



WHEATON CITY COUNCIL PROCEEDINGS

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 19, 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 Zaruba

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
Vince Laoang, Director of Public Works
William Murphy, Chief of Police
Sharon Barrett-Hagen, City Clerk

2. Presentations

None.

3. Citizens to Be Heard

Mr. Adam Joseph Matthew Bilecke, 1709 E. Roosevelt Road, #268, spoke of his desire to revive the Danada Equestrian Center and bring in wild mustangs along with vet clinic, questioned if unincorporated Wheaton had well water or tap water, and proposed moving Wheaton Drama to the vacant Wheaton Grand Theater location and turn that space into a music venue.

Mr. Dave Diersen, 915 Cove Ct., thanked the City for its progress in banning cannabis establishments in the City.

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 22, 2019 Public Hearing minutes and the August 5, 2019 minutes of the regular Wheaton City Council as submitted.

2. Pass Ordinance No. O-2019-39, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III – Decrease in Class H (Bowling Alleys) Liquor License/Wheaton Bowl/2031 N. Gary Avenue
3. Adopt Resolution R-2019-77, A Resolution Approving Edison Middle School Plat of Consolidation

Roll Call Vote on Consent Agenda:

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

Nays: None

Absent: None

Motion Carried Unanimously

5. Pass Ordinance O-2019-40, An Ordinance Amending Chapter 46 “Peddlers and Solicitors” of the Wheaton City Code

City Manager Dzugan stated at its last meeting Council commented on the potential impact on fundraising efforts at the high school level as a result of the requirement that individuals 16 years old or younger be in the immediate company of a supervising adult. Based on those comments, he discussed with Police Chief Murphy lowering the age to 14 and how that would impact enforcement who indicated he does not believe there would be any problems with enforcement if the age were lowered to 14.

Councilwoman Bray-Parker moved and Councilman Barbier seconded that the Ordinance Amending Chapter 46 “Peddlers and Solicitors” of the Wheaton City Code be amended to lower the age of minors requiring adult supervision to fourteen (14) years of age or younger.

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Ordinance O-2019-40, An Ordinance Amending Chapter 46 “Peddlers and Solicitors” of the Wheaton City Code, be passed as amended.

Roll Call Vote:

Ayes: Councilwoman Bray-Parker

Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Nays: None
Absent: None
Motion Carried Unanimously

6. Pass Ordinance No. O-2019-41, An Ordinance Amending the Official Motor Vehicle and Traffic Schedules (Chapter 70) for the City of Wheaton – Timed Parking

Councilwoman Fitch moved and Councilman Barbier seconded that Ordinance No. O-2019-41, An Ordinance Amending the Official Motor Vehicle and Traffic Schedules (Chapter 70) for the City of Wheaton – Timed Parking, be passed.

City Manager Dzugan advised the proposed ordinance would create 3-hour customer only parking on Front Street from West Street to Wheaton Avenue. He explained the proposal is the result of complaints from businesses in this area about commuter parking in the area. Staff believes this area would provide an opportunity to test the license plate recognition system enforcement of a 3-hour customer only requirement.

Mr. Michael Paeth, 530 E. Willow Avenue and owner of Mile Long Records, stated many of his customers are frustrated by the lack of parking due to commuters using the spaces near his store. He expressed his appreciation for the proposed change in parking requirements.

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

Nays: None
Absent: None
Motion Carried Unanimously

7. Appointment to City Boards/Commissions

Mayor Suess moved and Councilman Rutledge seconded that Katie Sivak be appointed to the Community Relations Commission for a term expiring on November 3, 2021 to complete the remaining term of former member Vickie Miller.

Roll Call Vote:
Ayes: Mayor Suess
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Councilwoman Bray-Parker
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

8. Pass Ordinance No. O-2019-42, An Ordinance Amending Ordinance E-3730, E-3822, F-0340, F-0385, F-0771, F-0858 and F-1249, “An Ordinance Amending the Wheaton Zoning Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Known as Lot 30 in Keim’s Resubdivision of Wheaton Park Manor (Northeast Corner of Roosevelt and County Farm Roads) – Target Stores Dated October 14, 1991”

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution Ordinance No. O-2019-42, An Ordinance Amending Ordinance E-3730, E-3822, F-0340, F-0385, F-0771, F-0858 and F-1249, “An Ordinance Amending the Wheaton Zoning Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Known as Lot 30 in Keim’s Resubdivision of Wheaton Park Manor (Northeast Corner of Roosevelt and County Farm Roads) – Target Stores Dated October 14, 1991,” be passed.

