

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, JUNE 20, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by City Clerk Mastalski at 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, June 20, 2022.

ROLL CALL

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

MAYOR PRO TEM

City Clerk Mastalski announced Mayor Goczkowski will not be in attendance for tonight's meeting.

City Clerk Mastalski entertained a motion to appoint a Mayor Pro Tem for tonight's meeting.

Moved by Moylan, seconded by Smith to appoint Alderman Brookman as Mayor Pro Tem for tonight's meeting only.

Upon roll call, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

PRAYER AND PLEDGE

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

MINUTES OF THE PUBLIC HEARING HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, JUNE 20, 2022

**PUBLIC HEARING/
CDBG PY 2022
ANNUAL ACTION
PLAN:**

Mayor Pro Tem Brookman called the Community Development Block Grant (CDBG) Program Year (PY) 2022 Annual Action Plan Public Hearing to order at 7:02 p.m.

Assistant Director of Community and Economic Development Johnson reviewed a memorandum dated June 9, 2022.

The City's Community Development Block Grant (CDBG) allocation for the 2022 Program Year (October 1, 2022 - September 30, 2023) is anticipated to be \$313,366. This amount is determined by a formula calculated by the U.S. Department of Housing and Urban Development (HUD). Every year, the City is required to hold a Public Hearing to solicit public comments and feedback for its CDBG Annual Action Plan.

The Annual Action Plan (AAP) serves as the City's budget and formal application for the use of CDBG funds. Like previous years, the City plans to use 100% of the grant allocation to assist low- and moderate-income households and low- and moderate-income areas. The available funding includes the amount allocated for the coming program year (\$313,366) and remaining funding rolled over from previous program years (approximately \$290,000). The following is the breakdown of the proposed fund distribution by program type:

- Public Facility and Infrastructure Improvements: \$345,000
- Housing Rehabilitation: \$195,512
- Planning and Administration: \$62,500

These programs are planned to meet all HUD eligibility requirements and would be consistent with the objectives set forth in the City's 5-year PY 2020-2024 CDBG Consolidated Plan. The draft AAP includes a larger allocation for Public Facility and Infrastructure Improvement projects than in previous years, \$345,000, which would be used for both Des Plaines Park District and City of Des Plaines projects. During PY 2022, \$195,000 would be utilized by the City for street or sidewalk projects in low- to moderate- income areas of the City, as a part of Public Works and Engineering ongoing annual projects. The Des Plaines Park District would utilize \$150,000 for further improvement projects at Seminole Park, including lighting.

The draft AAP does not include Public Services, which were funded at \$47,700 in the previous Program Year. This change is intended to channel more funding to Public Facilities and Infrastructure projects while alleviating HUD CDBG requirements for the City and local service agencies. HUD limits Public Service funding to 15% of the grant total each year and the grant requirements involve complex invoicing procedures as well as monitoring visits that the City must perform. Shifting the focus of funding to Public Facilities and Infrastructure follows the primary intent of CDBG to fund physical improvements, such as street resurfacing and housing rehabilitations that benefit low- and moderate-income residents. Staff recommends the City consider funding local service agencies through a more direct means, separate from HUD CDBG funding, to streamline funding and grant administration for both the City and agencies providing public services.

A minimum 30-day public comment period is required by HUD. The City of Des Plaines PY 2022 AAP public comment period began on Wednesday, June 8, 2022 and will end on Monday, July 11, 2022. Notification of this period was published in the Des Plaines Journal & Topics newspaper on Wednesday, June 1, 2022, and the draft AAP was uploaded to the City's website on Wednesday, June 8, 2022. During this time, citizens are invited to submit written comments or recommendations to the City. Following the public hearing, the AAP will be placed on the August 1, 2022 City Council agenda for adoption.

Mayor Pro Tem Brookman adjourned the Public Hearing at 7:05 p.m.

Alderman Smith inquired about the percentage of HUD housing planned for the possible future development at the site of the Journal and Topics building.

City Manager Bartholomew stated the CDBG program is citywide, and the possible future development at the site of the Journal and Topics building does not have relevance to the CDBG program. He stated that none of the CDBG funding will go toward that possible development at Graceland Ave and Webford Ave.

PUBLIC COMMENT

Several residents expressed their concern and objection to a possible new development at the current site of the Journal and Topics Building.

ALDERMAN ANNOUNCEMENTS

Alderman Moylan invited residents to the Second Ward first annual block party after the Fourth of July parade.

Alderman Zadrozny extended gratitude to the staff for putting on a great Taste of Des Plaines.

Alderman Smith stated the Taste of Des Plaines this year was probably one of the best she has attended. She acknowledged and thanked the staff for a job well done.

Alderman Ebrahimi added that a good friend of his who attended the Taste of Des Plaines had nothing but great things to say about the event. He also mentioned the City will have a fireworks display on Friday, July 1, 2022 at Oakton Community College in Des Plaines; gates open at 7 p.m. and fireworks will begin at dusk. Alderman Ebrahimi also mentioned Des Plaines will be hosting an Independence Day parade on Monday, July 4, 2022; starting at 10:00 a.m. at Center Street and Wicke Avenue. He stated further information regarding the Fourth of July festivities can be found at desplaines.org/july4.

**MAYORAL
ANNOUNCEMENTS**

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 Pro Tem Brookman presented an extension to the Declaration of Civil Emergency.

Moved by Zadrozny, seconded by Moylan, 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: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

**MANAGER'S
REPORT**

City Manager Bartholomew acknowledged the success of the Taste of Des Plaines, and thanked Director of Media Services Stern and her staff. He also thanked Public Works for all of the hard work they put in for the Taste of Des Plaines - from set up to clean up.

CONSENT AGENDA

Moved by Moylan, seconded by Ebrahimi, to establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

Minutes were approved; Resolutions R-111-22, R-113-22, R-114-22 were adopted.

**APPROVE PURCH/
BEVERAGES/**

Moved by Smith, seconded by Zadrozny, to Approve Resolution R-111-22, A RESOLUTION APPROVING THE PURCHASE OF BEVERAGES FROM LAKESHORE BEVERAGE FOR THE TASTE OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**LAKESHORE BEV
Consent Agenda****Resolution
R-111-22****APPROVE PURCH/
RADIO EQ/
CHICAGO COMMS
Consent Agenda**

Moved by Smith, seconded by Zadrozny, to Approve Resolution R-113-22, A RESOLUTION APPROVING THE PURCHASE OF MOTOROLA RADIO EQUIPMENT FROM CHICAGO COMMUNICATIONS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-113-22****APPROVE AGRMT/
SQUAD CAR COMP
& ACCS/ CDW-G
Consent Agenda**

Moved by Smith, seconded by Zadrozny, to Approve Resolution R-114-22, A RESOLUTION APPROVING AN AGREEMENT WITH CDW-G FOR THE PURCHASE OF SQUAD CAR COMPUTERS AND ACCESSORIES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-114-22****APPROVE
MINUTES
Consent Agenda**

Moved by Smith, seconded by Zadrozny, to Approve the Minutes of the City Council meeting of June 6, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES
Consent Agenda**

Moved by Smith, seconded by Zadrozny, to Approve the Closed Session Minutes of the City Council meeting of June 6, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS**FINANCE & ADMINISTRATION** – Alderman Zadrozny, Chair**WARRANT
REGISTER**

Alderman Zadrozny presented the Warrant Register.

**Resolution
R-112-22**

Moved by Zadrozny, seconded by Smith, to Approve the Warrant Register of June 20, 2022 in the Amount of \$4,469,588.75 and Approve Resolution R-112-22.

Upon roll call, the vote was:

AYES: 5 - Moylan, Oskerka, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

COMMUNITY DEVELOPMENT- Alderman Brookman, Vice-Chair**CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
MOTOR VEHICLE**

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 9, 2022.

The petitioner, Bryan Fleischer of Premier Auto, is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 622 Northwest Highway. The subject property at 622 Northwest Highway consists of one parcel totaling 153,529 square

SALES AT 622
NORTHWEST HWY
Ordinance
Z-14-22

feet (3.52 acres) and currently contains a 31,180-square-foot, one-story multi-tenant commercial building with multiple paved surface parking lots. It is important to note the conditional use request is focused solely on the property at 622 Northwest Highway. The subject property is currently accessed by one curb-cut off Northwest Highway and three curb-cuts off Seegers Road. The existing building is set back approximately 14 feet off the west property line (front) along Northwest Highway, 153 feet from the west property line (rear), 62 feet off the north property line (side), and 150 feet off the south property line (side).

Premier Auto is a car dealership focused on Asian and German brands that is currently operating in Palatine but is planning to relocate to Des Plaines at the subject property. Premier Auto plans to operate out of the westernmost tenant space facing Northwest Highway, which consists of a 2,983-square-foot open office/showroom area, a 260-square-foot interior office area, a 1,609-square-foot open area to be utilized as a car photo room, and a 742-square-foot open mechanical and storage area with an overhead door. The petitioner does not plan to make any alterations or additions to tenant space at this time. The proposed hours of operation are 10 a.m. to 7:30 p.m. Monday through Friday, 10 a.m. to 6 p.m. on Saturday, and closed on Sunday. Up to five employees will be on site Monday through Friday and a reduced staff will be present on Saturday.

Premier Auto will have access to the north (facing Seegers Road) and west (facing Northwest Highway) paved surface parking areas for vehicle display as well as parking for customers and employees. Pursuant to Section 12-9-7 of the Zoning Ordinance, motor vehicle sales uses require a minimum of one parking space for every 500 square feet of showroom and office floor area, plus one space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease). The 3,244-square-foot combined showroom/office areas and 25 proposed vehicle display spaces require a minimum of eight parking spaces, including one handicap accessible parking space.

The allocation of parking between vehicle display parking, employee parking, and a drive aisle width will be 12 feet. One-way direction of travel throughout the portion of the site to be utilized by Premier Auto, with clear striped arrows and one-way/do-not-enter signs. The property can accommodate eight open parking spaces for patrons, including one handicap accessible parking space in compliance with all applicable City of Des Plaines codes. The proposal intends to utilize existing exterior building lighting and there are no immediate plans to add exterior lighting; staff has added a condition that a Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.

The vehicle display and showroom activities proposed on site fall within the Motor Vehicle Sales use, defined in Section 12-13-3 of the Zoning Ordinance. The subject property is located within the C-3 district and a Motor Vehicle Sales use requires a conditional use in this district. Since no conditional use currently exists for this address, a conditional use is required for Premier Auto to operate on this property.

Staff and the PZB recommended (7-0) that the City Council approve the conditional use request with the six conditions:

1. A Photometric Plan must be submitted to the City at the time of building permit application if new exterior lighting is proposed for the Subject Property.
2. All businesses located on the Subject Property must have current and accurate business registrations and be in full compliance with all applicable City of Des Plaines code.
3. Container storage is prohibited on the Subject Property without appropriate additional approvals from the City and a valid business registration for a trade contractor establishment. Any existing contractor storage/trade contractor activities occurring on the Subject Property must cease immediately until appropriate approvals from the City are obtained.
4. Commercial truck parking is prohibited on the Subject Property.

5. The Subject Property must be brought into and remain in conformance with all property maintenance code requirements.
6. All vehicles parked on the Subject Property must have valid license plates and vehicle registration at all times.

Director of Community & Economic Development Carlisle recommended amending the condition of “all vehicles parked on the Subject Property must have valid license plates and vehicle registration at all times” to “except for vehicles displayed for sale, all vehicles parked outdoors on the Subject Property must have valid license plates and registration at all times”.

Moved by Smith, seconded by Moylan, to Approve the Ordinance Z-14-22 with staff recommended amendment, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE AT 622 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS (Case #22-017-CU).

Upon voice vote, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
COMMERCIALY-
ZONED ASSEMBLY
USE AT 1730
ELMHURST RD
Ordinance
Z-12-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 9, 2022.

The Council considered the first reading of the approving ordinance on May 16, 2022, but deferred the item to June 6 because it requested the petitioner to obtain a shared parking agreement with a neighboring property owner (Asbury Court assisted living and nursing facility at 1750 Elmhurst Road). The petitioner presented that agreement to the Council on June 6, and the Council discussed. Approving Ordinance Z-12-22 has been updated to incorporate this agreement as an exhibit, and maintaining the agreement is a condition of approval.

The petitioner, Sargon Mando, is requesting a conditional use for a Commercially Zoned Assembly in the C-3 General Commercial District at 1730 Elmhurst Road. The subject property is an interior lot on the west side of Elmhurst Road in between Oakton Street and the I-90/Elmhurst Road interchange. It currently shares a curb cut off Elmhurst Road with the Assisted Living Facility to the south and west. The existing parking areas directly abut the parking areas for the Assisted Living Facility. The property consists of one parcel totaling 32,638 square feet (0.75 acres) and currently consists of an 8,712-square-foot, one-story commercial building with a basement, paved parking area, and a 308-square-foot shed. The existing one-story commercial building is set back approximately 35 feet off the east property line (front) along Elmhurst Road, 31 feet from the west property line (rear), 22 feet off the north property line (side), and 108 feet off the south property line (side).

The petitioner owns Lamassu Palace Company, which is a banquet facility that hosts a variety of different indoor events such as weddings, bridal showers, baby showers, reunions, family events, corporate events, and galas. The petitioner projects that this site will host events ranging between 50 to 500 guests. The proposed hours of operation are 6 a.m. to 1 a.m. Monday through Thursday, 6 a.m. to 2 a.m. Friday and Saturday, and 10:30 a.m. to 1 a.m. on Sundays. The petitioner is not proposing any changes to the existing building since the building has already been remodeled by the previous owner and includes:

- A main level consisting of a foyer, dumbwaiter system, and two separate banquet hall rooms, each with a bar area; and
- A basement level consisting of a full kitchen with freezers, an office space, restrooms, storage areas, and mechanical areas.

The petitioner does propose additional landscaping on the site around the foundation of the building to soften the transition between the building and the parking area while also providing some screening from surrounding properties. A banquet hall falls underneath a commercially zoned assembly use, as defined in Section 12-13-3 of the Zoning Ordinance, which requires a conditional use permit in the C-3 district pursuant to Section 12-7-3(K). Banquet halls are required to have one parking space for every 200 square feet of gross floor area. Based on the Floor Plans, 37 parking spaces, including two handicap accessible spaces, are required. The Site Plan indicates that there are 77 parking spaces, including two handicap spaces, which meets this requirement.

The PZB recommended (4-0) that the City Council approve the conditional use request as presented without any conditions.

Moved by Ebrahimi, seconded by Moylan, to Approve the Ordinance Z-12-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIALY-ZONED ASEMBLY USE AT 1730 ELMHURST ROAD, DES PLAINES, ILLINOIS (Case #22-013-CU).

Upon voice vote, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman,
Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

CONSIDER
WAIVING THE
MODIFIED
ENTITLEMENTS
REQUIREMENTS
OF THE
COMPLIANCE AND
TEMPORARY
ABEYANCE OF
ENFORCEMENT
AGREEMENT
Resolution
R-110-22

The Holiday Inn Express and Suites hotel at 3001 Mannheim Road in the Orchards at O'Hare development has been operating a commercial parking lot use since approximately mid-July 2021, when first documented by City staff. Commercial parking was not one of the approved uses of the planned unit development, the final plat for which was approved by Ordinance Z-18-16 and amended by Ordinances Z-5-19 and Z-10-19. A commercial parking lot also requires a conditional use in the C-3 district.

The City Council passed Resolution R-189-21 on November 15, 2021, to approve a Compliance and Temporary Abeyance of Enforcement Agreement ("Agreement") to allow the use to operate through November 15, 2022 or whenever the use could be entitled on a permanent basis. The Agreement required, amongst other obligations, the owners to submit applications for (i) an amendment to the existing planned unit development and (ii) for a conditional use to allow the operation of a commercial parking lot in the C-3 Zoning District (collectively, the "Modified Entitlements"). Property ownership and hotel management is no longer interested in conducting commercial parking on a permanent basis but would like to continue to operate the use through November 15, 2022. Consequently, the owners request that the City Council waive the requirement that the owners apply for the Modified Entitlements.

The commercial parking use consists of typically non-hotel guests, such as O'Hare Airport travelers, reserving a parking space through third-party apps and websites. The commercial parking is providing an ancillary revenue stream to hotel. The property lies within the O'Hare Corridor Privilege Parking Tax Area and is subject to a \$1 per car daily parking tax. The original agreement, which was signed by property ownership and made effective on November 23, 2021, established specified terms to include meeting the deadline to apply for the Modified Entitlements.

Property ownership/hotel management did not meet the deadline to apply for the Modified Entitlements and has notified the City that because of tenant interest in the commercial space connected to the hotel, a letter of intent for development of a carwash, and other optimism for continued progress in the development, they do not intend to conduct commercial parking

permanently. They would like to conduct the use through November 15, 2022 as originally agreed. Therefore, the owners are asking the City to waive the requirement that they apply for the Modified Entitlements. However, all other terms would remain in effect and be enforceable.

Patrick Palmer, Vice President of Operations for Prominence Hospitality, spoke on behalf of the petitioners.

Alderman Brookman commented on the blighted condition of the property.

Alderman Smith questioned the condition of the hotel building. She also mentioned the petitioner took it upon themselves to start commercial parking on their property without initial approval by the City.

Moved by Zadrozny, seconded by Smith, to Approve the Resolution R-110-22, A RESOLUTION WAIVING THE MODIFIED ENTITLEMENTS REQUIREMENTS OF THE COMPLIANCE AND TEMPORARY ABEYANCE OF ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES, PROMINENCE HOSPITALITY GROUP, AND O'HARE REAL ESTATE LLC.

Upon roll call, the vote was:

AYES: 5 - Moylan, Zadrozny, Brookman, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Lysakowski, Oskerka, Chester

Motion declared carried.

ADJOURNMENT

Moved by Moylan, seconded by Zadrozny to adjourn the meeting. The meeting adjourned at 8:21 p.m.

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

APPROVED BY ME THIS 23rd

DAY OF June, 2022

/s/ Mayor Pro Tem Brookman

Andrew Goczkowski, MAYOR