, and Katie Sowa

We support the City's move to purchase the property at 329-333 Center Street. We believe this is a necessary strategic purchase that will enhance the commuter experience and provide more flexibility for improving the area. However, this acquisition will require changes to the 5th Ave design.

**SPEAKER**

Jim Hill spoke against the proposed resolution.

Enactment No.: RES 20-15

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to adopt the resolution approving a purchase and sale agreement for the property located at 329-333 Center Street. The motion carried by the following vote:**

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

15. Receive the staff report regarding the properties located at 1, 3, 13, 15 and 21 S. Main Street (Main Street Promenade Phase III) - PZC 20-1-016 (Item 1 of 5)

**Council approved.**

16. Pass the ordinance revoking Ordinances 08-221 and 08-223 (Main Street Promenade Addition PUD) as they relate to the subject property (Main Street Promenade Phase III) - PZC 20-1-016 (Item 2 of 5)

Enactment No.: ORD 20-057

**Council passed.**

17. Pass the ordinance approving a conditional use for a planned unit development, and a preliminary/final PUD plat with deviations to Section 6-9-3, Section 6-7D-7, and Section 6-7D-4 of the Naperville Municipal Code for Main Street Promenade Phase III - PZC 20-1-016 (Item 3 of 5)

Enactment No.: ORD 20-058

**Council passed.**

18. Pass the ordinance approving a preliminary/final plat of subdivision and an Owner's Acknowledgement and Acceptance for Main Street Promenade Phase III - PZC 20-1-016 (Item 4 of 5)

Enactment No.: ORD 20-059

**Council passed.**

19. Adopt the resolution in support of a payment in lieu of parking for the non-residential portions of Main Street Promenade Phase III - PZC 20-1-016 (Item 5 of 5)

Enactment No.: RES 20-14

**Council adopted.**

## H. PUBLIC HEARINGS:

1. Receive the staff report for 850 E. Hillside Road (PZC 20-1-015) located at south side of Hillside Road and east of Julian Street (Item 1 of 5)

Len Monson, attorney for the petitioner, explained the request to annex, rezone to the R1B zoning district upon annexation, demolish the current structure and build a new single-family home at 850 Hillside Road.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for 850 E. Hillside Road (PZC 20-1-015) located at south side of Hillside Road and east of Julian Street. The motion carried by the following vote:**

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

2. Conduct the public hearing to consider the Annexation Agreement for the subject property located at 850 E. Hillside Road, PZC 20-1-015 (Item 2 of 5)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to open the public hearing at 8:32 p.m. The motion carried via Voice Vote.**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing at 8:32 p.m. The motion carried by the following vote:**

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

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items H3-H5. The motion carried by the following vote:**

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

3. Pass the ordinance authorizing the execution of the Annexation Agreement for 850 E. Hillside Road, PZC 20-1-015 (Requires six positive votes) (Item 3 of 5)

Enactment No.: ORD 20-060

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of the Annexation Agreement for 850 E. Hillside Road, PZC 20-1-015. The motion carried by the following vote:**

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

4. Pass the ordinance annexing the subject property located at 850 E. Hillside Road, PZC 20-1-015 (Item 4 of 5)

Enactment No.: ORD 20-061

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing the subject property located at 850 E.**



**Hillside Road, PZC 20-1-015. The motion carried by the following vote:**

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

5. Pass the ordinance rezoning the subject property at 850 E. Hillside Road to R1B upon annexation, PZC 20-1-015 (Item 5 of 5)

Enactment No.: ORD 20-062

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the subject property at 850 E. Hillside Road to R1B upon annexation, PZC 20-1-015. The motion carried by the following vote:**

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

**I. OLD BUSINESS:****J. ORDINANCES AND RESOLUTIONS:**

Chirico recused himself to avoid the appearance of impropriety and left the meeting from 8:35 p.m. - 8:37 p.m.

Kelly assumed Mayor Pro Tem.

Receive the staff report for McDowell Point Final - PZC 19-1-138 (Item 1 of 3)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items J1-J3. The motion carried by the following vote:**

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

**Recused:** 1 - Chirico

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for McDowell Point Final - PZC 19-1-138. The motion carried by the following vote:**

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

**Recused:** 1 - Chirico

2. Pass the ordinance approving a plat of vacation and platted setback deviation for McDowell Point (McDowell Point Final) - PZC 19-1-138 (Item 2 of 3)

Enactment No.: ORD 20-063

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a plat of vacation and platted setback deviation for McDowell Point (McDowell Point Final) - PZC 19-1-138. The motion carried by the following vote:**

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

**Recused:** 1 - Chirico

3. Pass the ordinance approving the final PUD plat for McDowell Point (McDowell Point Final) - PZC 19-1-138 (Item 3 of 3)

Enactment No.: ORD 20-064

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the final PUD plat for McDowell Point (McDowell Point Final) - PZC 19-1-138. The motion carried by the following vote:**

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

**Recused:** 1 - Chirico

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

1. Approve the award of RFP 19-196, Next Generation 9-1-1 Telephone System, to Intrado Life & Safety Solutions Corporation for an amount not to exceed \$1,090,592.47, plus a 3% contingency and for a seven-year term

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of RFP 19-196, Next Generation 9-1-1 Telephone System, to Intrado Life & Safety Solutions Corporation for an amount not to exceed \$1,090,592.47, plus a 3% contingency and for a seven-year term. The motion carried by the following vote:**

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

2. Approve the award of Bid 20-005, 2020 Street Resurfacing Program - City, to K-Five Construction Corporation, for an amount not to exceed \$3,023,090.50, plus a 3% contingency

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 20-005, 2020 Street Resurfacing Program - City, to K-Five Construction Corporation, for an amount not to exceed \$3,023,090.50, plus a 3% contingency. The motion carried by the following vote:**

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

#### **L. PETITIONS AND COMMUNICATIONS:**

#### **M. REPORTS AND RECOMMENDATIONS:**

1. Receive the staff report and consider whether to direct staff to prepare a resolution establishing a 5th Avenue referendum for the November 3, 2020 general election

**COMMENTS TO BE READ BY STAFF**

Naperville Area Chamber of Commerce - Support

The NACC continues to stand as a staunch proponent of the Fifth Avenue Project and the value it will bring to our community as a whole. Should City

Council deem a citywide referendum on the November 2020 ballot as the best path to its success, we support such an effort. The referendum would allow for a vote on a plan that includes several years worth of community input. We again underscore the economic driver this development will be for our entire community, especially as we recover from the economic aftershocks of the COVID pandemic, and at a time with all-time low interest rates. The development would serve as a gateway to Naperville, including well-designed parkland, commuter parking, retail storefronts, office space, and residences, the latter three of which would broaden Naperville's sales and property tax base. Special amenities will improve our community, create a sustainable hub around our train station, and further attract industry to Naperville. Thank you. Signed Ian Holzhauser, NACC Board Chair and Kaylin Risvold, NACC President & CEO

Sandee Whited - Oppose

What should be built at 5th Avenue has been contentious for over a decade now. The problem? Each resident has their own opinion about the scope of the project. Some want nothing, with no additional tax burden. Some want to cram in as many tall buildings as possible, with no regard to taxpayer cost or safety issues. Over the last 10+ years there have been hundreds of 5th Avenue project meetings and thousands of residents have written, spoken, signed petitions and taken surveys. Obviously, the subject is too complicated to be addressed in a few sentences on a ballot. But, in the official Ryan Companies survey, Naperville residents stated that "top of list", they want green space, and the majority (71%) want buildings no taller than 4 stories. Listening to the residents by adhering to the official survey results are the appropriate way to address the scope of project issue at 5th Avenue.

Matthew Schweiger

Much has changed since the 5th Avenue project was last discussed before Council. I am unsure what impact, if any, the economic and civil turmoil we are experiencing will have on Naperville's and Ryan's ability to move forward with a project. However, as our City has been dealing with a pandemic, business closures, flood waters, and now borderline riots in less than three months, one thing has become clear. Naperville is part of the world, and the world's problems are our problems. We can try to make changes and offer solutions, or we can try to get back to the way things were, which apparently had some built-in problems. In terms of the 5th Avenue project, I believe this calls for a rethinking of our goals. In the compromises being discussed in private, affordable housing was reduced to the point of being meaningless. The hope for big changes to make a safe public space for pedestrians and cyclists had been sidelined. We had lost focus on environmental impact. The momentum seemed to be moving toward essentially keeping the land what it is: a parking lot for many of our wealthiest residents surrounded by a minor amount of expensive housing. I heard the protesters at the police station asking Mayor Chirico what he is going to do to make things better. One thing we can do is make the best, and perhaps hard, decision on every issue. On 5th Avenue, that means thinking bigger and using this project as an opportunity to open up housing in Naperville to people who have not been able to afford it, improving safety for non-cars (i.e., pedestrians and cyclists), and building with a focus on environmental impact. I am not opposed to a referendum, but I think it is unnecessary. We need our leaders to make the right decisions and move us forward. Now is a time for

tough decisions we know are right, not sticking our fingers in the air to see where the wind is blowing. If we can, and we still have a development partner, we should move the project forward in a way that makes Naperville a more accessible, safer, and environmentally-conscious. Let's use our resources to be the leaders we can be. Thank you.

Thom Higgins

We recommend that you do not vote in favor of adding a referendum question related to 5th Ave on the Nov 3, 2020 general election ballot. Although such a question intends to gauge the public's interest in continuing the project at this time, we do not believe an appropriate question can be crafted to address the scope and complexity of the project into a simple yes or no question, as required. As of today, we do not have an agreed concept that has been vetted by the residents and Council. The latest plan, based on Mayor Chirico and Councilman Kelly's discussions, is a significant step in the right direction but needs to be thoroughly examined and, we expect, there will ultimately be meaningful improvements/changes to the design. Decisions such as affordable/senior housing components and guiding principles for commuter parking need to be finalized. Additionally, the significant financial costs to the residents need to be publicized and evaluated. When you consider the magnitude and financial costs this project represents, getting it right for the next 100 years is far more important than a quick approval. For all these reasons, we do not believe a proper public review process can take place before the August referendum language deadline. Lastly, the Coronavirus has changed our world in ways we cannot yet grasp. Certainly, there will be short and long-term effects on mass transit, retail and housing. Could the result of the virus be a reversal of the current trend of businesses moving downtown? Could we see a renaissance in businesses moving to Naperville, leading to a need for more office structures instead of apartments? Will mass transit return to its previous levels? It is unknown at this point, but there will be change. For this alone, we do not believe that it's reasonable to ask residents to make such a crucial, yet difficult decision, with so many unknowns. We need to get some sense of what a post Covid world looks like and create a concept that residents can embrace and is fiscally acceptable. Please vote No on adding a referendum question related to 5th Ave on the Nov 3, 2020, general election ballot.

Tom Scarborough

I oppose any new development at the Naperville Metra Station along 5th Avenue. Development here would increase street traffic to unacceptable levels and alter the surrounding residential neighborhood negatively. Residents in the area are not in support of increased development here, Metra commuters do not support it, and Naperville taxpayers do not support it.

James Koller

In relation to agenda item M1 (5th Ave): Mr. Mayor, City Council, Thank you for the opportunity to be heard. While there are surely more pressing matters demanding the Council's attention, the regular business of the city must go on as well. The question however is "for how long can city businesses carry on?" That question is essential for the overall economic health of the city in general and for the 5th Avenue Development Project specifically. A Naperville Area Chamber of Commerce survey conducted in early May showed that nearly 1/3

of businesses could only weather an additional two months of shutdown. I doubt their prospects have improved over the last 30 days. As a result, the Council must face the economic reality of a long road to recovery and the spectre of vacant store fronts in the downtown core. It seems wholly inappropriate at this time to consider spending precious City resources on a large-scale development project that will result in additional open retail space. While the economy is surely cyclical, other supposed project benefits are even more in doubt. On May 20th Metra announced that ridership had declined 97%, and that they would experience a \$535 million budget shortfall. Many companies in the area are adopting much for flexible work practices out of a need to accommodate workers' safety concerns and schedules. As a result, long-term ridership patterns will likely change. Pandemic or not, many workers will be reluctant to give back the right to work from home and save the two hours they had dedicated to the commute in the past. We have already seen the affect that improved City management had on parking at the Burlington lot, and it is very unlikely Naperville will need a large expansion of commuter parking anytime soon. Despite these harsh realities, we now discover that the city is pursuing the purchase of Orazio's and the adjoining businesses to expand the Project's scope. Never mind exercising caution in the face of changing economics, EXPAND it! Committing even more money (\$1 million) and time to the project is the most tone-deaf action the city could possibly take in light of the current needs of the city. I strongly urge the Council to reject the motion at hand and avoid a referendum on the issue.

Jennifer Taylor

Good evening Mayor Chirico and City Council. With everything going on in the world and Naperville the last few days, it seems surreal to discuss anything else. However, since as of this writing my understanding is that City Council is moving forward with its meeting tonight I feel compelled to speak about the proposed referendum regarding 5th Avenue. Please vote no to putting any question regarding 5th Avenue on the November ballot. To put it simply, the 5th Avenue development is complicated. Too complicated for a referendum question. What could be asked on the referendum that could give any insight to all you sitting on the dais? A question such as "Should the City develop the 5th Avenue properties" will not help. As someone who has attended every possible meeting regarding the 5th Avenue development, the majority of people at these meetings have all supported developing the 5th Avenue properties. The issue has never been about whether to develop the land, but the proposals put forth by Ryan Companies. In the fall of 2019, when City Council held the vote as to Ryan Companies proposed baseline concept, almost everyone who spoke up against the baseline stated that they wanted the land developed, just not according to the proposed baseline. So again, how will a referendum question give you on the dais any insight? The majority of the residents, myself included, will vote "Yes, but..." By putting this issue to a referendum vote, not only will no insight be gained, but we will be delaying instead of moving forward on developing the land. Please vote no to putting any question regarding 5th Avenue on the November ballot. Thank you.

Marilyn Schweitzer

I am optimistic that a successful and community wide 5th ave development will eventually occur. However, I do not believe a referendum is appropriate as it will

cause more confusion and division. Instead, I would like to see a workshop sometime in the future when, as Councilman Kelly has stated "we have some actionable data regarding the post-Covid landscape." Thank you.

Elizabeth Nielson

I am very opposed to establishing a 5th Avenue Referendum, as the issue is far too complex and has too many dimensions for a simple referendum. A project of this of this magnitude, affecting so many people, and with so many issues to address is utterly inappropriate for a referendum.

**POSITION**

Katie Comstock - OPPOSE

Taylor Comstock - OPPOSE

Jane Gano - OPPOSE

Dan Dodge - OPPOSE

**SPEAKER**

Tim Messer, East Central Homeowners Organization, spoke against a resolution establishing a 5th Avenue referendum.

Allison Longenbaugh spoke against a resolution establishing a 5th Avenue referendum.

Jim Hill spoke against a resolution establishing a 5th Avenue referendum.

Council discussed the number of hours that have been dedicated to this project by staff and Ryan Co., how best to solicit citizen involvement, the appropriateness of a workshop, and the need to show leadership and give clear design direction. Members went on to talk about development specifics including parking, future building trends, affordable housing, commuting patterns, the appropriateness of incorporating the 5th Avenue process into the upcoming strategic plan initiative, the impact of COVID on commuters and office needs, the potential for the City to split concept costs with the developer, and the proposed referendum. Council also discussed not dividing the community anymore, that everyone needs to start working together, the upcoming local election, concept costs, the need to see a viable design, what the market can bear, the development timeline, financial analysis, and whether or not to postpone the project.

Krieger explained that Ryan Co. needs clear direction and confidence that a seven vote consensus is achievable.

**By consensus Council directed staff to propose a workshop date to discuss the "compromise plan" and a financial analysis in order for Council to give direction on the development.**

**N. NEW BUSINESS:**

Mosquito abatement

Gustin asked staff to discuss this year's program.

Dublinski to follow up with specifics.

Taxes

Gustin asked about electronic payment options.

Mayer explained that the finance department is leveraging the existing Gov Q/A system and PayPal.

Vehicle noise in the downtown

Hinterlong discussed revving of engines, loud exhausts, and complaints from residents near the downtown.

Marshall responded that the department has seen an increase in speeding and drag racing, that officers enforce the noise ordinance, and will continue to monitor the downtown area.

AirBnB

Kelly said that another house party was reported and asked whether an ordinance should be drafted to regulate AirBnB rentals.

DiSanto will bring back the Council's previous direction and advise on next steps.

Outdoor seating

White expressed concern about lack of social distancing over the weekend at restaurants.

Chirico stated that he spent several hours on Saturday meeting with managers, showing photos, and checked later in the evening for compliance.

DiSanto explained the process and expiration of the current executive order.

Protest

Council directed staff to present recommendations for a grant program to assist businesses impacted by the June 1 protest.

## **O. CLOSED SESSION - IF NEEDED**

## **P. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of June 2, 2020 at 10:34 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