



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, August 16, 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
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
Holly Schulz, Director of Human Resources
Robert Lehnhardt, Finance Director
Susan Bishel, Public Information Officer
Sharon Barrett-Hagen, City Clerk

2. Citizens to be Heard

Ms. Elle Withall advised she has accepted another position. She reviewed the accomplishments of the Downtown Wheaton Association during her tenure with the organization. Ms. Withall thanked the City Council and City staff for working with her and the DWA in their efforts to make Wheaton a destination.

3. 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 August 2, 2021 regular Wheaton City Council meeting as submitted.
2. Adopt Resolution R-2021-67, A Resolution Authorizing the Release of Closed Session Minutes.
3. Approve Bond and Milton Township Waivers and Authorize Issuance of Raffle License to Midwest Dachshund Rescue.
4. Adopt Resolution R-2021-68, A Resolution Approving the Final Plat of Subdivision for Hummingbird Place Subdivision.

Roll Call Vote on Consent Agenda:

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

Nays: None
Absent: None
Motion Carried Unanimously

4. Adopt Resolution R-2021-69, A Resolution Authorizing the Execution of a Highway Authority Agreement and a Limited Indemnification Agreement – 7-Eleven, Inc. – 625 W. Roosevelt Road

Councilwoman Fitch moved and Councilwoman Robbins seconded that Resolution R-2021-69, A Resolution Authorizing the Execution of a Highway Authority Agreement and a Limited Indemnification Agreement – 7-Eleven, Inc. – 625 W. Roosevelt Road, be adopted.

City Manager Dzugan stated the proposed agreement protects the City from any future costs associated with a remediated leaking tank located on the property if any issues are found in the City's right-of-way, Delles Road, through utility or road work by the City.

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

5. Approve Appointments to City Commissions

Mayor Suess moved and Councilwoman Bray-Parker seconded that David Duve be appointed to the Bicycle Advisory Commission for a term ending October 7, 2022, filling the remaining term of a former Commission member, and Stephanie Henry be appointed to the Community Relations Commission for a term ending March 20, 2023, filling the remaining term of a former Commission member.

Roll Call Vote:

Ayes: Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Councilman Brown
Councilwoman Bray-Parker

Nays: None
Absent: None
Motion Carried Unanimously

6. Pass Ordinance No. O-2021-40, An Ordinance Amending Ordinance Nos. F-1933 and F-2041, “An Ordinance Granting a Planned Unit Development (PUD) Allowing the Construction and Operation of a Convenience Filling Station and Carwash on the Property Located at 100 and 110 West Geneva Road Following its Consolidation Into One Lot – Circle K Heartland”

Councilman Barbier moved and Councilman Brown seconded that Ordinance No. O-2021-40, An Ordinance Amending Ordinance Nos. F-1933 and F-2041, “An Ordinance Granting a Planned Unit Development (PUD) Allowing the Construction and Operation of a Convenience Filling Station and Carwash on the Property Located at 100 and 110 West Geneva Road Following its Consolidation Into One Lot – Circle K Heartland,” be passed.

City Manager Dzugan indicated the proposed ordinance amends previous ordinances for the Circle K convenience filling station and car wash and would permit a canopy structure at the entrance to the car wash. He stated this is considered a major change to the PUD, but it can be considered without a public hearing if the Council finds the changes are in substantial conformity with the original PUD.

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

7. Adopt Resolution R-2021-70, a Resolution Authorizing the Execution of an Agreement Between the City of Wheaton and the Wheaton Firefighters Union International Association of Firefighters Local 3706

Councilman Brown moved and Councilwoman Robbins seconded that Resolution R-2021-70, a Resolution Authorizing the Execution of an Agreement Between the City of Wheaton and the Wheaton Firefighters Union International Association of Firefighters Local 3706, be adopted.

City Manager Dzugan advised the proposed resolution approves a five-year contract with the IAFF Local 3706, the City’s Firefighters Union. He thanked everyone involved in the negotiations for arriving at a very positive resolution.

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

8. Adopt Resolution R-2021-71, A Resolution Authorizing the Execution of the Water Tower Lease Agreement with T-Mobile Central LLC (Orchard Water Tower - 71 Marywood Trail)

Councilwoman Fitch moved and Councilman Weller seconded that Resolution R-2021-71, A Resolution Authorizing the Execution of the Water Tower Lease Agreement with T-Mobile Central LLC (Orchard Water Tower - 71 Marywood Trail), be adopted.

City Manager Dzugan reported in September 2020, T-Mobile offered to extend a lease agreement with the City for equipment they have on the Marywood water tower at a rate the City did not believe was competitive. He indicated that T-Mobile has now agreed to terms staff believes are more competitive.

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

9. Adopt Resolution R-2021-72, A Resolution Approving a Debt Management Policy for the City of Wheaton

Councilman Barbier moved and Councilwoman Robbins seconded that Resolution R-2021-72, A Resolution Approving a Debt Management Policy for the City of Wheaton, be adopted.

City Manager Dzugan stated the Council discussed an updated to the City's Debt Management Policy. He stated the new policy adds a few more concepts with a focus on analysis performed before issuing future debt.

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

Mayor Sues stated that due to a conflict of interest, he would recuse himself from the discussion and vote regarding Regular Agenda New Business Item #7. Mayor Sues left the meeting at 7:15 p.m.

10. Appointment of Mayor Pro Tem

Councilwoman Robbins moved and Councilman Brown seconded that Councilwoman Fitch be appointed Mayor Pro Tem for consideration of Regular Agenda New Business Item #7.

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

11. Receive Planning & Zoning Board Report Re: ZA-#21-18/Side Yard Setback Variations/121 W. Forest Avenue/Suess

Councilman Barbier moved and Councilwoman Bray-Parker seconded to receive the Planning & Zoning Board Report Re: ZA-#21-18/Side Yard Setback Variations/121 W. Forest Avenue/Suess.

City Manager Dzugan stated the Planning & Zoning Board considered a request for side yard variations of 3 feet versus the required 6.4 feet for reconstruction and an addition to the existing patio and to allow for an outdoor fireplace with a side yard setback of 1 foot versus 10 feet. He indicated the proposed ordinance would approve the variations with a condition for a spark arrestor to be placed in the fireplace.

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

Pass Ordinance No. O-2021-41, An Ordinance Granting Side Yard Setback Variations on a Certain Piece of Property Commonly Known as 121 W. Forest Avenue - Suess

Councilman Brown moved and Councilman Weller seconded that No. O-2021-41, An Ordinance Granting Side Yard Setback Variations on a Certain Piece of Property Commonly Known as 121 W. Forest Avenue – Suess, be passed.

Ms. Linda Onishi, 1011 Wheaton Place, expressed her objection to the proposed setback variations. She stated if the variations were approved, the fireplace would be one foot from her lot line and less than ten feet from her home. She feels the requested variations are very extreme and is concerned about sparks flying into her yard. Ms. Onishi asked the Council to show some consideration to the neighbors and not approve an outdoor fireplace so close to her property line.

In response to Councilman Barbier, Director Kozik stated the spark arrestor is what is used to prevent sparks from the fireplace. He stated the installation of a spark arrestor is not required by the City Code, but is recommended in this case.

	Roll Call Vote:
Ayes:	Councilman Brown Mayor Pro Tem Fitch Councilwoman Robbins Councilman Weller Councilwoman Bray-Parker
Nays:	Councilman Barbier
Absent:	Mayor Suess
	<u>Motion Carried</u>

Mayor Suess returned to the meeting at 7:24 p.m.

12. Pass Ordinance No. O-2021-42, An Ordinance Amending City of Wheaton Ordinance No. O-2021-13 to Extend the Occupancy Date of a Portion of Hale Street Between Front and Wesley Streets, to Allow Dining Tents, Associated Accoutrements and to Allow Outdoor Liquor Sales During the Extended Occupancy Period

Councilman Barbier moved and Councilwoman Fitch seconded that Ordinance No. O-2021-42, An Ordinance Amending City of Wheaton Ordinance No. O-2021-13 to Extend the Occupancy Date of a Portion of Hale Street Between Front and Wesley Streets, to Allow Dining Tents, Associated Accoutrements and to Allow Outdoor Liquor Sales During the Extended Occupancy Period, be passed.

City Manager Dzugan advised the City received a request from the Downtown Wheaton Association to extend the time to allow tents and outdoor liquor sales to occur on Hale Street, between Front and Wesley Streets, to October 31, 2021. He noted the DWA will pay for the cost of the tents from contributions and sponsorships from members and work with the Wheaton Drama Club for access for the replacement of a roof top air conditioner at their property.

Councilman Barbier feels the tents have been extremely popular this summer and supports this proposal 100%.

Councilwoman Fitch agreed that the tents are being enjoyed by residents and visitors and supports the extension, but stated the DWA should work with Wheaton Drama to meet their needs.

Ms. Elle Withall, Downtown Wheaton Association stated she is working with Alan Bolds, President of Wheaton Drama about the replacement of their air conditioner and other issues regarding access to their property.

Councilwoman Bray-Parker feels the conversations between the DWA and Wheaton Drama are essential.

Mayor Suess agrees the tents have been extremely successful and believes their location in Wheaton in an area closed to traffic contributes to the popularity of the tents. He also agrees it is essential the DWA work with Wheaton Drama to address their needs.

	Roll Call Vote:
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>

13. Council Comment

Councilwoman Bray-Parker thanked Ms. Withall for her leadership of the DWA and wished her luck in her future endeavors.

Councilwoman Fitch also thanked Ms. Withall for all she has done for the Wheaton community.

Mayor Suess expressed his appreciation to Ms. Withall for her work on behalf of the City of Wheaton and feels she brought a new level of energy, innovation and involvement which benefitted the City and its residents.

14. Approval of Warrant

Councilwoman Fitch moved and Councilman Barbier seconded that Warrant No. 806 in the amount of \$1,040,087.31 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

15. Closed Session: Personnel Evaluation 5 ILCS 120/2 (c) (1)

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the Wheaton City Council adjourn to closed session at 7:33 p.m. for the purpose of Personnel Evaluation 5 ILCS 120/2 (c) (1).

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

The City returned to the open portion of their meeting at 9:20 p.m.

16. Adjournment

Councilwoman Bray-Parker moved and Councilman Brown seconded that the regular Wheaton City Council Meeting be adjourned at 9:21 p.m.

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

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

WHEATON CITY COUNCIL PROCEEDINGS
August 16, 2021

Submitted for Approval: September 7, 2021