



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, August 20, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

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

B. ROLL CALL:

C. CLOSED SESSION - 6:00 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to recess to Closed Session to discuss 120/2(c)(2) Collective Bargaining; 120/2(c)(5) Purchase of Property; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

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; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Senior Assistant City Attorney, Pat Lord; Senior Assistant City Attorney, Jennifer Lutzke

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given by the Boy Scouts of America Female Troop #6100.

F. AWARDS AND RECOGNITIONS:

1. Presentation of the 2019 Naperville Senior of the Year

Chirico presented the Proclamation.

G. PUBLIC FORUM:

Legislative Update

Congresswomen Lauren Underwood provided the update.

95th Street Extension Project

Doreen Swindall asked Council to address her requests for a fence.

95th Street and Book Road Intersection Improvements

William Warren spoke against the proposed improvements.

95th Street and Book Road Intersection Improvements

Thomas J. Verdone spoke against the proposed improvements.

Novack responded that an additional public meeting is scheduled for October 22, 2019 at the 95th Street Library.

Signs

Gary Leavenworth urged Council to address the signage litter in the community.

Novack explained the Code Enforcement Team's responsibilities and jurisdictional authority, that staff does contact businesses in violation of the code, and the possibility of establishing a volunteer program to pick up signs.

26 N. Sleight

Mark Urda spoke in favor of maintaining the character of the Historic District.

Overdose Awareness Day

Don Kalish spoke about the event on August 30, 2019 at the Grand Pavilion.

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 I15, I23, and I27. The motion carried by the following vote:

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

1. Approve the 07/01/2019 through 07/31/2019 cash disbursements for a total of \$25,542,779.49.
Council approved.
2. Approve the regular City Council meeting minutes of July 16, 2019
Council approved.
3. Approve the City Council meeting schedule for September, October & November 2019
Council approved.
4. Approve the award of Bid 19-129, 2019 Lateral Grouting of Sanitary Sewer Cress Creek Phase 5, to Michels Corporation for an amount to not exceed \$193,875, plus a 5% contingency
Council approved.
5. Approve the award of Change Order #5 to Contract 19-007, 91st Street Road Improvement, to R.W. Dunteman to extend the contract for an additional 45 days
Council approved.
6. Approve the award of Bid 19-213 Municipal Center - Front Plaza Renovations, to Berglund Construction Company for an amount not to exceed \$375,000, plus a 5% contingency
Council approved.

7. Approve the award of Option Year One to Contract 18-017, Excavation and Underground Utility Repair, to Baish Excavating, Inc. for an amount not to exceed \$120,000

Council approved.

8. Approve the award of Cooperative Procurement 19-239, Springbrook Water Reclamation Center - Biosolids Processing Building HVAC Upgrade, to Trane Commercial Systems and Service for an amount not to exceed \$169,977, plus a 5% contingency

Council approved.

9. Approve the award of Bid 19-216, South Waterworks Improvements to Dahme Mechanical Industries for an amount not to exceed \$524,000, plus a 3% contingency

Council approved.

10. Approve the award of RFP 19-183, Public Works Service Center Fixed Axis Solar Photovoltaic System, to GRNE Solar Company for an amount not to exceed \$134,169, plus a 5% contingency (Item 1 of 2)

Council approved.

11. Approve the use of Renewable Energy Funds in the amount of \$34,169 (Item 2 of 2)

Council approved.

12. Approve the award of Change Order #2 to Contract 16-259, Actuarial Services, to Foster & Foster Inc. for an amount not to exceed \$4,000 and a total award of \$110,682

Council approved.

13. Approve the award of Change Order #1 to Procurement 18-180, Water and Wastewater Hatch Replacement, to Keno & Sons Construction Company for an amount not to exceed \$55,403.70 and a total award of \$368,403.70, and for an additional 198 days

Council approved.

