



# WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILWOMAN SUZANNE FITCH  
COUNCILWOMAN LYNN ROBBINS | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

Monday, May 3, 2021

At 7:00 p.m. Mayor Suess administered the oath of office to Councilman Brown, Councilman Weller, Councilwoman Robbins and Councilman Barbier.

## 1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:05 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

Physically Present: Mayor Suess  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Absent: None

City Staff Physically Present: Michael Dzugan, City Manager  
John Duguay, Assistant City Manager  
James Knippen, City Attorney  
James Kozik, Director of Planning & Economic Development  
Joseph Tebrugge, Director of Engineering  
Robert Lehnhardt, Finance Director  
William Murphy, Police Chief  
Greg Klos, Police Sergeant  
Edward Fanning, Code Enforcement Officer  
Susan Bishel, Public Information Officer  
Sharon Barrett-Hagen, City Clerk

## 2. Presentations

Mayor Suess read and presented a proclamation to Mr. Shawn Denz, WBYB President, Mr. Dan DiMario, WBYB Treasurer and Mr. Rick Hecker, WBYB Board Member, congratulating the Wheaton Briarcliffe Youth Baseball and Softball League on their 50<sup>th</sup> season of play. Mr. Denz thanked the Mayor and Council for the recognition.

Mayor Suess read and presented a proclamation to Ms. Alyse Kondrat, Ms. Michelle Dunlap and Mr. Bob Van Valzah of the Wheaton Bicycle Advisory Commission, proclaiming May 5 as Wheaton Bike to School Day. Ms. Dunlap thanked the Mayor and Council for the proclamation. She listed some of the bicycling activities the Commission has been involved in over the past year and plans for future activities. She encouraged students and their families to ride their bikes to school on May 5 and announced a bike webinar will held at the Wheaton Library in July.

**3. Citizens to be Heard**

None.

**4. Consent Agenda**

Councilwoman Robbins moved and Councilwoman Fitch seconded that the following action be taken on the Consent Agenda items:

1. Approve the minutes of the April 19, 2021 regular Wheaton City Council meeting as submitted.
2. Adopt Resolution R-2021-29, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1605 Wilmette Street).
3. Adopt Resolution R-2021-30, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (57 Somerset Circle).
4. Adopt Resolution R-2021-31, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (7 Landen Circle).
5. Pass Ordinance No. O-2021-16, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III - Decrease in Class A (Restaurants) Liquor License/Sushi Mono/230 W. Front Street).
6. Adopt Resolution R-2021-32, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1303 E. Harrison Avenue).
7. Adopt Resolution R-2021-33, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1807 Challenger Court).
8. Adopt Resolution R-2021-34, A Resolution Approving the Final Plat of Summit Street Subdivision.

**Roll Call Vote on Consent Agenda:**

Ayes:	Councilwoman Robbins Councilman Weller Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess Councilwoman Fitch
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Nays: None

Absent: None

Motion Carried Unanimously

**5. Approve Reappointment/Appointment to City Boards and Commission**

Mayor Suess moved and Councilwoman Bray-Parker seconded that Anne Wanzenburg be reappointed to the board of Fire and Police Commissioners for a three-year term and that Nicole Aranas be designated as Chairman of the Planning & Zoning Board.

**Roll Call Vote:**  
Ayes: Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown

Nays: None  
Absent: None  
Motion Carried Unanimously

**6. Pass Ordinance No. O-2021-17, An Ordinance Amending Ordinance Nos. F-0430 and Ordinance F-1788 “An Ordinance Granting a Special Use Permit on a Certain Piece of Property Located on the Northwest Corner of Lincoln Avenue and Washington Street – Wade Center”**

Councilman Barbier moved and Councilwoman Fitch seconded that Ordinance No. O-2021-17, An Ordinance Amending Ordinance Nos. F-0430 and Ordinance F-1788 “An Ordinance Granting a Special Use Permit on a Certain Piece of Property Located on the Northwest Corner of Lincoln Avenue and Washington Street – Wade Center,” be passed.

City Manager Dzugan reported the proposed ordinance would permit demolition of a house located at 614 N. Washington and the construction of an English-style garden. While this is considered a major change to the PUD, City Manager Dzugan advised the amendment can be considered without a public hearing since the changes are in substantial conformity with the original PUD.

**Roll Call Vote:**  
Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Nays: None  
Absent: None  
Motion Carried Unanimously

**7. Pass Ordinance No. O-2021-18, An Ordinance Authorizing an Extension of Time on the Validity of Ordinance No. F-1855 – “An Ordinance Granting Planned Unit Development Approval to Allow the Construction and Use of a 3,750 Square Foot Pole Building for a Contractor Office and Shop with 9 On-Site Parking Spaces at 105 Bridge Street – Andreaacchi”**

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Ordinance No. O-2021-18, An Ordinance Authorizing an Extension of Time on the Validity of Ordinance No. F-1855 – “An Ordinance Granting Planned Unit Development Approval to Allow the Construction and Use of a 3,750 Square Foot Pole Building for a Contractor Office and Shop with 9 On-Site Parking Spaces at 105 Bridge Street – Andreaacchi,” be passed.

City Manager Dzugan stated the City had received a request for a one-year extension of time for the validity of the PUD for the property located at 105 Bridge Street which was valid for three years. He advised the new owners made slight modifications to the original floor plan and building elevations.

In response to Councilwoman Bray-Parker, Mr. Claude O'Malley, Bloomfield, EHC, LLC stated he plans to use the property as an operating area and headquarters facility and not as an indoor soccer facility.

**Roll Call Vote:**  
Ayes: Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Nays: None  
Absent: None  
Motion Carried Unanimously

**8. Pass Ordinance No. O-2021-19, An Ordinance Amending the Calendar Year 2020 Budget Contained in Ordinance No. O-2019-60**

Councilwoman Fitch moved and Councilwoman Robbins seconded that Ordinance No. O-2021-19, An Ordinance Amending the Calendar Year 2020 Budget Contained in Ordinance No. O-2019-60, be passed.

City Manager Dzugan stated a memorandum from the Finance Director has been provided requesting approval of a proposed amendment to the 2020 budget.

**Roll Call Vote:**  
Ayes: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Nays: None  
Absent: None  
Motion Carried Unanimously

**9. Pass Ordinance No. O-2021-20, An Ordinance Granting a Side Yard Abutting a Street Setback Variation on a Certain Piece of Property Commonly Known as 523 E. Elm Street - Johnson**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2021-20, An Ordinance Granting a Side Yard Abutting a Street Setback Variation on a Certain Piece of Property Commonly Known as 523 E. Elm Street – Johnson, be passed.

City Manager Dzugan stated that at its April 28, 2021 meeting, the Planning & Zoning Board unanimously recommended approval of a side yard abutting a street setback variation to allow the construction of a deck with a setback of 17.79 feet in lieu of the required 30.47 feet.

**Roll Call Vote:**  
Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Nays: None  
Absent: None  
Motion Carried Unanimously

**10. Adopt Resolution R-2021-35, A Resolution Authorizing the Execution of a Service Agreement for Food and Beverage Concessionaire/Wheaton Public Library/Altiro Latin Fusion Restaurants**

Councilwoman Robbins moved and Councilwoman Bray-Parker seconded that Resolution R-2021-35, A Resolution Authorizing the Execution of a Service Agreement for Food and Beverage Concessionaire/Wheaton Public Library/Altiro Latin Fusion Restaurants, be adopted.

City Manager Dzugan stated the proposed service agreement would permit Altiro to operate in the café space in the library. In response to Council questions, City Manager Dzugan stated the Library Director reached out to several companies, including the former operator, with respect to utilizing this space and advised the menu has not been finalized at this time. Councilman Barbier questioned why it did not go out to bid for market price rather than the Library selecting a café operator. City Attorney Knippen stated a lease agreement is not required to go out to bid and advised it is not a market-type situation as there is a narrow niche for this type of use.

**Roll Call Vote:**  
Ayes: Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Nays: None  
Absent: None  
Motion Carried Unanimously

**11. Adopt Resolution R-2021-36, A Resolution Authorizing the Execution of Agreement No. 194 with Infinity Technologies for the Purchase and Installation of Security Cameras at the Water Division and President Street Pumping Station for a Total Amount Not to Exceed \$20,747**

Councilwoman Fitch moved and Councilwoman Robbins seconded that Resolution R-2021-36, A Resolution Authorizing the Execution of Agreement No. 194 with Infinity Technologies for the Purchase and Installation of Security Cameras at the Water Division and President Street Pumping Station for a Total Amount Not to Exceed \$20,747, be adopted.

City Manager Dzugan stated the Facilities Manager has recommended motion detectors and cameras be installed at the City's water plants on Reber Street and President Street. He indicated the City received two bids and \$23,000 was included in the budget for this work.

**Roll Call Vote:**  
Ayes: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Nays: None  
Absent: None  
Motion Carried Unanimously

**12. Adopt Resolution R-2021-37, A Resolution Authorizing the Execution of a Lease with Commonwealth Edison Company**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Resolution R-2021-37, A Resolution Authorizing the Execution of a Lease with Commonwealth Edison Company, be adopted.

City Manager Dzugan advised the proposed resolution approves a lease with Commonwealth Edison for the City to use a small parcel in Lot 4 for parking. He indicated the parcel is located on the north side of Liberty Drive, between Hale Street and Main Street. City Manager Dzugan confirmed the City has a similar lease with DuPage County since the County owns most of the land comprising Lot 4.

**Roll Call Vote:**  
Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Nays: None  
Absent: None  
Motion Carried Unanimously

**13. Update on System of Administrative Adjudication**

City Manager Dzugan advised that at the March 22 Planning Session, the Council discussed a code amendment which would establish an administrative adjudication system. Based on Council comments

made at that meeting, the proposed ordinance has been revised for the Council's consideration. He stated staff is seeking additional comments from the Council and hopes to place it on the May 17 Council agenda for a first reading, with the second and final reading at the meeting on June 7.

Sergeant Klos noted that a modification had been made with regard to the fine schedule, which is based on Section 1-8 of the City Code. City Attorney Knippen advised that the minimum fine may be lower than that contained in Section 1-8 with respect to parking violation fines.

#### 14. Council Comment

Councilwoman Bray-Parker announced May is Asian American Pacific Islander Heritage Month and encouraged everyone to check out the City and Library webpages.

Councilwoman Fitch welcomed the new Council members. She stated she is happy the tents are back on Hale Street and that more people seem to be out enjoying various activities. She did express concerns about the fact that students are still wearing masks during gym class and the effect the pandemic may have on children's mental health.

Mayor Suess welcomed the new and returning Council members. He thanked the Park District for the vaccine clinic they held on Friday and stated they may have another one when vaccines are available to younger individuals. Mayor Suess also thanked Jefferson School for the Arbor Day tree planting of two trees at the school which he and Councilwoman Fitch attended.

#### 15. Approval of Warrant

Councilwoman Fitch moved and Councilman Barbier seconded that Warrant No. 799 in the amount of \$534,320.86 be approved.

##### Roll Call Vote:

Ayes: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess

Nays: None

Absent: None

Motion Carried Unanimously

#### 16. Adjournment

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:41 p.m.

##### Roll Call Vote:

Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess

Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Nays: None  
Absent: None  
Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: May 17, 2021

DRAFT