

WHEATON CITY COUNCIL PROCEEDINGS

MONDAY, JUNE 5, 2017

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W. WESLEY ST., WHEATON, IL

1. CALL TO ORDER AND ROLL CALL

The regular Wheaton City Council Meeting was called to order at 7:01 p.m. by Mayor Michael Gresk. Upon roll call, the following were:

Physically Present: Mayor Michael J. Gresk
Councilman Michael Barbier
Councilwoman Suzanne Fitch
Councilman John Prendiville
Councilman John Rutledge
Councilman Todd Scalzo
Councilman Phil Suess

Absent: None

City Staff Present: Michael G. Dzugan, City Manager
James Knippen, City Attorney
Paul G. Redman, Director of Engineering
James P. Kozik, Director of Planning & Economic Dev.
Holly A. Schulz, Director of Human Resources
Arin Thrower, Public Information Officer
Michael Wakefield, Public Works Street Superintendent

2. APPOINTMENT OF CLERK PRO TEM

Councilman Rutledge moved and Councilman Suess seconded that Arin Thrower be appointed Clerk Pro Tem for purposes of taking minutes of this evening's meeting.

The motion was approved by unanimous voice vote.

3. PRESENTATIONS

Mayor Gresk read and presented a proclamation to Ms. Lisa Mattingly, American Legion Auxiliary Unit 76 and Ms. Catie Powell, who was selected as the Auxiliary's "Poppy Girl," proclaiming June 14, 2017 as "Poppy Day" in the City of Wheaton. Ms. Mattingly thanked the Mayor and City Council for the proclamation and Ms. Powell passed out poppies to the Council.

Mayor Gresk read and presented a proclamation to Ms. Katie Sivak, B.R. Ryall YMCA proclaiming June 17, 2017 as Healthy Walking Day in the City of Wheaton. Ms. Sivak thanked the Mayor and City Council for the proclamation and encouraged everyone to join them on the Healthy Wheaton Walk on June 17.

4. CITIZENS TO BE HEARD

Mr. Terry Cannella, 804 Prospect Street, raised the following questions with regard to the proposed school on Taft Avenue: has the City considered potential lawsuits because the area is unsafe, what the traffic impact off Roosevelt Road would be if there were peaceful protests, would Taft Avenue become a school zone and whether there would be a police presence for crossing guards.

5. CONSENT AGENDA

Councilman Rutledge asked that Consent Agenda New Business Item #1 (A Resolution Authorizing the Installation of an Honorary Street Sign for SPC Samuel T. Watts) be moved to the Regular Agenda. This item will become Regular Agenda New Business Item #11.

Councilman Suess moved and Councilman Prendiville seconded that the following action be taken on the Consent Agenda items, as amended:

1. Approve the Minutes of the May 15, 2017 regular Wheaton City Council Meeting, as submitted.
2. Adopt Resolution R-45-17, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1923 East Evergreen Street).
3. Adopt Resolution R-46-17, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1097 Belter Drive).
4. Approve Requests and Authorize Issuance of Special Event Permits to NEXT Yoga – NEXT Yoga Wellness Event, DuPage County Fair Association – DuPage County Fair, DuPage PADS – Run 4 Home and NAMI of DuPage County – NAMI Run for the Mind.
5. Pass Ordinance No. F-2017, An Ordinance Ascertaining Prevailing Wage Rates.
6. Adopt Resolution R-43-17, A Resolution Authorizing the Execution of an Agreement with Engineering Resource Associates for Design Engineering Services – Parking Lot 8.

Ayes:

Roll Call Vote on Consent Agenda, as amended
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays:
Absent:

None
None
Motion Carried Unanimously

6. PASS ORDINANCE NO. F-2012, AN ORDINANCE ALLOWING SCHOOLS (PRE-KINDERGARTEN THROUGH EIGHTH GRADE) BY SPECIAL USE PERMIT IN THE C-3 GENERAL BUSINESS DISTRICT

Councilman Prendiville moved and Councilman Suess seconded that Ordinance No. F-2012, An Ordinance Allowing Schools (Pre-Kindergarten Through Eighth Grade) by Special Use Permit in the C-3 General Business District, be passed.

City Manager Dzugan stated that, at their May 15, 2017 meeting, the Council directed staff to prepare an ordinance amending the Zoning Ordinance to allow schools by special use permit in the C-3 zoning district, provided they do not have frontage on an arterial or collector street and have a property line located across the street from a residentially zoned district. City Manager Dzugan recommended approval of the ordinance as submitted.

Councilman Suess asked for clarification on the language regarding arterial or collector streets and questioned if it would impact the Montessori school located on Gary Avenue. Director of Planning & Economic Development Kozik stated there would be no impact on the Montessori school as it is located in a different zoning district.

Roll Call Vote:
Ayes: Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

7. PASS ORDINANCE NO. F-2013, AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A SCHOOL (PRE-KINDERGARTEN THROUGH EIGHTH GRADE) ON PROPERTY COMMONLY KNOWN AS 1607 TAFT AVENUE – CARRIERS OF LIGHT

Councilman Suess moved and Councilman Prendiville seconded that Ordinance No. F-2013, An Ordinance Granting a Special Use Permit to Allow the Construction, Operation and Maintenance of a School (Pre-Kindergarten Through Eighth Grade) on Property Commonly Known as 1607 Taft Avenue – Carriers of Light, be passed.

City Manager Dzugan stated the City Council also directed staff to prepare an ordinance allowing for the operation of a school in an existing building located at 1607 Taft Avenue in the C-3 Zoning District at their May 15, 2017 meeting. He stated the proposed ordinance would grant a special use permit for the operation of a school at this location with certain conditions for management of the gates located on the west side of the building, widening the width of the drive approach on Taft Avenue to 24 feet, submission of a drop-off/pick-up plan, maintenance of 23 parking spaces, and limiting enrollment to a maximum of 92 students. City Manager Dzugan recommended approval of the ordinance as submitted.

Councilman Barbier expressed concerns with regard to traffic flow and stated he would like to see safer alternatives. Mr. Mark Daniel, attorney for the school, stated their focus was on Taft Avenue and stated the proposed plan is the best alternative they have as property easements do not allow for flexibility. Mr. Joseph Abel, Planning Consultant, indicated that no more than three cars will be lined up at any time, providing adequate traffic flow.

In response to Councilman Suess regarding north/south traffic flow, Mr. Abel stated timing for the school and the other businesses located on the site are different and they will share parking. Mr. Daniel stated inbound traffic draws to Roosevelt Road and 80% will exit onto Roosevelt Road. In reply to Mayor Gresk, Mr. Daniel stated class times at the other businesses vary and could be adjusted to eliminate any conflicts. In response to Councilman Prendiville, Director of Engineering Redman stated school zone could be added to Taft and the addition of a yield sign at the Taft/Prospect intersection.

Roll Call Vote:
Ayes: Councilman Suess
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: Councilman Barbier
Absent: None
Motion Carried

8. PASS ORDINANCE NO. F-2014, AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III, "WHEATON LIQUOR ORDINANCE," OF THE CITY CODE (INCREASE IN CLASS S (CONVENIENCE STORE) LIQUOR LICENSE/7-ELEVEN #30137/625 W. ROOSEVELT ROAD, WHEATON, IL)

Councilman Scalzo moved and Councilman Rutledge seconded that Ordinance No. F-2014, An Ordinance Amending Chapter 6, Article III, "Wheaton Liquor Ordinance," of the City Code (Increase in Class S (Convenience Store) Liquor License/7-Eleven #30137/625 W. Roosevelt Road, Wheaton, IL), be passed.

City Manager Dzugan stated the Liquor Control Commission reviewed and unanimously recommended approval of the issuance of a Class S Liquor License to the 7-Eleven located at 625 W. Roosevelt Road. He recommended approval of the ordinance as submitted.

Roll Call Vote:
Ayes: Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge

Nays: None
Absent: None
Motion Carried Unanimously

9. APPROVAL OF APPOINTMENT TO CITY BOARDS/COMMISSIONS

Mayor Gresk moved and Councilman Rutledge seconded that the appointment of Ryan Kipfer to the Library Board be postponed to the July 3, 2017 Council meeting.

The motion was approved by unanimous voice vote.

10. PASS ORDINANCE NO. F-2015, AN ORDINANCE OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS, AUTHORIZING THE MAYOR TO SIGN AND CITY CLERK TO ATTEST TO A CERTAIN SEVENTH AMENDMENT TO A DEVELOPMENT AGREEMENT REGARDING THE CITY OF WHEATON COURTHOUSE REDEVELOPMENT PROJECT AREA

Councilman Prendiville moved and Councilman Suess seconded that Ordinance No. F-2015, An Ordinance of the City of Wheaton, DuPage County, Illinois, Authorizing the Mayor to Sign and City Clerk to Attest to a Certain Seventh Amendment to a Development Agreement Regarding the City of Wheaton Courthouse Redevelopment Project Area, be passed.

City Manager Dzugan stated the proposed ordinance would extend the completion date for this project from December 31, 2017 to December 31, 2018. He recommended approval of the ordinance as presented.

Roll Call Vote:
Ayes: Councilman Prendiville
Mayor Gresk
Councilman Rutledge

Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

11. FIRST READING OF AN ORDINANCE AMENDING THE WHEATON CITY CODE,
CHAPTER 26-139 – BUSINESSES – TOBACCO – PROXIMITY TO CERTAIN INSTITUTIONS

City Manager Dzugan reported that the proposed ordinance would amend the tobacco code to match language in the liquor code with regard to proximity to certain institutions. He indicated the amendment will address certain compliance issues with the existing language. City Manager Dzugan said it appears on the agenda as a first reading with formal action being taken at the June 19, 2017 meeting.

Councilman Suess asked for clarification that the language is similar to that contained in the liquor code. Director of Planning & Economic Development Kozik confirmed it was.

Councilwoman Fitch stated the issue arose based on varying uses in strip shopping centers such as dance studios, party places, art studios, tutoring facilities, etc. and if the language is not clarified, there would be an issue with these types of uses and tobacco sales.

12. RECEIVE PLANNING & ZONING BOARD REPORT RE: ZA #17-11/TEXT AMENDMENT/
ARTICLE 14/I-1 INSTITUTIONAL DISTRICT AND REFER TO CITY ATTORNEY FOR
ORDINANCE PREPARATION APPROVING THE TEXT AMENDMENT

Councilman Rutledge moved and Councilman Prendiville seconded to receive the Planning & Zoning Board Report Re: ZA #17-11/Text Amendment/Article 14/I-1 Institutional District and refer to City Attorney for Ordinance Preparation Approving the Text Amendment.

City Manager Dzugan advised that the Planning & Zoning Board reviewed the proposed Zoning Ordinance amendment at their May 9, 2017 meeting and unanimously recommended approval of the text amendment. City Manager Dzugan explained that the text amendment would maintain the I-1 zoning classification for certain properties that currently have residential uses on them and create a new I-2 zoning classification for properties presently zoned I-1 without residential uses.

In response to Councilman Rutledge, Director of Planning & Economic Development Kozik confirmed that all property owners in the I-1 Zoning District received notification of the proposed amendment. Director of Planning & Economic Development Kozik stated the proposed amendment would mainly affect residential properties near Wheaton College and focuses on the County complex, church and school property that are currently zoned I-1. In response to Councilman Rutledge, he stated properties could be rezoned in the future. In response to Councilman Suess, Director of Planning & Economic Development Kozik confirmed that construction cannot occur in a flood plain.

Of the five options presented, Councilwoman Fitch believes Option 5 is the best option.

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier

Councilwoman Fitch
Councilman Prendiville
Mayor Gresk

Nays: None
Absent: None
Motion Carried Unanimously

13. ADOPT RESOLUTION R-49-17, A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO AGREEMENT #C 36927 WITH PRIMERA ENGINEERS, LTD. FOR DESIGN SERVICES – DOWNTOWN STREETSCAPE PHASE 1

Councilman Scalzo moved and Councilman Barbier seconded that Resolution R-49-17, A Resolution Authorizing the Execution of Amendment #1 to Agreement #C 36927 in the Amount of \$94,151.60 With Primera Engineers, Ltd. for Design Services – Downtown Streetscape Phase 1, be adopted.

City Manager Dzugan stated the resolution before the Council would approve a change order in the amount of \$94,151.60 for services outside the scope of the original agreement with Primera Engineers for streetscape engineering services for the Downtown Streetscape. He indicated, however, the change order does not include \$6,500 for additional design for a northside Martin Plaza option.

The City Council discussed the merits of moving Martin Plaza to the north side of the street and issues with traffic. An amendment was proposed to include the additional design concept work in the amount of \$6,500 with regard to moving Martin Plaza to the north side. Councilman Scalzo stated he was supportive of the amendment; Councilman Barbier stated he was not.

In response to Councilman Barbier, City Manager Dzugan stated options with regard to Martin Plaza would be brought back for review by the City Council at their Planning Session on June 26, 2017.

Councilman Suess moved and Councilman Scalzo seconded to amend the motion to include the north component for Martin Plaza in the amount of \$6,500.

Ayes:

Roll Call Vote on Amendment:
Councilman Suess
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: Councilman Barbier
Absent: None

Motion Carried

Ayes:

Roll Call Vote on Amended Motion:
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilman Prendiville
Mayor Gresk
Councilman Rutledge

Nays: Councilwoman Fitch
Absent: None
Motion Carried

14. ADOPT RESOLUTION R-44-17, A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO AGREEMENT #C 36859 WITH SUPERIOR ROAD STRIPING, INC. FOR LINE STRIPING – THERMOPLASTIC IN THE AMOUNT OF \$32,936.60

Councilman Suess moved and Councilman Prendiville seconded that Resolution R-44-17, A Resolution Authorizing the Execution of Amendment #1 to Agreement #C 36859 With Superior Road Striping, Inc. for Line Striping – Thermoplastic in the amount of \$32,936.60, be adopted.

City Manager Dzugan stated the Procurement Officer has recommended approval of an amendment to the City's current agreement with Superior Road Striping for thermoplastic line striping planned for the 2017/18 budget. He recommended approval of the resolution as submitted.

Roll Call Vote:
Ayes: Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: None
Absent: None
Motion Carried Unanimously

15. ADOPT RESOLUTION R-41-17, A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO AGREEMENT #C 36882 WITH AMERICAN ROAD MAINTENANCE FOR GSB-88 IN THE AMOUNT OF \$99,970

Councilman Scalzo moved and Councilman Prendiville seconded that Resolution R-41-17, A Resolution Authorizing the Execution of Amendment #1 to Agreement #C 36882 With American Road Maintenance for GSB-88 in the amount of \$99,970, be adopted.

City Manager Dzugan indicated the Procurement Officer has recommended approval of an amendment to the City's contract with American Road Maintenance for emulsified pavement treatment included in the 2017/18 budget. He recommended approval of the resolution as submitted.

Roll Call Vote:
Ayes: Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge

Nays: None
Absent: None
Motion Carried Unanimously

16. ADOPT RESOLUTION R-42-17, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JOSEPH J. HENDERSON & SON, INC. FOR WATER PUMPING STATIONS GENERATOR REPLACEMENT IN THE AMOUNT OF \$471,000

Councilman Suess moved and Councilwoman Fitch seconded that Resolution R-42-17, A Resolution Authorizing the Execution of an Agreement With Joseph J. Henderson & Son, Inc. for Water Pumping Stations Generator Replacement in the Amount of \$471,000, be adopted.

City Manager Dzugan said the Procurement Officer has recommended approval of a contract with Joseph J. Henderson & Son, Inc. to replace the existing standby generator and relocating the chlorine control room at the Countryside pumping station in the amount of \$471,000. He recommended approval of the resolution as submitted.

Ayes: Roll Call Vote:
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: None
Absent: None
Motion Carried Unanimously

17. PASS ORDINANCE NO. F-2016, AN ORDINANCE AMENDING PORTIONS OF THE CITY OF WHEATON EMPLOYEE RULES AND REGULATIONS

Councilman Prendiville moved and Councilman Suess seconded that Ordinance No. F-2016, An Ordinance Amending Portions of the City of Wheaton Employee Rules and Regulations, be passed.

City Manager Dzugan stated the Council has before them a memorandum from Director of Human Resources Schulz outlining proposed changes to the City's Employee Manual. He indicated the changes reflect the City's current practices and most of the changes relate to keeping current with state and federal laws. He recommended approval of the ordinance as presented.

Ayes: Roll Call Vote:
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

18. ADOPT RESOLUTION R-48-17, A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MILTON TOWNSHIP ROAD DISTRICT

AND THE CITY OF WHEATON FOR RESURFACING STODDARD AVENUE BETWEEN GENEVA ROAD AND HAWTHORNE BOULEVARD, SECTION NO.: 17-0015-00-RS

Councilman Suess moved and Councilman Barbier seconded that Resolution R-48-17, A Resolution Authorizing an Intergovernmental Agreement Between the Milton Township Road District and the City of Wheaton for Resurfacing Stoddard Avenue Between Geneva Road and Hawthorne Boulevard, Section No.: 17-0015-00-RS, be adopted.

City Manager Dzugan advised the intergovernmental agreement with Milton Township Road District before the Council is for resurfacing sections of Stoddard Avenue that are not located within the corporate limits of the City. He stated the Township will reimburse the City for costs for this work, which are estimated to be \$31,446.15. City Manager Dzugan recommended approval of the resolution as submitted.

In response to Councilman Suess, Director of Engineering Redman stated the work is currently under contract and is part of our current road program, but he did not have a specific date for completion of the work.

Roll Call Vote:

Ayes:

Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays:

None

Absent:

None

Motion Carried Unanimously

19. ADOPT RESOLUTION R-47-17, A RESOLUTION AUTHORIZING THE INSTALLATION OF AN HONORARY STREET SIGN FOR SPC SAMUEL T. WATTS

Councilman Rutledge moved and Councilman Prendiville seconded that Resolution R-47-17, A Resolution Authorizing the Installation of an Honorary Street Sign for SPC Samuel T. Watts, be adopted.

City Manager Dzugan stated staff has reviewed and is recommending approval of an application for an honorary street sign for SPC Samuel T. Watts along Karlskoga Avenue between Wheaton Avenue and Hale Street. He recommended approval of the resolution as submitted and installation of the honorary street sign.

Councilman Rutledge stated he asked that this item be placed on the Regular Agenda to receive the consideration and recognition it deserves.

Roll Call Vote:

Ayes:

Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk

Nays:

None

Absent:

None

Motion Carried Unanimously

20. COUNCIL COMMENT

Councilman Scalzo encouraged everyone to participate and enjoy the upcoming Memorial Day Parade, the Islamic Dinner and the Taste of Wheaton.

21. APPROVAL OF WARRANT

Councilman Suess moved and Councilman Rutledge seconded that Warrant No. 705 in the amount of \$2,033,080.79 be approved.

Ayes: Roll Call Vote:
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: None
Absent: None
Motion Carried Unanimously

22. CLOSED SESSION

Councilman Scalzo moved and Councilwoman Fitch seconded that the Wheaton City Council adjourn to closed session at 8:14 p.m. for the purpose of discussing Land Acquisition (5 ILCS 120/2(c)(5)), Pending Litigation (5 ILCS 120/2(c)(11)), and Review of Closed Session Minutes (5 ILCS 120/2(c)(21)).

Mayor Gresk indicated that no action will be taken after the Closed Session.

Ayes: Roll Call Vote:
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge

Nays: None
Absent: None
Motion Carried Unanimously

The City Council returned to the open portion of their meeting at 9:40 p.m.

23. ADJOURNMENT

Councilman Scalzo moved and Councilman Prendiville seconded that the regular Wheaton City Council Meeting be adjourned at 9:41 p.m.

Ayes: Roll Call Vote:
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville

Mayor Gresk
Councilman Rutledge

Nays: None
Absent: None
Motion Carried Unanimously

Respectfully submitted,

Arin Thrower
Clerk Pro Tem

DRAFT MINUTES