14. Accept the public improvements at Truth Lutheran Church, Court Place, R.R. Breitwieser Corner and Tramore Subdivision and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

15. Pass the ordinance approving a conditional use to permit an automobile service station in the B3 (General Commercial) District at the subject property located at 991 W. Ogden Av., Naperville - PZC 19-1-031

John Zemenak, Petitioner-Vequity LLC, explained the request to demolish the existing automobile service station and construct a 7-11 convenience store/gas station. He discussed fencing, signage, property improvements, and that the 24/7 operation is a corporate mandate and if the Council limits hours of

operation the development will not move forward.

Steve Sturgill, Petitioner 7-11 Security, discussed store security measures and employee security/safety training.

William P. White III, spoke against the 24/7 hours of the proposed development.

Harold Winston, spoke against the 24/7 hours of the proposed the development.

Dan Fanthorpe, spoke against the 24/7 hours of the proposed development.

Marshall discussed two-year crime statistics at six 24-hour gas stations on Ogden Avenue and said of the 77 crimes committed, 19 (or 20%), occurred between 10:00 p.m. and 6:00 a.m.

Justin Putter, spoke against the 24/7 hours of the proposed the development.

Lacey Schnell, spoke against the 24/7 hours of the proposed development.

Catherine Fanthorpe, spoke against the 24/7 hours of the proposed development.

Melissa Putter, spoke against the 24/7 hours of the proposed development.

Vojislav Nikolovski, spoke against the 24/7 hours of the proposed the development.

Mirjana Nikolovski, spoke against the 24/7 hours of the proposed development.

David O'Moore, spoke against the 24/7 hours of the proposed development.

Yniel Sanderg, spoke against the 24/7 hours of the proposed development.

Andrew Schnell, spoke against the 24/7 hours of the proposed the development and asked Council to table the item.

Novack offered to review county stormwater management regulations and the development plans with the residents.

Debbie Bertram, spoke against the proposed development.

Dave Fluett, spoke against the proposed development.

Dick Furstenau, spoke against the proposed development and asked Council to table the item.

Laff discussed landscaping suggestions and that the City arborist was not opposed to trees being cut down due to the significant storm damage.

Carl Christiansen, spoke against the proposed development.

Sturgill continued his comments on store security, the mission of having an environment less conducive to crime, and also being a safe haven when late-night crimes are committed.

Zemenak responded to speakers' comments, said the developer would provide a 12' fence if possible, incorporate extensive landscaping, and that no lighting would be installed at the rear of the property. He discussed down-lit security lighting, traffic patterns, that no loudspeakers will be at the site, that the 7-11 will be more visually attractive than previous Marathon station, and that every other gas station in Naperville is 24/7.

Council discussed the need for conditional use, that there are no hour restrictions in the zoning code for any business, lighting requirements, corporate mandate of 7-11, the increased number of pumps, and the larger footprint.

Zemenak said the residents enjoyed using the Marathon station, that a market study has identified the 7-11 as an amenity for the area, and that the petitioner is open to further discussions with the neighbors.

Council discussed fence materials and height, hours, location, number of pumps, potential compromises that could be reached, the decrease in the crime rate overnight, purpose of Planning/Zoning Commission hearings, stormwater, remediation efforts, property values, traffic, improvement for the area, impact of the property remaining vacant, the need to invest in the community, and that the proposed security precautions are common.

Novack stated the proposed stormwater plan meets DuPage County requirements.

Laff said that if the proposed 7-11 did not sell gas it would be able to open by right and would not need to attend Planning/Zoning Commission.

Warren Dixon, DuPage County Assessor, stated there may be potential negative impacts to residential property values located next to commercial areas.

Pat Lord discussed how to restrict 24/7 businesses prospectively.

A motion was made by Councilwoman Brodhead, seconded by Councilman White, to pass the ordinance approving a conditional use to permit an automobile service station in the B3 (General Commercial) District at the subject property located at 991 W. Ogden Av., Naperville - PZC 19-1-031. The motion failed by the following vote:

Aye: 4 - Chirico, Brodhead, Krummen, and White

Nay: 5 - Coyne, Gustin, Hinterlong, Kelly, and Sullivan

- 16.** Pass the ordinance approving variances for a tollway sign located at 55 Shuman Boulevard (Rush Naperville Clinic) - PZC 19-1-024

Enactment No.: ORD 19-096

Council passed.

