

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER, MONDAY, OCTOBER 17, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 6:30 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, October 17, 2022.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Zadrozny, Chester, Smith. Absent: Brookman, Ebrahimi. A quorum was present.

CLOSED SESSION

Moved by Chester, seconded by Zadrozny to convene into Closed Session under the following sections of the Open Meetings Act – Probable or Imminent Litigation, Personnel, Sale of Property, Purchase or Lease of Property, Litigation, and Semi-Annual Review of Closed Session Meeting Minutes.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared unanimously carried.

The City Council recessed at 6:31 p.m.

The City Council reconvened at 7:01 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Zadrozny, Chester, Smith. Absent: Brookman, Ebrahimi. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Director of Community and Economic Development Carlisle, Fire Chief Anderson, Police Chief Anderson, and General Counsel Friedman.

PRAYER AND PLEDGE

The prayer and the Pledge of Allegiance to the Flag of the United States of America were offered by Alderman Smith.

PUBLIC COMMENT

Resident Nick Caputo requested help regarding the illicit ongoing at a house in his neighborhood; he stated the property and activity at this location are a safety concern. He mentioned he is dissatisfied with the response from the City thus far during the times he has previously sought resolution.

Resident Deb Lester asked about the tree assessment being completed on Webford Ave.

Director of PWE Oakley stated the City has contracted a firm to survey the trees throughout the City, and the report should be completed by the end of the year.

Resident Deb Lester asked about the new activity on the vacant lot at Prairie Ave and Lee St and the status of the property.

Director of CED Carlisle stated the property is not under contract with any developers; stating the activity may be related to maintenance, and will verify there are not any related violations.

Resident Deb Lester asked for an update on Cumberland Crossing.

City Manager Bartholomew stated there is no new update regarding Cumberland Crossing;

and recommended the resident call Director of CED Carlisle, Director of PWE Oakley, or himself for further detail on the status of that property.

Resident Marian Cosmides commented on a previous tree survey, and asked the City to keep the residents informed of any decisions on the status of the trees before action is taken.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Chester stated Alderman Brookman is hosting a ward meeting on Wednesday, October 19th at 7:00 p.m. at Good Shepard Church – lower level.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski stated Des Plaines, along with other government agencies, is collecting donations for the asylum seekers – further information can be found on the City website.

On May 3, 2021, a Declaration of Civil Emergency for the City of Des Plaines related to the COVID-19 emergency was authorized. The Declaration provided that: (1) the City may enter into contracts for the emergency purchase of goods and services; (2) the City Manager may implement emergency staffing protocols pursuant to the City’s respective collective bargaining agreements; and (3) directed City officials and employees to cooperate with other government agencies.

In accordance with Illinois statutes, the Mayor’s Declaration lasted only for a period of seven days, unless it was extended by action of the City Council. At each subsequent City Council meeting, the City Council, by motion, extended the Declaration until the next adjournment of the next special or City Council meeting. This extension of the Declaration includes the Supplemental Order dated January 3, 2022.

Mayor Goczkowski presented an extension to the Declaration of Civil Emergency.

Moved by Oskerka, seconded by Chester, to extend the May 3, 2021 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council including the Supplement Order dated January 3, 2022.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

CONSENT AGENDA

Moved by Chester, seconded by Smith, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

Moved by Chester, seconded by Zadrozny, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

Minutes were approved; Resolutions R-160-22, R-161-22, R-162-22, R-163-22, R-164-22, R-165-22, R-166-22, R-168-22 were adopted.

**APPROVE PURCH/
HS/ENVIROSAFETY**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-160-22, A RESOLUTION APPROVING THE PURCHASE OF RADIO HEADSETS FROM ENVIROSAFETY. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-160-22**

**APPROVE TSK ORD
10/ PROF ENG
SVCS/ DIXON ENG**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-161-22, A RESOLUTION APPROVING TASK ORDER NO. 10 UNDER A MASTER CONTRACT WITH DIXON ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-161-22**

**APPROVE AGRMT/
PURCH OF FUEL/
AVALON PETRO**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-162-22, A RESOLUTION APPROVING AN AGREEMENT WITH AVALON PETROLEUM COMPANY, INC. FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-162-22**

**APPROVE AGRMT/
REPLC CAM/ KEY
CODE MEDIA**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-163-22, A RESOLUTION APPROVING AN AGREEMENT WITH KEY CODE MEDIA, INC. FOR THE REPLACEMENT OF CAMERAS IN THE CITY COUNCIL CHAMBERS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-163-22**

**APPROVE PURCH/
SITE POLLUT
INCID LLP/ MWRD**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-164-22, A RESOLUTION APPROVING PURCHASE OF SITE POLLUTION INCIDENT LEGAL LIABILITY POLICY REGARDING A STORM SEWER EASEMENT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-164-22**

**APPROVE AGRMT/
FERTILIZER &
WEED CTRL/
BEARY LS MGMT**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-165-22, A RESOLUTION APPROVING AN AGREEMENT WITH BEARY LANDSCAPE MANAGEMENT FOR FERTILIZER AND WEED CONTROL APPLICATION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-165-22**

**APPROVE AGRMT/
DT LS/ BEARY LS
MGMT**
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve Resolution R-166-22, A RESOLUTION APPROVING AN AGREEMENT WITH BEARY LANDSCAPE MANAGEMENT FOR DOWNTOWN LANDSCAPE MAINTENANCE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-166-22**

APPROVE
MINUTES
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve the Minutes of the City Council meeting of October 3, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE
MINUTES
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve the Minutes of the Special Meeting of the City Council - 2023 Budget Hearing #1 of October 5, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE
MINUTES
Consent Agenda

Moved by Chester, seconded by Zadrozny, to Approve the Closed Session Minutes of the City Council meeting of October 3, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED
BUSINESS

CONSIDER AMEND
TITLE 13 OF THE
CITY CODE RE
SUBD PROC AND
PLATS
Ordinance
M-29-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated September 22, 2022.

At the September 19, 2022 City Council meeting, the Council deferred consideration of Ordinance M-28-22, which consisted of amendments to the Subdivision Regulations (Title 13 of City Code) in two respects: (i) clarifications regarding the Plat of Subdivision application, submittal, and approval process; and (ii) changes to the performance security reduction process for required public improvements. At the Council's direction, these topics have been split into two ordinances.

The proposed amendments in administering the Subdivision Regulations are: (i) to allow flexibility for submittal format, such as electronic; (ii) to clarify a current practice to allow written property owner consent to suffice for initiating an application; (iii) to allow utility approvals via written correspondence; and (iv) to allow specifically for an applicant to choose to combine tentative and final plat approvals in a single, streamlined request.

Under the current code, the Planning and Zoning Board (PZB) has final authority on a Tentative Plat but has only recommending authority on a Final Plat, which requires the final approval of the City Council. Sometimes an applicant will choose to submit tentative and final concurrently to save time. Historically, the City has allowed this, but the code is currently not clear on his process. The amendments are to add language to provide for applicants to utilize this option— provided that their submittal complies with the Final Plat requirements and has undergone a staff review, including Public Works and Engineering.

The proposed amendments would also clarify the current practice of written owner consent to fulfill the application requirement of Section 13-2- 1.B. Further, at the Tentative Plat phase, language clarification under "Utility Easements" regarding the requirement of private utility companies to provide approvals "in writing"; under the amendments, the PZB would have the ability in its Tentative Plat review to allow utility approvals to be provided at the Final instead of the Tentative Plat stage.

Staff recommends the City Council approve Ordinance M-29-22.

Resident Deb Lester stated she objects to this proposal because it takes away an opportunity for the public to comment at the tentative plot submission; and she stated she believes the amendment is a band-aid approach to the city code since there are portions of it which are outdated. She also questioned the notification provision for a subdivision.

Director of CED Carlisle and General Counsel Friedman gave further clarification of the notice provision for a subdivision.

Resident Jim Hansen asked for further detail regarding the flowchart process, and asked for clarification regarding the process in connection with 622 Graceland Ave. He also asked if this process would save the City time and money.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance M-29-22, AN ORDINANCE AMENDING TITLE 13 OF THE DES PLAINES CITY CODE REGARDING SUBDIVISION PROCEDURES AND PLATS.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

CONSIDER AMEND
TITLE 13 OF THE
CITY CODE RE
SUBD PUBLIC IMP
AND FIN GNTES
Ordinance
M-30-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated September 22, 2022.

At the September 19, 2022 City Council meeting, the Council deferred consideration of Ordinance M-28-22, which consisted of amendments to the Subdivision Regulations (Title 13 of City Code) in two respects: (i) clarifications regarding the Plat of Subdivision application, submittal, and approval process; and (ii) changes to the performance security reduction process for required public improvements.

The Subdivision Regulations are the mechanism through which the City can require applicants (“subdividers”) to pay for public improvements (generally infrastructure) that either run through a site or border it in adjacent rights-of-way. The Regulations require a subdivider to file a performance security – generally in the form of either a cash deposit or a letter of credit.

The Code provides for periodic reductions in the performance security once certain benchmarks are completed in construction. These reductions are approved by PWE after inspections. Current code allows these reductions to be approved only by Council resolution. The proposed amendments allow for an administrative/City Manager approval of reductions, still based on inspection approval by PWE, up to 75 percent of the performance security amount. Council resolutions would be required on the final 25 percent of the amount. Further, Council approval would still be required to accept the public improvements, as well as to release the maintenance warranty, which is 10 percent of the full security amount and is held until 18 months after the improvements are accepted by the Council.

The proposed amendments will also broaden the definition of “public improvements” so that the term includes privately owned infrastructure or facilities that are for public use and benefit.

Staff recommends the City Council approve Ordinance M-30-22.

Alderman Chester stated he does not like moving the authority away from the City Council; stating he does not support the 75%/25%.

Alderman Oskerka stated he is not a fan of this because it provides an opportunity for a variation in what is told to the City Council and the public versus the City Manager releasing those funds; stating as it stands it provides a financial incentive for the petitioner to explain any alterations in their project.

Alderman Moylan stated it is redundant having to vote three times, and that if there is an issue, it can be addressed the two other times it comes to the City Council.

Alderman Smith stated she likes keeping the City Council in control of what is released.

Resident Jim Hansen asked if anyone uses cash bonds, or if it is primarily letter of credit.

City Manager Bartholomew stated it is almost always letters of credit, but he has seen a few large cash bonds.

Resident Jim Hansen stated he sees this as routine business and a process that does not need to be changed.

Resident Marian Cosmides gave a formatting suggestion regarding the PowerPoint. She also stated that she prefers the decision always be left in the hands of the elected officials.

Resident Deb Lester stated changing this procedure does not give the Aldermen opportunity to listen to the residents; and she gave her opinion on other aspects of the timeline changes.

Assistant City Manager/Director of Finance Wisniewski commented regarding the security bond procedures.

Moved by Chester, seconded by Zadrozny, to Approve, as Amended, to remove the clause related to the authority of the City Manager to reduce up to seventy-five percent, the Ordinance M-30-22, AN ORDINANCE AMENDING TITLE 13 OF THE DES PLAINES CITY CODE REGARDING SUBDIVISION PUBLIC IMPROVEMENTS AND FINANCIAL GUARANTEES.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

WARRANT REGISTER Resolution R-167-22

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Smith, to Approve the Warrant Register of October 17, 2022 in the Amount of \$4,296,393.53 and Approve Resolution R-167-22.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

COMMUNITY DEVELOPMENT - Alderman Chester, Chair

CONSIDER AMENDING SEC 12-7-1 OF THE ZONING ORDINANCE REGARDING THE PERMITTED NUMBER OF PRINCIPAL BUILDINGS ON A ZONING LOT

Director of Community & Economic Development Carlisle reviewed a memorandum dated October 6, 2022.

The City of Des Plaines is proposing amending the Zoning Ordinance to add an allowance for more than one principal building or structure on a zoning lot in the following instances: (i) a C-2 or C-3-zoned property of at least one-half acre in size; and (ii) for institutional uses (e.g., parks and recreation centers; elementary, middle, and high schools; colleges and universities; and residentially zoned assembly uses) on property that is not zoned institutional.

**Ordinance
Z-32-22**

The summarized proposed amendments are:
Section 12-7-1, General District Regulations: Modify Section 12-7-1.A, "Number of Buildings On A Zoning Lot," to do the following:

- Extend the existing allowance for multiple buildings on a zoning lot to sites of four acres or more in any district where specific institutional uses are the principal use and there are at least two acres for each principal building; and
- Add an allowance for additional buildings for properties of one-half acre or more in the C-2 Limited Office Commercial District and C-3 General Commercial District.

Extend Allowance for Institutional Uses in All Districts (Currently Limited to I-1)

- Removes the zoning district qualifier allowing institutional uses in any zoning district provided they are located on properties four or more acres in size;
- Rewords the acreage per building language to clarify that a minimum lot area of two acres is required for each principal building to control the number of principal buildings on a single zoning lot; and
- Restricts the allowance to specific institutional uses, including (i) public or private elementary, middle, and high schools; (ii) parks, community and recreation centers; (iii) residentially zoned assembly uses; and (iv) colleges and universities.

Add Allowance for All Uses in C-2 and C-3 Districts

- Adds new allowance for multiple principal buildings on sites of one-half acre or more in the C-2 and C-3 districts without any restriction on the type of permitted or conditional use.

The PZB voted 4-0 to recommend approval of the amendments as presented by staff.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance Z-32-22, AN ORDINANCE AMENDING SECTION 12-7-1 OF THE DES PLAINES ZONING ORDINANCE REGARDING THE PERMITTED NUMBER OF PRINCIPAL BUILDINGS ON A ZONING LOT (CASE# 22-041-TA).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

**CONSIDER
AMENDING THE
TEXT OF THE DES
PLAINES ZONING
ORDINANCE
REGARDING
DRIVE-THROUGH
MENU BOARDS
SIGNS**

**Ordinance
Z-33-22**

Director of Community & Economic Development Carlisle reviewed a memorandum dated October 6, 2022.

Presently, the Zoning Ordinance allows for only one sign, and staff regularly requires revisions to submitted sign permits to remove any menu signs exceeding the maximum number. Staff proposes to allow for up to two signs and to increase the maximum total sign area from 42 square feet (current) to 60 square feet (proposed). Further, staff proposes slight adjustments to the electronic message board (EMB) rules to clearly allow electronic drive-through menu board signs and to allow a drive-through to have up to two of them.

In summary, these amendments would do the following:

- Allow for up to two drive-through menu board signs that collectively sum to no more than 60 square feet. These may be directly adjacent to an ordering point and/or leading up to the ordering point (current rules allow only one sign per ordering point); and
- Amend the electronic message board sign type to include a reference to drive-through menu board signs, as most modern drive-through signs are electronic.

The PZB voted 4-0 to recommend approval of the amendments as presented by staff.

Moved by Chester, seconded by Zadrozny, to Approve the Ordinance Z-33-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING DRIVE-THROUGH MENU BOARDS SIGNS.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Brookman, Ebrahimi

Motion declared carried.

**OTHER MAYOR/
ALDERMEN
COMMENTS FOR
THE GOOD OF THE
ORDER**

Alderman Smith stated she liked the previous resident suggestion regarding PowerPoint formatting.

ADJOURNMENT

Moved by Chester, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 8:19 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS 7th

DAY OF November, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR