



# WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILMAN SCOTT BROWN  
COUNCILWOMAN SUZANNE FITCH | COUNCILWOMAN LYNN ROBBINS | COUNCILMAN SCOTT WELLER

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

Monday, May 17, 2021

At 7:00 p.m. Mayor Suess administered the oath of office to Councilman Brown, Councilman Weller, Councilwoman Robbins and Councilman Barbier.

## 1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:05 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

Physically Present: Mayor Suess  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

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 Murphy, Police Chief  
Kevin Maloney, Public Works Forestry Superintendent  
Susan Bishel, Public Information Officer  
Sharon Barrett-Hagen, City Clerk

## 2. Report of the City Attorney

City Attorney Knippen proposed an amendment that would authorize the City Manager to approve Construction, Use, and Indemnification Agreements rather than have them approved by resolution. The Council expressed no objection to his proposal. City Attorney Knippen stated he will prepare an ordinance for the Council's review.

## 3. Presentations

Mayor Suess presided over the police officer swearing-in ceremony for Officer Mohammad Mohammad following remarks by Police Chief Murphy.

Mayor Suess read and presented a proclamation to Mr. Terry Mee, President of the Wheaton Park District Board and Mr. Mike Benard, Executive Director of the Wheaton Park District, congratulating the Wheaton Park District on their 100<sup>th</sup> anniversary. Mr. Mee thanked the Mayor and Council for the recognition and expressed his appreciation for the working relationship the Park District has with the City and provided a brief summary of the activities the District is planning for 2021.

Mayor Suess read and presented a proclamation to Mr. Kevin Maloney, Public Works Forestry Superintendent, proclaiming May 16 through May 22 as Public Works Week in the City of Wheaton. Superintendent Maloney thanked the Mayor and Council for the proclamation on behalf of the Public Works employees. He expressed his appreciation for their talent and dedication.

Mayor Suess congratulated the following 2021 National Merit Finalists: Emma Simpson, Samuel Walhout and Benjamin Zimmerman from Wheaton North High School; Jeremy Illut and Paul Choi from Wheaton Warrenville South High School and Aiden Benson from St. Francis High School.

Ms. Krista Selvey, Good Citizens Committee, Community Relations Commission, stated that out of over 40 nominations, 13 winners were selected for 2021 Good Citizens awards. She announced the winners of the and provided a brief summary of their contributions. The Good Citizens Award recipients are: Adult Category: Bill Anderson, Anjali Bharadwa, Jacob Kniep, Chuck Smith, and Vickie Tabbert; Student Category: Kyla Farrell, Michael Foster, Henry Lytle, Jackson Moran, Maryam Tourk and Natalie Worniak and Group Category: Immigrant Solidarity DuPage, and Milton Township CERT Team

#### 4. Citizens to be Heard

Mr. John Monino, Milton Township Supervisor, introduced himself and expressed appreciation for the efforts of Chuck Smith of the Township SALT Council and the CERT team.

#### 5. Consent Agenda

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

1. Approve the minutes of the May 3, 2021 regular Wheaton City Council meeting as submitted.
2. Adopt Resolution R-2021-38, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (2149 Belleau Woods Drive).
3. Adopt Resolution R-2021-39, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1505 Spero Court).
4. Adopt Resolution R-2021-40, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (754 Brighton Drive).
5. Adopt Resolution R-2021-41, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (90 Landon Circle).
6. Adopt Resolution R-2021-42, A Resolution Approving Landon Circle Plat of Consolidation.
7. Adopt Resolution R-2021-43, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (27 Landon Circle).

	<b>Roll Call Vote on Consent Agenda:</b>
Ayes:	Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess

Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Nays: None  
Absent: None  
Motion Carried Unanimously

**6. Approve Appointment to City Boards and Commission**

Mayor Suess moved and Councilman Barbier seconded that Benjamin Nau be appointed to the Bicycle Advisory Commission for a three-year term.

Ayes: **Roll Call Vote:**  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown

Nays: None  
Absent: None  
Motion Carried Unanimously

**7. Adopt Resolution R-2021-44, A Resolution Supporting Restoration of LGDF Revenue**

Councilman Brown moved and Councilwoman Bray-Parker seconded that Resolution R-2021-44, A Resolution Supporting Restoration of LGDF Revenue, be adopted.

City Manager Dzuga advised that Governor's 2022 proposed budget includes a 10% reduction in LGDF, the municipal share of state income tax, which would result in a \$500,000 loss to the City's General Fund. City Manager Dzuga indicated the proposed resolution demonstrates the City's support of a collective campaign by the Illinois Municipal League and the DuPage Mayors and Managers Conference to encourage State lawmakers to not use municipal revenue as a budget tool.

Mayor Suess feels this revenue is critical to the City as there is no greater impact on residents than their local government. He believes this revenue should not be considered discretionary by State legislators, and municipalities need to raise awareness about this issue.

Ayes: **Roll Call Vote:**  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker

Nays: None  
Absent: None  
Motion Carried Unanimously

**8. Receive Planning & Zoning Board Report Re: ZA-#21-07/PUD/204 and 210 S. Wheaton Avenue/Ross Builders, Inc.**

Councilwoman Fitch moved and Councilwoman Robbins seconded to receive the Planning & Zoning Board Report Re: ZA-#21-07/PUD/204 and 210 S. Wheaton Avenue/Ross Builders, Inc.

City Manager Dzugan stated the Planning & Zoning Board unanimously recommended approval of a four-story, eighteen-unit apartment building on the vacant property located at 204 and 210 S. Wheaton Avenue.

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

**Pass Ordinance No. O-2021-21, An Ordinance Granting a Special Use Permit for a Planned Unit Development to Allow the Construction and Use of a Four-Store Eighteen-Unit Multi-Family (Apartment) Building on a Certain Piece of Property Commonly Known as 204 and 210 S. Wheaton Avenue – Ross Builders, Inc.**

Councilman Brown moved and Councilman Barbier seconded that Ordinance No. O-2021-21, An Ordinance Granting a Special Use Permit for a Planned Unit Development to Allow the Construction and Use of a Four-Store Eighteen-Unit Multi-Family (Apartment) Building on a Certain Piece of Property Commonly Known as 204 and 210 S. Wheaton Avenue – Ross Builders, Inc., be passed.

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

**9. Pass Ordinance No. O-2021-22, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class I (Restaurants) Liquor License – Front Street Grill, LLC – Mike Ditka’s Chicago, LLC d/b/a Front Street Grill, 225 W. Front Street**

Councilman Weller moved and Councilman Barbier seconded that Ordinance No. O-2021-22, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III of the City Code – Increase in Class I (Restaurants) Liquor License – Front Street Grill, LLC – Mike Ditka’s Chicago, LLC d/b/a Front Street Grill, 225 W. Front Street, be passed.

City Manager Dzugan stated the Liquor Control Commission unanimously recommended approval of this new liquor license.

**Roll Call Vote:**

Ayes: Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins

Nays: None

Absent: None

Motion Carried Unanimously

**10. Pass Ordinance No. O-2021-23, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Sec. 6-87.5 – Outdoor Special Event Liquor License (Downtown Wheaton Association Margarita Crawl)**

Councilwoman Bray-Parker moved and Councilman Weller seconded that Ordinance No. O-2021-23, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Sec. 6-87.5 – Outdoor Special Event Liquor License, be passed.

City Manager Dzugan stated that at its May 13, 2021 meeting, the Liquor Control Commission recommended amending Section 6-87.5 to allow alcoholic liquor, as well as beer and wine, to be sold at outdoor special events. He stated the Commission also approved the issuance of an outdoor special event liquor license to the Downtown Wheaton Association for their proposed margarita crawl.

**Roll Call Vote to Amend the City Code:**

Ayes: Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier

Nays: None

Absent: None

Motion Carried Unanimously

Councilman Barbier believes it is a great idea for the DWA to provide “Call a lift” information for this event.

Ms. Elle Withall, Executive Director, Downtown Wheaton Association, stated the margarita crawl event is coinciding with the Frida Kahlo exhibit at COD which opens on June 5. She summarized other events the DWA is planning, such as the return of the car shows utilizing the parking lot at Clare Woods Academy.

Councilman Barbier moved and Councilwoman Robbins seconded to authorize issuance of a special event liquor license to the Downtown Wheaton Association.

**Roll Call Vote to Authorize Issuance of Special Event Liquor License:**

Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Nays: None

Absent: None

Motion Carried Unanimously

**11. Adopt Resolution R-2021-45, A Resolution Authorizing the Execution of Agreement No. 189 with Landmark Contractors, Inc. for the Wheaton Avenue Pedestrian Underpass Rehabilitation Project for a Total Amount Not to Exceed \$275,337.07**

Councilwoman Fitch moved and Councilman Weller seconded that Resolution R-2021-45, A Resolution Authorizing the Execution of a Agreement No. 189 with Landmark Contractors, Inc. for the Wheaton Avenue Pedestrian Underpass Rehabilitation Project for a Total Amount Not to Exceed \$275,337.07, be adopted.

City Manager Dzugan stated the City received six bids for this work. He indicated that while grant dollars for this project are in the State’s capital bill, it may be some time before the funds are released. City Manager Dzugan advised the City has the funds to proceed with the project while awaiting the release of the grant money.

In response to Councilwoman Fitch, Director Tebrugge stated it will take about a month to secure engineering services, followed by construction lasting approximately three months. In response to Mayor Suess, he does not believe traffic on Roosevelt Road will be significantly impacted.