City Manager Dzugan stated the proposed ordinance would amend the Target Store PUD to allow redevelopment of the Ultra Foods space to a L.A. Fitness facility. He indicated the redevelopment includes demolition of approximately 27,000 square feet of the existing Ultra Foods building which would be replaced with landscaping.

Roll Call Vote:

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

Nays: None
Absent: None
Motion Carried Unanimously

9. Adopt Resolution R-2019-78, A Resolution Approving and Authorizing the Execution of an Intergovernmental Funding Agreement Between the City of Wheaton and Metra for the Installation of a Security Camera System at the Wheaton Metra Commuter Train Station Located at 402 W. Front Street

Councilman Barbier moved and Councilwoman Fitch seconded Resolution R-2019-78, A Resolution Approving and Authorizing the Execution of an Intergovernmental Funding Agreement Between the City of Wheaton and Metra for the Installation of a Security Camera System at the Wheaton Metra Commuter Train Station Located at 402 W. Front Street, be adopted.

City Manager Dzugan stated the intergovernmental agreement with Metra is to purchase and install ten cameras in and around the downtown train station. Metra would pay 50% of the cost of the cameras in an amount not to exceed \$50,000 of the total \$72,409.63 cost. City Manager Dzugan stated there are

sufficient funds in the capital equipment fund to move forward with this project with the grant from Metra.

In response to Councilwoman Fitch, City Manager Dzugan indicated cameras would be installed at the entrances. In response to her question as to how long the footage would be maintained, Chief Murphy stated while storage would depend on usage, tapes are usually not stored beyond two weeks. Chief Murphy confirmed the cameras would be video only and would not include audio.

In response to Councilwoman Bray-Parker, City Attorney Knippen stated it is not required by law to install signage for cameras that do not include audio recordings. He advised audio recording is not allowed without permission under Illinois law. He stated videos are generally used to identify perpetrators.

In response to Councilwoman Fitch's question regarding cameras at the library, City Manager Dzugan stated cameras have been installed at the library and he would provide further information on those cameras to the Council.

Mr. Michael Runyon, 1207 S. Sumner, stated he has seen signage at the library indicating security cameras are in operation.

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

10. Adopt Resolution R-2019-79, A Resolution Authorizing the Purchase of Security Cameras, Software, Software Maintenance and Installation Services from Graybar Electric Company, Inc. Through the Joint Purchasing Program with U.S. Communities for a Total Amount Not to Exceed \$72,409.63

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Resolution R-2019-79, A Resolution Authorizing the Purchase of Security Cameras, Software, Software Maintenance and Installation Services from Graybar Electric Company, Inc. Through the Joint Purchasing Program with U.S. Communities for a Total Amount Not to Exceed \$72,409.63, be passed.

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

Nays: None
Absent: None
Motion Carried Unanimously

11. Receive Planning & Zoning Board Report Re: ZA #19-09/Corner Side Yard Setback Variation/704 N. Blanchard Street/Runyon and Pass Ordinance No. O-2019-43, An Ordinance Granting a Corner Side Yard Setback Variation on a Certain Piece of Property Commonly Known as 704 N. Blanchard Street - Runyon

Councilman Zaruba moved and Councilman Rutledge seconded that the Planning & Zoning Board Report Re: ZA #19-09/Corner Side Yard Setback Variation/704 N. Blanchard Street/Runyon, be received and Ordinance O-2019-43, An Ordinance Granting a Corner Side Yard Setback Variation on a Certain Piece of Property Commonly Known as 704 N. Blanchard Street - Runyon, be passed.

City Manager Dzugan advised the Planning & Zoning Board has recommended approval of a variation request allowing an existing patio to remain with a corner side yard setback of 4 feet rather than the required 16.5 feet.

In response to Councilman Rutledge, Director Kozik confirmed the variation would remain with the land if the property is sold.

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

Nays: None
Absent: None
Motion Carried Unanimously

12. Adopt Resolution R-2019-80, A Resolution Authorizing the Purchase of Three Replacement Police Vehicles from Currie Motors Commercial Center Through the Joint Purchasing Program with Suburban Purchasing Cooperative for a Total Amount of \$103,748.00

Councilwoman Bray-Parker moved and Councilman Barbier seconded that R-2019-80, A Resolution Authorizing the Purchase of Three Replacement Police Vehicles from Currie Motors Commercial Center Through the Joint Purchasing Program with Suburban Purchasing Cooperative for a Total Amount of \$103,748.00, be adopted.

City Manager Dzugan stated staff is proposing to replace three police vehicles with Ford Utility Interceptor SUV's. He indicated the purchase cost is approximately \$2,800 over budget and there are sufficient funds in the vehicle replacement fund to cover this additional expense. City Manager Dzugan stated one of the vehicles would be a hybrid model and the City would test that vehicle's fuel consumption to determine fuel savings which the manufacturer suggests would be realized in two years.

In response to Councilman Zaruba, City Manager Dzugan stated the City has many hybrid vehicles in its fleet, but this would be the first of this type in the Police Department. Chief Murphy responded he

believes there should not be any difference in the vehicle's response to emergencies as compared to non-hybrid vehicles.

Mayor Suess expressed concern that this is the first year a hybrid is available in this SUV and the additional \$3,300 cost for the vehicle. He feels the City should revisit the hybrid purchase at a future date when additional information about its performance is available.

In response to Councilman Barbier, Chief Murphy confirmed vehicle indicators will be tracked to analyze performance.

Councilman Rutledge stated, based on information provided, the additional cost will be recovered during the first third of the six years of operational life of the vehicle.

Roll Call Vote:

Ayes: Councilwoman Bray-Parker
Councilwoman Fitch
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Nays: Mayor Suess

Absent: None

Motion Carried

13. Adopt Resolution R-2019-81, A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the Village of Carol Stream and the City of Wheaton for De-annexation, Annexation and Revenue Sharing for Parcels to be Redeveloped at the Northeast Corner of Geneva Road and Main Street

Councilman Barbier moved and Councilwoman Fitch seconded that Resolution R-2019-81, A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the Village of Carol Stream and the City of Wheaton for De-annexation, Annexation and Revenue Sharing for Parcels to be Redeveloped at the Northeast Corner of Geneva Road and Main Street, be adopted.

City Manager Dzugan stated the proposed intergovernmental agreement with Carol Stream would de-annex Wheaton's parcel at the northeast corner of Main Street and Geneva Road. Carol Stream would annex the property for development of two parcels with a convenience store/gas station. He stated the City would receive 45% of the sales tax generated by the property.

Councilwoman Fitch feels Section 8.5 of the agreement which may allow Carol Stream to terminate sales tax sharing in the event of legislative changes by the State of Illinois. City Attorney Knippen feels the City's risk is low, and in the event of legislative changes, the City has a variety of options it could take to enforce the agreement.

Councilman Rutledge feels the City could have negotiated for a better agreement, based on the fact that if the City were to adopt a local motor fuel tax, because Carol Stream currently has one, this revenue should be shared.

Mayor Suess stated those issues were discussed with Carol Stream, but the focus was on existing taxes in each community and to bring a portion of sales tax revenue to the City. He feels the agreement benefits both Carol Stream and the City of Wheaton and is fair to both sides.

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

Nays: Councilman Rutledge
Absent: None
Motion Carried

14. Council Comment

Councilman Barbier read a statement saying that comments made in emails to members of the public with regard to the Roosevelt Road study were meant broadly. He confirmed he has no evidence nor any reason to believe the Wheaton City Council is engaged in any unlawful or unethical behavior. He apologized for any misunderstanding and will ensure his statements are more clearly articulated in the future.

Mayor Suess stated school starts on Wednesday and he encouraged the public to be aware of students biking and walking to school.

15. Approval of Warrant

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 758 in the amount of \$3,420,407.80, be approved.

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

Nays: None
Absent: None
Motion Carried Unanimously

16. Closed Session

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that the Wheaton City Council adjourn to closed session at 7:42 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 Fitch

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

Nays: None
Absent: None
Motion Carried Unanimously

The City Council returned to the open portion of their meeting at 8:05 p.m.

17. Adjournment

Councilwoman Fitch moved and Councilman Zaruba seconded that the regular Wheaton City Council Meeting be adjourned at 8:06 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: September 3, 2019