



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILWOMAN SUZANNE FITCH

COUNCILMAN JOHN RUTLEDGE | COUNCILMAN TODD SCALZO

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

May 6, 2019

At 7:00 p.m. Justice Ann Jorgensen administered the oath of office to Mayor Phil Suess and Councilwoman Suzanne Fitch, after which Judge Linda Davenport administered the oath of office to Councilwoman Bray-Parker.

1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:09 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

Physically Present: Mayor Suess
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Councilman Rutledge
Councilman Scalzo

Absent: None

City Staff Present: Michael G. Dzugan, City Manager
John M. Duguay, Assistant City Manager
James Knippen, City Attorney
James P. Kozik, Director of Planning and Economic Development
Paul G. Redman, Director of Engineering
Vincent Laoang, Director of Public Works
Robert R. Lehnhardt, Finance Director
Arin Thrower, Public Information Officer
William Schultz, Fire Chief
William Murphy, Police Chief
Sharon Barrett-Hagen, City Clerk

2. Presentations

Mayor Suess read and presented a proclamation to Mr. Dan Dlhy and Ms. Alyse Kondrat of the Bicycle Advisory Commission proclaiming May as National Bike Month and May 8, 2019 as National Bike to School Day in Wheaton. Mr. Dlhy thanked the Mayor and City Council for the proclamation. He stated the Commission will host a Bicycle Festival in August 2019. Mr. Dlhy referred people to the Commission's page on the City of Wheaton website and stated the Commission can be contacted at bikewheaton@gmail.com.

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 City has a great deal of history to be proud of and to be preserved. She referred people to the Commission's page on the City's website for all the various activities the Commission is sponsoring.

3. Citizens to Be Heard

Ms. Michelle Gorman, 427 N. Wheaton Avenue, read her April 8, 2019 email to the City Council expressing her concerns over proposed activities at Memorial Park, the noise, and traffic and parking issues arising from those activities. She is not in favor of an increase in activities causing disruption in the neighborhood.

Mr. Mike Wood, 521 Turf Lane, spoke of the poor quality of streets and flooding and drainage issues they experience in their neighborhood. He stated the lack of sidewalks and the poor road conditions affect the safety of children as they walk to and from school. He asked the City to devise a plan to resolve the condition of the streets and inadequate storm water facilities.

Mr. Jim Shoberg, 837 Parkside Drive, presented photos of his flooded yard and driveway from the recent rains. He indicated his neighbor at 422 Crest Street also experiences flooding in his driveway during rain events. He said he would like something to be done to alleviate flooding of his property.

Mr. Ted Utchen, 1686 Grosvenor Circle, stated that when speaking about taxes in Wheaton, he feels the most important figures are the assessed valuation of the homes and the amount of the tax levy. He feels it is not accurate to compare Wheaton's tax rate with other communities whose properties are assessed at a higher rate.

4. Consent Agenda

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

1. Approve the April 8, 2019 public hearing minutes and the April 15, 2019 minutes of the regular Wheaton City Council.
2. Adopt Resolution R-2019-27, A Resolution Consenting to the Assignment of Agreement No. C 36961 with Chicago Metropolitan Fire Prevention Company to Fox Valley Fire & Safety Co. Consistent with Section 8(C) of the Agreement.

Roll Call on Consent Agenda:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

5. Pass Ordinance No. O-2019-19, An Ordinance Authorizing a Special Use Permit to Allow the Demolition of the Existing Bandshell, Concession/Restroom Facilities and Tennis Court at Memorial Park and the Construction and Use of a New Bandshell with Concessions and Restrooms Facilities – 208 W. Union Avenue

City Manager Dzugan stated a public hearing was held on April 8, 2019. He referred the Council to the report and draft ordinance prepared by Director Kozik and stated that information was provided to area residents.

Ms. Brooke Leaton, 116 W. Union, supports the renovation of the bandshell but indicated her issues are with regard to large healthy shade trees being removed and replaced with smaller ornamental trees, proposed diagonal parking on Hale Street adding to congestion on the narrow street, out of control crowds and noise from the events. She feels a more vigilant police presence is needed at the larger events and feels the City should consider using the Wheaton Theater for music events rather than the park. Ms. Leaton proposed the installation of speakers in the trees to reduce noise.

Ms. Joann Dibuono, 301 N. Hale Street, stated the Park District has been a good neighbor and feels an updated Memorial Park will increase property values. She stated the bandshell needs to be replaced, trees have life spans and eventually need to be removed. She did ask if anyone monitors the decibel level of events and who can be contacted if the music is too loud. Ms. Dibuono suggested that if an event is too loud or the event crowd is too boisterous, the event not be approved for the following year.

Councilwoman Fitch moved and Councilman Scalzo seconded to open up the item for discussion.

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

Councilwoman Fitch feels the proposed ordinance is a good start and feels the restrictions imposed on the special use permit should help address issues raised by the neighbors, particularly with amplified sound and liquor sales ending at 9:30 p.m. She said the issue that has not been addressed is the size of the events and she would like to revisit the issue of how to address the issue if an event is too large for the infrastructure to handle. Councilwoman Fitch stated she would also like the Park District to clean up areas outside of Memorial Park following an event. In addition, she feels traffic issues still need to be addressed.

Councilman Barbier feels there should be an oversight plan to review how certain events worked and if any changes need to be made going forward.

Councilwoman Bray-Parker expressed her concerns with parking. She suggested signage be installed directing attendees to public parking areas outside of the residential neighborhood.

In response to Councilman Rutledge's question regarding events with amplified sound, Mr. Mike Benard, Executive Director, Wheaton Park District, advised Park District staff is on site monitoring decibel levels during District events. He stated they do have outside rentals and they will strive to keep the number of

those events to the same level as is currently occurring. In further response to Councilman Rutledge, Mr. Bernard stated they advise outside rentals they need to adhere to decibel levels and stated they will increase monitoring of outside events in the future.

Councilman Rutledge stated he would like to see the bandshell remodeled, but would like more time to refine the ordinance rather than voting on it tonight.

Mayor Suess stated that, with the consent of the council, he would like to defer the matter to the next meeting.

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that the item be postponed to the May 20, 2019 City Council meeting.

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None
Motion Carried Unanimously

6. Approve Reappointment of Appointed Officials

Mayor Suess moved and Councilwoman Fitch seconded that the reappointment of the City Clerk Sharon Barrett-Hagen and City Treasurer Robert Lehnhardt be approved, for a 4-year term respectively.

Roll Call Vote:
Ayes: Mayor Suess
Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

7. Pass Ordinance O-2019-19, An Ordinance Amending City of Wheaton Ordinance No. E-3704, “ An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Located Southeast of the Intersection of County Farm and Manchester Roads, Between Manchester Road and Fapp Circle – Wyndemere Retirement Community/Central DuPage Health System” (“Original Ordinance”); and Ordinances Nos. E-3729, E-4007, F-0060, F-0164, F-1515 and F-1801 Which Amended the Original Ordinance – Wyndemere LLC

Councilman Barbier moved and Councilman Rutledge seconded that Ordinance O-2019-20, An Ordinance Amending City of Wheaton Ordinance No. E-3704, “ An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Located Southeast of the Intersection of County Farm and Manchester Roads, Between Manchester Road and Fapp Circle – Wyndemere Retirement Community/Central DuPage Health System” (“Original Ordinance”); and Ordinances Nos. E-3729, E-4007, F-0060, F-0164, F-1515 and F-1801 Which Amended the Original Ordinance – Wyndemere LLC, be passed.

City Manager Dzugan stated the City received a request from Wyndemere Senior Living to amend its current PDU to allow for a 3-story addition which will include 33 independent living units, an indoor pool and a multipurpose room. He advised the total number of units on the campus is less than the maximum number originally approved. City Manager Dzugan stated the Planning & Zoning Board unanimously recommended approval of this request at their April 23, 2019 meeting.

Councilman Scalzo expressed his appreciation for the additional development and investment in this property.

Roll Call Vote:
Ayes: Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo

Nays: None
Absent: None
Motion Carried Unanimously

8. Authorize Issuance of Outdoor Special Event Liquor Licenses – Wheaton Park District – Taste of Wheaton, Cosley Zoo Uncorked, Brew Fest and Oktoberfest

Councilman Rutledge moved and Councilman Scalzo seconded that Outdoor Special Event Liquor Licenses – Wheaton Park District – Taste of Wheaton, Cosley Zoo Uncorked, Brew Fest and Oktoberfest, be authorized.

City Manager Dzugan stated the Liquor Control Commission unanimously recommended approval of these licenses at their April 24, 2019 meeting.

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None

Motion Carried Unanimously

9. Pass Ordinance No. O-2019-20 An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class A (Restaurants) Liquor Licenses/Altiro Wheaton, 132 N. Hale Street and the Hen House of Wheaton, 1060 College Avenue

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Ordinance No. O-2019-21, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class A (Restaurants) Liquor Licenses/Altiro Wheaton, 132 N. Hale Street and the Hen House of Wheaton, 1060 College Avenue, be passed.

City Manager Dzugan advised the Liquor Control Commission unanimously recommended approval of Class A liquor licenses for Altiro Wheaton and the Hen House of Wheaton at their April 24, 2019 meeting.

Roll Call Vote:

Ayes: Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo
Councilman Barbier

Nays: None
Absent: None

Motion Carried Unanimously

10. Adopt Resolution R-2019-28, A Resolution Authorizing the Purchase of Retractable Salt Bin Doors from Gateway Industrial Products, Inc. for a Total Amount Not to Exceed \$31,250

Councilman Rutledge moved and Councilwoman Fitch seconded that Resolution R-2019-28, A Resolution Authorizing the Purchase of Retractable Salt Bin Doors from Gateway Industrial Products, Inc. for a Total Amount Not to Exceed \$31,250, be adopted.

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None

Motion Carried Unanimously

11. Adopt Resolution R-2019-29, A Resolution Authorizing the Purchase of a Street Sweeper from Standard Equipment Company Through the Joint Purchasing Program with Sourcewell for a Total Amount Not to Exceed \$206,116

Councilman Scalzo moved and Councilwoman Fitch seconded that Resolution R-2019-29, A Resolution Authorizing the Purchase of a Street Sweeper from Standard Equipment Company Through the Joint Purchasing Program with Sourcewell for a Total Amount Not to Exceed \$206,116, be adopted.

City Manager Dzugan stated staff is replacing an 11-year-old vehicle. In response to Councilman Rutledge, City Manager Dzugan stated the vehicle will be purchased ready for use.

Roll Call Vote:
Ayes: Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge

Nays: None
Absent: None
Motion Carried Unanimously

12. Adopt Resolution R-2019-30, A Resolution Authorizing the Purchase of Engineering Services for Front Street Construction from Thomas Engineering Group, LLC for a Total Amount Not to Exceed \$29,879.82

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that Resolution R-2019-30, A Resolution Authorizing the Purchase of Engineering Services for Front Street Construction from Thomas Engineering Group, LLC for a Total Amount Not to Exceed \$29,879.82, be adopted.

City Manager Dzugan advised the City received three bids for engineering services for the design of the reconstruction of Front Street between Western Avenue and West Street. He stated the low bidder was Thomas Engineering Group in the amount of \$29,879.82

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None
Motion Carried Unanimously

13. Adopt Resolution R-2019-31, A Resolution Authorizing the Execution of an Agreement with HDR Engineering, Inc. for Phase III Engineering Services for Harrison Avenue

Councilwoman Bray-Parker moved, and Councilman Rutledge seconded that Resolution R-2019-31, A Resolution Authorizing the Execution of an Agreement with HDR Engineering, Inc. for Phase III Engineering Services for Harrison Avenue, be adopted.

City Manager Dzugan Federal funds will cover approximately \$25,000 of the approximate \$100,000 cost.

In response to Councilwoman Fitch, Director Redman stated the cost to resurface Harrison Avenue is just over \$900,000 with approximately 70% paid with federal government funds.

Roll Call Vote:
Ayes: Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo
Councilman Barbier

Nays: None
Absent: None
Motion Carried Unanimously

14. Review and Discuss an Ordinance Amending Chapter 46 “Peddlers and Solicitors” of the Wheaton City Code

City Manager Dzugan stated no action is required as this item has been included for further discussion of the 2nd draft of a proposed ordinance to amend the City’s regulations regarding peddlers and solicitors. He asked for comments from the Council on the proposed 2nd draft ordinance.

Councilman Barbier expressed concerns about the registration process. He does not feel registration is the problem but rather intersection safety and solicitation activity by minors are the issues.

Councilwoman Bray-Parker questioned how the registration requirement would affect high school fund raising activities and whether registration would be required for political candidates. City Attorney Knippen stated that registration would be required for political candidates in order to apply equal standards. City Attorney Knippen discussed case law dealing with soliciting and what can be prohibited and what is protected. He stated a no soliciting sign means no face to face contact and does not prohibit the dropping off of literature.

Councilwoman Fitch stated the City has received numerous complaints from residents and downtown businesses regarding aggressive soliciting. She expressed concerns about registration for both commercial and non-commercial soliciting and feels registration should not be applied to non-commercial soliciting, such as for religious or political soliciting. She would like to see the definition of non-commercial be broadened to include these soliciting activities.

Councilman Scalzo feels the same – that registration should not be required for political candidates and believes the distinction is between monetary and non-monetary solicitation. He feels if the solicitor is not asking for money, they should not be required to register.

Councilman Rutledge asked about an age limit. City Attorney Knippen indicated the registration requirement would not change based on age.

City Attorney Knippen said the suggestions make a lot of sense but there remains the question of constitutionality. He stated he would rework the ordinance to distinguish between commercial and non-commercial activity.

Mayor Suess asked if a distinction could be made based on zoning between commercial areas and residential areas. City Attorney Knippen stated a distinction could be made on congestion, not on zoning. Mayor Suess indicated he supports amendments dealing with intersection safety and adult supervision of a minor solicitor, but continues to be concerned about a burdensome registration process.

City Manager Dzugan confirmed that staff would look at the difference between registering commercial and non-commercial solicitation.

15. Council Comment

Councilman Scalzo congratulated council members and staff who were sworn in tonight.

Mayor Suess acknowledged receipt of the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Financial Report for the fiscal year ending 2018.

Mayor Suess thanked Mayor Gresk and Councilman Prendiville for their years of service to the City.

Mayor Suess announced that a press release would be issued on Tuesday, May 7 with regard to appointing an individual to fill the vacancy in the North District.

16. Approval of Warrant

Councilman Scalzo moved and Councilman Rutledge seconded that Warrant No. 751 in the amount of \$1,002,282.05, be approved.

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

17. Adjournment

Councilman Rutledge moved and Councilman Barbier seconded that the regular Wheaton City Council Meeting be adjourned at 8:40 p.m.

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

Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None
Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

Submitted for Approval: May 20, 2019