**Roll Call Vote:**

Ayes: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown

Mayor Suess

Nays: None  
Absent: None  
Motion Carried Unanimously

**12. First Reading of an Ordinance Amending Chapter 2 “Administration” of the Code of Ordinances of the City of Wheaton, Illinois, by the Addition of Article X “Administrative Adjudication” of Municipal Code Violations, Sections 2-575 Through 2-590**

City Manager Dzugan stated the Council discussed this ordinance on three previous occasions. He advised it will return to the Council for formal action at their meeting on June 7.

Councilwoman Fitch stated this is a new mechanism for the City to use for Code enforcement and feels it will be a more efficient way of doing business.

Mayor Suess also feels this is a better approach to the City’s enforcement efforts rather than the traditional Court approach.

**13. Adopt Resolution R-2021-46, A Resolution Authorizing the Execution of a License Agreement with Wheaton Park District/Memorial Park (Wheaton Municipal Band)**

Councilman Barbier moved and Councilwoman Robbins seconded that Resolution R-2021-46, A Resolution Authorizing the Execution of a License Agreement with Wheaton Park District/Memorial Park (Wheaton Municipal Band), be adopted.

City Manager Dzugan advised the proposed agreement with the Park District relates to the Band’s use of Memorial Park. He stated the agreement would formalize the positive and supportive relationship that has existed between the Band and the Park District.

In response to Councilwoman Fitch, City Manager Dzugan stated the proposed agreement would expire on December 31, 2021 initially, and he believes the Park District would be supportive of a longer term when the agreement is revisited.

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

**14. Pass Ordinance No. O-2021-24, An Ordinance Amending the Calendar Year 2021 Budget Contained in Ordinance No. O-2021-42**

Councilwoman Bray-Parker moved and Councilman Brown seconded that Ordinance No. O-2021-24, An Ordinance Amending the Calendar Year 2021 Budget Contained in Ordinance No. O-2021-42, be passed.

City Manager Dzugan stated the proposed ordinance would amend the 2021 calendar year budget to add a new full-time grant writer/administrator position in the Finance Department. He advised this position would fulfil the Council's Strategic Priority 1, Goal C-1 initiative to leverage federal and state grant opportunities.

In response to Councilwoman Fitch, City Manager Dzugan replied it is difficult to put a number on how much grant money would be obtained, but he believes it may be in the range of \$500,000 to \$1MM. He stated there may be grant monies available through federal infrastructure action, as well as grants for police training, sanitary sewer and other items this individual would be able to pursue. He indicated there are some grants that require a person in this position in order to even be considered for the grant.

Councilman Barbier feels having this position would be a giant step forward for the City. Councilwoman Bray-Parker also feels this is a great idea for infrastructure, stormwater and clean energy grant opportunities going forward.

Mayor Suess believes this is important for Wheaton residents for the City to make an effort to obtain grant funds from government, as well as other sources.

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

**15. Receive Planning & Zoning Board Report Re: ZA-#21-10/Front Yard Setback Variation/125 E. Seminary Avenue/Bartlett Learning Center**

Councilman Brown moved and Councilman Weller seconded to receive the Planning & Zoning Board Report Re: ZA-#21-10/Front Yard Setback Variation/125 E. Seminary Avenue/Bartlett Learning Center

City Manager Dzugan stated the Planning & Zoning Board unanimously recommended approval of a front yard setback variation to allow construction and use of a gazebo at the Bartlett Learning Center.

**Roll Call Vote:**  
Ayes: Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller



Councilman Barbier  
Councilwoman Bray-Parker

Nays: None  
Absent: None  
Motion Carried Unanimously

**Pass Ordinance No. O-2021-25, An Ordinance Granting a Front Yard Setback Variation on a Certain Piece of Property Commonly Known as 125 E. Seminary Avenue – Bartlett Learning Center**

Councilwoman Robbins moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2021-25, An Ordinance Granting a Front Yard Setback Variation on a Certain Piece of Property Commonly Known as 125 E. Seminary Avenue – Bartlett Learning Center, be passed.

**Roll Call Vote:**  
Ayes: Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch

Nays: None  
Absent: None  
Motion Carried Unanimously

**16. Council Comment**

Mayor Suess stated he attended District 200's virtual international buffet. He stated it was an amazing presentation and opened his eyes to the diversity within our community and the number of countries represented and native languages spoken in the community.

Mayor Suess welcomed Amante Marketplace and Wheaton House to the community.

**17. Approval of Warrant**

Councilwoman Fitch moved and Councilman Brown seconded that Warrant No. 800 in the amount of \$807,635.21 be approved.

**Roll Call Vote:**  
Ayes: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess

Nays: None  
Absent: None

Motion Carried Unanimously

**18. Adjournment**

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 8.04 p.m.

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

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: June 7, 2021