



Meeting Minutes

City Council

Tuesday, September 21, 2021

7:00 PM

Council Chambers

Agenda Introductory Language

Due to the COVID-19 pandemic, members of the public attending the meeting may do so subject to compliance with COVID-19 safety protocols, including wearing face coverings at all times while inside City buildings.

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>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on September 21 at: 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 4 p.m. on September 21. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.
3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on September 21.

Online sign-up closes at 4 p.m. on September 21, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on September 21.
- Questions regarding online sign-up may be directed to the Community Services Department 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 7:00 p.m.

B. ROLL CALL:**C. CLOSED SESSION - CANCELED**

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Interim 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, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Presentation of Fire Chief's Awards](#)

Puknaitis presented the awards.

2. [Recognize Beyond Charity for accomplishments in suicide prevention](#)

This item was rescheduled for October.

G. PUBLIC FORUM:

Naperville Environment and Sustainability Task Force (NEST)
Catherine M Clarkin, NEST Chair, thanked the Council for the unanimous support at the August 31 workshop and discussed initiatives that are underway.

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

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve the Consent Agenda. The motion carried by a unanimous vote.

I. CONSENT AGENDA:

Present: 9 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Approval of the Consent Agenda

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Consent Agenda with the exception of items I16 and I17. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

1. [Approve the Cash Disbursements for the period of 08/01/2021 through 08/31/2021 for a total of \\$33,462,462.28](#)
Council approved.
2. [Approve the regular City Council meeting minutes of September 7, 2021](#)
Council approved.
3. [Approve the Sustainability Workshop minutes from August 31, 2021](#)
Council approved.
4. [Approve the City Council meeting schedule for September, October, and November 2021](#)
Council approved.
5. [Approve the award of Cooperative Procurement 21-212 for Uniforms, Equipment and Accessories, to Galls LLC for an amount not to exceed \\$153,460 and for a one-year term](#)
Council approved.
6. [Approve the award of Cooperative Procurement 21-309, Hewlett Packard Enterprises Support Services Renewal, to Hewlett Packard Enterprises for an amount not to exceed \\$112,459.60 and for a one-year term](#)
Council approved.
7. [Approve the award of Bid 21-274, Curbside Leaf Collection Services, to Western Gradall Corporation and Steve Piper and Sons, Inc. for an amount not to exceed \\$333,300 and for a two-year term](#)
Council approved.
8. [Approve the award of RFP 21-174, Employee Benefits Broker, to GCG Financial, for an amount not to exceed \\$252,000 and for a three-year term](#)
Council approved.
9. [Approve the award of Change Order #1 of Option Year One to Contract 18-204, Large Diameter Water Meters, to Core & Main LP for an amount not to exceed \\$100,000 and for a total award of \\$454,250](#)
Council approved.
10. [Approve the award of Option Year One to Contract 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed](#)

\$364,130

Council approved.

11. Approve the award of Sole Source Procurement 21-317, Transformer Fault Indicator Project, to A Star Electric for an amount not to exceed \$316,000

Council approved.

12. Waive the first reading and pass the ordinance amending Title 11 (Motor Vehicles and Traffic), Chapter 2 (Parking), Article A (Parking Rules), Section 23 (Electric Vehicle Charging Stations) of the Naperville Municipal Code to remove the usage fee of the electric vehicle charging stations (requires six positive votes)

Enactment No.: ORD 21-099

Council passed.

13. Pass the ordinance granting a variance to Title 6 (Zoning Regulations), Chapter 6 (Residential Districts), Article B (Medium Density Single-Family Residence District), Section 7 (Yard Requirements) of the Municipal Code to permit a sunroom that encroaches into the rear yard setback at 1905 Woodfield Court - PZC 21-1-090

Enactment No.: ORD 21-100

Council passed.

14. Pass the ordinance approving a sign variance from Title 6 (Zoning Regulations), Chapter 16 (Signs) Section 6:1 (Special Areas of Control: Educational Campus) to permit four wall signs on the building located at 160 E Chicago Avenue (NCC) - PZC 21-1-093

Enactment No.: ORD 21-101

Council passed.

15. Pass the ordinance amending Title 11 (Motor Vehicles and Traffic), Chapter 2 (Parking), Article B (Municipal Parking Lots and Parking Regulations) of the Naperville Municipal Code to modify regulations for the City's commuter parking lots

WRITTEN COMMENTS

Matthew Carlyle

I am vehemently opposed to canceling Quarterly Resident Commuter Parking Permits. I do not own a Smart Phone and am not able to "reserve" and/ or pay for Daily Fee Parking using such a device. The Pace Feeder buses no longer operate and, when they did, did not service the first AM inbound METRA/ BNSF train to Chicago. Due to multiple recent shooting crimes/ murder in the City, I do not feel safe walking to the Fourth Avenue Station in hours of darkness.

Enactment No.: ORD 21-102

Council passed.

16. [Pass the ordinance amending Title 2 \(Boards and Commissions\), Chapter 4 \(Building Review Board\), Section 2 \(Membership\) of the Naperville Municipal Code regarding Building Review Board vacancies](#)

Council discussed membership, appropriateness of term extensions beyond what is in the Municipal Code to allow additional time to fill expiring positions, and increased marketing for vacancies.

LaCloche explained the number and types of outreach used to solicit applicants.

Council discussed using trade publications and maintaining subject matter experts on the board.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the ordinance amending Title 2 (Boards and Commissions), Chapter 4 (Building Review Board), Section 2 (Membership) of the Naperville Municipal Code regarding Building Review Board vacancies. The motion carried by the following vote:

Aye: 7 - Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, and White

Nay: 2 - Chirico, and Sullivan

Kelly recused himself and left the dais from 7:35 p.m. - 7:37 p.m.

17. [Pass the ordinance approving the final plat of subdivision for the 4th Avenue Townhomes, located at the southwest corner of 4th Avenue and Loomis Street - PZC 21-1-076](#)

Laff explained garbage pick-up logistics for the town homes.

Enactment No.: ORD 21-105

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the Final Plat of Subdivision for 4th Avenue Townhomes, located at the southwest corner of 4th Avenue and Loomis Street - PZC 21-1-076. The motion carried by the following vote:

Aye: 8 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Leong, Sullivan, and White

Recused: 1 - Kelly

18. [Pass the ordinance granting a minor change to the Naperville Crossings PUD and approving a Final PUD Plat for Schlotzky's - 21-1-089](#)

WRITTEN COMMENT

Rich Maltby - counsel for Wattful, LLC.

This is in regard to the Petition seeking a zoning amendment to allow for the construction of a 2000 sf Schlotzky's restaurant. I represent Wattful, LLC, owner of the property where Andy's Frozen Custard is located, 3104 Anna Marie Ln. Please accept this as Wattful, LLC's objection to the planned development, and thus the request for re-zoning, to the extent that the developer has failed to propose an adequate plan to maintain and repair the roadways, driving lanes,

and drives in the area. In recent months, Wattful and Andy's have both received citations from Naperville code enforcement for an apparent failure to maintain Reflection Drive, adjoining Anna Marie Lane. There have been recurring issues with potholes on Reflection Drive and it is our understanding that construction trucks and equipment have contributed to, if not caused, these issues. Any proposed development must include an appropriate plan from the developer with respect to ingress/egress and a commitment and obligation to repair, repave, and/or maintain Reflection Drive, Anna Marie Lane, and the surrounding areas. The recurring potholes caused by construction have caused the City of Naperville to devote its time and resources to pursuing these code issues. It would be a better use of government resources and more economical for the city and the developments current occupants to require the developers to take responsibility for these issues. Thank you.

Enactment No.: ORD 21-103

Council passed.

19. [Pass the ordinance establishing temporary traffic controls and issue a Special Event Permit, including an Amplifier Permit, for the Naperville Half Marathon and 5K scheduled for Sunday, October 17, 2021](#)

Enactment No.: ORD 21-104

Council passed.

20. [Approve the fireworks display application and issue a permit for the September 25, 2021 Naperville Country Club 100th anniversary event](#)

Council approved.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Adopt the resolution establishing a process for conveyance of City property to facilitate development of affordable housing for seniors and individuals with intellectual and developmental disabilities and approve the release of RFP 21-315](#)

SPEAKERS

Bradford Miller (Chair, Human Rights and Fair Housing Commission) discussed the need for consistent definitions and the potential for Naperville residents to be given housing preference.

Krieger explained that language clarity is critical and that terms will be discussed in the RFP process.

DiSanto stated that the City can look to definitions used by other municipalities as well as those accepted in the housing industry.

Council discussed that RFP major business terms will be negotiated, that studies show synergies between seniors and the IDD community, and the potential availability of grant funding.

Mary Hamill (Naperville Accessible Community Task Force) discussed concerns regarding the agenda item and RFP and requested that the housing opportunity be broadened to include people with all disabilities.

Enactment No.: RES 21-24

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution establishing a process for conveyance of City property to facilitate development of affordable housing for seniors and individuals with intellectual and developmental disabilities and approve the release of RFP 21-315. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

2. [Adopt the resolution re-affirming the City of Naperville's commitment to fund up to \\$1,200,000 to the Naperville Heritage Society for the Innovation Gateway capital improvement at Naper Settlement](#)

Enactment No.: RES 21-25

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution re-affirming the City of Naperville's commitment to fund up to \$1,200,000 to the Naperville Heritage Society for the Innovation Gateway capital improvement at Naper Settlement. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

1. [Option A: Concur with the Petitioner and overturn the decision of the Zoning Administrator and Planning and Zoning Commission to permit the façade of the property located at 8 West Jefferson Avenue \(Kerwell\) to be painted a neutral color; or](#)

[Option B: Concur with the Zoning Administrator and the Planning and Zoning Commission and require the existing paint to be removed from the façade of the property located at 8 West Jefferson Avenue \(Kerwell\)](#)

SPEAKER

Rocky Aiyash (Petitioner, Kerwell Premium CBD House) spoke about paint, brick, and willingness to repaint in a neutral color.

Laff explained the recommendation to have the green paint removed and original brick restored, that the Planning and Zoning Commission (PZC) agreed that staining would be acceptable if the brick is damaged, and that there is no reason to remove the green paint just to have the building painted another color.

Council discussed appropriateness of the ordinance, paint colors acceptable to the Downtown, the design guidelines, and the condition of the original brick.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to concur with the Zoning Administrator and the Planning and Zoning Commission and require the existing paint to be removed from the façade of the property located at 8 West Jefferson Avenue (Kerwell) - Option B. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

Nay: 1 - Chirico

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the September 2021 Financial Report and reaffirm the current revenue diversification model and financial principles in advance of the 2022 budget workshops](#)

Mayer presented the financial report.

Council discussed that year-end projections show a \$4-5M surplus not including federal funding of \$6M, review by the Financial Advisory Board (FAB), that staff has done a great job investing in service delivery, the need to market sustainability initiatives, property tax rate and property tax levy, efforts to keep residents' costs down, capital projects, and the need to think strategically.

Mayer discussed projects and the growing demands on capital, the need to reinvest in the community, the list of projects submitted from councilmembers, that the community wants higher levels of services, that FAB is not recommending any changes to the current ordinance and financial principles, and that the pandemic in 2020 is the exact reason the City needs reserves because no services were cut.

Blennis gave an overview of the phosphorous improvements timeline.

Council discussed diversification, the sales tax rate, expanding City funding for the Downtown streetscape, and the appropriateness of rebates.

Mayer said staff is not recommending any changes in General Fund, that changes to the Utility funds will be discussed at the budget workshops, and that the Home Rule Sales Tax does not apply to grocery and pharmacy items. She provided the workshop schedule and also asked that Council continue to submit project ideas in order for staff to present the most comprehensive budget.

By consensus, Council reaffirmed the 2016 Financial Principles and the existing revenue diversification model.

P. NEW BUSINESS:

Dark Fiber

Taylor stated that the City is not using 98% of available fiber and asked staff to report back on how best to use fiber.

Krieger explained the staff Dark Fiber team, the recent RFI and the poor response rate, that a holistic approach was not submitted, that the City has evaluated how to monetize the asset, and the appropriateness of creating a municipal broadband provider. He said that the Dark Fiber team will put together a report of pros/cons, costs, buildout timeline, a list of risks associated with being a broadband provider, and role of private sector investors.

By consensus, Council directed staff to provide an updated Dark Fiber report.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of September 21, 2021 at 9:14 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue
Pam Gallahue, PhD
Director-Community Services/City Clerk