

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, APRIL 3, 2023

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 6:03 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, April 3, 2023.

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 Chester, seconded by Zadrozny 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.

The City Council recessed at 6:04 p.m.

The City Council reconvened at 7:05 p.m.

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

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring the first day of April as Assyrian New Year.

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring April as Earth Month.

ALDERMAN ANNOUNCEMENTS

Alderman Zadrozny reminded everyone that tomorrow is Election Day.

Alderman Chester emphasized the privilege of voting, and asked residents to vote.

Alderman Ebrahimi encouraged everyone to vote and thanked the City for recognizing Assyrian New Year.

CONSENT AGENDA

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

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

Minutes were approved; Ordinance Z-6-23, M-8-23, M-9-23 were adopted; Ordinance M-10-23 was approved; Resolutions R-68-23, R-69-23, R-70-23, R-71-23, R-72-23, R-77-23 were adopted.

**AMEND CITY
CODE/ ADD "M"
LIQ LIC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve First Reading of Ordinance M-10-23, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "M" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-10-23**

**AUTH PURCH/
EXCAVATOR/ WS
TRACT SALES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-68-23, A RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE 85G EXCAVATOR WITH TRAILER FROM WEST SIDE TRACTOR SALES COMPANY THROUGH SOURCEWELL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-68-23**

**APPROVE TSK ORD
5/ PROF ENG &
ARCH SVCS/
620 LEE ST**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-69-23, A RESOLUTION APPROVING TASK ORDER NO. 5 WITH FGM ARCHITECTS INC. FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES IN CONNETION WITH THE RESTORATION OF THE LEELA BUILDING AT 620 LEE STREET. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-69-23**

**APPROVE 5TH
AMEND/ AGRMT/
SPEEDLINK**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-70-23, A RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH SPEEDLINK SOLUTIONS, INC. FOR BACKUP SERVER MAINTENANCE AND CLOUD STORAGE SERVICES . Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-70-23**

**AUTH EXPEND OF
FUNDS/ SW MAINT
AGRMT/ CDW-G**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-71-23, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A SOFTWARE MAINTENENCE AGREEMENT WITH CDW-G, INC. FOR SOFTWARE MAINTENANCE SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-71-23**

**APPROVE AGRMT/
LEAD SVC LINE
REPLACE/ JOHN
NERI**

Moved by Brookman, seconded by Chester, to Approve Resolution R-72-23, A RESOLUTION APPROVING AN AGREEMENT WITH JOHN NERI CONSTRUCTION, INC. FOR THE 2023 LEAD SERVICE LINE REPLACEMENT PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Resolution
R-72-23**

**SECOND READING/
ORDINANCE
Z-6-23**

Moved by Brookman, seconded by Chester, to Approve Ordinance Z-6-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING FENCES, TRELLISES, ARBORS AND YARD FEATURES. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**SECOND READING/
ORDINANCE
M-8-23**

Moved by Brookman, seconded by Chester, to Approve Ordinance M-8-23, AN ORDINANCE AMENDING THE LOCAL AMENDMENTS TO THE ADOPTED BUILDING CODE AND RESIDENTIAL CODE OF THE DES PLAINES CITY CODE REGARDING WORK EXEMPT FROM PERMIT. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**SECOND READING/
ORDINANCE
M-9-23**

Moved by Brookman, seconded by Chester, to Approve Ordinance M-9-23, AN ORDINANCE AMENDING SECTION 6-1-1OF THE CITY CODE REGARDING THE KEEPING OF CHICKENS. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**APPROVE AGRMT/
CG SVCS/ 2023 CAP
IMPROVE**

Moved by Brookman, seconded by Chester, to Approve Resolution R-77-23, A RESOLUTION APPROVING AN AGREEMENT WITH (AWARDED CONTRACTOR) FOR THE 2023 CAPITAL IMPROVEMENT PROGRAM CONCRETE IMPROVEMENTS, MFT-23-00000-01-GM. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Resolution
R-77-23**

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of March 20, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Closed Session Minutes of the City Council meeting of March 20, 2023, 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-73-23**

Moved by Zadrozny, seconded by Chester, to Approve the Warrant Register of April 3, 2023 in the Amount of \$3,899,120.36 and Approve Resolution R-73-23.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair**CONSIDER**
APPROVING A
COND USE PERMIT
TO ALLOW OP OF
BODY ART EST AT
1781 E. OAKTON ST
Ordinance
Z-7-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated March 23, 2023.

The petitioner, Francisco Castellanos of Serpent's Lair is proposing a conditional use to allow a body art establishment at 1781 E. Oakton. The property currently consists of two occupied two-bedroom apartments on the second story and Angels and Dragons Emporium -- a sustainable clothing, accessories, and novelties store -- on half of the ground story. The tattoo shop is proposing to be located in the second half of the commercial space on the ground level.

The proposed hours of operation are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 6 p.m. and are by appointment only. The hours of operation for Angels and Dragons Emporium, the existing store in the building, are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 5 p.m. The hours will overlap, supporting both businesses. Serpent's Lair Tattoo is proposing to be by appointment only.

Body art establishments may include piercing and tattooing. Body art establishments are only permitted within the C-3 zoning district with a conditional use and may not be located closer than one mile to any other similar establishment. This location is outside of the range of the only other tattoo business in Des Plaines.

No federal laws, only state, exist regulating tattoo establishments. In Illinois tattooing is regulated by the Illinois Department of Public Health's Body Art Code. This code requires all body art establishments to obtain registration with the state and regulates disinfection, sterilization, and disposal practices. All artists are required to have blood-borne pathogens certifications. No tattooing is permitted on anyone under the age of 18, and proof of ID is required.

The proposed business will be located within the existing commercial space. The building is currently nonconforming with two two-bedroom apartments above the first story commercial space. However, this restriction in number of apartments either did not exist when the building was constructed in the 1960s or a variation was granted to allow for residences above. The existing retail space and the residential units can persist, provided they abide by the regulations regarding nonconformities.

Body art establishments are required to provide one space for every 250 square feet of floor area. With a floor area of 485 square feet subject to the parking requirement, two spaces are required. The existing store in the unit is approximately the same size, requiring two spaces. The second story residences would require two spaces per dwelling unit, with four spaces total. The total parking required for this mixture of uses would be eight spaces.

Off-street parking is located in the rear of the building, an area capable of holding approximately four standard spaces. Current striping does not meet requirements of the Zoning Ordinance or the Illinois Accessibility Code. A suggested condition of approval is to re-stripe the parking area, including adding one accessible space to meet requirements. When the building was constructed, the parking requirements were significantly different. In sum, at the time of construction, the property's uses met off-street parking requirements. A parking variation is not required because two required spaces for retail matches the two required spaces for body art. However, with the conditional use process, the petitioner must demonstrate the proposed use will not be disruptive to the neighboring area.

The PZB voted 5-0 to recommend approval of the conditional use request. Should the City Council vote to approve the requests, staff and the PZB recommend the following conditions:

1. The Subject Property shall only be used for activities related to the Body Art

Establishment during the following times:

- a. 11:00 a.m. to 7:00 p.m. Monday through Saturday
 - b. 12:00 p.m. to 6:00 p.m. on Sunday
2. The off-street parking area for the Subject Property must be striped in accordance with Section 12-9- 6 of the Zoning Ordinance. One accessible parking space must be located on the Subject Property to meet the accessibility standards set forth in Section 12-9-8 of the Zoning Ordinance and the Illinois Accessibility Code. The Petitioner must complete all required striping before applying for a business license for the Body Art Establishment.
 3. The Petitioner must have the exterior stairwell located at the rear of the Building repaired or replaced prior to applying for a business license for the Body Art Establishment. A building permit must be submitted, approved, and final inspections completed by the Fire Department, in accordance with the City Code, including, without limitation, the Fire Code set forth in Chapter 3 of Title 10 of the City Code.
 4. The Petitioner must obtain, and maintain at all times, all required State of Illinois license(s) required for the operation of the Body Art Establishment.

Moved by Moylan, seconded by Brookman, to Approve the Ordinance Z-7-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BODY ART ESTABLISHMENT AT 1781 E. OAKTON ST, DES PLAINES, ILLINOIS (Case # 23-007-CU).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

Advanced to second reading by Moylan, seconded by Brookman, to Adopt the Ordinance Z-7-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BODY ART ESTABLISHMENT AT 1781 E. OAKTON ST, DES PLAINES, ILLINOIS (Case # 23-007-CU).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

OTHER MAYOR COMMENTS FOR THE GOOD OF THE ORDER

Mayor Goczkowski emphasized the importance of local elections, and encouraged everyone to turn out and vote.

ADJOURNMENT

Moved by Brookman, seconded by Ebrahimi to adjourn the meeting. The meeting adjourned at 7:23 p.m.

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

APPROVED BY ME THIS ___17th
DAY OF _____ April _____, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR