

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, MARCH 4, 2024

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Alderman Brookman at 6:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, March 4, 2024.

ROLL CALL

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

CLOSED SESSION

Moved by Walsten, 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, and Litigation.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared unanimously carried.

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

The City Council reconvened at 7:03 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Brookman, Walsten, Smith, Charewicz. Absent: Sayad. 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 Rogers, 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 Mayor Goczkowski.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring the month of March as Women’s History Month.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, MARCH 4, 2023

**PUBLIC HEARING/
CONSIDER MAKING
APPROPRIATIONS
TO DEFRAY THE
EXPENSES OF THE
CITY FOR
MUNICIPAL
PURPOSES
DESIGNATED AS
THE “ANNUAL
APPROPRIATION**

Mayor Goczkowski called the Public Hearing for consideration of Ordinance M-3-24, making appropriations to defray the expenses of the City Of Des Plaines, Cook County, Illinois for municipal purposes designated as the “annual appropriation ordinance” for the fiscal year beginning January 1, 2024 and ending December 31, 2024, to order at 7:05 p.m.

In accordance with the Illinois Compiled Statutes (ILCS), the City is required to pass an annual appropriation ordinance within the first quarter of its fiscal year. This appropriation ordinance specifies the sums of money deemed necessary to defray all expenses and liabilities for the calendar year 2024.

Per 65 ILCS 5/8-2-9, a public notice of a public hearing regarding the Appropriation

**ORDINANCE” FOR
THE FISCAL YEAR
BEGINNING
JANUARY 1, 2024
AND ENDING
DECEMBER 31, 2024
Ordinance
M-3-24**

Ordinance is required and must be published at least 10 days prior to the adoption of the Appropriation Ordinance. In addition, the public notice must be published in a newspaper of general circulation within the municipality.

The appropriation ordinance serves as a limit on what may be spent during the current fiscal year. The purpose of the appropriation ordinance is to appropriate such sums of money as the municipality deems necessary to defray all of its necessary expenses and liabilities. The ordinance is to be set up by objects and purposes for which each line item of the appropriation is made, and each appropriation must be for a specific dollar amount.

The purpose for the required specificity in the appropriation ordinance is to inform the taxpayers of the purposes for which the municipal revenues are to be expended since no fund can legally be expended for any purpose other than that for which it was appropriated. The Supreme Court has indicated that this right of the taxpayer is a substantial right of which the taxpayer may not be deprived.

Once the appropriation ordinance has been adopted, the Illinois Municipal Code provides that no contract shall be made or expense incurred unless an appropriation previously has been made concerning that contract or expense. The Code further provides that any contract made or expense incurred in violation of this provision is absolutely void (not merely voidable) and that no money of the municipality can be spent on account thereof (65 ILCS 5/8-1-7). This provision has been adhered to strictly by the courts.

Staff recommends the City Council pass and adopt the 2024 Appropriation Ordinance.

Moved by Lysakowski, seconded by Brookman, to Approve First Reading of Ordinance M-3-24, AN ORDINANCE MAKING APPROPRIATIONS TO DEFRAY THE EXPENSES OF THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR MUNICIPAL PURPOSES DESIGNATED AS THE “ANNUAL APPROPRIATION ORDINANCE” FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

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

PUBLIC COMMENT

Representatives from St. John the Baptist Greek Orthodox Church were seeking financial assistance for bridge repairs.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Smith, on behalf of Alderman Sayad since he is absent, stated the fourth ward meeting previously scheduled for March 21st has been cancelled and will be rescheduled.

Alderman Charewicz thanked Police Chief Anderson for being the guest speaker at the last eighth ward meeting, and he stated the next eighth ward meeting will be April 2nd. He also mentioned three different restaurants opening: Karavan, Que Bola, and Pita Pita. He also stated the Planning and Zoning Board is having a special meeting tomorrow from 6:00 to 8:00 p.m. regarding the possible new development at Lee St, Graceland Ave, and Prairie St. He additionally mentioned the upcoming Mayor’s Annual Address to Business on Thursday.

Alderman Oskerka also encouraged residents to attend the PZB meeting tomorrow night in order to get involved on the ground floor of the possible development.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski stated on the Mayor's Address to Business will be on Thursday at the Des Plaines Theatre; stating it is an opportunity to hear about all the things that are happening in the City, investments being made, and milestones that the City has reached.

CONSENT AGENDA

Moved by Brookman, seconded by Moylan, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

Minutes were approved; Ordinance M-4-24 was approved; Resolutions R-42-24, R-59-24, R-60-24, R-61-24, R-62-24, R-63-24 were adopted.

