

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 21, 2024

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 6:15 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, October 21, 2024.

ROLL CALL

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

CLOSED SESSION

Moved by Sayad, seconded by Brookman, to convene into Closed Session under the following sections of the Open Meetings Act – Acquisition of Property and Pending Litigation.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 6:16 p.m.

The City Council reconvened at 7:15 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 Wisniewski, Director of Finance Podbial, Director of Public Works and Engineering Oakley, Director of Community and Economic Development Rogers, Fire Chief Matzl, Deputy Police Chief Shanahan, 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.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, OCTOBER 21, 2024

**PUBLIC HEARING/
PROPOSED SECOND
AMDT TO THE TAX
INC REDEV PLAN &
PROJ FOR THE
HIGGINS RD/
MANNHEIM RD TIF
DIST NO. 6**

Mayor Goczkowski called the Public Hearing for consideration of Proposed Second Amendment to the Tax Increment Redevelopment Plan and Project for the Higgins Road/Mannheim Road TIF District No. 6, to order at 7:15 p.m.

Director of Community and Economic Development Rogers reviewed a memorandum dated October 10, 2024.

Tax increment finance (TIF) funding freezes the assessed valuation of a given area for a period of time. The development that subsequently occurs in the area results in an increase in the valuation of the district. The incremental property tax increase is deposited into a segregated fund of the City, which in turn utilizes those funds to provide incentives for the initial and additional development.

TIF District No. 6 was created in 2001, to the north and east at the intersection of Mannheim and Higgins Roads. Construction of a commercial strip center concluded in early 2007, with Starbucks and Potbelly restaurants as occupants. In 2014, the district was amended and

restructured to include only properties north of Pratt Avenue, and the remaining properties to the south became part of the new TIF No. 7. The original term of TIF No. 6 was set to expire at the end of 2025.

Over the past few years, a sizable portion of TIF District No. 6 has been in the midst of redevelopment. The former Café La Cave banquet hall was demolished, and site work began for the construction of the restaurants Raising Canes, Guzman y Gomez Taqueria, and Cava Mediterranean Grill.

TIF districts in Illinois are allowed to exist for 23 years. Extensions for an additional 12 years are possible when passed by the State and then amended by the municipality. On August 9, 2024, Illinois Public Act 103- 1016 amended the TIF Act by adding a new Section 11-74.4-3.5(c) (274), which authorized the extension of the term of TIF No. 6 from December 31, 2025 to December 31, 2037.

The Illinois TIF Act permits the City to extend the term of TIF No. 6 after the City has convened a joint review board (JRB) meeting and conducted a public hearing regarding the matter. At their September 3, 2024, meeting, City Council authorized a JRB meeting and the necessary public hearing to consider the extension.

The JRB convened on Friday, September 20, 2024, and had the opportunity to discuss the amendment of the term of TIF District No. 6. During this meeting, the JRB unanimously recommended the resolution to extend the term of the TIF.

A public hearing is required by Section 5(c) of the Illinois Tax Increment Allocation Redevelopment Act. The purpose of this hearing is for the City Council to consider extending the term of the TIF District from 23 years to 35 years, and for the public to offer comments about the extension. City Council will have the opportunity to consider an Ordinance recommending the approval of the second amendment of TIF District No. 6 at a future meeting.

Moved by Brookman, seconded by Sayad, to Adjourn the Public Hearing.

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.

Mayor Goczkowski adjourned the Public Hearing at 7:22 p.m.

ALDERMAN ANNOUNCEMENTS

Alderman Sayad stated there had been two budget meetings, during which the whole budget was covered, so the third scheduled meeting has been cancelled. He also mentioned the police department is hosting an unused prescription drug drop off for disposal this Saturday.

Deputy Police Chief Shanahan stated the prescription drug take back will be this Saturday from 10:00 a.m. to 2:00 p.m. and the collection box will be on the north side of the building next to the garage.

Alderman Sayad also mentioned the City will be instituting a new CPR program.

Fire Chief Matzl stated the fire department will be offering two different types of CPR classes – a basic life support for healthcare providers and a heart saver CPR for the general public. He stated the classes will be available on October 26th at 9:00 a.m., November 30th, and December 14th, and further information can be found on the City's website.

Alderman Sayad stated residents have commended on the fine job of the public works department for their work after the recent microburst.

Alderman Brookman stated she was saddened to learn of the passing of former police commander Tim Veit; she further stated Tim's life will be celebrated at a memorial mass on October 26th at 11:00 a.m. at St. Raymond Church in Mount Prospect. She also mentioned she will be having a small neighborhood meeting on November 14th at Charcoal Delights, and will be having a ward meeting on November 27th at 7:00p.m. in the Shoreline Room at Lakeview Center.

Alderman Walsten expressed concern that the refuse pickup is occurring earlier than the start time of 7:00 a.m., and he asked Director of PW&E Oakley to follow-up with the company.

Alderman Smith mentioned an open house the Frisbie Center recently held. She also mentioned that beginning November 1st, the Frisbie Center will have a full-time veteran service officer on site Monday-Friday 8:30 a.m. to 4:00 p.m. She also stated on October 24th the Frisbie Center will be having an unveiling of their new public art installation.

Alderman Charewicz stated the next 8th ward meeting will be on December 3rd at 7:00 p.m. at the conservatory. He also mentioned early voting started today at the library.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski mentioned the success of the Harvest Hoot, and thanked staff for a great event. He also stated the City's leaf collection has begun; further details found at desplainsil.gov/leaf collection. He also mentioned Halloween is Thursday, October 31st and the City does not have designated hours for trick or treating. He asked those interested in welcoming trick or treaters to turn on their outdoor lights, and those who are not interested to keep their outdoor lights off. Mayor Goczkowski also mentioned the park district will be having a pumpkin smash composting event on November 2nd at Prairie Lakes.

MANAGER'S REPORT

City Manager Wisniewski extended her appreciation to the dedicated staff that made the Harvest Hoot such a success.

CONSENT AGENDA

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

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 Lysakowski, to Approve the Consent Agenda.

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.

Licenses were approved; Minutes were approved; Ordinance M-15-24, M-16-23, M-17-24, M-19-24, Z-23-24 were adopted; Ordinance M-20-24 was approved; Resolutions R-163-24, R-169-24, R-170-24, R-171-24, R-172-24, R-173-24, R-174-24, R-175-24, R-176-24 were adopted.

APPROVE LIQ LIC OWNERSHIP CHG/ CL A/ COURTYARD O’HARE

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to APPROVE A CHANGE IN OWNERSHIP FOR AN EXISTING CLASS A LIQUOR LICENSE – NO NEW INCREASE (TAVERN, SEATS 250 OR LESS, FOR ON-SITE CONSUMPTION ONLY) FOR SHAMBHU HOTEL, LLC D/B/A COURTYARD O’HARE, 2950 SOUTH RIVER ROAD, DES PLAINES, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE LIQ LIC OWNERSHIP CHG/ CL B/ BALD EAGLE WINE AND SPIRITS

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to APPROVE A CHANGE IN OWNERSHIP FOR AN EXISTING CLASS B LIQUOR LICENSE – NO NEW INCREASE (RETAIL BULK ALCOHOL PRIMARY SALES, FOR OFF-SITE CONSUMPTION ONLY) FOR BALD EAGLE WINE AND SPIRITS, LLC, 1572 RAND ROAD, DES PLAINES, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

AMEND CITY CODE/ ADD CL “A” LIQ LIC

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve First Reading of Ordinance M-20-24, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “A” LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-20-24**

APPROVE IGA/ PROV OF MOBILE DEVICE TERM/ CCETSB

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-169-24, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COOK COUNTY EMERGENCY TELEPHONE SYSTEM BOARD AND THE CITY OF DES PLAINES REGARDING THE PROVISION OF MOBILE DEVICE TERMINAL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-169-24**

APPROVE IGA/ PROVISION OF HANDHELD RADIOS/ CCETSB

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-170-24, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COOK COUNTY EMERGENCY TELEPHONE SYSTEM BOARD AND THE CITY OF DES PLAINES REGARDING THE PROVISION OF HANDHELD RADIOS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-170-24**

APPROVE IGA/ DISTRIBUTION OF 9-1-1 SURCHARGE FUNDS/ CCETSB

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-171-24, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COOK COUNTY EMERGENCY TELEPHONE SYSTEM BOARD AND THE CITY OF DES PLAINES FOR DISTRIBUTION OF 9-1-1 SURCHARGE FUNDS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-171-24**

APPROVE TO 13/ PROF ARCHITECTURAL SVCS/ FGM

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-172-24, A RESOLUTION APPROVING TASK ORDER NO. 13 WITH FGM ARCHITECTS, INC., FOR PROFESSIONAL ARCHITECTURAL SERVICES RELATED TO THE NEW FIRE STATION #62 BUILDING. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-172-24**

**APPROVE CONTRACT/
LIBRARY RE ROOF/
L. MARSHALL**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-173-24, A RESOLUTION APPROVING A CONTRACT WITH L. MARSHALL, INC. FOR THE DES PLAINES LIBRARY RE-ROOF PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-173-24

**APPROVE CHG ORD 1/
PRKG STRUCT MAINT
REPAIRS/ HAMMER**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-174-24 A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT WITH HAMMER CONSTRUCTION, LLC FOR THE 2024 DES PLAINES PARKING STRUCTURES MAINTENANCE REPAIRS. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-174-24

**APPROVE & AUTH/ BUS
DEV AGRMT/
MIDWEST GAMING &
ENTERTAINMENT**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-175-24, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED BUSINESS DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES AND MIDWEST GAMING & ENTERTAINMENT, LLC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-175-24

**RATIFYING EXPEND
OF FUNDS/ EMER WTR
& SEWER REPAIR/
APPROVE TO 7/
BERGER**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-163-24, A RESOLUTION RATIFYING THE EXPENDITURE OF FUNDS FOR EMERGENCY WATER AND SEWER REPAIR SERVICES AND APPROVING TASK ORDER NO. 7 WITH BERGER EXCAVATING CONTRACTORS, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-163-24

**APPROVE CONTRACT/
ROOF REHAB &
MASONRY REPAIRS/
GE RIDDIFORD &
BERGLUND**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-176-24, A RESOLUTION APPROVING A CONTRACT WITH G. E. RIDDIFORD COMPANY, INC. FOR ROOF REHABILITATION AND BERGLUND CONSTRUCTION COMPANY FOR EXTERIOR MASONRY REPAIRS. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-176-24

**SECOND READING/
ORDINANCE
M-15-24**
Consent Agenda

Advanced to second reading by Brookman, seconded by Lysakowski, to Adopt the Ordinance M-15-24, AN ORDINANCE TERMINATING EXPIRED SPECIAL SERVICE AREAS 15. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-16-24**
Consent Agenda

Advanced to second reading by Brookman, seconded by Lysakowski, to Adopt the Ordinance M-16-24, AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2024 TAX LEVY FOR THE 2018 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-17-24**
Consent Agenda

Advanced to second reading by Brookman, seconded by Lysakowski, to Adopt the Ordinance M-17-24, AN ORDINANCE AUTHORIZING THE DISPOSITION OF SURPLUS PERSONAL PROPERTY OWNED BY THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-19-24**
Consent Agenda

Advanced to second reading by Brookman, seconded by Lysakowski, to Adopt the Ordinance M-19-24, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “E” LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
Z-23-24**
Consent Agenda

Advanced to second reading by Brookman, seconded by Lysakowski, to Adopt the Ordinance Z-23-24, AN ORDINANCE APPROVING A CONDITIONAL USE FOR A FOOD PROCESSING ESTABLISHMENT AT 1545-1547 LEE ST, DES PLAINES, ILLINOIS. (Case #24-035-CU). Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve the Minutes of the City Council meeting of October 7, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

**WARRANT
REGISTER**
Resolution
R-177-24

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Oskerka, to Approve the Warrant Register of October 21, 2024, in the Amount of \$7,830,031.41 and Approve Resolution R-177-24.

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.

**COSIDER EST THE
AMT OF FUNDS NEC
TO BE RAISED
THROUGH TAXATION
UPON THE TAXABLE
PROP WITHIN THE
CITY**
Resolution
R-179-24

Director of Finance Podbial reviewed a memorandum dated October 7, 2024.

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. The aggregate levy is defined as the combination of the annual corporate levy and all other special purpose levies. The aggregate levy does not include debt service levies and levies made for the purpose of paying amounts due under public building commission leases. Under the ITTA, the City would be prohibited from levying any amount greater than 5% of the previous year’s property tax extension if we failed to comply with this specific notice and hearing provisions.

Since the 2024 estimated aggregate levy is below the 5% of the 2023 property tax extension (-2.91% decrease), the City is not required to publish a legal notice and hold a public hearing. However, staff recommends publishing a legal notice and holding a public hearing as it would provide the City Council with increased flexibility in determining the 2024 property tax levy amount and more opportunity for public input.

The hearing for the 2024 estimated property tax levy is scheduled for Monday, November 4, 2024, at 7:00pm.

Staff recommends the City Council approve the Resolution and Legal Notice for publication and hold the public hearing on the 2024 estimated property tax levy on Monday, November 4, 2024, at 7:00pm (at the beginning of the regularly scheduled City Council meeting).

Moved by Sayad, seconded by Smith, to Approve Resolution R-179-24, A RESOLUTION ESTIMATING THE AMOUNT OF FUNDS NECESSARY TO BE RAISED THROUGH TAXATION UPON THE TAXABLE PROPERTY WITHIN THE CITY.

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.

PUBLIC SAFETY– Alderman Oskerka, Chair

Deputy Police Chief Shanahan reviewed a memorandum dated October 7, 2024.

Resolution R-208-23 was approved by the City Council on November 6, 2023, approving an intergovernmental agreement with Cook County and the Cook County Sheriff’s Office for dispatch services. With the change of police dispatch centers in the near future, a wind-down and termination agreement is needed between the Des Plaines and Wheeling.

In accordance with the requirements of the Illinois Emergency Telephone System Act, the City of Des Plaines and Village of Wheeling entered into an intergovernmental agreement, dated April 30, 2017, establishing a joint emergency telephone system board (JETSBS) to serve both communities. Pursuant to the terms of the JETSBS Agreement, Des Plaines and Wheeling authorized the JETSBS to be capable of receiving 911 surcharge revenues distributed by the State of Illinois, and expense those funds for the maintenance and operation of the enhanced 911 system.

The Village of Wheeling operates a full-service emergency dispatch center, which has provided the City of Des Plaines with general 911 emergency call answering and police emergency dispatch services. In December of 2024, the Des Plaines will be moving emergency dispatch services to the Cook County Sheriff’s Police 911 Center and will join the Cook County Emergency Telephone System Board. Due to this change, Des Plaines and Wheeling now desire to enter into a final agreement to provide for the orderly dissolution of the JETSBS, the division of all JETSBS property and assets, and the allocation and remittance of State 911 surcharge disbursements until the migration is complete.

Staff recommends that the City Council approve the wind-down termination agreement for the Wheeling Des Plaines Joint Emergency Telephone Systems Board and Dispatch Services Partnership.

Moved by Oskerka, seconded by Sayad, to Approve Resolution R-178-24, A RESOLUTION APPROVING A WIND-DOWN AND TERMINATION AGREEMENT FOR THE WHEELING DES PLAINES JOINT EMERGENCY TELEPHONE SYSTEMS BOARD AND DISPATCH SERVICES PARTNERSHIP.

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
APPROVING A WIND-
DOWN & TERM
AGRMT FOR THE
WHEELING
DES PLAINES JOINT
EMER TELE SYS
BOARD & DISPATCH
SVCS PARTNERSHIP
Resolution
R-178-24

**CONSIDER AMENDING
THE CITY CODE TO
REFLECT THE
PLANNED DIS OF THE
WHEELING/
DES PLAINES JOINT
EMER TEL SYS BD**
**Ordinance
M-21-24**

Deputy Police Chief Shanahan reviewed a memorandum dated October 7, 2024.

With the change of police dispatch centers in the near future, an ordinance amending the Des Plaines City Code to reflect the planned dissolution of the Wheeling Des Plaines Joint Emergency Telephone Systems Board is required.

In accordance with the requirements of the Illinois Emergency Telephone System Act, the City of Des Plaines and Village of Wheeling entered into an intergovernmental agreement, establishing a joint emergency telephone system board (JETSb) to serve both communities. Pursuant to the terms of the JETSb Agreement, Des Plaines and Wheeling authorized the JETSb to be capable of receiving 911 surcharge revenues distributed by the State of Illinois, and expense those funds for the maintenance and operation of the enhanced 911 system.

In December of 2024, the City of Des Plaines will be moving emergency dispatch services to the Cook County Sheriff’s Police 911 Center and will join the Cook County Emergency Telephone System Board. Due to this change, the City of Des Plaines City Code, Chapter 13 needs to be amended to reflect the dissolution of the JETSb and the City’s transition to the Cook County ETSB.

Moved by Oskerka, seconded by Sayad, to Approve First Reading of Ordinance M-21-24, AN ORDINANCE AMENDING THE DES PLAINES CITY CODE TO REFLECT THE PLANNED DISSOLUTION OF THE WHEELING/DES PLAINES JOINT EMERGENCY TELEPHONE SYSTEMS BOARD.

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.

Advanced to second reading by Oskerka, seconded by Brookman, to Adopt the Ordinance M-21-24, AN ORDINANCE AMENDING THE DES PLAINES CITY CODE TO REFLECT THE PLANNED DISSOLUTION OF THE WHEELING/DES PLAINES JOINT EMERGENCY TELEPHONE SYSTEMS BOARD.

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.

COMMUNITY DEVELOPMENT– Alderman Moylan, Chair

**DISC RE PILOT
PERMIT PROG FOR
BEE HIVES & APIARIES**

Director of Community and Economic Development Rogers reviewed a memorandum dated October 10, 2024.

At the June 17, 2024 meeting, the City Council discussed apiculture (beekeeping). The discussion included an interest from several alderman to have municipal code amended to allow beekeeping. Concerns raised during the meeting involved the safety of beekeeping and maintenance of hives. Staff researched state regulations and current ordinances of surrounding municipalities to provide guidance on future amendments.

The first appearance of apiary regulations within the city was in 1929. The original regulation allowed apiaries if located at least one-quarter mile from any residence, school, church or

other place of public gathering. In 2018, an ordinance was approved permitting apiaries if the following conditions were met:

- Bees must be used for educational purposes
- Beehives located no closer than two hundred fifty feet from a residence
- No more than four beehives kept and maintained
- Proof of registration with the Illinois Department of Agriculture.

The impetus of the 2018 amendment was the Mount Prospect Park District seeking to house bees at the Friendship Park Conservatory, a park surrounded by residences.

Domesticated bees can benefit urban ecosystems, replacing diminished pollinator populations affected by disease or anthropogenic (human) causes, including pesticide usage and planting of monoculture plant species such as grass. Bees play a crucial role in the pollination of flowering plants and urban beekeeping can contribute to the overall pollinator population. However, providing a sustainable balance between encouraging urban beekeeping and protecting wild bee species from being strained competing for resources with domesticated bee species has been the topic of significant research in recent years. When discussing a broader implementation of apiculture (the cultivation of bees), it is important to consider regulations that may support parties interested in beekeeping while promoting policies that further sustainability.

Approximately 400 to 500 species of native bees are located within Illinois. However, the most common species of bee that is managed by people is the Western honeybee (*Apis mellifera*) due to its temperament, pollination benefits and production of honey and beeswax.

Approximately one-percent (1%) of the population is allergic to bee and wasp venom. There are no specific statistics regarding death or injuries relating to honeybees in the U.S. Instead, the Centers for Disease Control (CDC) combines data related to deaths from all hornet, wasp, and bee stings. According to the CDC's National Vital Statistics System, in the 11 years from 2011–2021, a total of 788 deaths occurred (an average of 72 deaths per year, or approximately 1 per every 4.77 million people). The annual total deaths ranged from 59 (2012) to 89 (2017).

Several municipalities take measures to mitigate these hazards with regulations requiring hives to be a specific distance from property lines, requiring water sources to be located in close proximity to hives to prevent wandering swarms, and “flyway” barriers (fence, wall or vegetation) that force bees to fly upward when leaving a hive to avoid contact with people and thus reduce the risk of stinging. In addition, some municipalities explicitly prohibit the keeping of Africanized honeybees (*Apis mellifera scutella*) because this type of bee may pose a greater risk for stinging and impact on existing bee populations due to their nesting habits and territoriality.

Most states, including Illinois, regulate beekeeping to provide protections for both human safety and controlling for insect diseases. The Illinois Department of Agriculture administers the Illinois Bees and Apiaries Act (“the Act”), which was passed in 1996 and was amended in the decades since. The Act requires any person maintaining bees to register with the IDOA annually and allow for the inspection of apiaries. The inspections serve to provide control of any nuisances and also ensure that any transmittable parasites or other disease between bee populations is controlled.

The Act was most recently amended in 2023 to prohibit commercial pesticide applicators (i.e. any individual hired to apply restricted or general use pesticides, as licensed by the IDOA) to not apply pesticides between 8 a.m. and 6 p.m. to any locations within one mile of a registered apiary.

Staff examined apiary regulations or lack thereof in surrounding communities. The zoning ordinances of three surrounding communities (Schaumburg, Skokie, and Evanston) with apiary ordinances were selected by staff to use as a model for the Des Plaines ordinance because the regulations appeared to most closely align with existing research on best practices for urban beekeeping.

Evanston and Skokie include apiary regulations within the Public Safety or Police Codes, similar to Des Plaines. Schaumburg includes regulations within their zoning ordinance. The benefit of placing the regulations within the Des Plaines Zoning Ordinance is that a clear procedure for amending the text of the regulations is included, as well as requirements for public noticing of any amendments. In addition, it provides a clear avenue for variations from regulations. Due to the likelihood of the Zoning Division administering the apiary regulations as they do with the hen program, placement within the zoning ordinance also clearly states the responsibility for program administrator is the Zoning Administrator (the Community and Economic Development Director unless otherwise authorized by the City Manager).

A staff recommendation is that the beekeeping regulations be placed within the zoning ordinance, with reference to applicable other sections of the municipal code. Placement of the ordinance within the zoning ordinance would not prevent animal control or police action for any situations involving aggressive bees or other nuisances.

Skokie and Evanston allow beekeeping for residential properties with a permit. Schaumburg permits apiaries by right in the agricultural and larger lot residential zoning districts and requires a special use permit for all other residential districts. The Environmental Health Division, a division of their local Health Department, administers the beekeeping programs in Skokie and Evanston. In Schaumburg, the Community and Economic Development Department administers the bee programs. Permit fees range from \$25 to \$150. Schaumburg requires a \$200 fee for the special use review of any beekeeping permit by the Plan Commission and Village Board.

Inspection amounts vary. Skokie requires two inspections by village officials per year, in addition to inspection by the State of Illinois Apiary Inspection every other year. Evanston requires an inspection prior to issuance of license and before each renewal. Schaumburg does not specify the inspection process within their regulations, but likely requires a building permit and initial inspection.

All example beekeeping ordinances mandate that neighbors be notified of the proposed apiary and provide a means for concerned neighbors to appeal the placement of these structures. In Schaumburg, a special use permit is required for apiaries located in denser residential zoning districts, which necessitates a public hearing before the Plan Commission and approval from the Village Board. This process includes publication in a local newspaper, the posting of public notice signs, and notification mailed to property owners. Skokie and Evanston require a form or other method of notification to neighbors for the approval of a beekeeping permit, although they do not require board or council approval. Additionally, signage indicating the presence of an apiary on a property is required in all three communities, and this is verified during the inspection along with all other compliance requirements.

Apiaries are allowed in most residential or agricultural districts across all three model communities. Skokie and Schaumburg mandate that apiaries be positioned at a specified distance from property lines. Additionally, all three model regulations stipulate the need for fencing, gates, and signage to clearly identify the apiaries. A non-stagnant water source must be located near the hive, as this helps prevent bees from straying into neighboring properties.

Both Skokie and Schaumburg require the installation of a “flyway barrier,” which can consist of fencing, walls, or vegetation surrounding the apiary to direct bees upward, away from pedestrians, should they attempt to leave the enclosure. This flyway barrier must be at least six feet in height. In Des Plaines, the requirements for the flyway barrier will need to be assessed in relation to the existing fence ordinance to determine whether amendments or a variation process is necessary, given that residential fences are restricted to six feet, and the required flyway barrier may necessitate a taller structure.

Two to five colonies are permitted in the example community ordinances. Skokie specifies the type of hive on a property (Langstroth Type Beehive), while Schaumburg and Evanston do not. Proof of registration with the Illinois Department of Agriculture and completion of a beekeeping course are required with beekeeping permits for Schaumburg and Skokie.

Certain surrounding communities allow for apiaries in community spaces such as Schaumburg and Skokie. If desired, the City would need to identify locations for this type of space and develop rules and regulations surrounding the keeping of bees in this type of setting. Skokie contains a community apiary at Oakton Community College’s Skokie campus, with a limited number of apiary sites available for community members. Schaumburg has a bee garden located on city property adjacent to a park at 200 S. Plum Grove Road. Residents of Schaumburg or Skokie are able to apply for permits to locate bees within these properties, with largely the same restrictions and regulations as beekeeping permits for residential properties, but with additional considerations for insurance due to the placement on public properties.

All communities have animal control restrictions applicable to bees and other dangerous or nuisance insects. Skokie specifies what is considered aggressive behavior and conditions requiring removal within their ordinance as well as the revocation procedure for any beekeeping permits. Skokie and Schaumburg additionally specify that colonies must be monitored by beekeepers at least twice monthly from March 1st to November 30th. Maintenance of water sources to prevent mosquitos and tidy storage of components of the apiary are also specified within the examples.

Staff Recommendations:

1. Amendment to Police Code or Zoning Ordinance: Staff would like guidance on the placement of the apiary and hen permit regulations within municipal code.

- a. Zoning Ordinance option:

- i. Pros: If the regulations are placed in the zoning ordinance, it may clarify the department responsible for administering animal-related permits and benefit from the existing procedures for amendments, variations, and public noticing located within the zoning ordinance.

Amending the zoning ordinance would also allow the Planning and Zoning Board to provide guidance on the amendments and create a setting for community discussion. The PZB provides valuable input on potential land use or zoning implications of these types of uses that may benefit the final amendments.

- ii. Cons: The zoning ordinance allows for variations which may not be desirable for this type of use. However, there may be a strategy to limit the types of zoning relief requested for beekeeping or hen permits, to be discussed with the city attorney.

- b. Police Regulations option:

- i. Pros: If the Council desires strict adherence to beekeeping regulations, maintaining placement within the police regulations would limit variation options and make the amendment process to the code more challenging.

- ii. Cons: The Zoning Division is currently administering the hen permit program, although the regulations are within the “animal control” section of the police regulations. Responsibility of administration and enforcement actions can be confusing to staff in this circumstance. In addition, amendments to the police regulations do not require a public hearing or noticing, unlike amendments to the zoning ordinance.
2. Proposed Program:
- a. Staff recommends allowing apiaries only on residentially zoned properties with a permit and establish similar regulations to Skokie or Schaumburg.
 - b. Staff recommends a pilot program to be established for these permits prior to the adoption of a permanent program. The total number of apiaries permitted with the pilot program is proposed to be ten permits over two years. The intent with the limited time and scale of this type of the pilot program is to allow sufficient time to understand community interest and reevaluate requirements as needed based on any identified concerns or any new research or best practices for apiary management prior to adopting a permanent program.

Discussion ensued among the aldermen regarding a pilot permit program for bee hives and apiaries.

Resident Mary Apcel expressed concern that the honeybees in the proposed bee hives will create a devastating harm to the native bees.

City Council gave direction to staff to come back with answers to questions which came up this evening and provide more detailed information for further discussion.

**DISC RE AMDTS TO
BUS ASST GRANTS**

Director of Community and Economic Development Rogers reviewed a memorandum dated October 15, 2024.

In May 2023, City Council approved a revision to the format of the Business Assistance Grant (BAG) program establishing two tiers of potential grants, “Boost” and “Growth.” In the months since this change, staff have recognized a need for additional clarity for future applicants to successfully navigate the process, standardize potential award amounts, and provide clarity regarding applicants who seek to participate multiple times over time.

Staff have drafted potential program amendments to provide additional clarity and to provide additional transparency to future applicants into the potential grant program award amounts. The proposed program as amended would include three (3) tiers to maximize potential total grant amounts awarded and ensure equity among grant recipients with comparable total eligible project costs

Since the Business Assistance Grant Program was last amended, nine (9) grants have been approved including those authorized administratively by city staff and those by the Council. Five (5) grants were Boost grants (with awards up to \$10,000) and four (4) were Growth grants (with awards ranging from \$10,000 to \$300,000). Staff discovered that historically, Growth grants have been awarded in amounts over a wide range of between 13% to 50% of total eligible project costs. The new structural change to the program is meant to more consistently align with the percentages of most previous grants awarded by the City Council and staff while also ensuring applicants with larger project scopes will be able to secure additional funding beyond that provided to smaller projects.

Proposed amendments: The program requirements would be updated to require that all grants be approved in advance, prior to expenditures, to ensure all expenses are eligible and that

labor will comply with both State and local requirements for projects utilizing public funds. The proposed amendments would also clarify the terms restricting multiple awards to the same recipient

The program would be amended to include three (3) tiers of grants instead of two (2) tiers to further differentiate between small, medium, and large scopes of work. The proposed tiers would offer awards inclusive of 100% of the value of the awards offered by any lower tier. In other words, any applicant would be able to capture 100% of the maximum value of the first, second, and third tiers as total eligible project costs exceed the parameters of the lower tier(s).

The three proposed tiers would be structured as follows:

- a. SPROUT - The SPROUT grant would allow businesses to apply for grant funding for projects with total eligible costs ranging from \$1 to \$20,000. The award under the SPROUT Grant would provide a 50%/50% match of private investment for small projects up to \$20,000 in total eligible costs with a maximum award of \$10,000 payable after satisfaction of the program requirements (after occupancy, clearance of liens, and submittal of proof of payment).
- b. BOOST - The BOOST grant would allow businesses to apply for grant funding for projects with total eligible costs ranging from \$20,001 to \$140,000. The award under the BOOST Grant would provide a 25%/75% match of public grant funds for private investment for medium sized projects up to \$140,000 in total eligible costs with a maximum award of \$40,000 payable after satisfaction of the program requirements (after occupancy, clearance of liens, and submittal of proof of payment).
- c. GROWTH - The GROWTH grant would allow businesses to apply for grant funding for projects with total eligible costs ranging from \$140,000 to \$1,000,000. The award under the GROWTH Grant would provide a 12.5%/87.5% match of public grant funds for private investment for large projects with total eligible costs exceeding \$140,000 with a maximum award of \$150,000 payable after satisfaction of the program requirements (after occupancy, clearance of liens, and submittal of proof of payment).

In response to a recent inquiry, staff reviewed the City's obligations under the Illinois Prevailing Wage Act and together with the City's legal counsel determined that all labor within the scope of work comprising the eligible expenses must comply with Prevailing Wage requirements. Staff will amend the program application to ensure program participants are aware of the requirement and have access to resources which outline the prevailing wage rates, rules, and documentation procedures.

Lastly, staff recommends clarifying requirements limiting the quantity of times a single business can participate and/or a maximum lifetime award amount. For discussion purposes, staff suggests a minimum of 10 years between applications, non-repetitive requests for funds (one time request only for the same project), and/or a maximum lifetime award of \$150,000.

Discussion ensued among the aldermen regarding possible amendments to the Business Assistance Grants.

City Council had consensus on separating the three programs between a sprout, boost, and growth with boost and growth coming back before the City Council; and to have the grant be applied for and allow amendments to come through after application and prior to beginning the work, should there be cost overruns, so staff can convey that the prevailing wage must be used in order for it to be eligible for a grant program. It was also reiterated that City Council can consider exception waivers to those two items on whether to grant a higher amount or to accept an application that comes in late.

DISC RE PROPOSED
REG ON REC
VEHICLES

Director of Community and Economic Development Rogers reviewed a memorandum dated October 15, 2024.

In advance of the October 21, 2024, meeting of the City Council, several elected officials requested a summary for consideration and discussion of the City's regulations on parking and storage of recreational vehicles (RVs) versus the requirements enforced in other local municipalities.

Currently, Des Plaines does not regulate the storage or parking of recreational vehicles in residential areas separately from requirements for other vehicles.

A summary of regulations in neighboring municipalities includes the following:

- Des Plaines: No requirements.
- Rosemont: No requirements.
- Park Ridge: Recreational vehicles, including boats, motor homes, and trailers, are regulated. RVs exceeding 32 feet in length and 8 feet in width are prohibited in front yards. Temporary parking is allowed for up to 72 hours for loading and unloading.
- Mount Prospect: RV parking is allowed on an approved driveway or parking pad. No more than one RV may be stored in the open. Temporary parking is allowed for loading/unloading, but RVs cannot be used for living purposes.
- Glenview: A conditional use permit is required to store an RV in a single-family residential district. RVs are not allowed to be parked outdoors unless properly screened from public view.
- Elk Grove Village: RVs exceeding 25 feet in length or 8 feet in height are not allowed to be stored in the front yard. Temporary parking for loading and unloading is allowed for up to 72 hours per month. Parking must not obstruct public sidewalks, and RVs must be maintained in mobile condition.
- Niles: Strict size limits are imposed on RVs, with a maximum length of 26 feet and height of 10 feet. RVs cannot be stored in front yards and must be screened from adjacent properties when parked in side or rear yards.
- Prospect Heights: RVs up to 32 feet in length may be parked in front driveways or rear yards, but must be screened from neighboring properties. Temporary use for overnight sleeping is permitted, but RVs cannot be used as permanent residences.
- Arlington Heights: Parking of RVs is permitted in side and rear yards, subject to screening and size limitations. RVs may not exceed 32 feet in length or 12 feet in height. Temporary parking for loading and unloading is allowed for up to two days.

Among the nine communities (including Des Plaines) surveyed:

- a. 5/9 communities enforce a maximum length for an RV (between 25 feet and 32 feet).
- b. 5/9 communities prohibit parking/storage of an RV in a front yard.
- c. 3/9 communities require screening of an RV from adjacent properties.

The proposed amendments would regulate only recreational vehicles and would include new requirements for both residential and commercial property.

12-13-3: Definitions of Terms:

Current Definition: None

Proposed Definition: "Recreational Vehicle" is a motorized or towable vehicle designed for temporary living or recreational purposes. This may include a motorhome, camper van/truck/bus, camper trailer, travel trailer, destination trailer, and fifth-wheel trailer. As differentiated from a mobile home, a recreational vehicle is not intended for permanent occupancy or as a permanent residence.

12-8-16: Recreational Vehicles:

- A. A Recreational Vehicle must be currently registered by the State of Illinois including display of a registration plate and shall comply with all requirements of the City Code applicable to inoperable motor vehicles.
- B. District Regulations:
 - 1. Residential Districts:
 - a. Parking of one (1) Recreational Vehicle up to 26 feet in length shall be allowed per residential zoning lot.
 - b. A Recreational Vehicle shall be parked on a paved driveway in the side or rear yard only and shall not be parked within the required front yard.
 - c. A Recreational Vehicle larger than 26 feet shall not be stored outdoors within any residential district.
 - 2. Non-Residential Districts:
 - a. A Recreational Vehicle stored in any non-residential district shall be located in a side or rear yard and must be located on a paved, dust-free hard surface; provided, however, such storage may not reduce, block, or otherwise interfere with parking lot drive aisles and off- street parking spaces, nor shall any Recreational Vehicle occupy any required off-street parking stall.
 - b. No Recreational Vehicle shall be stored closer to the front lot line than the front elevation of the principal building upon the property.

If supported, a text amendment would be prepared by Staff for consideration by the Planning & Zoning Board (PZB) at a future public hearing. After consideration and solicitation of public comments, the PZB would recommend text amendments to the City Code that align with their findings for additional consideration by the City Council prior to potential adoption.

Discussion ensued among the aldermen on proposed regulations on recreation vehicles.

Resident Nick Caputo expressed his concern with inoperative vehicles on a neighboring property and asked the City Council to take action on it.

Resident Rich Weil expressed concern regarding not being able to store his RV on his property. He stated that the expense of storage would be unaffordable and a hassle.

Director of Community and Economic Development Rogers attempted to summarize the discussion by stating the direction seems to be leading to modify the regulations to say that unlimited size in a side or rear yard if there is sufficient space to store in a side or rear yard and if it is stored in a front yard the maximum size would be 32 feet provided it was not encroaching onto a public sidewalk.

City Council had consensus to table the discussion to the next City Council meeting.

ADJOURNMENT

Moved by Brookman, seconded by Sayad, to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 9:57 p.m.

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

APPROVED BY ME THIS 4th
DAY OF November , 2024

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR