

Observer Report

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Organization Observed

Naperville City Council

Observer

Allison Longenbaugh

Date

Tuesday, June 21, 2022

Meeting Time: X-Y

7:00 pm - 9:38 pm

**Meeting Held-In Person,
Remote, Hybrid**

In Person

**Meeting Observed- In Person,
Livestream, Recorded**

Livestream, Recorded

Attendees (note if remote)

Quorum (yes or no)

Yes

Elected

Mayor Steve Chirico
 Councilwoman Jennifer Bruzan Taylor
 Councilman Paul Hinterlong
 Councilman Ian Holzhauer
 Councilman Patrick Kelly
 Councilman Paul Leong
 Councilwoman Theresa Sullivan
 Councilman Benjamin White (via Phone)

Staff (list names/roles)

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz
 City Attorney, Mike DiSanto
 Director of Community Services/City Clerk, Pam Gallahue
 Police Chief, Jason Arres; Fire Chief Puknaitis
 Director of Finance, Rachel Mayer; Budget Manager, Ray Munch

Director of Human Resources, James Sheehan
Director of IT, Jacqueline Ngyuen
Director of TED, Bill Novak; Deputy Director of TED, Allison Laff
Director of Public Utilities - Water, Darrell Blenniss, Jr.
Director of Public Works, Dick Dublinski
Director of Communications, Linda LaCloche

Press (list names)

NCTV-17, Naperville Sun, Daily Herald

Public (number)

At least 50

General Observations

	Yes	No	Comments
Meeting start on time?		x	Started 4 minutes late to have Councilman White dial in via phone.
Facilities large enough?	x		
Audience able to hear proceedings?	x		Difficult to hear live-stream
Room ADA Compliant?	x		

Illinois Open Meeting Act Requirements

	Yes	No	Comments
Meeting Notice Posted?	x		City website: Current Meeting listing (will update to show current meetings): https://www.naperville.il.us/government/city-of-naperville-government-meeting-listing/ City meeting management system (legistar): https://naperville.legistar.com/MeetingDetail.aspx?ID=952238&GUID=6FCB5D78-415A-4352-BC0E-6256EC17F3AB&Options=&Search=
Agenda Posted 48 hours prior to meeting?	x		Agenda posted on legistar & emailed on Wednesday, June 15, 2022. Updated agenda emailed on Friday, June 17, 2022. https://naperville.legistar.com/MeetingDetail.aspx?ID=952239&GUID=EF4854B8-B861-488C-B474-2C4422FCA148&Options=&Search=
Agenda clearly describes items to be discussed?	x		
Meeting packet available to the public before meeting?	x		https://naperville.legistar.com/MeetingDetail.aspx?ID=952239&GUID=EF4854B8-B861-488C-B474-2C4422FCA148&Options=&Search=
Minutes from previous meetings posted?	x		Minutes from the last meeting (6/7/2022) were approved during this meeting and posted on the legistar on 6/22/2022.
Public Comment encouraged?	x		
Public treated respectfully?	x		

Business Transactions

Agenda and Packet Found Where

<https://naperville.legistar.com/MeetingDetail.aspx?ID=952239&GUID=EF4854B8-B861-488C-B474-2C4422FCA148&Options=&Search=>

Meetings Streamed and Archived Where

<https://naperville.legistar.com/DepartmentDetail.aspx?ID=34747&GUID=ACE7D218-B3F0-4AF6-B414-F8F820FB6FEE&Mode=MainBody>

Closed Session Notes From Agenda

n/a

Awards & Recognitions

1. 22-0754 Presentation of Fire Chief's Citizen Awards
2. 22-0762 Proclaim June 21, 2022 Lucy Westlake Day in the City of Naperville. *[Lucy is the youngest American woman (age 18) to summit Mount Everest. She graduated from Naperville North HS and is headed to USC on a Cross Country scholarship.]*

Public comment- 6 speakers

- 1-5. Five speakers in support of the Hindu Swayamsevak Sangh (HSS) organization, responding to public comments made at 6/7/2022 meeting against HSS.
6. Michael Moenkemier (owner of That's My Dog hot dog food truck) requested a food vendor permit for his hot dog truck for only Friday and Saturday nights (11pm-2am) in downtown Naperville. Recommendation from the Mayor was to contact a local business/property owner to vend from their property.

Business Transacted

Consent agenda - passed 8-0

Consent agenda, as passed *[additional description each item per agenda links in italics]*:

1. 22-0699 Approve the Cash Disbursements for the period of 05/01/2022 through 05/31/2022 for a total of \$26,711,928.
 2. 22-0753 Approve the regular City Council meeting minutes of June 7, 2022.
 3. 22-0691 Approve the City Council meeting schedule for July, August & September 2022. *[Only one meeting/month in July and August. Back to 2 meetings in September.]*
 4. 22-0746 Approve the award of Change Order #1 to Contract 20-399, Elevator Maintenance Service, to Urban Elevator Service, LLC for an amount not to exceed \$41,475 and a total contract value of \$136,475. *[Change order needed to complete repairs resulting from vandalism to the west elevator at the Water Street parking deck (\$11K). An additional \$30K is requested to respond to damage that might occur during the remainder of the contract term.]*
 5. 22-0752 Approve the award of Change Order #1 to Contract 20-375, Axon Taser Equipment, to Axon Enterprise for an amount not to exceed \$177,256 over three years and a total award of \$453,256. *[Adds 50 Taser 7 devices to Naperville Police Department for officers in Investigations. This replaces expired Taser X26P devices and standardizes the entire department.]*
 6. 22-0609 Approve the award of Change Order #2 to Option Year One of Contract 17-020, Custodial/Janitorial Services for City Sites, to Citywide Building Maintenance for an amount not to exceed \$81,981 and a total award of \$586,597. *[Change order covers extra services for COVID throughout current term, which expires 7/9/2022. A new service contract was approved on 6/7/2022.]*
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7. 22-0721 Approve the award of Option Year 2 to Contract 19-310, Naper Settlement Maintenance Support Services, to JP Superior Cleaning and Janitorial Services Corporation for an amount not to exceed \$150,254. *[Option 2 service hours increase because of returning to full time and addition of new exhibit buildings (Thresher Hall and Agriculture Interpretive Center).]*
 8. 22-0760 Approve the award of Cooperative Procurement 22-203, Darktrace EIS, to SHI, for an amount not to exceed \$110,614. *[Darktrace provides a second line of defense to the City's cyber security. This is to renew the license.]*
 9. 22-0680 Approve the award of Cooperative Procurement 22-197, Ford Automotive Parts & Supplies, to Ford Motor Company for an amount not to exceed \$235K and for a 2.5-year term. *[Public Works- Fleet Division is responsible for repairs and maintenance of the city's fleet. They process an estimated 470 Ford and Motorcraft parts orders annually. This contract saves 36% over list price and adds purchasing flexibility.]*
 10. 22-0761 Approve the award of Bid 22-168, 2022 Parking Lot Maintenance Program, to Denler, Inc., for an amount not to exceed \$714,086, plus a 3% contingency. *[2022 project includes maintenance of 31 City-owned lots and includes crack sealing, parking stall painting, seal coating, patching, and resurfacing.]*
 11. 22-0761 Approve the recommendation by Alliant Insurance Services to award Excess Liability Insurance coverage to Great American Insurance Company for a one-year term and an amount not to exceed \$245,669. *[The City maintains a self-insurance policy of up to \$2 million against costs associated with bodily injuries, property damage, public officials' errors and omissions, employment practices liability, and personal injury. Excess liability coverage will provide additional protection against the same incidents beyond the City's self-insured policy up to \$10 million.]*
 12. 22-0688 Approve the recommendation by Alliant Insurance to award Property, Cyber Liability, and Pollution Liability insurance coverage through the Alliant Property Insurance Program for an amount not to exceed \$788,006 and for a one-year term. *[The Alliant Property Insurance Program (APIP) covers up to \$1B for all-risk, flood, and earthquake for City's buildings, infrastructure, and vehicles, boiler & machinery insurance, cyber liability, and pollution liability. Challenging market conditions persist across the insurance industry resulting in significant increases in insurance premiums over the past 2 years. Insurers continue to experience significant losses as a result of catastrophic weather and other events across the nation, including hurricanes, wildfires, tornadoes and severe winter storms. While the City has experienced minimal losses in recent years, insurance claims across the industry are impacting all policyholders. As a result, the City's 2022 property insurance rate per \$100 of insured value increases by 14.97%.]*
 13. 22-0695 Approve the fireworks display application and issue a permit for the Naperville Country Club event on June 26, 2022
 14. 22-0713 Approve the fireworks display application and issue a permit for the Naperville Park District event on July 3, 2022. *[Park District event is to be held at Frontier Sports Complex.]*
 15. 22-0745 Approve the fireworks display application and issue a permit for the White Eagle Golf Club event on July 2, 2022
 16. 22-0720 Approve the Intergovernmental Agreement with DuPage County Forest Preserve District for the South-Central Interceptor Bank Stabilization Project Phase 2 and authorize payment of associated fees in the amount of
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\$244,910. *[The Water Utilities owns & maintains a 2,300-foot segment of large-diameter sanitary sewer along the West Branch of the DuPage River. Phase 1 was completed in 2020. Phase 2, to be awarded in 2022 impacts the DuPage County Forest Preserve District (FPD) West Brand Riverway between 75th and Hobson Road.]*

17. 22-0698 Approve the disposition of surplus property, Unit 332 - 2009 International Medtec Ambulance, by donation to Ukraine. *[Unit 332 ambulance was approved on 11/4/2020 (after being discussed at two separate council meetings on 10/6/2020 and 10/20/2020) to donate to Sister City Cancun, Mexico. Due to complications from the pandemic and political changes within Mexico, the City of Cancun was unable to take possession of the ambulance. The Naperville Fire Department identified an opportunity to donate the ambulance to Ukraine at no cost to the city.]*

Consent agenda items- pulled for discussion

Agenda Item #18 (22-0757) Affordable senior and IDD housing

Passed 8-0- no discussion (petitioner available for questions).

22-0757 Adopt the resolution for major business terms (MBTs) related to the sale of City-owned land at IL Route 59 and 103rd for affordable senior and IDD housing. *[In September 2021, Council approved leveraging city-owned business to address affordable housing needs in Naperville. Gorman & Company LLC and Mercy Housing received top scores for their submissions. On 6/13/2022, Mercy notified staff that they wished to be dropped from consideration. (This was unexpected by staff.)]*

Agenda Items #19-21- La Dimora di Douglas Resubdivision

22-0684B (item 19) Passed 8-0. Receive the staff report for La Dimora di Douglas Resubdivision – PZC 22-1-007 (Item 1 of 3). *[Petitioners want to consolidate 416 E Chicago, 410 E Chicago, and 419 Highland and change zoning to R1B (Medium density single-family residence). The existing single-family homes will be demolished and one single-family house and pool cabana will be constructed on the consolidated lot. PZC approved 7-0. Staff concurs.]*

22-0750 (item 20) Passed 7-1 (Taylor no). Pass the ordinance rezoning the property located at 416 E. Chicago Avenue from R2 to R1B (La Dimora di Douglas Resubdivision) – PZC 22-1-007 (Item 2 of 3)

22-0751 (item 21) Passed 7-1 (Taylor no). Pass the ordinance approving a preliminary/final plat of subdivision for La Dimora di Douglas Resubdivision - PZC 22-1-007 (Item 3 of 3)

One public comment - Tim Messer- against resubdividing 3 lots into one. Was disappointed that the south side of Chicago Avenue was not included in the Historical District years ago. Will be a loss to the community if other homes along this gateway are torn down in the future.

Council discussion

- a. Mayor disclosed that he recently appointed the petitioner to the Liquor Commission but there was no conflict-of-interest on his part so he would not be recusing himself.
- b. Taylor agreed with the speaker and didn't agree that this was in character with the neighborhood as it is now. Will be voting no because of the Highland Avenue aspect. Was worried that Highland homeowners will be looking onto a fence and a pool instead of a house. Was also concerned about affordable housing. Allowing 3 "well-maintained, lesser-price point houses" to be torn down was problematic.

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- c. Kelly asked about their landscaping plan and spoke to neighbors and Chicago Avenue neighbors are okay with it but Highland neighbors have some reservations. Suggested that the petitioner reach out to neighbors to discuss their plans.
 - d. Holzhauer asked what the long term plan was for the Highland Avenue side, as this is the only bit that gave him pause.
 - e. The petitioner responded to Taylor's comments, calling them "inaccurate". The Highland Avenue home was poorly maintained and dilapidated. 416 E Chicago had many different renters (not families) living there. They lived at 410 E Chicago for 13 years and maintaining a 150-year old home was getting difficult. The Highland entrance will have landscaping and will be set back to the front of where the previous was.

Agenda Items #22 (22-0759)- Outdoor seating permits

Passed 8-0. 22-0759 Waive the first reading and pass the ordinance amending Section 3-3-11:3 of the Naperville Municipal Code increasing the cap on **Outdoor Seating permits** from six to ten (requires six positive votes). *[On 6/9/2022, Liquor Commission voted unanimously to increase cap to accommodate Giordanos, Allegory, Le Chocolat, and La Sorella di Francesca.]*

Three public comments

- 1-2. Proprietors of 2 downtown restaurants in favor of increasing the cap.
- 3. Marilyn Schweitzer - items placed in the public way interfere with pedestrian passage and it is not being enforced. Infrastructure is public. Before increasing cap, asks that the ordinance address the following: A) allow sufficient space between private seating and public amenities (e.g trees, lighting, trash cans), B) specify carriage-walk width, C) set a limit to the length of contiguous seating (e.g. less than a car length), D) specify a fine or repercussion for not abiding by regulation, E) approved seating plan must be made available for public to view along with complaint procedure and contact, F) update city page with instructions on filing a complaint.

Council comments

- a. Hinterlong concerned about distance between planters and tables. Not in favor of moving public amenities (e.g. benches) to make room for private dining. Is worried about Giordanos and Francescas setups.
- b. Sullivan. Asked staff about enforcement, and will it be complaint based or will there be active enforcement.
- c. Attorney DiSanto clarified that this ordinance is just an increase of the cap. The process of obtaining a permit does not change. That code is maintained in the Liquor Commission office and TED inspects the setup to ensure that proprietors are compliant with code. If there are violations, they can revoke the outdoor permit.
- d. Bill Novak (TED director) inspects outdoor seating to ensure that restaurants are compliant.
- e. Taylor. Has no problem with Allegory and Le Chocolate setups. Francescas and Giordanos have very narrow sidewalks in front which make accessibility difficult. Also asked that restaurants not have waiter areas on public sidewalk. The city should be strict that this doesn't happen because this is public property. Worried that if it is too hard to navigate the sidewalks that people will stay away.
- f. Holzhauer and Hinterlong went on a field trip with a tape measure. There are many spots that are very tight. Naperville Downtown Alliance working with TED

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- to make things work (e.g. could relocate a cigarette pole and bench in front of Francesas to make room for a table). Asked if it could be permissible for a restaurant to work with neighboring stores. Mayor said the current rule is that tables must be in front of the restaurant but this hasn't come up.
- g. Mayor advised that fencing will remain around dining areas to create barriers between pedestrians and diners (especially where alcohol is concerned).

Agenda item #23 (22-0763) - Conduct of Members of City Council and Boards/Commissions

Passed 8-0. One public comment; no discussion from council. 22-0763 Waive the first reading and pass the ordinance amending Sections 1-5-6-2 and 2-1-13 of the Naperville Municipal Code regarding Conduct of Members provisions for City Council and Board and Commission members (requires six positive votes). *[Proposal adds 5 City Council provisions to Boards & Commissions and adds new provisions to both Council and Boards & Commissions.*

<https://naperville.legistar.com/LegislationDetail.aspx?ID=5697299&GUID=2B985DB7-D846-47AF-933B-068D3AE3B7AD&FullText=1>]

One public comment- Marilyn Schweitzer. Offered recommendations to the ordinance.

Public Hearings- all passed 8-0. No discussion.

1. 22-0586B Receive the staff report and conduct the public hearing to consider the Annexation Agreement for property located at 722 Woodlawn Avenue - PZC 21-1-128 (Item 1 of 5). *[PZC approved on 5/18/2020 7-0. Staff concurs.]*
2. 22-0709 Pass the ordinance authorizing the execution of the Annexation Agreement for property located at 722 Woodlawn Avenue - PZC 21-1-128 (requires six positive votes) (Item 2 of 5)
3. 22-0710 Pass the ordinance annexing 722 Woodlawn Avenue - PZC 21-1-128 (Item 3 of 5)
4. 22-0711 Pass the ordinance rezoning 722 Woodlawn Avenue to R1A upon annexation - PZC 21-1-128 (Item 4 of 5)
5. 22-0712 Pass the ordinance approving a deviation to the platted setback for property located at 722 Woodlawn Avenue - PZC 21-1-128 (Item 5 of 5)
6. 22-0582B Receive the staff report and conduct the public hearing to consider the Annexation Agreement for property located at 5S578 Tuthill Road – PZC 22-1-025 (Item 1 of 4) *[PZC approved on 5/18/2022 7-0. Staff concurs.]*
7. 22-0700 Pass the ordinance authorizing the execution of the Annexation Agreement for property located at 5S578 Tuthill Road - PZC 22-1-025 (requires six positive votes) (Item 2 of 4)
8. 22-0701 Pass the ordinance annexing 5S578 Tuthill Road - PZC 22-1-025 (Item 3 of 4)
9. 22-0702 Pass the ordinance rezoning 5S578 Tuthill Road to R1 upon annexation - PZC 22-1-025 (Item 4 of 4)
10. 22-0765 Conduct the public hearing for the Program Year 2021 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (Item 1 of 2)
11. 22-0764 Accept the Program Year 2021 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (Item 2 of 2)

Ordinances- Overnight parking- all passed 5-3 (Hinterlong, Taylor, Leong no).

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1. 22-0428C Concur with staff recommendation to establish an *Overnight Parking Program and pass the ordinance creating overnight parking exemptions for subdivisions designated as multi-family and built prior to November 17, 2015 (Item 1 of 3). [Based on direction from 6/7/2022 meeting, staff revised the draft to require each HOA to apply to participate and to restrict application to only multi-family neighborhoods developed prior to 2015. Each HOA application will go through TAB and Council for final review and approval.]*
 2. 22-0568C Pass the ordinance amending Section 11-2A-8 of the Naperville Municipal Code to allow all-night parking as designated in the Traffic Schedule (Item 2 of 3)
 3. 22-0567C Pass the ordinance amending the Traffic Schedule to include overnight parking exemptions for streets in The Villages of Westglen and The Enclave at Country Lakes (Item 3 of 3)

Council comments

- Hinterlong. Residents have a level of responsibility and should “live within their means”. Didn’t want to see this as a precedent for other neighborhoods.
- Taylor. Appreciated that a provision was added to only apply to HOAs built before 2015 but overall, it needs more clarity and guidelines.

Awards & bids - passed 8-0 with no discussion.

22-0642 Approve the award of Bid 22-002, 2022 Street Resurfacing Program - City, to K-Five Construction Corp., for an amount not to exceed \$4,382,430, plus a 3% contingency. *[The Transportation, Engineering, and Development (TED) department will conduct 2 street resurfacing programs this year. The first was awarded in April 2022 and used state motor fuel tax (MFT) funds. The second is the subject of this request. It is expected to start in 7/5/2022 and be completed by 10/14/2022.]*

Reports & recommendations - Landmarking procedures

Receive the report regarding the City’s landmarking procedures and direct staff to draft amendments and facilitate review/approval processes as appropriate.

Landmarking options by staff:

<https://naperville.legistar.com/LegislationDetail.aspx?ID=5697272&GUID=E859CCB2-C04B-40A0-B43B-9A0255411594&Options=&Search=&FullText=1>

1. Application fee
2. Refine criteria for landmarking
3. Remove Historic Preservation Commission (HPC) from list of parties eligible to submit landmark application
4. Require property owner consent
5. Make HPC denial of non-owner Landmark application final
6. Require supermajority of HPC and Council to approve application which does not have property owner consent
7. Amend property owner requirements
8. Compensation for costs incurred by non-consenting property owner
9. Encourage voluntary landmarking

Three comments submitted in support of preservation.

Six public speakers

1. Kaylin Risvold (Naperville Chamber of Commerce). Believes that landmarking private property without owner consent is an overreach of government that creates an undue burden on local businesses and residents. Asked that the city

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- partner with existing groups to promote voluntary landmarking.
2. Christine Jeffries (Naperville Development Partnership). Requested to modify the existing landmark process to include owner consent.
 3. Becky Simon (Naperville Preservation). They support 4 of the 9 options proposed by staff: For: 1, 6, 7, 9 Against: 2, 3, 4, 5, 8
 4. Tim Messer. Naperville does not encourage preservation. The Kroehler YMCA is a good example of the current system working. A detailed landmarking application was submitted, public hearings held, HPC determined not worthy, and Council concurred.
 5. Jane Burke (Naperville Preservation). It is important that Naperville value its heritage in a way that's consistent with how it lives today. This is an important exercise to go through given that some of our neighborhoods are aging. Understand two types of landmarking- local and national register. This discussion is about local. A landmarked building has to live within the environment but that does not mean that it can't be changed.
 6. Marilyn Schweitzer. Asked that Council review the Fort Collins Historic Preservation website (a Naperville benchmark community). <https://www.fcgov.com/historicpreservation/> Naperville could do more to promote preservation.
 7. Scott Day. Of the 38 communities in DuPage County, only 10 permit hostile landmarking. Suggested that the city reward voluntary landmarking with incentives (e.g. like Hinsdale). Hinterlong asked the speaker what kind of incentives. Eg Not monetary; enhanced zoning FAR for anything that's historic to make it easier to own one of these properties.

Council comments

- Holzhauer. Proposed to 1) remove the ability of individuals to initiate a petition but retain the ability to do so at Council by simple majority and 2) set up point of access like Fort Collins to make voluntary landmarking easier.
 - Mayor. Agreed with Holzhauer; it would be easy to create a website and highlight the importance of preservation. Thinks landmarking without consent is wrong and should be in the hands of Council to decide to start an application if it's involuntary.
 - Taylor. Clarified that an organization could come to Council to request Council start the process for a property but the organization can't start the application on their own.
 - Hinterlong. Would like to see stakeholders get together to work through details and to understand what landmarking means (referring to speaker Burke's comments). Naperville should do a better job of touting its historic district and promoting advocacy and awards. Asked staff if they could conduct a survey of significant properties (eg famous architect, age).
 - Kelly. More discussion is necessary and has not worked for either side. There have only been three involuntary applications over 15 years so he doesn't think it is a massive problem but the entire process is worth reviewing.
 - Leong. Noted that Naperville has a living museum (Naper Settlement) which the city funds generously. Thought the idea of removing property rights should have a stronger vote from the council (minimum of 6). Mayor explained that this Council cannot handcuff future councils to a super majority rule, and a future council could waive that rule with a simple majority anyway.
 - Sullivan. Was amenable to Holzhauer's plan because it is going to come back to Council with another reading. Would welcome feedback from the stakeholders. Show of hands vote (5) supported having staff put together ordinance language for
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an agenda item using Holzauer’s suggestion. Hinterlong, Taylor, and Kelly would like to see the entire package and not piecemeal ordinances. Holzauer argued that the ordinance is not complicated. It is a dynamic process that will continuously improve over the years. Delaying the ordinance part of it doesn’t make sense. Mayor concurred, so that property owners know where they stand now. Attorney DiSanto outlined the technical process of the new ordinance: 1) Staff write up ordinance draft, 2) Planning and Zoning Commission (PZC) review and approve, 3) Historical Preservation Committee review, 4) Council final review and approval.

New business - none

Any Issues Discussed That Have Implications for LWV?

As a supporter of DEI, the League is watching the appointment process and Code of Conduct of City Boards and Commissions.
Former Naperville LWV President Becky Simon spoke regarding landmarking.

Next Meetings

Tuesday, July 19, 2022
Tuesday, August 16, 2022

Report Reviewed By

Anne Mathews