17. Waive the first reading and pass the ordinance to establish an all-way stop at the intersection of Ellsworth Street and Jefferson Avenue (requires six positive votes)

Enactment No.: ORD 19-097

Council passed.

18. Waive the first reading and pass the ordinance rescinding stop control and establishing a traffic-control signal intersection at Mill Street and Commons Road (requires six positive votes)

Enactment No.: ORD 19-098

Council passed.

19. Waive the first reading and pass the ordinance amending 4:7, 6:1 and 6:7 pertaining to body art facilities as an accessory use operated in conjunction with a permitted salon or spa. - PZC 19-1-071 (requires six positive votes)

Enactment No.: ORD 19-099

Council passed.

20. Waive the first reading and pass the ordinance rescinding stop control and establishing a traffic-control signal intersection at 95th Street and Knoch Knolls Road (requires six positive votes)

Enactment No.: ORD 19-100

Council approved.

21. Pass the ordinance repealing and replacing Section 3-7 of the Naperville Municipal Code regarding peddlers and solicitors

Enactment No.: ORD 19-101

Council passed.

22. Conduct the first reading of an ordinance amending Section 1-9G-13 of the Naperville Municipal Code regarding the membership composition of the Emergency Telephone Systems Board.

Council passed.

23. Pass the ordinance to establish temporary traffic controls and issue a Special Event permit for the North Central College Homecoming Parade on Saturday, September 28, 2019

Brodhead recused herself due to a conflict of interest and left the dais from 9:26 p.m. - 9:27 p.m.

Enactment No.: ORD 19-106

A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, to pass the ordinance to establish temporary traffic controls and issue a Special Event permit for the North Central College Homecoming Parade on Saturday, September 28, 2019. The motion carried by the following vote:

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

Recused: 1 - Brodhead

- 24.** Pass the ordinance establishing temporary traffic controls and issue a Special Event permit for the 2019 Riverwalk Fine Art Fair on September 21-22, 2019

Enactment No.: ORD 19-102

Council passed.

- 25.** Pass the ordinance to establish temporary traffic controls and issue a Special Event Permit and an Amplifier permit for the 2019 Last Fling, Labor Day Parade and the Fling Mile, scheduled for Friday, August 30 - Monday, September 2, 2019

Enactment No.: ORD 19-103

Council passed.

- 26.** Pass the ordinance approving a variance to Section 5-10-3:12 of the Naperville Municipal Code (Rooftop Structures and Equipment) for Mall of India located at 776 S. Route 59 - BRB Case #98

Enactment No.: ORD 19-104

Council passed.

- 27.** Conduct the first reading of an ordinance amending Sections 3-3-3, 3-3-5, 3-3-14 and 3-3-15 of the Naperville Municipal Code by adding a definition of kratom, banning the retail sale of kratom, and prohibiting anyone under the age of 21 from possessing tobacco or alternative nicotine products.

Chirico explained that this first came before the Liquor Commission in 2018, that staff has done significant research on kratom over the past year, and that the recommendation is to ban its retail sale.

Sheri Locascio, Rockford, discussed the benefits of kratom.

Jim Sourek, Lisle, spoke in favor of allowing the retail sale of kratom.

Nina Ajdin, Wheaton, spoke in favor of allowing the retail sale of kratom.

Timothy Smith, Orland Park, spoke in favor of allowing the retail sale of kratom.

Dan Peterson, New Lenox, spoke in favor of allowing the retail sale of kratom.

Alisha Wadden, Iowa, spoke in favor of allowing the retail sale of kratom.

Paul Melara, Forest Park, spoke in favor of allowing the retail sale of kratom.

Council discussed appropriateness of a ban, implementing an age restriction, separating kratom from nicotine for the final approval of the ordinance, the Liquor Commission recommendation, and revisiting the topic once more information is provided.

Marshall stated there have been no issues reported regarding the use of kratom.

Lutzke explained the Tobacco 21 legislation.

A motion was made by Councilman Coyne, seconded by Councilman Krummen, to conduct the first reading of an ordinance amending Sections 3-3-3, 3-3-5, 3-3-14 and 3-3-15 of the Naperville Municipal Code by adding a definition of kratom, prohibiting the retail sale of kratom to anyone under the age of 21, prohibiting anyone under the age of 18 from possessing kratom, and prohibiting anyone under the age of 21 from possessing tobacco or alternative nicotine products. The motion carried by the following vote:

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

Nay: 1 - Hinterlong

The meeting went into recess from 10:10 p.m. - 10:23 p.m.

- 28.** Pass the ordinance approving a right-of-way encroachment for a blade sign to overhang the public right-of-way in front of 216 S. Main Street (J. McLaughlin)

Enactment No.: ORD 19-105

Council passed.

- 29.** Adopt a resolution authorizing the execution of an intergovernmental police service assistance agreement to join the DuPage Metropolitan Emergency Response and Investigation Team (MERIT).

Enactment No.: RES 19-029

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1.
 1. Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit an enclosed porch and an attached patio to encroach into the required rear setback at the subject property located at 1322 N. Eagle Street, subject to certain conditions; or
 2. Concur with staff and deny the request for a variance to permit an enclosed porch and an attached patio to encroach into the required rear setback at the subject property located at 1322 N. Eagle Street - PZC 19-1-066.

Bear Hoyer, Petitioner, explained that he constructed an enclosed porch and attached patio without a permit and requests that Council allow him to keep it.

Laff explained that, through a site visit and conversations with the property owner, staff believes there are no major building code violations with the addition. She said after the building permit has been applied for, and approved, fees/fines would be assessed accordingly.

Council discussed the appropriateness of having staff revisit the violation portion of the ordinance.

Enactment No.: ORD 19-107

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit an enclosed porch and an attached patio to encroach into the required rear setback at the subject property located at 1322 N. Eagle Street, subject to certain conditions and appropriate fines. The motion carried by the following vote:

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

Nay: 1 - Kelly

2. Receive the staff report for Tartan Highlands Subdivision located at 1001 S. Washington Street- PZC 19-1-049 (Item 1 of 4).

Vince Rosanova, Attorney for Petitioner, explained that the Petitioner has demolished the two-story PNC bank and is proposing to redevelop the property with mixed-use office and retail and reconfigure the parking lot by subdividing the subject property into four lots for a coffee shop with a drive-through on Lot 1, multi-tenant retail and office buildings for Lots 2 and 3, and a parking lot with shared access drives on Lot 4.

Will Kreuzer, Petitioner, discussed resident input, stakeholder feedback, and gave an overview of compromises that make up the proposed development.

At 10:45 p.m. a motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to extend the meeting to 1:00 a.m. The motion carried via Voice Vote.

Marilyn Schweitzer, spoke against the proposed development.

Lisa Keaton, spoke against the proposed development.

Len Kowalski, spoke against the proposed development.

Dennis Barfuss, Naperville, spoke against the proposed development.

Aaron Land, spoke against the proposed development.

Becky Simon, Naperville, spoke against the proposed development.

Paul DeKruiff, Naperville, spoke in favor the proposed development.

Kathryn Land, Naperville, spoke against the proposed development.

Sue Oliver, Naperville, spoke against the proposed development.

Diane Green, Naperville, spoke against the proposed development.

Rosanova explained outreach efforts and how the plan has been revised to incorporate resident concerns such as fast food restrictions, a prohibition on drive-throughs except for the coffee shop, and the willingness to add traffic calming measures if recommended by City staff.

The Petitioner's traffic engineer discussed pass-through traffic, convenience traffic, and stated that the development will not add new traffic just that the existing traffic will be utilizing the new amenity.

Council discussed traffic on Ogden Avenue, lot-to-lot traffic circulation, and what proactive action will be taken to address increased traffic.

Novack discussed the cross-access easement that is planned, potential signalization, turn restrictions, and the adaptive traffic control system.

Council discussed the possibility of a smaller development on the subject property, that the developer and staff need to follow-up with neighbors on how to address traffic concerns, the previous bank produced much more intensive traffic use, and that Gartner Plaza is not a detriment.

Laff explained delivery restrictions.

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to receive the staff report for Tartan Highlands Subdivision located at 1001 S. Washington Street- PZC 19-1-049 (Item 1 of 4). The motion carried by the following vote:

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

Nay: 1 - Sullivan

3. Pass the ordinance approving a Preliminary/Final Plat of Subdivision for Tartan Highlands Subdivision - PZC 19-1-049 (Item 2 of 4)

Enactment No.: ORD 19-108

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to pass the ordinance approving a Preliminary/Final Plat of Subdivision for Tartan Highlands Subdivision - PZC 19-1-049 (Item 2 of 4). The motion carried by the following vote:

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

Nay: 1 - Sullivan

4. Pass the ordinance approving a Rezoning from OCI (Office Commercial and Institutional District) to B-1 (Neighborhood Convenience Shopping Center District) for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-049 (Item 3 of 4).

Enactment No.: ORD 19-109

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to pass the ordinance approving a Rezoning from OCI (Office Commercial and Institutional District) to B-1 (Neighborhood Convenience Shopping Center District) for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-049 (Item 3 of 4). The motion carried by the following vote:

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

Nay: 1 - Sullivan

5. Pass the ordinance approving variances to: allow a FAR of 0.724 on Lot 3; eliminate the loading berth for Building C; eliminate the bypass lane for the coffee shop drive-through; reduce the front yard parking setback for Lot 4; permit off-premises monument signage on Lot 1 and 4; and, permit monument signage within 40' of an interior setback line on Lot 1 for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-1049 (Item 4 of 4)

Enactment No.: ORD 19-110

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to pass the ordinance approving variances to: allow a FAR of 0.724 on Lot 3; eliminate the loading berth for Building C; eliminate the bypass lane for the coffee shop drive-through; reduce the front yard parking setback for Lot 4; permit off-premises monument signage on Lot 1 and 4; and, permit monument signage within 40' of an interior setback line on Lot 1 for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-1049 (Item 4 of 4). The motion carried by the following vote:

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

Nay: 1 - Sullivan

6. Adopt the Resolution expressing the City of Naperville's intent to consider designation of a business district on property within the City, to impose business district sales taxes,

and to induce development interest within such district

Philip R. McKenna, Chicago, Attorney for Petitioner, explained the business district concept and that it allows municipalities to designate districts to encourage opportunities for re/development of property and to attract commercial growth by establishing a levy for additional sales and/or hotel tax. He said the sole purpose of the resolution at this time is to acknowledge the City's interest in considering the possibility of establishing a business district for the Mall of India.

Donald J. Fiore, Chicago, Attorney for Petitioner, explained that the location of the request is 21 contiguous acres comprised of two properties at 776 and 808 S. Illinois Route 59, formerly occupied by a Wal-Mart and Sam's Club respectively.

Council discussed applying an additional tax for a limited number of parcels, more than half of people paying the tax will be non-residents, a possible administration fee, and the appropriateness of applying this funding tool to Ogden Avenue.

Enactment No.: RES 19-030

A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to adopt the Resolution expressing the City of Naperville's intent to consider designation of a business district on property within the City, to impose business district sales taxes, and to induce development interest within such district. The motion carried by the following vote:

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

Nay: 2 - Kelly, and Sullivan

The meeting went into recess from 12:13 a.m. - 12:21 a.m.

7. Conduct the first reading of an ordinance amending Title 3 of the Naperville Municipal Code by the addition of Chapter 17 prohibiting adult use cannabis business establishments other than medical cannabis cultivation centers and medical cannabis dispensing organizations

At 12:21 a.m. a motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to extend the meeting to 1:30 a.m. and table item O3 to the September 3 meeting. The motion carried via Voice Vote.

Dina Rollman, Senior Vice President GTI, Petitioner, explained the desire to co-locate retail sales at its existing Naperville medical marijuana facility and requested Council table the opt-out ordinance and direct staff to draft documents allowing retail sales of adult-use cannabis.

Mark Rice, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Jean Page, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Barb O'Meara, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Holly Hootman, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Dianne McGuire, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Nancy Turner, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Jessica Harshbarger, Compassionate Clinics of America, spoke in favor of opting in and allowing the sale of recreational marijuana.

Dr. Aaron Weiner (via a written statement), Linden Oaks, spoke in favor of the proposed opt-out ordinance.

Jennifer Taylor, Naperville, spoke in favor of the proposed opt-out ordinance.

Kamala Martinez, Naperville, spoke in favor of the proposed opt-out ordinance.

Jim Ruhl, spoke in favor of the proposed opt-out ordinance.

Limin Zheng, Naperville, spoke in favor of the proposed opt-out ordinance.

James Haselhorst, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Judy Kreamer, Naperville, spoke in favor of the proposed opt-out ordinance.

Philip Buchanan, Naperville, spoke in favor of opting in and allowing the sale of recreational marijuana.

Chris Fotopolos, Chicago, spoke in favor of opting in and allowing the sale of recreational marijuana.

Zach Wu, spoke in favor of the proposed opt-out ordinance.

Dennis Barfuss, Naperville, spoke in favor of the proposed opt-out ordinance.

At 1:20 a.m. a motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to extend the meeting to 2:00 a.m. The motion carried via Voice Vote.

Dick Furstenau, spoke in favor of the proposed opt-out ordinance.

William Ma, spoke in favor of the proposed opt-out ordinance.

Becky Rudolph, spoke in favor of the proposed opt-out ordinance.

Hongwei Li, spoke in favor of the proposed opt-out ordinance.

Council discussed the adult-use cannabis legislation, the ability to establish anti-drug/educational grants with the revenue, the appropriateness of learning from other municipalities and opting out to do additional research, that black market will remain, that there are arguments on both sides, the importance of the safety and welfare of the community, questioned what revenue has been lost due to opting out of video gaming, that money should not be a motivating reason to opt in, the potential to engage the community, and the appropriateness of a workshop.

At 1:56 a.m. a motion was made by Councilman Kelly, seconded by Councilman Krummen, to extend the meeting to 2:30 a.m. The motion carried via Voice Vote.

DiSanto explained that adult-use cannabis becomes legal on January 1, 2020 and that if the City has not taken a position prior to that date it needs to be moving toward a decision and decide within a reasonable time from January 1.

Council discussed the black market in California, caps on establishments, that opting out allows due diligence, that marijuana is still federally illegal, what will be contained in the trailer bill, zoning, that the sale of medical marijuana isn't enforced by the federal government, the importance of controlling the message, the appropriateness of looking to social service agencies for advice, the receipt of more than 150 emails asking the City to opt out, and that Naperville can be a leader in this area.

Laff explained the two-three month timeline for an opt-in decision to move through the Planning/Zoning Commission and City Council approval processes.

Council discussed that opting in is a ratification of the acceptance of adult-use cannabis, that there are large issues coming on future agendas, the appropriateness of delaying a decision, that other communities are opting out, whether or not the 150 emails are reflective of the community as a whole, and the need to get input from the school districts and North Central College.

DiSanto said Naperville is in a defensible position if Council continues to debate up to, and shortly after, January 1, 2020 but does not advise moving much further past January 1.

By consensus, Council directed staff to bring back the path to opt-in at the September 3, 2019 meeting.

First reading held.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Receive the 2019 2nd Quarter Financial Report

The receipt of the report was tabled to the September 3, 2019 meeting.

P. NEW BUSINESS:

Tartan Development
Coyne further discussed neighbor concerns about traffic.

By consensus, staff was directed to meet with neighbors, summarize traffic concerns, and present solutions.

Welcome
Krieger introduced new IT Director, Jackie Nguyen.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of August 20, 2019 at 2:27 a.m. on August 21, 2019. 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