



WHEATON CITY COUNCIL PLANNING SESSION MINUTES

MAYOR MICHAEL J. GRESK

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN SUZANNE FITCH | COUNCILMAN JOHN PRENDIVILLE

COUNCILMAN JOHN RUTLEDGE | COUNCILMAN TODD SCALZO | COUNCILMAN PHILIP SUESS

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

Monday, March 25, 2019

1. Call to Order

The regular Wheaton City Council Planning Session was called to order at 7:00 p.m. by Mayor Gresk. The following were:

Physically Present: Mayor Gresk
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Councilman Rutledge
Councilman Scalzo
Councilman Suess

Absent: None

City Staff Present: Michael Dzugan, City Manager
John Duguay, Assistant City Manager
James Kozik, Director of Planning & Economic Development
Paul Redman, Director of Engineering

2. Public Comment

There were no public comments.

3. Approval of March 11, 2019 Planning Session Minutes

The City Council approved the March 11, 2019 Planning Session Minutes

4. Sidewalk Café License and Other Uses of Public Right-of-Way

Director of Planning & Economic Development Kozik reviewed the City's existing sidewalk café license and other uses of the public right-of-way requirements in the context of the new downtown streetscape. City staff reviewed the sidewalk café requirements from 10 Chicagoland communities, especially focusing on liability insurance policy requirements, license fees and barrier requirements.

The analysis also looked at current practices of downtown businesses placing planters, merchandise, small signs and other items in the right-of-way. Director of Planning & Economic Development Kozik stated the City's ordinances do not currently regulate these practices, with the exception of Zoning Ordinance regulations for placard signs in C-1, C-2 and C-4 districts.

With the wider sidewalks and an amenity zone being added through the Downtown Streetscape project, City staff is recommending the City adopt some regulations on where tables and other elements can be placed by businesses. Based on feedback from downtown business owners, the City is recommending that the ordinance state the preferred location for sidewalk café tables to be in the amenity zone whenever possible, but to consider exceptions on a case-by-case basis. This would

ensure logical placement for sidewalk café tables where there might otherwise be conflicts with proximity to parallel parking spaces, benches, street lights, bike racks or other items in the amenity zone.

Director of Planning & Economic Development Kozik reviewed City staff's suggested changes to the ordinance, including a flat sidewalk café application fee of \$50 per table, making ADA requirements a responsibility of the businesses, and prohibiting advertising on sidewalk café table umbrellas. City staff also suggested adding modest regulations for placing planters and/or merchandise in the right-of-way, limiting their size and location and requiring a no-fee permit for indemnification purposes. To address placards, City staff recommends removing this from the Zoning Ordinance, placing it as part of City Code, and requiring a no-fee permit.

In response to Council questions, Director of Planning & Economic Development Kozik stated a minor issue the City has encountered with sidewalk café tables is that they are sometimes placed further into the right-of-way than allowed.

Some Council members expressed concern that allowing for flexibility to locate tables outside the amenity zone could be a hindrance for people with disabilities. Another comment requested the City consider requiring safety barriers between sidewalk café tables and the street.

In response to a Council question about the approval process, Director of Planning & Economic Development Kozik stated City staff currently approves the location of sidewalk café tables, and it will continue to require this in the application process.

Director of Planning & Economic Development Kozik responded to a Council question about whether current businesses have umbrellas with advertising on them. He stated because the umbrellas do not have much of a lifespan and are frequently replaced, City staff and the Downtown Wheaton Association Board did not see this as a significant investment for businesses.

In response to a Council question about the insurance requirement being recommended, Director of Planning & Economic Development Kozik stated the requirement was recommended by the City Attorney and is consistent with other areas where the City requires liability insurance. City staff will follow up with the City Attorney regarding this question. The requirement would entail a business to simply list the City as an additional ensured entity in their existing insurance policy.

5. Two Percent Site Improvement Fee – Local Governments

City Manager Dzugan stated the City is involved in the review, inspection and permitting of site work related to District 200's construction of a new Jefferson Early Learning Center. The current fee is 2% of the cost of improvements, which for this project is \$34,000. City Manager Dzugan stated this item was brought forward for discussion to determine whether the Council seeks to lower the fee for site improvements to 0.5% for local government entities only, recognizing the value of local tax dollars. He stated the 0.5% rate would reflect the City's true costs and would equal approximately \$8,500 for this project. Because there are very few projects like this done by local government entities, the loss in City revenue is not significant. City staff sought direction on whether the Council would be interested in amending the site improvement fee rate for local government entities.

Some Council members spoke in favor of lowering the rate for local government projects as suggested. Other Council members expressed support for lowering the rate to the cost of services for

all site improvement projects. City Manager Dzugan stated lowering the rate for all site improvement projects would reduce significantly the \$100,000 annual revenue received. He stated in looking at the practices of other municipalities, most charge a 2% or 3% fee, and some informally waive fees for local government projects.

In response to Council questions, Director of Engineering Redman stated this fee is for large site development projects, not for single-family home projects, which pay a flat fee. He stated there are some cases where collecting 2% is adequate to cover the City's costs and other instances in which it is not sufficient.

6. City Council/City Staff Comments

Mayor Gresk reminded everyone that Election Day is April 2 for the election of members of the City Council, Mayor, and positions on the Park Board, School Board and College of DuPage Board. He encouraged residents to vote.

City Manager Dzugan stated the City launched an online and mailed survey regarding the Roosevelt Road underpass to gain public feedback, as requested by the City Council. The City already received a significant amount of feedback in a short time.

7. Adjournment

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Susan Bishel