

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, DECEMBER 5, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 6:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, December 5, 2022.

ROLL CALL

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

CLOSED SESSION

Moved by Brookman, 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, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared unanimously carried.

*Alderman Smith arrived at 6:01 p.m.

The City Council recessed at 6:01 p.m.

The City Council reconvened at 7:06 p.m.

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

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

PRAYER AND PLEDGE

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

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, DECEMBER 5, 2022

**PUBLIC HEARING/
CONSIDER
APPROVING
CAPER**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance R-192-22, a resolution approving the Community Development Block Grant Program consolidated annual performance and evaluation report for program year 2021 to order at 7:07 p.m.

**Resolution
R-192-22**

The Consolidated Annual Performance & Evaluation Report (CAPER) is an annual document detailing the accomplishments of the Community Development Block Grant (CDBG) program and requires City Council approval before submitting to the U.S. Department of Housing and Urban Development (HUD).

The City of Des Plaines Program Year (PY) 2021 CAPER summarizes the program performance of Year 2 of the CDBG Consolidated Plan (PY2021 Action Plan, October 1, 2021, to September 30, 2022). The CAPER reports on the expenditures and accomplishments of the

public service, housing, and infrastructure programs performed with respect to the goals established in the Action Plan.

Staff recommended that the City Council approve Resolution R-192-22 approving the PY2021 Consolidated Annual Performance & Evaluation Report.

Moved by Oskerka, seconded by Lysakowski, to Approve the Resolution R-192-22, A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR PROGRAM YEAR 2021.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:10 p.m.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, DECEMBER 5, 2022

**PUBLIC HEARING/
CONSIDER
AMENDING THE
ZONING
ORDINANCE RE
COMM MOB RADIO
AND WL TELECOM
SVC**

**Ordinance
Z-38-22**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance Z-38-22, an ordinance amending the text of the Des Plaines zoning ordinance regarding commercial mobile radio and wireless telecommunications service facilities, to order at 7:10 p.m.

The City of Des Plaines is proposing amending the Zoning Ordinance to create an administrative permitting process for requests to modify existing commercial mobile radio and wireless telecommunications service facilities when those modifications fall within a specific allowance of federal law. The administrative approval would be possible even when those modifications would otherwise require zoning relief, such as a conditional use or a variation.

The full proposed amendments are summarized below.

- Section 12-7-A: Amend the reference to wireless facilities to its newly proposed title of “Commercial Mobile Radio and Wireless Telecommunications Service Facilities”
- Section 12-8-5:
 - Retitle the specific use regulations to “Commercial Mobile Radio and Wireless Telecommunications Service Facilities.”
 - Change references throughout to this new title. ○ Add a new Sub-Paragraph 2 under Paragraph A. General Requirements; the new sub-paragraph, titled “Eligible Facilities Requests,” does the following:
 - Cites the federal legislation to define eligible facilities requests and exempts them from location requirements, maximum height requirements, site plan review, and conditional use permits (i.e., addresses those instances where the existing facility is nonconforming with any of these typical requirements); and
 - Establishes that the Zoning Administrator shall review a claim for an “eligible facilities request” within 60 days and if applicable, approve the zoning administratively.
 - Specifies under “Paragraph E. Construction Requirements” that proposed eligible facilities requests must demonstrate such status in their construction drawings.
 - Adds a footnote to the table under Paragraph F. Height Requirements to exempt eligible facilities requests.

- Adds footnotes to the table under Paragraph G. District Requirements to exempt eligible facilities requests.
- Section 12-13-3, Definition of Terms: Amends the term definition to “Commercial Mobile Radio and Wireless Telecommunications Service Facilities.

Moved by Brookman, seconded by Chester, to Approve the Ordinance Z-38-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING COMMERCIAL MOBILE RADIO AND WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:17 p.m.

ALDERMAN ANNOUNCEMENTS

Alderman Lysakowski thanked public works for the amazing job they did with the holiday lights in downtown. He also stated he would like to see the lights continue next year past Central Road possibly coordinating with Mount Prospect.

Alderman Oskerka thanked everyone who participated in the Holiday Tree Lighting and the Winter Fair in the Square. He also thanked City staff for their hard work to make it happen.

Alderman Zadrozny thanked City staff for their work on the tree lighting.

Alderman Brookman congratulated the staff on the well-attended Holiday Tree Lighting. She also mentioned the necessity for businesses to keep the sidewalks clear during the upcoming snow season, and the importance of the City enforcing the upkeep.

Alderman Chester asked Director of CED Carlisle for a status update regarding Café La Cave, and expressed his regret for the possible loss of a historical part of the City. Alderman Chester also stated the tree lighting was a positive event and it bought out the Christmas spirit.

Alderman Smith stated the Holiday Tree Lighting was a nice event, and that the lights on the trees are the best she has ever seen. She also thanked Des Plaines Community Foundation, who worked with Sysco Foods and Sunrise Grill, to provide Thanksgiving meals to people in need. Alderman Smith further mentioned the Frisbie Center is hosting a Christmas Dinner for seniors; individuals must register before December 16, 2022.

Alderman Ebrahimi mentioned his enjoyment of the Holiday festivities over the weekend, and he thanked everyone involved.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski mentioned that Holiday Tree Lighting and Winter Fair were successful, and stated how he was grateful for all of the work by the City staff to put together such events.

Mayor Goczkowski introduced American Legion Post 36 to speak regarding a project they have in planning for the upcoming summer.

Commander Tom Strossner, Ron White, Andy Gasior, and Herman Zelk of American Legion Post 36 spoke on behalf of the Traveling Korean War Memorial they will be hosting at Lake Park on June 23, 2022-June 25, 2022, and of the importance of such memorials. Alderman Brookman asked if the City will be donating to the American Legion Post 36 for the Traveling Korean War Memorial.

Mayor Goczkowski stated the City is planning on matching the donation they previously provided for Vietnam Traveling Memorial.

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

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

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

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

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSENT AGENDA

Alderman Chester requested Item #14 to be removed from the Consent Agenda.

Alderman Smith requested Item #1 to be removed from the Consent Agenda.

Moved by Brookman, seconded by Chester, to Establish the Consent Agenda without Item #1 and Item #14.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Brookman, seconded by Chester, to Approve the Consent Agenda without Item #1 and #14.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; License was approved; Ordinances M-36-22, M-37-22 were adopted; Resolutions R-198-22, R-199-22, R-200-22, R-201-22, R-202-22, R-203-22, R-204-22, R-205-22, R-211-22 were adopted.

City Clerk Mastalski read the Items which were removed from the Consent Agenda.

**APPROVE & AUTH
EXPEND OF FUNDS/
IG & LEG ADV
SVCS/ RAUCCI &
SULLIVAN STRAT**

Alderman Smith requested Item #1 to be removed from the Consent Agenda.

Alderman Smith requested further detail regarding the services of Raucci & Sullivan, LLC.

Mayor Goczkowski stated the lobbyists the City has obtained are the most active and engaged the City has previously contracted with in the past.

**Resolution
R-193-22**

City Manager Bartholomew briefly explained the communication process between the lobbyists and the City.

Alderman Smith, Alderman Chester, and Alderman Brookman stated they would like further detailed reporting from the lobbyists.

Moved by Oskerka, seconded by Zadrozny, to Approve the Resolution R-193-22 A RESOLUTION APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS PURSUANT TO A PROPOSAL FROM RAUCCI & SULLIVAN STRATEGIES, LLC FOR INTERGOVERNMENTAL AND LEGISLATIVE ADVOCACY SERVICES.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**APPROVE CHG
ORD NO 2/ PLAN
REV & BLDG
INSPECT/ H.R.
GREEN**

Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-198-22, A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO A CONTRACT WITH H.R. GREEN, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-198-22**

**APPROVE CHG
ORD NO 1/ PLAN
REV & BLDG
INSPECT/ B&F
CONSTR CODE
SVCS**

Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-199-22, A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO A CONTRACT WITH B&F CONSTRUCTION CODE SERVICES, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-199-22**

**APPROVE AGRMT/
PAY STA MACH/
TOTAL PARK SOL**

Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-200-22, A RESOLUTION APPROVING AN AGREEMENT WITH TOTAL PARKING SOLUTIONS FOR REPLACEMENT OR UPGRADE OF THE MULTI-SPACE PAY STATION MACHINES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-200-22**

**APPROVE AGRMT/
PURCH OF PUMPS/
FLOWSERVE CORP**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-201-22, A RESOLUTION APPROVING AN AGREEMENT WITH FLOWSERVE CORPORATION FOR THE PURCHASE OF PUMPS FOR THE MAPLE STREET PUMPING STATION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-201-22**

**APPROVE PURCH/
FIRE PROT SYS
RPT SVCS/ BRYCER**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-202-22, A RESOLUTION APPROVING THE PURCHASE OF FIRE PROTECTION SYSTEM INSPECTION, TESTING, AND MAINTENANCE REPORT SERVICES FROM BRYCER, LLC. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-202-22**

**APPROVE PURCH/
CARDIAC MON/
ZOLL MEDICAL**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-203-22, A RESOLUTION APPROVING THE PURCHASE OF A ZOLL X-SERIES CARDIAC MONITOR FROM ZOLL MEDICAL CORPORATION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-203-22**

**APPROVE PURCH/
FLD PLAIN PROP**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-204-22, A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTIES LOCATED IN THE FLOOD PLAIN AREA IN DES PLAINES, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-204-22**

**APPROVE/ GIS
PROV/ MUN GIS
PTRS**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-205-22, A RESOLUTION APPROVING GIS CONSORTIUM SERVICE PROVIDER CONTRACT WITH MUNICIPAL GIS PARTNERS, INC. FOR GEOGRAPHIC INFORMATION SYSTEM SUPPORT SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-205-22**

**AUTH CHG IN
OWNERSHIP/ B-1
LIQ LIC/
1045 E OAKTON ST**

Moved by Brookman, seconded by Chester, to Approve a Change in Ownership for a B-1 Liquor License (Bulk Sales/Off-Site Consumption Only) for TMG Produce, Inc. d/b/a Oak Farms Market, 1045 East Oakton Street. Motion declared carried as approved unanimously under Consent Agenda.

**RESCIND R-157-22
& APPROVE
PURCH/ FORD
TRKS**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-211-22, A RESOLUTION RESCINDING RESOLUTION R-157-22 AND APPROVING THE PURCHASE OF 11 FORD TRUCKS AS PART OF THE 2023 BUDGET. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-211-22**

**SECOND READING/
ORDINANCE
M-36-22**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Ordinance M-36-22, AN ORDINANCE LEVYING TAXES FOR THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-37-22**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Ordinance M-37-22, AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF DES PLAINES AND THE CITY PURCHASING POLICY REGARDING THE CITY MANAGER PURCHASING AUTHORITY. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
Z-34-22**

Alderman Chester requested Item #14 to be removed from the Consent Agenda.

Advanced to Second Reading by Zadrozny, seconded by Moylan, to Adopt the Ordinance Z-34-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 2064 S. RIVER ROAD, DES PLAINES, ILLINOIS. (Case # 22-044-CU).
No vote.

Alderman Chester stated he was approached today by the petitioner today, and that there were additional problems the City Council was not aware of when the ordinance was passed on first reading. He mentioned he would like to talk to the homeowners in the area to see if they are okay with the changes.

Director of CED Carlisle stated the petitioner is requesting a revision to this ordinance that would allow business registration and occupancy by the office user before the parking lot expansion was completed.

A representative from the prospective tenant, Level Motors, spoke on behalf of the petitioner.

Mayor Goczkowski asked if the City can enforce a bond where there is insurance the parking lot will be completed within a certain timeframe.

Director of CED Carlisle and City Manager Bartholomew agreed that is something the City can require.

Moved by Chester, seconded by Brookman, to Approve a substitute motion to Defer to the next City Council meeting on December 19, 2022 and direct staff to implement the bond requirement, the Ordinance Z-34-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 2064 S. RIVER ROAD, DES PLAINES, ILLINOIS. (Case # 22-044-CU).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of November 21, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

**WARRANT
REGISTER**
Resolution
R-206-22

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Brookman, to Approve the Warrant Register of November 7, 2022 in the Amount of \$2,779,966.68 and Approve Resolution R-206-22.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**CONSIDER
APPROVING THE
2023 ANNUAL
BUDGET**
Resolution
R-210-22

The City Council held two budget hearings over the 2023 Proposed Budget document. The first meeting was held on October 5th and the discussion covered the review of the General Fund. The second budget meeting was held on October 12th to review the Non-General Funds within the budget document. Within those discussions, the City Council voted and approved all expenditures, revenues, and the resulting fund balances to support City services and projects.

The Fiscal Year 2023 annual budget totals \$174M (excluding transfers), a \$2.8M or 1.7% increase over the 2022 Budget. The 2023 Budget increase is primarily attributed to the increased funding for capital improvements. Included in the \$35.4M total capital improvements/investments, \$17M is allocated to the City's facilities. Based on the City Council consensus, the expenditures were increased by \$60K due to the approved funding for the Des Plaines Historical Society.

Staff recommended the City Council adopt the resolution approving the 2023 Budget document.

Moved by Zadrozny, seconded by Lysakowski, to Approve the Resolution R-210-22, A RESOLUTION APPROVING THE 2023 ANNUAL BUDGET FOR THE CITY OF DES PLAINES.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**CONSIDER
APPROVING IGA
WITH THE
DES PLAINES
LIBRARY BOARD
FOR A SHORT
TERM LOAN**
Resolution
R-212-22

The Des Plaines Public Library has requested a short-term loan for the 2023 fiscal year in a not to exceed amount of \$1 million in order to be able to cover operational costs as a result of the delay in the 2021 second installment of property tax revenue from Cook County.

The expected property taxes from the 2021 levy (received in 2022) for the Library is expected to be \$6.1M. Of the \$6.1M, the Library has received approximately \$3.4M in the first installment and applied that amount to general operations. The remaining second installment amount, which has not yet been received, is typically 45% of the overall levy, or approximately \$2.7M. Given the significant delay in the second installment of property tax revenue, the Library is experiencing a cash flow shortage expected in January of 2023.

Presented for City Council consideration is an intergovernmental agreement for a short-term loan with the following stipulations:

1. Loan Amount – Not to Exceed \$1M
2. Interest/Late Payment Penalty – no interest will accrue on the loan, however, if the loan amount is not repaid by June 1, 2023 a 5% interest per month will begin to accrue.

- 3. Non-Payment/Performance Security – the loan amount must be repaid in full by October 31, 2023; failure to do so will result in the City reducing the library amount of the 2022 levy in the amount of the outstanding loan and collecting that amount within the City’s corporate levy.
- 4. Promissory note – a promissory note will be prepared by legal counsel and executed by the Library and the City prior to any funds being transferred.

Staff recommended that the City Council approve Resolution R-212-22.

Alderman Chester stated he hopes this is an exceptional circumstance since there are other taxing bodies that are encountering the same problems but are not asking the City for a loan.

Jo Bonell, Library Director, spoke on behalf of the Des Plaines Public Library.

Moved by Zadrozny, seconded by Brookman, to Approve the Resolution R-212-22, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE DES PLAINES LIBRARY BOARD FOR A SHORT TERM LOAN.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

CONSIDER
AMENDING TITLE
10 OF CITY CODE
REGARDING PLAN
REVIEW AND
PERMIT FEES
Ordinance
M-35-22

Title 10, Chapter 13 of the City Code establishes the fees charged for plan reviews of proposed construction projects and building permits that allow those.

Alderman Chester stated he has received request by staff to defer this item.

City Manager Bartholomew requested the City Council defer the ordinance indefinitely to verify it works in conjunction with the new intergovernmental permitting system.

City Council postponed Ordinance M-35-22, AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF DES PLAINES REGARDING PLAN REVIEW AND PERMIT FEES, at the request of staff without objection.

CONSIDER
APPROVING CERT
OF RDVLPMT PROJ
COSTS FOR
ORCHARDS AT
O’HARE DEVEL
Resolution
R-207-22

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

Pursuant to the Amended and Restated Economic Development Incentive Agreement (“Development Agreement”), dated July 6, 2016, O’Hare Real Estate LLC (ORE), developer of Orchards at O’Hare (“Developer”), is seeking approval of a certification request that would allow them to receive the incentive portion of the increment from certain parcels within TIF District No. 7.

The Orchards at O’Hare development area is approximately bounded by Mannheim Road, Higgins Road (the McDonald’s property excluded), the Canadian National Rail Line, and the I-90 Tollway. After the formation of TIF District No. 7 (2014), ORE acquired the land and began development, which was approved via a planned unit development (PUD) and Plat of Subdivision, to construct a hotel with an attached restaurant, gas station and convenience mart, carwash, and a freestanding restaurant. A convenience mart and gas station, as well as a hotel, were constructed, although the hotel’s attached restaurant area has not been completed or occupied (the developer has a signed lease with an entity to open two restaurants in this annex

space: a Cilantro Taco – currently in Rosemont – and a Latin-cuisine seafood restaurant called Ostras). However, the pad for the freestanding restaurant is still undeveloped, as is the lot that was contemplated for a carwash. In 2019 the PUD was amended to include the approximately 1.5-acre parcel (PIN: 09-33-305-020-0000) in the southeast corner of the site at 1620-1630 Higgins Road, which was then improved with a multi-tenant commercial building that currently has a Panera Bread restaurant.

The Development Agreement established three incentives:

- Sharing of 25% of TIF increment for the parcels in the development owned by ORE (or by an entity controlled by ORE). The total incentive amount cannot exceed \$2 million;
- Sharing of 25% of sales tax due to the City generated by businesses in the development that generate such tax. Total amount cannot exceed \$2 million; and
- Sharing of 40% of hotel tax generated by the Holiday Inn Express & Suites. Total amount cannot exceed \$3.5 million.

The subject of this item is specifically the TIF increment portion of the incentive. The incentive is intended to reimburse the developer for costs that they have already incurred.

Resolution R-207-22 approves the TIF certification request and waives the requirement that the last redevelopment project cost must have occurred within the past 12 months. If the resolution is approved, the developer will have fully certified the \$2 million in expenses and will be paid initially for the Tax Year 2017-2020 amounts, then once yearly, in the manner specified in the development agreement, for all subsequent payments until either the \$2 million total is reached or the term expires (December 31, 2037), whichever happens first.

Patrick Palmer, representative of Prominence Hospitality Group, spoke on behalf of the petitioner.

Alderman Chester questioned the status of the car wash.

Alderman Brookman asked what assurance the City has that the petitioner will proceed with their commitment for the investment of the \$800,000.00 into the property.

Alderman Oskerka asked the petitioner why they would not stick to the original agreement with the investment of the \$800,000.00.

Alderman Moylan stated he is concerned the funding will not be executed appropriately based on the previous actions of the petitioner.

Moved by Chester, seconded by Smith, to Approve the Resolution R-207-22, A RESOLUTION APPROVING CERTIFICATION OF REDEVELOPMENT PROJECT COSTS FOR ORCHARDS AT O’HARE DEVELOPMENT.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING
AMENDED TEMP
ABEYANCE OF
ENFORCE AGRMT

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. This activity is not allowed at the C-3-zoned property without a conditional use permit and is also not permitted by the Orchards at O’Hare planned unit development approval. However, in 2021 and 2022, the City Council passed two resolutions to enter into and maintain

**BTW THE CITY,
PROMINENCE
HOSPITALITY
GROUP, AND
O’HARE REAL
ESTATE LLC**
**Resolution
R-208-22**

a compliance and temporary abeyance of enforcement agreement with the property owner to allow the activity to occur. This agreement expired on November 15, 2022.

The property owner/hotel management have requested to the Council to extend the temporary allowance via an amended agreement for six months to May 15, 2023.

The amended and extended agreement stipulates the following requirements for property ownership:

- Remit as required by the Finance Department the \$1-per-car, per-day O’Hare Privilege Corridor Parking Tax;
- Maintain a Parking Lot Permit from the City as required by Section 7-7-2 of the City Code in good standing at all times when conducting the Commercial Parking;
- Confine the commercial parking activity to the hotel parcel and the freestanding restaurant parcel (i.e, “restaurant pad”) in the development;
- Prevent commercial parking from interfering with the parking needs of the hotel or any other development and business activity within the Planned Development Property, avoiding a parking shortage for any existing use within the development;
- Conduct commercial parking only on a hard, all-weather, dustless surface in permanently striped parking spaces, with drive aisle widths and parking space dimensions that comply with Section 12-9- 6 of the Zoning Ordinance;
- Maintain all portions of the Orchards at O’Hare development free of nuisances and undue service demand from the City of Des Plaines, including but not limited to property maintenance code enforcement and public safety (Police and Fire); and
- Continue to make all commercially reasonable and diligent efforts to identify and pursue an entity to develop and operate a freestanding restaurant on the restaurant parcel, as contemplated in the Redevelopment Agreement for Orchards at O’Hare.

Patrick Palmer, representative of Prominence Hospitality Group, spoke on behalf of the petitioner.

Alderman Oskerka asked the petitioner what has changed in the last six months that they now need an extension on the parking permit after previously stating they would not need an extension past November.

Moved by Chester, seconded by Brookman, to Approve the Resolution R-208-22, A RESOLUTION APPROVING AMENDED 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: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 2 - Oskerka, Ebrahimi

ABSENT: 0 - None

Motion declared carried.

**CONSIDER
APPROVING
TRANSFEEE
ASSUMPTION
AGREEMENTS FOR
LOTS 5 AND 7 IN
THE ORCHARDS
AT O’HARE
DEVELOPMENT**

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

The Amended and Restated Redevelopment and Economic Incentive Agreement for Orchards at O’Hare, approved July 6, 2016 (“RDA”), requires that when subdivided lots within the development are transferred or sold to an entity other than the original developer, which is O’Hare Real Estate LLC (“ORE”), a transferee assumption agreement must be executed.

The Orchards at O’Hare campus is split into multiple lots that are improved or intended to be

**Resolution
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improved with multiple commercial uses, such as a gas station and convenience mart, carwash, hotel, and freestanding restaurant. Surface parking and other exterior physical improvements surround these uses and connect the campus are part of these lots.

The RDA language contemplates that ORE would transfer the lots to other entities, such as different limited liability corporations (LLCs). However, Exhibit L to the RDA O’Hare Real Estate should be approved, executed, and recorded to ensure the terms of the RDA are assumed by any and all of ORE’s successors. For this reason, transferee assumption exhibits are typical for the City’s redevelopment agreements.

Moved by Chester, seconded by Zadrozny, to Approve the Resolution R-209-22, A RESOLUTION APPROVING TRANSFEREE ASSUMPTION AGREEMENTS FOR LOTS 5 AND 7 IN THE ORCHARDS AT O’HARE DEVELOPMENT.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CLOSED SESSION

Mayor Goczkowski stated he would like to entertain a motion for the City Council reconvene to closed session.

Moved by Chester, 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, and when closed session is adjourned the City Council will automatically adjourn open session without the need for an additional vote and no further business in open session.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 8:39 p.m.

ADJOURNMENT

The meeting adjourned at 9:12 p.m.

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

APPROVED BY ME THIS 19th

DAY OF December, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR