



# 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

June 17, 2019

## 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  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Councilman Rutledge

Absent: Councilman Scalzo – arrived at 7:28 p.m.

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  
Sharon Barrett-Hagen, City Clerk

## 2. Presentations

Mayor Suess read and presented a proclamation to Ms. Amanda Swanton recognizing the third anniversary of her A85 Cure Foundation. Ms. Swanton thanked the Mayor and Council for acknowledging the foundation's three-year mark and spoke about the foundation's efforts to find a cure for postural orthostatic tachycardia syndrome.

## 3. Citizens to Be Heard

None.

## 4. Consent Agenda

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

1. Approve the June 3, 2019 minutes of the regular Wheaton City Council as submitted.
2. Approve Bond Waivers and Authorize Issuance of Raffle Licenses to the DuPage Care Center Foundation and FT Cares Foundation.
3. Adopt Resolution R-2019-51, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (603 North Gary Avenue).
4. First Reading of An Ordinance Amending the Official Motor Vehicle and Traffic Schedules (Chapter 70) for the City of Wheaton – Parking.

5. Adopt Resolution R-2019-52, A Resolution Approving a Plat of Vacation for Public Utilities (Irving Avenue Right of Way).
6. Adopt Resolution R-2019-53, A Resolution of the City of Wheaton, DuPage County, Illinois, Authorizing the Mayor and City Clerk to Execute a Certain Construction, Use, and Indemnification Agreement – Chicago Title TR 352 – 112-120 N. Main Street, Wheaton, IL – 8 Inch Diameter Insulated Stainless Steel Exhaust Flue

**Roll Call on Consent Agenda:**

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

Nays: None

Absent: Councilman Scalzo

Motion Carried Unanimously

**5. Approve Appointments to City Boards and Commissions**

Mayor Suess moved and Councilwoman Bray-Parker seconded that Vallari Talapatra be appointed to the Library Board for a three-year term.

**Roll Call Vote:**

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

Nays: None

Absent: Councilman Scalzo

Motion Carried Unanimously

**6. Pass Ordinance No. O-2019-24, An Ordinance Amending City of Wheaton Ordinance No. E-3738, “An Ordinance Petitioning for a Waiver in the Provisions of the County of DuPage Countywide Stormwater and Floodplain Ordinance and Adopting Various Provisions of that Ordinance to Take Effect at the Time That Stormwater Management Committee of the DuPage County Board Acts Upon the Waiver Petition,” Dated November 18, 1991**

Councilman Barbier moved and Councilwoman Fitch seconded that Ordinance No. O-2019-24, An Ordinance Amending City of Wheaton Ordinance No. E-3738, “An Ordinance Petitioning for a Waiver in the Provisions of the County of DuPage Countywide Stormwater and Floodplain Ordinance and Adopting Various Provisions of that Ordinance to Take Effect at the Time That Stormwater Management Committee of the DuPage County Board Acts Upon the Waiver Petition,” Dated November 18, 1991, be passed.

City Manager Dzukan stated the proposed ordinance would adopt DuPage County’s revised stormwater ordinance allowing the City to continue its status as a partial waiver community which permits the City

to retain control of stormwater permitting and regulations. He indicated the major change in the County's ordinance is incorporation of new flood studies approved by FEMA.

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

**7. First Reading of An Ordinance Amending Sections 34-31 and 34-72 of Chapter 34, Stormwater Management Regulations, of the Wheaton City Code**

City Manager Dzugan advised the proposed ordinance would amend the City's stormwater regulations to include the results of new flood studies that more accurately represent existing flood conditions. He stated the floodplain elevation in the Spring Brook area was raised by 1 foot which added 180 additional properties into the floodplain. He indicated this item appears on the agenda as a first reading with formal action to be taken at the July 1, 2019 meeting.

Director Redman stated staff notified approximately 250 property owners advising them of the upcoming change in the floodplain map. He stated the notification informed the property owners that if they obtained flood insurance prior to August 1, they would be able to obtain and maintain insurance at a lower rate.

In response to Councilwoman Bray-Parker, Director Redman does not believe FEMA will notify the affected property owners. He stated staff would confirm the change with the affected property owners.

**8. Adopt Resolution R-2019-54, A Resolution Authorizing the Issuance of Solid Waste Collection and Disposal Licenses**

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that Resolution R-2019-54, A Resolution Authorizing the Issuance of Solid Waste Collection and Disposal Licenses, be adopted.

City Manager Dzugan advised the resolution would approve annual licenses to four companies to collect from both commercial and multi-family properties and licenses to two companies collecting only from commercial properties.

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

**9. Receive Planning & Zoning Board Report Re ZA #19-06/Front Yard Setback Variation/300 S. West Street/North Shore Sign Company and Pass Ordinance No. O-02019-25, An Ordinance Granting a Front Yard Setback Variation on a Certain Piece of Property Commonly Known as 300 S. West Street – North Shore Sign Company**

Councilwoman Fitch moved and Councilman Barbier seconded that Planning & Zoning Board Report Re ZA #19-06/Front Yard Setback Variation/300 S. West Street/North Shore Sign Company be received and Ordinance No. O-2019-25, An Ordinance Granting a Front Yard Setback Variation on a Certain Piece of Property Commonly Known as 300 S. West Street – North Shore Sign Company, be passed.

City Manager Dzugan stated at their May 29, 2019 meeting, the Planning & Zoning Board unanimously recommended approval of a front yard setback variation from the required 15 feet to 0 to allow a new replacement monument sign at 300 S. West Street.

Councilwoman Fitch questioned if the new monument would reduce traffic visibility at that location. Director Kozik stated staff reviewed that and does not feel the sign will obstruct visibility.

In response to Councilman Rutledge, City Attorney Knippen stated that the variation will remain on the property, even if there is a zoning change to a residential use, until the Council passes an ordinance rescinding the variation.

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

**10. Receive Planning & Zoning Board Report Re ZA #19-07/Front and Side Yard Setback Variation/201 N. Blanchard Street/Engel and Pass Ordinance No. O-02019-26, An Ordinance Granting a Front and Side Yard Setback Variation on a Certain Piece of Property Commonly Known as 201 N. Blanchard Street - Engel**

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that Planning & Zoning Board Report Re ZA #19-07/Front and Side Yard Setback Variation/201 N. Blanchard Street/Engel be received and Ordinance No. O-02019-26, An Ordinance Granting a Front and Side Yard Setback Variation on a Certain Piece of Property Commonly Known as 201 N. Blanchard Street – Engel, be passed.

City Manager Dzugan stated at their May 29, 2019 meeting, the Planning & Zoning Board unanimously recommended approval of a front and side yard setback variation to allow the construction of a one-story addition to the property, resulting in a front yard setback of 30.66 feet rather than 44.58 feet and a side yard setback of 3.66 feet rather than 4.8 feet.

Councilwoman Fitch asked what would be done about the gravel parking area on the parkway. City Manager Dzugan stated that is a separate issue and staff would handle that through the violation process.

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

**11. Authorize the Issuance of Outdoor Special Event Liquor Licenses to the Downtown Wheaton Association and DuPage County Fair Association**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that issuance of Outdoor Special Event Liquor Licenses to the Downtown Wheaton Association and the DuPage County Fair Association, be authorized.

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

**12. Adopt Resolution R-2019-55, A Resolution Authorizing the Purchase of Thermoplastic Pavement Marking Services from Superior Road Striping, Inc. Through the Joint Purchasing Program with DuPage County for a Total Amount Not to Exceed \$60,000**

Councilwoman Fitch moved and Councilman Rutledge seconded that Resolution R-2019-55, A Resolution Authorizing the Purchase of Thermoplastic Pavement Marking Services from Superior Road Striping, Inc. Through the Joint Purchasing Program with DuPage County for a Total Amount Not to Exceed \$60,000, be adopted.

City Manager Dzugan stated the resolution would authorize the purchase of thermoplastic pavement marking services from Superior Road Striping, Inc. in an amount not to exceed \$60,000.

In response to Mayor Suess, Director Laoang advised staff tried “in laying” this material last year so it would be a bit below the street surface in an effort to preserve the quality of the material. He stated that effort was successful and staff would use that same technique this year.

**Roll Call Vote:**  
Ayes: Councilwoman Fitch  
Mayor Suess  
Councilman Rutledge  
Councilman Barbier

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

**13. Receive Planning & Zoning Board Report Re ZA #19-08/Rear Yard Setback Variation/50 Somerset Circle/Andreoli and Pass Ordinance No. O-02019-27, An Ordinance Granting a Rear Yard Setback Variation on a Certain Piece of Property Commonly Known as 50 Somerset Circle/Andreoli**

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Planning & Zoning Board Report Re ZA #19-08/Rear Yard Setback Variation/50 Somerset Circle/Andreoli be received and Ordinance No. O-02019-27, An Ordinance Granting a Rear Yard Setback Variation on a Certain Piece of Property Commonly Known as 50 Somerset Circle/Andreoli, be passed.

City Manager Dzugan stated at their June 11, 2019 meeting, the Planning & Zoning Board recommended approval of a rear yard setback variation of 14 feet rather than the required 25 feet to allow a deck to be constructed at 50 Somerset Circle.

Councilwoman Bray-Parker questioned how many builders come in with plans, get denied and then revise them to correspond with the ordinance compared to how many request variations.

Director Kozik stated staff does not maintain those records, but advised staff strongly advises the application to revise their plans to meet code setback requirements. He stated that in 2018, the City Council approved 4 variations and 244 permits for new homes and additions were issued.

In response to Councilwoman Fitch, Director Kozik confirmed that Pulte, the subdivision developer, admitted their sales team had provided inaccurate information regarding setback requirements and that they have taken steps to correct that. He believes this should be the only request for a variation for this development.

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

**14. Council Comment**  
None.

**15. Approval of Warrant**

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 754 in the amount of \$3,124,232.46, be approved.

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

Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess

Nays: None  
Absent: Councilman Scalzo  
Motion Carried Unanimously

**16. Closed Session**

Councilwoman Bray-Parker moved and Councilman Barbier seconded that the Wheaton City Council adjourn to closed session at 7:27 p.m. for the purpose of discussing Filling a Vacancy on the City Council 5 ILCS 120/2 (c) (3).

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

Nays: None  
Absent: Councilman Scalzo  
Motion Carried Unanimously

The City Council returned to the open portion of their meeting at 9:17 p.m.

**17. Adjournment**

Councilman Rutledge moved and Councilman Scalzo seconded that the regular Wheaton City Council Meeting be adjourned at 9:17 p.m.

The motion to adjourn was unanimously approved by voice vote.

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: July 1, 2019