



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILWOMAN SUZANNE FITCH
COUNCILWOMAN LYNN ROBBINS | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

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

Monday, March 1, 2021

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
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Absent: None

City Staff Physically Present:

Michael Dzugan, City Manager
John Duguay, Assistant City Manager
James Knippen, City Attorney
James Kozik, Director of Planning & Economic Development
Joseph Tebrugge, Director of Engineering
William Schultz, Fire Chief
Susan Bishel, Public Information Officer
Andrea Rosedale, Executive Assistant
Sharon Barrett-Hagen, City Clerk

Electronically Present: Daniel Peck, PR Coordinator
Nathan Plunket, Public Works Streets Superintendent

2. Citizens to be Heard

None

3. Consent Agenda

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the following action be taken on the Consent Agenda items:

1. Approve the minutes of the February 16, 2021 regular Wheaton City Council meeting as submitted.
2. Approve Bond Waiver and Authorize Issuance of Raffle License to the Wheaton Junior Women's Club.

Ayes: **Roll Call Vote on Consent Agenda:**
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch

Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Nays: None
Absent: None
Motion Carried Unanimously

4. Pass Ordinance O-2021-07, An Ordinance Amending Section B-9, Fire Department Fees, Appendix B, Fee Schedule, of the Wheaton City Code

Councilman Rutledge moved and Councilwoman Robbins seconded that Ordinance O-2021-07, An Ordinance Amending Section B-9, Fire Department Fees, Appendix B, Fee Schedule, of the Wheaton City Code, be passed.

City Manager Dzugan advised the proposed ordinance would amend fees for three categories, BLS, ALS 1 and ALS 2, of ambulance service for residents and non-residents based upon Council's prior discussions.

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

Nays: None
Absent: None
Motion Carried Unanimously

5. Approve Reappointment to City Boards and Commissioners

Mayor Suess moved and Councilwoman Fitch seconded that Kevin Illia be reappointed to the Board of Fire & Police Commissions for a three-year term.

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

Nays: None
Absent: None
Motion Carried Unanimously

6. Pass Ordinance O-2021-08, An Ordinance Authorizing an extension of Time on the Validity of Ordinance No. O-2019-53 – “An Ordinance Approving a Preliminary Plat of Subdivision and Lot Depth Variation for Certain Property Commonly Known as 209 N. Summit Street, 213 N. Summit Street, 217 N. Summit Street, 231 N. Summit Street and 1403 Harwarden Street – Henninger Homes”

Councilman Rutledge moved and Councilman Zaruba seconded that Ordinance O-2021-08, An Ordinance Authorizing an extension of Time on the Validity of Ordinance No. O-2019-53 – “An Ordinance Approving a Preliminary Plat of Subdivision and Lot Depth Variation for Certain Property Commonly Known as 209 N. Summit Street, 213 N. Summit Street, 217 N. Summit Street, 231 N. Summit Street and 1403 Harwarden Street – Henninger Homes,” be passed.

City Manager Dzugan reported the City received a request to extend the validity of a preliminary plat and variation approval previously granted by the City for the property known as the Summit Street Subdivision. He indicated the applicant has requested an extension of time due to development delays as a result of COVID-19.

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

Nays: None
Absent: None
Motion Carried Unanimously

7. Pass Ordinance O-2021-09, An Ordinance Amending the Planned Unit Development to Construct a Dual Lane Drive Thru on Property Commonly Known as 301 East Loop Road – Chick-fil-A

Councilman Barbier moved and Councilwoman Robbins seconded that Ordinance O-2021-09, An Ordinance Amending the Planned Unit Development to Construct a Dual Lane Drive Thru on Property Commonly Known as 301 East Loop Road – Chick-fil-A, be passed.

City Manager Dzugan stated the City received an application to amend the Chick-fil-A PUD for the creation of a dual lane drive thru. He indicated the proposed ordinance recognizes this is a major change to the PUD and is in substantial conformity with the original PUD.

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

Nays: None
Absent: None
Motion Carried Unanimously

Councilman Barbier recused himself at 7:05 p.m. from discussion of Regular Agenda, New Business 4, "A Resolution in Opposition of a Variance for the Property Located at 0N738 Gary Avenue, Wheaton, Illinois, due to a possible conflict of interest.

8. Adopt Resolution R-2021-09, A Resolution in Opposition of a Variance for the Property Located at 0N758 Gary Avenue, Wheaton, Illinois

Councilwoman Fitch moved and Councilman Rutledge seconded that Resolution R-2021-09, A Resolution in Opposition of a Variance for the Property Located at 0N758 Gary Avenue, Wheaton, Illinois, be adopted.

City Manager Dzugan reported the City received notification of a DuPage County zoning petition for the property located at 0N758 Gary Avenue, which is located within the City's planning jurisdiction. City Manager Dzugan stated the applicant is seeking five variations for front, rear and side yard setbacks, the number of parking spaces and landscape requirements. He advised Staff is concerned about the number and scale of the zoning variations necessary to accommodate the proposed tenant and has recommended an advisory resolution opposing the project.

Councilman Rutledge stated the applicant is requesting a lot of variations that would not be approved by the Council if the property was located in Wheaton. In response to Councilman Rutledge, Director Kozik stated the applicant owns the land west of the public alley where additional parking could be installed, but it would be costly to do so.

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

Councilman Barbier returned to the meeting at 7:09 p.m.

9. Adopt Resolution R-2021-10, A Resolution Authorizing the Purchase of Bituminous Material from Plote Construction, for a Total Amount Not to Exceed \$424,450

Councilwoman Robbins moved and Councilman Barbier seconded that Resolution R-2021-10, A Resolution Authorizing the Purchase of Bituminous Material from Plote Construction, for a Total Amount Not to Exceed \$424,450, be adopted.

City Manager Dzugan stated the City received two bids for bituminous material. He indicated the majority of this material will be used for the City's annual road program and listed several streets that will be milled down and receive an overlay.

	Roll Call Vote:
Ayes:	Councilwoman Robbins

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

Nays: None
Absent: None
Motion Carried Unanimously

10. Adopt Resolution R-2021-11, A Resolution Authorizing the Execution of Agreement No. 180 with Reef Contractors for the Police Department Locker Rooms Renovation for a Total Amount Not to Exceed \$249,500

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2021-11, A Resolution Authorizing the Execution of Agreement No. 180 with Reef Contractors for the Police Department Locker Rooms Renovation for a Total Amount Not to Exceed \$249,500, be adopted.

City Manager Dzugan stated eleven bids were received for this project. He advised \$200,000 is included in the 2021 budget, with available reserves in the City's Building Renewal Fund to cover the additional expense.

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

Nays: None
Absent: None
Motion Carried Unanimously

11. Adopt Resolution R-2021-12, A Resolution Authorizing the Execution of Agreement No. 181 with Wright and Sons Painting for Public Works Exterior Painting and Repairs for a Total Amount Not to Exceed \$115,250

Councilwoman Robbins moved and Councilwoman Bray-Parker seconded that Resolution R-2021-12, A Resolution Authorizing the Execution of Agreement No. 181 with Wright and Sons Painting for Public Works Exterior Painting and Repairs for a Total Amount Not to Exceed \$115,250, be adopted.

City Manager Dzugan stated the City received five bids for this project. He indicated the 2021 budget includes \$180,000 to cover the costs of this project.

Roll Call Vote:
Ayes: Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None
Motion Carried Unanimously

12. Receive Planning & Zoning Board Report Re: ZA #21-02/Special Use Permit/210 W. Wesley Street/Boswell

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Planning & Zoning Board Report Re: ZA #21-02/Special Use Permit/210 W. Wesley Street/Boswell, be received.

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

Nays: None
Absent: None
Motion Carried Unanimously

City Manager Dzugan stated that, at their meeting on February 23, 2021, the Planning & Zoning Board unanimously recommended denial of a special use permit to allow a business and professional office to occupy space in the C-2 Retail Core Business District. He advised the Board felt the existing space is prime commercial space that should be occupied by a retail tenant and not by a standard office use with no unique attributes. Staff is recommending the City Attorney draft an ordinance denying this special use request.

Councilwoman Fitch moved and Councilwoman Robbins seconded to direct the City Attorney to prepare an ordinance denying the special use request.

Ms. Caitlin Paloian, 127 Aurora Avenue, Naperville, attorney representing applicant, stated the location is at the end of the C-2 district with residential across the alley to the west, general retail to the east and south and C-4 office use across the street to the north. She indicated the vacancy is pandemic driven and the owner has not received any interest from retailers for this space. Ms. Paloian stated they are willing to limit the special use to this particular applicant and return to retail use in the future. She noted the City's Zoning Ordinance does allow office in C-2 zoning districts as a special use and questioned why not in this space.

Mr. Mark Boswell, 3872 Woodbine Road, Long Grove, stated this location would be a second location for his existing business. He stated his vision is to have his second office in downtown Wheaton.

Councilman Zaruba stated he tends to agree with the petitioner. He noted the alley and condos to the west and the office space across the street to the north. Councilman Zaruba understands the concerns of staff and the Planning & Zoning Board, and realizes there may be other options. However, he would like to see something in this space and does not necessarily see harm or benefit to nearby retail uses in granting the request.

In response to Councilman Rutledge, Director Kozik stated the City did approve Images Med Spa on Hale Street due to the fact that it is a quasi medical/retail business. He further indicated that business is located in a unique business that is not necessarily suitable for a retail use.

Councilman Rutledge feels the use should be consistent with zoning and agrees with the Planning & Zoning Board and staff recommendation.

Councilwoman Robbins would like to follow the intent of the C-2 zoning district.

Councilman Barbier stated that while he did not disagree with Councilman Zaruba's comments, he agrees with staff and the Planning & Zoning Board recommendations and believes Council should follow the spirit of the zoning district.

In response to Councilwoman Bray-Parker, Director Kozik confirmed this particular space was constructed as a retail space and has always been used for retail in the past. He indicated the two-level space does present some issues for retail use, but it is a prime location adjacent to the main entrance to the downtown parking garage with good visibility.

Councilwoman Fitch feels the space is conducive to retail and feels the use should be consistent with the City's comprehensive plan.

Mayor Suess agrees with the Planning & Zoning Board recommendation. He stated this requirement has been in place since at least 1985 and indicated the office use across the street is in compliance with the C-4 zoning for that location. He is concerned granting this request may set a precedent for other office uses in the C-2 zoning district.

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

13. Adopt Resolution R-2021-13, A Resolution Authorizing the Purchase of Six (6) Replacement Thermal Imaging Cameras Through the Houston Galveston Purchasing Cooperative (HGAC) Joint Purchasing Program with E.D. Bullard for a Total Amount of \$34,856.42

Councilman Rutledge moved and Councilwoman Robbins seconded that Resolution R-2021-13, A Resolution Authorizing the Purchase of Six (6) Replacement Thermal Imaging Cameras Through the Houston Galveston Purchasing Cooperative (HGAC) Joint Purchasing Program with E.D. Bullard for a Total Amount of \$34,856.42, be adopted.

City Manager Dzugan stated the Fire Chief has recommended the replacement of the Department's thermal imaging cameras. In response to Councilman Rutledge, Chief Schultz stated the existing cameras are 12 years old.

Roll Call Vote:

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

Nays: None
Absent: None
Motion Carried Unanimously

14. Adopt Resolution R-2021-14, A Resolution Authorizing the Execution of Agreement No. 183 with RJN Group for Flow Metering Services for Basins 3 and 4 for a Total Amount Not to Exceed \$59,300

Councilwoman Bray-Parker moved and Councilwoman Fitch seconded that Resolution R-2021-14, A Resolution Authorizing the Execution of Agreement No. 183 with RJN Group for Flow Metering Services for Basins 3 and 4 for a Total Amount Not to Exceed \$59,300, be adopted.

City Manager Dzugan indicated staff is recommending a contract with RJN for sanitary sewer flow metering services for 2021 and 2022.

Mayor Suess questioned when the Council would see a report on the results of this work. Director Tebrugge confirmed the original bid included a provision for a yearly report. However, he stated the metering system used old 2g and when AT&T decided to stop functioning 2g, the meters had to be replaced. Director Tebrugge stated the report submitted this year will also include results from last year.

Roll Call Vote:

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

Nays: None
Absent: None
Motion Carried Unanimously

15. Council Comment

Councilwoman Bray-Parker reported March is Women’s History Month and encouraged everyone to check the City and Library websites for local events.

16. Approval of Warrant

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 795 in the amount of \$1,375,089.76, be approved.

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

Nays: None
Absent: None
Motion Carried Unanimously

17. Adjournment

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:26 p.m.

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

Nays: None
Absent: None
Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

Submitted for Approval: March 15, 2021