



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILMAN SCOTT BROWN

COUNCILWOMAN SUZANNE FITCH | COUNCILWOMAN LYNN ROBBINS | COUNCILMAN SCOTT WELLER

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

Monday, May 2, 2022

1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:00 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

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

Absent: Councilwoman Bray-Parker

City Staff Physically Present:

Michael Dzugan, City Manager
John Duguay, Assistant City Manager
Jim Knippen, City Attorney
James Kozik, Director of Planning & Economic Development
Joseph Tebrugge, Director of Engineering
Susan Bishel, Public Information Officer
Andrea Rosedale, City Clerk

City Staff Electronically Present:

Al McMillen, Water Superintendent
Sean Walsh, Sewers Superintendent

2. Presentation

Mayor Suess read and presented a proclamation to Ms. Nancy Flannery of the Historic Commission, proclaiming May as Wheaton Historic Preservation Month. Ms. Flannery thanked the Mayor and Council for the proclamation and stated the importance of preserving history to learn from the past and give guidance in the future. Ms. Flannery announced an upcoming event at the Wheaton Public Library, Great Fires of Wheaton, which will be hosted on May 17th, 2022 by Historian Bob Goldsborough.

3. Citizens to be Heard

None.

4. Consent Agenda

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

1. Approve the minutes of the April 18, 2022 Wheaton City Council Regular Meeting as submitted.
2. Adopt Resolution R-2022-33, A Resolution Approving a Plat of Easement Grant with Abrogation (1420 S. Gables Boulevard and 1028 Lodalía Lane)

3. Request for Bond Waiver/Raffle License/Washington School PTA

Roll Call Vote on Consent Agenda:
Ayes: Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

5. Receive Planning and Zoning Board Report Re: ZA #22-01/ Text Amendment/ Article 24.7.2b – Recreational Vehicle Parking Restrictions)

Councilman Barbier moved and Councilwoman Robbins seconded to receive Planning and Zoning Board Report Re: ZA #22-01/ Text Amendment/ Article 24.7.2b – Recreational Vehicle Parking Restrictions).

City Manager Dzugan confirmed City Council has continued this matter a few times providing an opportunity for the applicant the opportunity to evaluate the relocation of an RV to another property from their owner-occupied property at Naperville and Elm. He stated a public hearing was held on January 11, 2022, with a recommendation from the Planning and Zoning Board to not support the applicant’s request for a text amendment to allow parking of RV’s on corner lots beyond the wall of the home.

Roll Call Vote:
Ayes: Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

City Manager Dzugan, City Attorney Knippen and Planning and Zoning Director Kozik clarified alternative motions available to City Council in response to Councilwoman Fitch. City Attorney Knippen highlighted any text amendments made to the City Code would apply to the entire city. Councilwoman Fitch understood there were three available options for City Council; amending the text of 24.7b to allow the RV to be parked at Naperville and Elm beyond the wall of the house, amending the text of 24.7a to allow parking at property owned by the RV owner and eliminating the requirement for the property to be owner occupied, or to make no changes to current language. City Attorney Knippen confirmed the applicant had not responded to an offer of an amendment the text of 24.7a to allow the RV to be parked at another property not owner occupied by the owner of the RV.

Councilman Fitch moved and Councilman Barbier seconded a motion to direct City Attorney to prepare an ordinance approving the applicant’s text amendment to 24.7b which was part of the application reviewed by the Planning and Zoning Board.

Roll Call Vote:
Ayes: Councilwoman Fitch
Councilwoman Robbins
Councilman Barbier

Nays: Councilman Weller
Councilman Brown
Mayor Suess

Absent: Councilwoman Bray-Parker
Motion Failed

Councilman Barbier moved and Councilwoman Fitch seconded a motion to direct the City Attorney to prepare an ordinance approving a proposed amendment to section 24.7a to allow parking at the property owned by the owner of the RV and eliminating the requirement for the property to be owner occupied.

Councilman Weller stated this would be a reasonable exception to the rule as long as it is not obtrusive to the community.

City Manager Dzugan confirmed an ordinance would be prepared by staff for consideration at the next City Council meeting.

Roll Call Vote:
Ayes: Councilwoman Fitch
Councilwoman Robbins
Councilman Barbier
Councilman Weller
Councilman Brown
Mayor Suess

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

6. Pass Ordinance No. O-2022-20, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class A (Restaurants) Liquor License Bestfoodever LLC D/B/A Egg’lectic Café Located at 145 N. Hale Street

Councilwoman Fitch moved and Councilman Brown seconded that Ordinance No. O-2022-20, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class A (Restaurants) Liquor License Bestfoodever LLC D/B/A Egg’lectic Café Located at 145 N. Hale Street, be passed.

Roll Call Vote:
Ayes: Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilman Brown
Mayor Suess

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

7. Authorize Issuance of Outdoor Special Event Liquor Licenses – Memorial Park – Wheaton Park District June 2-5 (Cream of Wheaton), June 24-25, July 15-16, 29-30 (Summer Concert Series), August 6 (Wheaton Brew and Seltzer Fest), August 12-13, September 9-10 (Summer Concert Series) and September 22-25 (Two Possible Rain Dates)

Councilwoman Robbins moved and Councilman Weller seconded that Outdoor Special Event Liquor Licenses – Memorial Park – Wheaton Park District June 2-5 (Cream of Wheaton), June 24-25, July 15-16, 29-30 (Summer Concert Series), August 6 (Wheaton Brew and Seltzer Fest), August 12-13, September 9-10 (Summer Concert Series) and September 22-25 (Two Possible Rain Dates), be authorized.

Roll Call Vote:
Ayes: Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

8. Authorize Issuance of Outdoor Special Event Liquor License – DuPage County Fair Association – May 28th (DuPage Community Arts Festival) – DuPage County Fairgrounds

Councilman Brown moved and Councilwoman Robbins seconded that Outdoor Special Event Liquor License – DuPage County Fair Association – May 28th (DuPage Community Arts Festival) – DuPage County Fairgrounds, be authorized.

Roll Call Vote:
Ayes: Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

9. Authorize Issuance of Outdoor Special Event Liquor License – DuPage County Fair Association – June 17th Thru June 20th (Ribfest) – DuPage County Fairgrounds

Councilman Barbier moved and Councilwoman Robbins seconded that Outdoor Special Event Liquor License – DuPage County Fair Association – June 17th Thru June 20th (Ribfest) – DuPage County Fairgrounds, be authorized.

Roll Call Vote:
Ayes: Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

10. Pass Ordinance No. O-2022-21, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Class A, B and I License Classifications - Beer

Councilman Brown moved and Councilman Barbier seconded that Ordinance No. O-2022-21, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Class A, B and I License Classifications - Beer, be passed.

Roll Call Vote:
Ayes: Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

11. Adopt Resolution R-2022-34, A Resolution Authorizing the Purchase of One (1) John Deere Backhoe Loader for Replacement Vehicle Unit 166 From West Side Tractor Sales Through the Sourcewell Purchasing Cooperative for a Total Amount Not to Exceed \$126,974.12

Councilwoman Robbins moved and Councilman Weller seconded that Resolution R-2022-34, A Resolution Authorizing the Purchase of One (1) John Deere Backhoe Loader for Replacement Vehicle Unit 166 From West Side Tractor Sales Through the Sourcewell Purchasing Cooperative for a Total Amount Not to Exceed \$126,974.12, be adopted.

City Manager Dzugan noted the current 15-year-old backhoe loader which services the water department has reached its useful life.

In response to Mayor Suess, Water Superintendent McMillen confirmed the backhoe loader would be received by the end of the year if the order was received this week.

Roll Call Vote:
Ayes: Councilwoman Robbins
Councilman Weller

Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

At 7:27 p.m. Assistant City Manager Duguay announced Mr. Burlingame arrived and informed city staff he was unable to comment on Regular Unfinished Business No. 1 through Zoom.

City Attorney Knippen opined that to bring the matter back on the floor to permit comment would require a motion to reconsider since the motions had been made and voted on. He confirmed a public hearing had already occurred and allowed for a complete exposition of the issues and evidence associated with the proposed application. Additionally, Attorney Knippen stated a member of council may make a motion to reconsider to allow for further discussion, or the matter could be voted on at the next City Council meeting.

Mayor Suess confirmed the item will be voted on at the May 16, 2022 meeting and invited Mr. Burlingame to comment at that time and council was in agreement.

12. Adopt Resolution R-2022-35, A Resolution Authorizing the Execution of Agreement No. 291 with Muscat Painting & Decorating for Fire Hydrant Sandblasting and Painting Services for a Three (3) Year Term and a Total Amount Not to Exceed \$74,807.50

Councilman Barbier moved and Councilwoman Fitch seconded that Resolution R-2022-35, A Resolution Authorizing the Execution of Agreement No. 291 with Muscat Painting & Decorating for Fire Hydrant Sandblasting and Painting Services for a Three (3) Year Term and a Total Amount Not to Exceed \$74,807.50, be adopted.

City Manager Dzugan stated three bids were received to paint fire hydrants which are on a 10-year cycle.

In response to Councilwoman Fitch, Water Superintendent Al McMillen confirmed that the fire hydrants would be painted yellow.

In response to Councilman Weller, Water Superintendent Al McMillen stated staff would investigate lining the hydrants in the future which may potentially prolong the life of the hydrants.

Roll Call Vote:
Ayes: Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None
Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

13. Adopt Resolution R-2022-36, A Resolution Authorizing the Execution of Agreement No. 285 with House of Doors for the Purchase and Installation of Overhead Doors for a Total Amount Not to Exceed \$175,230

Councilman Weller moved and Councilman Brown seconded that Resolution R-2022-36, A Resolution Authorizing the Execution of Agreement No. 285 with House of Doors for the Purchase and Installation of Overhead Doors for a Total Amount Not to Exceed \$175,230, be adopted.

City Manager Dzugan stated 22 overhead doors would be replaced at the police, fire and public works departments. He confirmed the remaining doors would be completed in the next fiscal year.

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

14. First Reading of An Ordinance Amending Chapter 2 “Administration” Article II “City Council” Division I “Generally” of the Code of Ordinances, City of Wheaton, Illinois – Defining Meetings and Electronic Attendance Participation at Meetings

City Manager Dzugan stated the ordinance was presented to City Council at the previous planning session meeting which permits electronic participation for all members of the public body including council and various boards at public meetings. He confirmed the intent of the council expressed at the planning session was captured in the proposed ordinance.

Councilwoman Fitch and City Manager Dzugan discussed language specific to the three situations where a public body member may attend remotely which contains a slight variance from the Open Meetings Act. City Manager Dzugan explained nonroutine employment obligations would not apply to individuals who travel routinely for employment.

In response to Councilwoman Fitch, City Attorney Knippen stated although it is not required, the municipality has the authority to include language to address the public’s electronic participation in meetings.

15. Council Comment

Mayor Suess reflected on his attendance at an event coordinated by the Environmental Improvement Commission and hosted by Emerson School in celebration of Arbor Day. He confirmed a White Oak tree, the state tree of Illinois was planted, and the Emerson student preparations were done exceptionally well. Mayor Suess stated the City of Wheaton is responsible for 19,850 trees.

16. Approval of Warrant

Councilwoman Fitch moved and Councilman Barbier seconded that Warrant No. 823 in the amount of \$1,426,394.50 be approved.

Roll Call Vote:

Ayes: Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilman Brown
Mayor Suess

Nays: None

Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

17. Adjournment

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

Roll Call Vote:

Ayes: Councilman Barbier
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None

Absent: Councilwoman Bray-Parker
Motion Carried Unanimously

Respectfully submitted,

Andrea Rosedale
City Clerk

Submitted for Approval: May 16, 2022