**AMD TITLE 7/ FEE/
ELEC VEH CHG STA
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve First Reading of Ordinance M-4-24, AN ORDINANCE AMENDING TITLE 7 OF THE CITY CODE REGARDING THE FEE FOR USE OF ELECTRIC VEHICLE CHARGING STATIONS IN CITY-OWNED PARKING LOTS AND FACILITIES. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-4-24**

**APPROVE IGA/ FOOD
TRK EVENT/ SCH
DIST 62
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-42-24, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SCHOOL DISTRICT 62 FOR USE OF SCHOOL GROUNDS FOR A MAY 21, 2024 FOOD TRUCK EVENT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-42-24**

**AUTH EXPEND
FUNDS/ SW MAINT
SVCS/ TYLER TECH
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-59-24, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A SOFTWARE MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR SOFTWARE MAINTENANCE SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-59-24**

**APPROVE CNTRCT/
DT LS/ BEARY LS
Consent Agenda**

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-60-24, A RESOLUTION APPROVING THE FIRST RENEWAL OF A CONTRACT WITH BEARY LANDSCAPING, INC. FOR DOWNTOWN LANDSCAPE MAINTENANCE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-60-24**

**APPROVE PURCH/
ELEV ALARM MON
SVCS/ EMERG 24, INC**
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-61-24, A RESOLUTION APPROVING THE PURCHASE OF ELEVATOR ALARM MONITORING SERVICES FROM EMERGENCY 24, INC. Motion declared carried as approved. unanimously under Consent Agenda.

**Resolution
R-61-24**

**APPROVE AGRMT/
REC MGMT SW/
CENTRALSQUARE**
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-62-24, A RESOLUTION APPROVING AN AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES, LLC FOR RECORDS MANAGEMENT SOFTWARE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-62-24**

**APPROVE CNTRCT/
HVAC & AIR HDL
REPLC/ HELM SVC**
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-63-24, A RESOLUTION APPROVING A CONTRACT WITH MECHANICAL, INC. D/B/A HELM SERVICE FOR ROOF TOP HVAC REPLACEMENTS AT CITY-OWNED FACILITIES AND THE AIR HANDLER REPLACEMENT IN THE BASEMENT AT CITY HALL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-63-24**

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve the Minutes of the City Council meeting of February 20, 2024, 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 February 20, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS**

**APPROVE VACATE
ALY/ 170-190 S. DES
PLAINES RIVER RD,
1460 & 1484 RAND RD**
Ordinance
M-25-23

Without objection, consideration of Ordinance M-25-23 was deferred to the next scheduled City Council meeting.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Walsten, Vice-Chair

**WARRANT
REGISTER**
Resolution
R-64-24

Alderman Walsten presented the Warrant Register.

Moved by Walsten, seconded by Oskerka, to Approve the Warrant Register of March 4, 2024, in the Amount of \$5,249,067.97 and Approve Resolution R-64-24.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER
APPROVING MJR
VAR RELATED TO
ACCY STRUC AT
692 W OAKTON ST
Ordinance
Z-3-24

Director of Community & Economic Development Rogers reviewed a memorandum dated February 14, 2024.

The petitioner has requested the following items: i) a major variation to allow a garage to exceed the maximum size; ii) a major variation to allow for three accessory structures where two are allowed; and iii) an accessory structure (gazebo) that exceeds the maximum size.

This property currently consists of a single-family detached house with an attached and detached garage, shed, gazebo and shared driveway connecting to the neighboring property at 688 Oakton Street. A permit to construct a 720 square-foot detached garage and associated driveway was approved in 1997 for the previous owner of the property.

Per City records, the current property owner purchased the property in July 2015. An interior remodeling permit for the house, unrelated to the structures subject to this variation request, was issued to the current owner in October 2015. Per aerials between 2015 and 2023, the garage addition, new shed, and new gazebo were constructed. This property is the subject of an active code enforcement case to address the non-permitted structures, which has been ongoing since January 2023.

The subject property at 692 W. Oakton St. consists of a one-story house with an attached two-car garage, a detached two-car garage, a shed, gazebo, and a driveway on a 20,229 square foot lot. The subject of this variation is to allow several accessory structures to exceed the maximum size and number permitted by Section 12-8-1 of the Zoning Ordinance. The petitioner did not receive a building permit for any of the additions or structures subject to this variation request.

The detached garage, shed and gazebo are classified as “accessory structures” and are subject to Section 12-8-1 of the zoning ordinance, regulating location, size, and height.

The PZB voted 5-0 to recommend approval of the major variations.

Should the City Council vote to approve the request, the following conditions are recommended. These are incorporated in the approving ordinance:

1. Vehicles may only be driven and parked on the driveway or within the garage. No other accessory structure may be used for parking or storing vehicles.
2. The Petitioner must obtain permits from the City for all of the Accessory Structures within 90 days after City Council approval of this Ordinance unless an extension is requested and granted by the Community and Economic Development Director.
3. Under no circumstances may a motor vehicle repair business, including motor vehicle related home occupations, be located or operated on the Subject Property without first obtaining a zoning certificate or business registration from the City.

Moved by Charewicz, seconded by Brookman, to Approve First Reading of Ordinance Z-3-24 with the conditions recommended by Planning and Zoning Board, AN ORDINANCE APPROVING MAJOR VARIATIONS RELATED TO ACCESSORY STRUCTURES AT 692 WEST OAKTON STREET, DES PLAINES, ILLINOIS (Case #24-003- V).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

Advanced to second reading by Charewicz, seconded by Walsten, to Adopt the Ordinance Z-3-24 with the conditions recommended by Planning and Zoning Board, AN ORDINANCE APPROVING MAJOR VARIATIONS RELATED TO ACCESSORY STRUCTURES AT 692 WEST OAKTON STREET, DES PLAINES, ILLINOIS (Case #24-003- V).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

CONSIDER
APPROVING A MJR
CHG TO A FINAL
PUD AND AMD TO A
COND USE PERMIT
FOR A LOCALIZED
ALT SIGN REG AT
2991-3025 MANNHEIM
RD, 3401 ORCHARD
PL, & 1620-1630
HIGGINS RD
Ordinance
Z-4-24

Director of Community & Economic Development Rogers reviewed a memorandum dated February 22, 2024.

The Orchard's at O'Hare Petitioner, Rehan Zaid, which is an owner and authorized agent for all of the ownership entities within the Orchards at O'Hare campus, is proposing a major change to the existing PUD to develop Lot 7 of the PUD with an EV charging space lot instead of the originally approved car wash use. Lot 7 is 34,681 square feet in size, located on the north of the PUD behind the BP automotive fuel station, and is currently an unimproved lot with two partially paved curb-cut areas.

There are no proposed changes to the dimensions or size of Lot 7. Instead, the petitioner looks to develop the existing site with EV charging parking. The subject property will be improved with 20 DC chargers that each provide service for two parking stalls, accommodating 40 users at one time. The charging stations are open 24/7 with an anticipated charging time of approximately 20-30 minutes per vehicle.

The petitioner is requesting a Major Change to PUD to allow for the construction of EV charging parking spaces on Lot 7 of Orchards at O'Hare. The current PUD (originally approved in 2016) permitted a Class A—or primarily sit-down service—restaurant, as well as the hotel, gasoline fueling station with two food services, a car wash, and the two-unit commercial building approved in 2019 for Lot 1. Last year, a major change to the PUD was approved to replace the Class A restaurant with a Class B – or primarily take out or drive-through – restaurant and Tesla EV charging spaces.

The current request proposes another major change to the PUD to allow BP Pulse EV charging spaces on Lot 7 instead of the originally approved car wash use. While the EV charging spaces—classified under Convenience Mart Fueling or Charging Station definition—are permitted in the C-3 General Commercial district, this use differs from the originally approved use of Lot 7, requiring the request for a major change to the PUD.

As such, the petitioner now proposes: Construction of 40 EV charging off-street parking spaces, including two accessible EV charging spaces, which may serve businesses on the campus; and Construction of water, electric, gas, communication, and sanitary utilities for Lot 7 and necessary connections.

There are currently two means of access to Lot 7: to the north from Mannheim Road through Lot 6, and to the south from Higgins Road (via local street Orchard Place) through Lot 3. Neither the access points on Lot 3 nor Lot 6 are subject to change as part of this request. The proposed lot configuration will utilize the existing access points while also providing a single 22- to 24-foot-wide, two-way travel drive aisle through Lot 7. The drive aisle for Lot 7 provides access to all proposed EV charging spaces and a paved connection between Lots 3 and 6. The drive aisles meet the width standards for fire truck access and have been approved by the Fire Prevention Bureau.

The current development of Lot 6 partially encroaches onto Lot 7 given the current site configuration. An existing trash enclosure serving the convenience mart fueling station on Lot 6 is located fully on Lot 7 along with a paved access area off the drive-through lane for Dunkin Donuts. There is no proposal to relocate the trash enclosure and pavement area fully onto Lot 6, so staff has added a condition that an easement is established and maintained in perpetuity of the life of the PUD for the access and use of the trash enclosure by Lot 6. The proposal also includes the widening of the existing drive-through lane to 12 feet and addition of a 12-foot-wide drive-through escape lane located directly north of the convenience mart building.

In addition, a new paved walkway and crosswalk will be added on Lot 6 to provide direct pedestrian access between the new EV charging spaces on Lot 7 and the existing convenience mart building on Lot 6. The new walkway will be positioned so it is easily accessible from the two proposed accessible EV charging spaces on Lot 7 to the front of the convenience mart. Additional landscape areas will be installed on either side of the paved walkway portion on Lot 6.

The original approving ordinance for the Orchards at O'Hare PUD—Ordinance Z-18-18—includes a landscape plan for Lot 7 of the PUD. However, the proposal includes amending the proposed landscaping for the lot to accommodate the EV charging spaces. The Landscape Plan for Lot 7 illustrates landscape beds around existing and proposed ground signs as well as designated perimeter and interior parking lot landscaping areas.

The landscape plan also notes the installation of additional landscaping on the northeastern portion of Lot 6 directly north of the convenience mart building to provide more screening along the proposed pedestrian walkway connecting Lot 7 with Lot 6 and separating the existing paved convenience mart fueling area and the proposed EV charging space pavement area.

The proposed Lot 7 landscape plan does provide perimeter and interior parking lot landscaping throughout Lot 7. However, the plan does not fully meet the width and planting requirements for the perimeter and interior parking, each requiring a PUD exception.

The existing LASR sign plan for the Orchard's at O'Hare development has been amended multiple times since its approval in 2018 through Ordinance Z-18-18.

The proposal includes a request to amend the existing LASR for the Orchards at O'Hare PUD based on the proposed use of Lot 7. The original 2018 LASR sign plan approved wall signs and multi-tenant monument sign panel for a car wash. However, with the change from this use to an EV charging lot, the LASR will need to be amended to reflect the new proposed signs for BP Pulse. The petitioner intends to retain all previously approved signs and update the existing multi-tenant panel monument signs with the new EV charging use.

The existing PUD currently contains two 17-foot-tall, 138-square-foot multi-tenant monument signs—one of which is located on Lot 1 and the other on Lot 5. The request proposes installing one multi-tenant panel sign for BP Pulse in each of the existing signs without any changes to the sign structure or location.

The proposal includes the addition of two monument signs and six canopy signs, one on each side of the front of the three proposed canopy structures. There are no specific ground or building signs for the EV charging spaces. However, pavement markings will be provided to indicate all EV charging spaces. The existing directional sign for the Dunkin Donuts drive-through located on this lot will be retained and improved with the installation of required landscaping around its base.

The PZB voted 5-0 to recommend that the City Council approve the Major Change to the PUD with the following PUD exceptions:

- Perimeter parking lot landscaping, illustrated in the plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B.
- Interior parking lot landscaping, illustrated in the plans, that does not meet the minimum size and landscape material requirements of Section 12-10-8.A.

The PZB voted 5-0 to recommend that the City Council approve the conditional use for a LASR with the following conditions.

Should the Council vote to approve the conditional use LASR request, staff and the PZB recommend the following conditions:

1. Structural design plans shall be provided for all signage at time of building permit.
2. That a separate agreement is established, executed, and maintained for the access and maintenance of the trash enclosure on Lot 7 and landscape area on Lot 6. The landscaping plan must be revised to illustrate all proposed landscaping to be installed on Lot 6 in conformance with all applicable City of Des Plaines codes.

Todd Shafer spoke on behalf of the petitioner, and addressed errors with the dates in the draft ordinance.

Moved by Walsten, seconded by Moylan, to Approve First Reading of Ordinance Z-4-24, with the date corrections addressed by the petitioner, AN ORDINANCE APPROVING A MAJOR CHANGE TO A FINAL PLANNED UNIT DEVELOPMENT AND AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A LOCALIZED ALTERNATIVE SIGN REGULATION AT 2991-3025 MANNHEIM ROAD, 3401 ORCHARD PLACE, AND 1620-1630 HIGGINS ROAD, DES PLAINES, ILLINOIS (Case#24-007-FPUD-CU LASR).

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 1 - Sayad

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Walsten, to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 7:48 p.m.

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

APPROVED BY ME THIS 18th
DAY OF March, 2024

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR