

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, NOVEMBER 20, 2023

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 6:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, November 20, 2023.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Oskerka, Sayad, Walsten, Smith, Charewicz. Absent: Moylan, Brookman. A quorum was present.

CLOSED SESSION

Moved by Sayad, seconded by Oskerka, 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, Ongoing or Pending Litigation, and Collective Bargaining.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Oskerka, Sayad,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 2 - Moylan, Brookman

Motion declared unanimously carried.

The City Council recessed at 6:02 p.m.

The City Council reconvened at 7:04 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Assistant Director of Community and Economic Development Johnson, 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 Moylan.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, NOVEMBER 20, 2023

**PUBLIC HEARING/
CONSIDER LEVYING
TAXES FOR THE
CITY FOR THE TAX
LEVY YEAR
BEGINNING
JAN 1, 2023 &
ENDING DEC 31, 2023
Ordinance
M-19-23**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance M-19-23, an ordinance levying taxes for the City of Des Plaines, Cook County, Illinois for the tax levy year beginning January 1, 2023 and ending December 31, 2023, to order at 7:05 p.m.

Assistant City Manager/Director of Finance Wisniewski reviewed a memorandum dated November 7, 2023.

The Illinois Truth in Taxation Act (ITTA) requires the City to provide notice and conduct a public hearing if the proposed aggregate levy is 5% or more than the previous year's property tax extension. Under the ITTA, the City would be prohibited from levying any amount greater than 5% of the previous year's property tax extension if the City failed to comply with this specific notice and hearing provisions.

Presented for City Council approval is the 2023 Tax Levy representing a .58% decrease from the 2022 Property Tax Extension. Section 18-15 of the Illinois Property Tax Code requires that the City adopt a tax levy ordinance and file it with the County Clerk's office by the last Tuesday in December (Tuesday, December 26 for 2023).

The 2023 Tax Levy is scheduled for first reading on November 20th (in conjunction with the public hearing on the Tax Levy) and second reading on December 4th.

Staff recommends the City Council formally adopt the 2023 Property Tax Levy Ordinance.

Moved by Charewicz, seconded by Sayad, to Approve First Reading of Ordinance M-19-23, AN ORDINANCE LEVYING TAXES FOR THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR THE TAX LEVY YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:08 p.m.

PUBLIC COMMENT

Resident Kathleen Petersen stated she is working with the Izzak Walton League to form a coalition of environmentalists and spoke on behalf of the initiatives.

Resident Stan Zimmerman expressed his disagreement with the development of the bridge over the Union Pacific railroad tracks on Algonquin Rd.

ALDERMAN ANNOUNCEMENTS

Alderman Moylan wished everyone a Happy Thanksgiving.

Alderman Oskerka mentioned the Optimist Club will be opening their annual tree lot for the season at Lake Park on November 25th through December 22nd.

Alderman Sayad gave a reminder that on December 1st is the Holiday Tree Lighting Ceremony and on December 2nd is the Winter Fair at Metropolitan Square. He also stated garbage pickup will be delayed this week by a day due to the holiday. He wished everyone a Happy Thanksgiving. He also mentioned the Elk Grove Township will be hosting a seminar regarding property taxes on November 28th at 6:00 p.m.

Alderman Brookman stated she hosted a meeting for a couple of neighborhoods in the 5th Ward and thanked Police Chief Anderson and two members of his staff for an excellent presentation. She also wished everyone a Happy Thanksgiving.

Alderman Walsten wished everybody a Happy Thanksgiving. He also thanked Police Chief Anderson for taking care of a recent issue.

Alderman Smith thanked the Lucci family for having a successful tree sale with proceeds benefiting the local backpack program.

Alderman Charewicz wished a Happy Thanksgiving. He mentioned leaf pick up will not be delayed this week even with the holiday. He also repeated Optimist Tree lot is set up at Lake Opeka. He stated his next ward meeting will be December 5th at 7:00 PM.

**MAYOR
ANNOUNCEMENTS**

Mayor Goczkowski acknowledged Maine Township, the American Legion Post 36, and the Des Plaines Community Foundation for helping the community with Thanksgiving giveaways. He also mentioned the Cook County Board of Appeals stated Maine Township and Elk Grove Township are currently open for appeal through December 12th; further information can be found at www.cookcountyboardofreview.com.

**MANAGER'S
REPORT**

City Manager Bartholomew mentioned discussion regarding canceling the January 2nd meeting.

City Council had consensus to cancel the January 2nd regular meeting of the City Council.

CONSENT AGENDA

Assistant Director of CED Johnson Ryan mentioned that Item #8, second reading of Ordinance Z-31-23, consideration of a conditional use permit for an auto service repair use at 607 E Oakton St. required some clarification under ordinance section #2 stating the minimum 5 foot wide perimeter landscape area must be installed along the perimeter of the parking area should be corrected to state that the perimeter of the south parking area and the east property line shown on the site plan should have the five foot landscape buffer.

Moved by Sayad, seconded by Brookman, to Establish the Consent Agenda with the changes mentioned.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Brookman, seconded by Oskerka, to Approve the Consent Agenda with the changes mentioned.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance M-17-23, M-18-23, Z-31-23 were adopted; Ordinance M-20-23 was approved; Resolutions R-209-23, R-211-23, R-212-23, R-213-23 were adopted.

**APPROVE AMEND
TITLE 7/ PARKING/
NEAR O'HARE
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve First Reading of Ordinance M-20-23, AN ORDINANCE AMENDING TITLE 7 OF THE CITY CODE REGARDING RESIDENTIAL PARKING AND RESTRICTED RESIDENT PARKING DISTRICTS NEAR O'HARE AIRPORT. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-20-23**

**APPROVE CBA/
AFSCME
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-209-23, A RESOLUTION APPROVING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-209-23**

AUTH PROC/ ROCK SALT/ MORTON
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-211-23, A RESOLUTION AUTHORIZING THE PROCUREMENT OF ROCK SALT FROM MORTON SALT, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-211-23

REJECT BIDS/ BOILER & HEAT
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-212-23, A RESOLUTION REJECTING ALL BIDS FOR THE PUBLIC WORKS BUILDING BOILER REPLACEMENT AND MAIN GARAGE INFRARED HEAT INSTALLATION. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-212-23

APPROVE PLAT OF DED/ 2321 EASTVIEW
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-213-23, A RESOLUTION APPROVING A PLAT OF DEDICATION FOR A PORTION OF PRIVATE PROPERTY AT 2321 EASTVIEW DRIVE. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-213-23

SECOND READING/ ORDINANCE
M-17-23
Consent Agenda

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance M-17-23, AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2022 TAX LEVY FOR THE 2018 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018. Motion declared carried as approved unanimously under Consent Agenda.

SECOND READING/ ORDINANCE
M-18-23
Consent Agenda

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance M-18-23, AN ORDINANCE LEVYING TAXES FOR SPECIAL SERVICE AREA NO. 15 OF THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

SECOND READING/ ORDINANCE
Z-31-23
Consent Agenda

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance Z-31-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN AUTO SERVICE REPAIR USE AT 607 E. OAKTON STREET, DES PLAINES, ILLINOIS (Case #23-055- CU). Motion declared carried as approved unanimously under Consent Agenda.

APPROVE MINUTES
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve the Minutes of the Special Meeting of the City Council – 2024 Budget Hearing #2 of October 18, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE MINUTES
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve the Minutes of the City Council meeting of November 6, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE MINUTES
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve the Closed Session Minutes of the City Council meeting of November 6, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT
REGISTER
Resolution
R-214-23

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Oskerka, to Approve the Warrant Register of November 20, 2023, in the Amount of \$5,448,756.03 and Approve Resolution R-214-23.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad
 Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
ADOPTING THE
CITY'S CURRENT
PAID LEAVE &
BENEFITS POLICY &
OPTING OUT OF THE
ILLINOIS PAID
LEAVE FOR ALL
WORKERS FOR
EMPLOYEES
Ordinance
M-21-23

On March 13, 2023, Governor JB Pritzker signed into law the Illinois Paid Leave for All Workers Act (Public Act 102-1143), which established mandatory paid leave for all workers in Illinois with limited exceptions. As a home rule municipality, the City of Des Plaines has the opportunity to opt out of this Act and adopt its own generous leave policies. Action must be taken before the Act's effective date of January 1, 2024.

The Illinois Paid Leave for All Workers Act entails the following key provisions: Employee Rights Under the Act:

- Eligibility for 1 hour of leave for every 40 hours worked (or pro-rated based on average weekly hours), with a maximum of 40 hours.
- Leave can be used for any reason and any time without notice unless the employer has a written policy for such procedures; an employer may require up to seven calendar days' notice if leave is foreseeable.
- No requirement to find a replacement when using leave.
- Payout of leave is mandated upon employment separation if the leave is banked under current vacation or personal leave policies. If it is tracked via a separate leave bank, it is not required to be paid out upon separation from the City.
- Carryover from the prior year is required if the leave is accrued, not frontloaded.
- Employees can request their leave balance at any time.

Employer Rights Under the Act:

- Employers can require leave to be used in 2-hour increments, provided it is stated in a policy.
- Up to a 7-day advanced notice requirement can be instituted for foreseeable leave, as long as it is stated in a policy.
- Employees are not entitled to use paid leave under the Act until 90 days following commencement of employment, or the effective date of the Act, whichever is later.
- Employers do not have to make a payout upon separation if leave is separately banked, but an employer must still comply with the Act's reporting requirements, including preserving records for not less than three years, and providing notice of the amount of paid leave accrued or used upon an employee's request.

The Act does not apply to school districts, park districts, and employees in the currently covered collective bargaining agreements. Employees covered by a collective bargaining agreement as of January 1, 2024, are also exempt, but the Act's provisions become mandatory subjects of bargaining upon contract expiration. This includes public safety collective bargaining agreements.

The City of Des Plaines currently provides a comparable paid time off package to its employees. Under the plain language of the Act, there are no exceptions for lack of coverage or resources in City Hall or a public safety environment. For those exceptions, this issue will be rectified by placing regular part-time positions on a pro-rated version of the City's vacation and sick leave accrual programs.

In consultation with the City Attorney, staff recommends that the City of Des Plaines as an employer exempt itself from the Paid Leave for All Workers’ Act through its home rule authority, and instead, adopt its current paid leave policies.

In order to do this, the City Council must pass an ordinance opting out of the Illinois Paid Leave for All Workers Act and officially adopting its existing paid leave policies before its effective date on January 1, 2024.

Alderman Brookman requested it be reflected the City Council authorizes policy changes, not the Human Resource department; she wanted to make it clear that if there is a change that is not related to the mandate for opting out, that the change comes before the City Council and not Human Resources.

Alderman Brookman called for a point of order that she would like to vote in favor of this ordinance, but she wanted to go on record that it is without Human Resources dictating that they would take care of this change of policy; she stated if there is a change of policy, it comes before the City Council and Human Resources does not change policy.

Moved by Sayad, seconded by Brookman, to Approve First Reading of Ordinance M-21-23, AN ORDINANCE ADOPTING THE CITY OF DES PLAINES’ CURRENT PAID LEAVE AND BENEFITS POLICY AND OPTING OUT OF THE ILLINOIS PAID LEAVE FOR ALL WORKERS ACT (820 ILCS 192/1 et seq.) FOR ALL CITY OF DES PLAINES EMPLOYEES.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Sayad, seconded by Brookman, to Adopt the Ordinance M-21-23, AN ORDINANCE ADOPTING THE CITY OF DES PLAINES’ CURRENT PAID LEAVE AND BENEFITS POLICY AND OPTING OUT OF THE ILLINOIS PAID LEAVE FOR ALL WORKERS ACT (820 ILCS 192/1 et seq.) FOR ALL CITY OF DES PLAINES EMPLOYEES.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Sayad, Brookman, Walsten, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER ZONING
TEXT AMEND RE
LANDSCAPE BUFFER
REQ IN C-4 DISTRICT
Ordinance
Z-32-23

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated November 8, 2023.

The petitioner is proposing to modify Section 12-10-9.C to require properties located in the C-4 Regional Shopping district that abut residential properties to comply with landscape buffer requirements in Section 12-10-9 of the Zoning Ordinance.

Currently, properties in the C-4 Regional Shopping district are exempt from the landscape buffer requirements. However, many properties in the C-4 district directly abut or are adjacent to properties in the R-1 or R-2 districts. Staff has also received complaints regarding existing fences on some C-4-zoned properties that are in disrepair and are not providing

proper screening between different districts. As such, staff is proposing to adjust the landscape buffer table above to add the C-4 district, requiring properties in this district to comply with landscape buffer regulations currently in place for properties in the C-3, M-1, M-2, and M-3 districts.

The full proposed amendments are attached and are summarized below:

Section 12-10-9, Landscape Buffers: Adjust subsection C of this section to regulate landscape buffers for properties located in the C-4 Regional Shopping district the same way as currently regulated for properties in the C-3, M-1, M-2, and M-3 districts. The landscape buffer regulations that will apply are as follows:

- Shade trees, a minimum of two and one-half inches in caliper, shall be planted on an average of one tree for every 30 feet of the yard length.
- A solid wood, vinyl, or masonry fence eight feet in height shall be erected along 100 percent of the yard length.
- The landscape buffer area not planted with trees shall be maintained as turf or other ground cover.

The Planning and Zoning Board (PZB) recommended approval 6-0 of the amendments.

Moved by Brookman, seconded by Walsten, to Approve First Reading of Ordinance Z-32-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING LANDSCAPE BUFFERS AND SCREENING.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
 Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Brookman, seconded by Walsten, to Adopt the Ordinance Z-32-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING LANDSCAPE BUFFERS AND SCREENING.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
 Sayad, Brookman, Walsten, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

OTHER MAYOR COMMENTS

Mayor Goczkowski wished everyone a Happy Thanksgiving, and hopes to see everyone at the Holiday Tree Lighting on December 1st.

ADJOURNMENT

Moved by Sayad, seconded by Brookman to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 7:45 p.m.

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

APPROVED BY ME THIS 4th
 DAY OF December, 2023

/s/ Andrew Goczkowski
 Andrew Goczkowski, MAYOR