



# WHEATON CITY COUNCIL PROCEEDINGS

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MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER

COUNCILWOMAN SUZANNE FITCH | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

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

August 5, 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  
Councilman Rutledge  
Councilman Zaruba

Absent: Councilwoman Fitch

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  
Sarang Lagvankar, Sr. Project Engineer  
Vince Laoang, Director of Public Works  
Robert R. Lehnhardt, Finance Director  
Sharon Barrett-Hagen, City Clerk

## 2. Presentations

None.

## 3. Citizens to Be Heard

Mr. Daniel Porter, 625 St. Charles Road, Glen Ellyn, suggested the City initiate legislation requiring its employees, particularly those who work with City assets such as water and City property, to have a college degree in order to be hired by the City.

Mr. B. J. Slinger, 1704 Webster Ct., on behalf of his children and grandchildren, thanked the City Council for the resolution and ordinance which would prohibit cannabis sales in Wheaton.

Ms. Martha Bradley, 818 Golf Lane, mentioned several items which she feels are missing from the East Roosevelt Road Corridor Study: (1) a traffic study demonstrating that redevelopment would not have a negative impact on the safety of residents; (2) a study demonstrating that redevelopment will not contribute to flooding in the neighborhood; (3) historic preservation; and (4) a housing assessment depicting the existing inventory of affordable housing. Ms. Bradley feels that further discussion of the study should be tabled until this information is included and until residents of the West District have representation on the City Council.

Mr. Thomas Johnson, 325 W. Harrison Avenue, stated a challenge for his neighborhood is the displacement of water from new construction. He suggested the City revise its ordinances to require developers to include water flow and displacement on plans submitted to the City rather than try to

address water issues after construction has begun or is completed. Mr. Johnson feels that the existing ordinance does not effectively allow for input from adjacent property owners with regard to water flow and displacement from new construction.

Ms. Elizabeth Hain, 724 Warrenville Road, stated when she asked previously why the City conducted a study on Roosevelt Road, she was told it was due to vacancies and poor aesthetics along the roadway. However, she found out last week the City is in financial trouble and is looking for more revenue streams. She suggested the City consider the revenue cannabis sales would bring to the City before deciding to prohibit those sales. She asked that the Council put their personal views aside and consider the issue from a financial standpoint.

Mr. Dave Diersen, 915 Cove Ct., spoke in favor of prohibiting cannabis sales within Wheaton.

Ms. Nancy Flannery, 816 W. Elm Street, spoke on the historical aspect of the Roosevelt Road redevelopment project. She stated the Warren Wheaton and Jarvis Hunt houses are important structures and the City should strive for development with historic preservation. Ms. Flannery would like to see changes in the City's procedures that would include a historic assessment when redevelopment is proposed.

#### **4. Consent Agenda**

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

1. Approve the July 15, 2019 minutes of the regular Wheaton City Council as submitted.
2. Adopt Resolution R-2019-63, A Resolution Accepting the As-Constructed Public Improvements for Courthouse Square Subdivision
3. Adopt Resolution R-2019-64, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (109 North Hale Street)
4. Adopt Resolution R-2019-65, A Resolution Approving a Grant of Sidewalk Easement – 608 East Wakeman Avenue
5. Adopt Resolution R-2019-66, A Resolution Approving a Grant of Sidewalk Easement – 612 East Wakeman Avenue
6. Adopt Resolution R-2019-67, A Resolution Approving a Grant of Sidewalk Easement – 702 East Wakeman Avenue
7. Adopt Resolution R-2019-68, A Resolution Approving a Grant of Sidewalk Easement – 706 East Wakeman Avenue
8. Adopt Resolution R-2019-69, A Resolution Approving a Grant of Sidewalk Easement – 712 East Wakeman Avenue
9. Adopt Resolution R-2019-70, A Resolution Authorizing the Disposal of Certain Surplus Property (Finance)

10. Adopt Resolution R-2019-64, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (186 Hawkins Circle)

**Roll Call Vote on Consent Agenda:**

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

Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

**5. Pass Ordinance O-2019-32, An Ordinance Authorizing the Signing of an Annexation Agreement – 25W665 Elmwood Drive - Russell**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance O-2019-32, An Ordinance Authorizing the Signing of an Annexation Agreement – 25W665 Elmwood Drive – Russell, be passed.

City Manager Dzugan stated a Public Hearing was held on the annexation of this property on July 22, 2019 and this and the next two ordinances relate to the annexation of this property.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

**6. Pass Ordinance No. O-2019-33, An Ordinance Annexing a Certain Property to the City of Wheaton, Illinois – 25W665 Elmwood Drive - Russell**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2019-33, An Ordinance Annexing a Certain Property to the City of Wheaton, Illinois – 25W665 Elmwood Drive - Russell, be passed.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

**7. Pass Ordinance No. O-2019-34, An Ordinance Amending the Wheaton Zoning Map on Certain Property Commonly Known as 25W665 Elmwood Drive - Russell**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2019-34, An Ordinance Amending the Wheaton Zoning Map on Certain Property Commonly Known as 25W665 Elmwood Drive - Russell, be passed.

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

**8. Adopt Resolution R-2019-72, A Resolution Designating the Wheaton City Council as a Committee for Purposes of Conducting a Public Hearing to Consider a Text Amendment to the Wheaton Zoning Ordinance Prohibiting Cannabis Business Establishments Within the Corporate Boundaries of the City of Wheaton**

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2019-72, A Resolution Designating the Wheaton City Council as a Committee for Purposes of Conducting a Public Hearing to Consider a Text Amendment to the Wheaton Zoning Ordinance Prohibiting Cannabis Business Establishments Within the Corporate Boundaries of the City of Wheaton, be adopted.

City Manager Dzugan stated the resolution sets the City Council as the hearing body for a text amendment to the Zoning Ordinance prohibiting cannabis business establishments in any zoning district in the City. He indicated the resolution sets the date for the public hearing for August 26, 2019 at 7 p.m. City Manager Dzugan stated the first opportunity for the Council to consider the ordinance will be at the September 3 meeting with a formal vote at the September 16 meeting.

Mr. Oliver Bully, 106 W. Illinois Street, asked if this question would go before the residents or be decided by the City Council. City Attorney Knippen replied that is not required by State Statute and the City Council public hearing will be the format for public discussion.

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

**9. Adopt Resolution R-2019-73, A Resolution Approving a Service Agreement for Food and Beverage Concessionaire Between the City of Wheaton and Café on the Park, LLC**

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Resolution R-2019-73, A Resolution Approving a Service Agreement for Food and Beverage Concessionaire Between the City of Wheaton and Café on the Park, LLC, be adopted.

City Manager Dzugan advised the Wheaton Library Board is pleased with the performance of existing food and beverage concessionaire, Café on the Park, and has recommended a three-year service agreement with the café with the same terms and conditions as the initial three-year agreement.

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

**10. First Reading of An Ordinance Amending Chapter 46 “Peddlers and Solicitors” of the Wheaton City Code**

City Manager Dzugan stated the proposed ordinance would amend the City Code regarding solicitors operating within the City. He stated the item appears as a first reading with formal action to be taken at the August 19 City Council meeting.

Councilwoman Bray-Parker expressed concerns about the extra burden the supervising adult provision would have on fundraising by school clubs and questioned if the age for minors could be lowered to 14. City Attorney Knippen stated age 16 was chosen to aid in enforcement as a 16-year old would probably have an ID showing their age. City Attorney Knippen explained that the supervising adult would need to be close enough to observe and monitor soliciting activities by the minor to ensure they are not violating the ordinance.

In response to Councilwoman Bray-Parker, City Attorney Knippen confirmed the ordinance would be enforced based upon complaints.

**11. Receive Planning & Zoning Board Report Re: ZA #19-10/Text Amendment/126 N. Hale Street/Baker**

Councilman Barbier moved and Councilman Zaruba seconded that the Planning & Zoning Board Report Re: ZA #19-10/Text Amendment/126 N. Hale Street/Baker be received.

City Manager Dzugan advised the Planning & Zoning Board has recommended approval of a text amendment to the Zoning Ordinance defining virtual reality gaming arcades and allowing them to operate in the C-2 Retail Core Business District as a special use permit.

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

Councilman Rutledge  
Councilman Zaruba

Nays: None  
Absent: Councilwoman Fitch  
Motion Carried Unanimously

Councilman Rutledge questioned if food and beverages would be served. Director Kozik stated that is not anticipated at this time but there may consider sales of packaged items.

In response to Councilman Rutledge's question as to how the headsets would be cleaned for the next user, Mr. Farris Baker, applicant, stated the headsets and controllers would be sanitized before the next person enters the booth.

In response to Councilman Zaruba's question, Mr. Baker believes this will be the first virtual reality arcade in the local area.

**Pass Ordinance No. O-2019-35, An Ordinance Allowing Virtual Reality Gaming Arcades by Special Use Permit in the C-2 Retail Core Business District**

Councilman Barbier moved and Councilman Rutledge seconded that Ordinance No. O-2019-35, An Ordinance Allowing Virtual Reality Gaming Arcades by Special Use Permit in the C-2 Retail Core Business District, be passed.

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

**12. Pass Ordinance No. O-2019-36, An Ordinance Granting a Special Use Permit to Allow the Construction, Operation and Maintenance of a Virtual Reality Gaming Arcade on Property Commonly Known as 126 N. Hale Street-Baker**

Councilman Zaruba moved and Councilman Rutledge seconded that Ordinance No. O-2019-36, An Ordinance Granting a Special Use Permit to Allow the Construction, Operation and Maintenance of a Virtual Reality Gaming Arcade on Property Commonly Known as 126 N. Hale Street-Baker, be passed.

City Manager Dzugan stated this ordinance would allow a virtual reality gaming arcade to operate at 126 North Hale Street with a special use permit.

**Roll Call Vote:**  
Ayes: Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker

Mayor Suess  
Councilman Rutledge

Nays: None  
Absent: Councilwoman Fitch  
Motion Carried Unanimously

**13. Receive Planning & Zoning Board Report Re: ZA #19-11/Text Amendment/525 W. Roosevelt Road/St. Sophia's Forgotten Felines**

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Planning & Zoning Board Report Re: ZA #19-11/Text Amendment/525 W. Roosevelt Road/St. Sophia's Forgotten Felines be received

City Manager Dzugan stated the Planning & Zoning Board has recommended a text amendment to the Zoning Ordinance defining a cat adoption agency and allowing for such use as a special use in the O-R Office Research District.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilwoman Fitch  
Motion Carried Unanimously

**Pass Ordinance No. O-2019-37, An Ordinance Allowing Cat Adoption Agencies by Special Use Permit in the O-R Office and Research District**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2019-37, An Ordinance Allowing Cat Adoption Agencies by Special Use Permit in the O-R Office and Research District, be passed.

Ms. Nancy Flannery, 816 W. Elm Street, asked if there would be a limit on the number of cats in the facility. Director Kozik stated the facility would serve as the headquarters for the adoption agency, not as a shelter, and there would be some, but not a lot of cats.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilwoman Fitch  
Motion Carried Unanimously

**14. Pass Ordinance No. O-2019-38, An Ordinance Granting a Special Use Permit to Allow the Construction, Operation and Maintenance of a Cat Adoption Agency on Property Commonly Known as 525 W. Roosevelt Road – St. Sophia’s Forgotten Felines**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that No. O-2019-38, An Ordinance Granting a Special Use Permit to Allow the Construction, Operation and Maintenance of a Cat Adoption Agency on Property Commonly Known as 525 W. Roosevelt Road – St. Sophia’s Forgotten Felines, be passed.

City Manager Dzugan stated this ordinance would allow a cat adoption agency to operate at 525 W. Roosevelt Road with a special use permit.

In response to Councilman Rutledge, Director Kozik confirmed there are six parking spaces and a handicapped parking space. Director Kozik also confirmed the facility is restricted to cats.

**Roll Call Vote:**

Ayes:	Councilman Barbier Councilwoman Bray-Parker Mayor Suess Councilman Rutledge Councilman Zaruba
Nays:	None
Absent:	Councilwoman Fitch

Motion Carried Unanimously

**15. First Reading of An Ordinance Amending the Official Motor Vehicle and Traffic Schedules (Chapter 70) for the City of Wheaton – Timed Parking**

City Manager Dzugan stated the proposed ordinance would create 3-hour customer parking only on Front Street from West Street to Wheaton Avenue. He said this is being proposed based on complaints from businesses in the area that parking for customers is being used by commuters. City Manager Dzugan stated this item appears as a first reading with formal action to be taken at the August 19 City Council meeting.

**16. Adopt Resolution R-2019-74, A Resolution Authorizing the Execution of Agreement No. 77 with Steve Piper and Sons for Tree Pruning Services for a Total Amount Not to Exceed \$60,000.00**

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2019-74, A Resolution Authorizing the Execution of Agreement No. 77 with Steve Piper and Sons for Tree Pruning Services for a Total Amount Not to Exceed \$60,000.00, be adopted.

City Manager Dzugan stated the City received three bids for parkway tree pruning services which are needed to meet the 7-year pruning cycle for mature trees and the 3-year cycle for younger trees. He said the low bid was received from Steve Piper and Sons and is within budget for this work.

In response to Councilman Barbier, City Manager Dzugan stated the number of trees to be pruned was reduced in scope to stay within the budgeted amount of \$60,000.00.

In response to Councilwoman Bray-Parker, Director Laoang stated the City has not used this vendor previously, but found their credentials to be satisfactory.



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

**17. Adopt Resolution R-2019-75, A Resolution Authorizing the Execution of Agreement No. 80 with Muscat Paining & Decorating for the 2019 Streetlight Pole Painting for a Total Amount Not to Exceed \$34,971.71**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Resolution R-2019-75, A Resolution Authorizing the Execution of Agreement No. 80 with Muscat Paining & Decorating for the 2019 Streetlight Pole Painting for a Total Amount Not to Exceed \$34,971.71, be adopted.

City Manager Dzugan indicated the City received two bids for the painting of streetlight and traffic light poles and stated the low bid from Muscat Painting is within budget for this work.

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

**18. Adopt Resolution R-2019-76, A Resolution Authorizing the Execution of Contract No. 79 with Triggs Construction, Inc. for the 2019 New Sidewalk Program for a Total Amount Not to Exceed \$356,264.00**

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2019-76, A Resolution Authorizing the Execution of Contract No. 79 with Triggs Construction, Inc. for the 2019 New Sidewalk Program for a Total Amount Not to Exceed \$356,264.00, be adopted.

City Manager Dzugan stated the City received two bids for Phase 2 of the City's new sidewalk program. He advised the low bid from Triggs Construction is approximately \$32,000 over the City's budget for the design and construction of sidewalks, but there are sufficient funds in the Capital Project Fund reserves to cover the additional expense.

**Roll Call Vote:**  
Ayes: Councilman Rutledge  
Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker

Nays: Mayor Suess  
None  
Absent: Councilwoman Fitch  
Motion Carried Unanimously

**19. Council Comment**

Councilman Barbier complimented the Wheaton Park District for their Cosley Zoo Uncorked event. He also said he participated in the 10<sup>th</sup> Annual Swinging 4 Schnur golf outing benefitting Matt Smith which showed him how a community can come together.

Councilman Zaruba stated that August 6 is National Night Out and encouraged everyone to attend the activities at Northside Park.

Mayor Suess acknowledged the Wheaton Municipal Band who gave their last concert of the season last Thursday. He congratulated the band on their 90<sup>th</sup> anniversary, Director Moss on his 40<sup>th</sup> anniversary and announcer Pete Friedman on his 38<sup>th</sup> anniversary.

Mayor Suess reminded anyone interested in applying for the West District open seat that the deadline for applications is 5 p.m. on August 6.

**20. Approval of Warrant**

Councilman Rutledge moved and Councilman Barbier seconded that Warrant No. 757 in the amount of \$1,146,672.43, be approved.

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

**21. Adjournment**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:57 p.m.

**Roll Call Vote:**  
Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Mayor Suess  
Councilman Rutledge  
Councilman Zaruba  
Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: August 19, 2019