



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

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

COUNCILMAN JOHN RUTLEDGE | COUNCILMAN TODD SCALZO | COUNCILMAN CHRISTOPHER ZARUBA

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

July 1, 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
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
Sharon Barrett-Hagen, City Clerk

2. Consideration of Christopher J. Zaruba to fill the Vacant North District City Council Seat

Mayor Suess moved and Councilman Rutledge seconded that Christopher J. Zaruba be appointed to fill the vacant City Council North District seat.

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

Nays: None

Absent: None

Motion Carried Unanimously

Christopher Zaruba was sworn in as Councilman for the North District by Judge Todd Tarter.

3. Citizens to Be Heard

Mr. Ted Utchen, 1686 Grosvenor Circle, expressed his disappointment that the Wheaton Public Library is closed on Sundays May to September. He asked the City for additional funding to allow the library to remain open year-round as many neighboring communities do.

Mr. Dave Diersen, 915 Cove Ct., spoke against legalized marijuana and asked that the City of Wheaton be one of the first communities to say no to the sale of marijuana in the community.

Mr. Tim Whelan, 515 Robbinwood Lane, spoke against legalized marijuana sales in the City. He encouraged the City to take the opt out option allowed in the State legislation before that option expires on December 31.

Ms. Jennifer Ohlinger, 1405 E. Hawthorne Boulevard spoke of the dangers of speeding cars on Hawthorne Boulevard and stated one driver almost hit her 6-year old son. She advised she had requested a stop sign at the intersection of Hawthorne and Summit two years ago, but after completing a traffic study, Director Redman indicated the traffic volume did not rise to the level for a stop sign. She presented a petition to the City Council signed by over 50 neighbors requesting a stop sign at this intersection. She pleaded with the City to install the sign for the safety of the neighborhood's children.

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 17, 2019 minutes of the regular Wheaton City Council as submitted.
2. Pass Ordinance No. O-2019-28, An Ordinance Amending the Official Motor Vehicle and Traffic Schedules (Chapter 70) for the City of Wheaton – Parking.
3. Adopt Resolution R-2019-56, A Resolution Approving Mogilinski's Mackenzie Place Plat of Consolidation (2009 and 2011 Mackenzie Place).
4. Approve City Manager Compensation.
5. Adopt Resolution R-2019-57, A Resolution Authorizing the Release of Closed Session Minutes.

Roll Call Vote on Consent Agenda:

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

Nays: None

Absent: None

Motion Carried Unanimously

5. Pass Ordinance No. O-2019-29, An Ordinance Amending Sections 34-31 and 34-72 of Chapter 34, Stormwater Management Regulations, of the Wheaton City Code

Councilwoman Bray-Parker moved and Councilman Scalzo seconded that Ordinance No. O-2019-29, An Ordinance Amending Sections 34-31 and 34-72 of Chapter 34, Stormwater Management Regulations, of the Wheaton City Code, be passed.

City Manager Dzugan stated this item appeared as a first reading at the June 17, 2019 Council meeting and amends the City's stormwater regulations to incorporate new flood studies approved by FEMA which added 180 additional properties into the floodplain.

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

Nays: None
Absent: None
Motion Carried Unanimously

6. Approve Reappointment to City Boards and Commissions

Mayor Suess moved and Councilman Rutledge seconded that Shamili Ajgaonkar be reappointed to the Environmental Improvement Commission for a three-year term.

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

Nays: None
Absent: None
Motion Carried Unanimously

7. Pass Ordinance No. O-2019-30, An Ordinance Amending Ordinance No. F-2018 "An Ordinance Approving a Plat of Consolidation, Amending the Wheaton Zoning Map and Granting a Special Use Permit for a Planned Unit Development Lot 7 and 8 Loretto Club Goldsborough"

Councilman Rutledge moved and Councilman Zaruba seconded that Ordinance No. O-2019-30, An Ordinance Amending Ordinance No. F-2018 "An Ordinance Approving a Plat of Consolidation, Amending the Wheaton Zoning Map and Granting a Special Use Permit for a Planned Unit Development Lot 7 and 8 Loretto Club/Goldsborough," be passed.

City Manager Dzugan stated the City received a request from the owners at 141 Loretto Court to amend the PUD to accommodate a revised plan for the attached garage which results in a portion of the garage having a front yard setback of 25 feet rather than the 30 feet identified in the original PUD.

Councilman Rutledge thanked the property owners for undertaking such a massive project to save and restore this home.

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

8. Discussion of An Ordinance Amending Chapter 46 “Peddlers and Solicitors”

City Manager Dzugan stated this item was last discussed at the May 6, 2019 meeting and appears on this agenda for further discussion. He stated the proposed ordinance has been revised in accordance with Council comments at the May 6 meeting to establish notification requirements for commercial only solicitation. He indicated the item will be placed on a future agenda for a first reading once staff receives Council comments on the proposed ordinance.

In response to Councilman Barbier, City Attorney Knippen stated that solicitation by boy and girl scouts, as well as school athletic groups, would be considered non-commercial.

Councilwoman Bray-Parker asked if outreach to the schools had been made regarding this proposed ordinance. City Manager Dzugan replied he had spoken with the District Superintendent who did not express any concerns about the requirement to have an adult present when minors are soliciting. He confirmed that staff would publicize the terms of the proposed ordinance prior to enactment.

In response to Councilwoman Fitch, City Attorney Knippen stated the adult supervisor would need to be within earshot of solicitation activities by minors. She asked that revisions be made on page 14 to remove reference to non-commercial in Section 46-52. Councilwoman Fitch asked if the language “any solicitation activities” in Section 46-84 be changed to “any commercial activities.” City Attorney Knippen recommended against such a change. He also recommended against any changes in the language in Section 46-85.

In response to Councilman Rutledge, City Attorney Knippen feels the language referring to an adult being in immediate company of minors is suitable for prosecution purposes.

Councilman Scalzo stated he is happy with this proposal and all his concerns have been addressed.

In response to Councilman Zaruba, City Attorney Knippen stated there are no current plans to change to penalties for violation of this ordinance and the penalty set forth in the City Code would apply equally to adults and minors.

Mayor Suess reminded residents that they have the option to post “no soliciting” signs at their property.

City Manager Dzugan stated staff would revise the ordinance and the item would return as a first reading at a future meeting.

9. Council Comment

Councilman Scalzo welcomed Councilman Zaruba to the Council and thanked him for accepting the appointment.

Councilwoman Fitch also welcomed Councilman Zaruba and encouraged anyone interested in serving to attend the City Council meetings.

Mayor Suess stated that a contingent consisting of the Mayor, Chair of the Council and 75 youth baseball players and chaperones visited from our Sister City of Karlskoga, Sweden recently. He thanked Teri Ash, Chair of the Sister City Commission, and other staff members for making the visit a success.

Mayor Suess shared that Wheaton is a Low Salt Award recipient from the Conservation Foundation for our efforts to reduce the amount of salt used on the City's roadways. He also shared that Wheaton was named as the 3rd best place to live in a recent Chamber of Commerce survey.

Mayor Suess welcomed Councilman Zaruba to the Council and thanked the 13 applicants who applied for appointment to the seat.

10. Approval of Warrant

Councilman Scalzo moved and Councilman Rutledge seconded that Warrant No. 755 in the amount of \$795,295.91, be approved.

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

11. Adjournment

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:36 p.m.

	Roll Call Vote:
Ayes:	Councilman Scalzo Councilman Zaruba Councilman Rutledge 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: July 15, 2019