

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 17, 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 6:04 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, April 17, 2023.

ROLL CALL

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

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.

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 6:04 p.m.

The City Council reconvened at 7:00 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 Chester.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, APRIL 17, 2023

**PUBLIC HEARING/
CONSIDER
AMENDING THE
ZONING
ORDINANCE
REGARDING TEMP
COMM MOBILE
RADIO AND
WIRELESS
TELECOM SVC
FAC
Ordinance
Z-8-22**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance Z-8-23, an ordinance amending the text of the zoning ordinance of the City of Des Plaines regarding temporary commercial mobile radio and wireless telecommunications service facilities (case# 23-016-TA), to order at 7:01 p.m.

Director of Community and Economic Development Carlisle reviewed a memorandum dated April 6, 2023.

The City Council is holding a public hearing to consider the following text amendments to the Zoning Ordinance: (i) amend Section 12-8-5, “Commercial Mobile Radio and Wireless Telecommunications Service Facilities” to reference a new allowance for the temporary installation of one facility as a temporary use; and (ii) amend Section 12-8-11, “Temporary Uses”, to allow “Temporary Commercial Mobile Radio and Wireless Telecommunications Service Facilities” as a temporary use on lots improved with an existing lawfully established Commercial Mobile Radio and Wireless Telecommunications Service Facility, with various

limitations.

The City of Des Plaines is proposing amending the Zoning Ordinance to add “Temporary Commercial Mobile Radio and Wireless Telecommunications Service Facilities” as a new permitted temporary use. The specific amendments include regulations intended to identify and restrict the quantity, height, location, and duration of this type of structure.

Temporary Commercial Mobile Radio and Wireless Telecommunications Service Facilities
A Commercial Mobile Radio and Wireless Telecommunication Service Facility—which includes cell towers/monopoles as well as antennae mounted to building and other structures such as water towers—is a common piece of infrastructure found throughout municipalities to handle various forms of wireless communication.

Moved by Brookman, seconded by Chester, to Approve as amended, including an enforcement provision, the Ordinance Z-8-23, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING TEMPORARY COMMERCIAL MOBILE RADIO AND WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES (CASE# 23-016-TA).

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 7:13 p.m.

PUBLIC COMMENT

Jim Hansen congratulated the aldermen who were reelected, and thanked the outgoing aldermen for all of their hard work. He also asked about the issues at the Welkin building which have not yet been addressed; including the issue of dog droppings on Ellinwood.

ALDERMAN ANNOUNCEMENTS

Alderman Chester acknowledged the candidates of the election. He also stated it has been a privilege serving as Alderman, and thanked the elected officials and staff.

Alderman Smith thanked Donna Adams and her volunteers for all that she does with Clean Up/Give Back. She also acknowledged the Community Foundation for their hard work serving the community.

Alderman Ebrahimi also thanked the City as well, and expressed gratitude for his time on the City Council.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski congratulated the Des Plaines Chamber of Commerce on a successful gala this past weekend.

CONSENT AGENDA

Alderman Brookman requested Item #3 to be removed from the Consent Agenda.

Moved by Brookman, seconded by Oskerka, to Establish the Consent Agenda without Item #3.

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 #3.
 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.

License was approved; Minutes were approved; Resolutions R-78-23, R-79-23 were adopted.

City Clerk Mastalski read the item removed from the consent agenda.

**APPROVE AGRMT/
 ASPHALT CRACK
 SEAL/ DENLER
 Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-78-23, A RESOLUTION APPROVING AN AGREEMENT WITH DENLER, INC. FOR THE 2023 ASPHALT CRACK SEALING-FIBERIZED PROGRAM. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
 R-78-23**

**AUTH UPFITTING
 TRKS/ REGIONAL
 TRK EQUIP/
 SOURCEWELL
 Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-79-23, A RESOLUTION AUTHORIZING THE UPFITTING OF FOUR FORD TRUCKS FROM REGIONAL TRUCK EQUIPMENT THROUGH SOURCEWELL MUNICIPAL PRICING. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
 R-79-23**

**SECOND READING/
 ORDINANCE
 M-10-23
 Consent Agenda**

Item #3 was removed from the Consent Agenda at the request of Alderman Brookman.

Alderman Brookman stated the property is in disrepair and the repairs should be made before this ordinance is approved.

Moved by Brookman, seconded by Lysakowski, to Defer Ordinance M-10-23 to a date in the future until property repairs are completed to the satisfaction of the City Council, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “M” LIQUOR LICENSE.

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.

**AUTH CHG IN
 OWNERSHIP/ LIQ
 LIC/ 1185
 ELMHURST RD**

Moved by Brookman, seconded by Chester, to Approve a Change in Liquor License Ownership for Georges Liquor & Tobacco, Inc., 1185 Elmhurst Road. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
 MINUTES
 Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of April 3, 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 April 3, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS**

**CONSIDER
AUTHORIZING
THE ACQUISITION
THROUGH
CONDEMNATION
OF FEE SIMPLE
TITLE TO THE
PROPERTY
LOCATED AT 1504
MINER ST
Ordinance
M-3-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated January 5, 2023

The City Council has provided direction to City Staff and the General Counsel to move forward with the acquisition of the Property located at 1504 Miner Street. Since that direction was given, the City has been attempting to engage the owner of the Subject Property in negotiations with the goal of reaching a mutual agreement on a price at which the owner would be willing to sell the Subject Property to the City and at which the City would be willing to purchase the Property from the owner.

The City intends to make a best and final offer in an effort to acquire the Subject Property at a fair price in a voluntary transaction.

The owner of the property spoke on his own behalf. He stated the City staff shopped around their potential tenant to other locations, and the City offered the potential tenant more funds if they made an offer on a different property.

Alderman Brookman stated the City is giving more grant funds than mentioned being offered to the potential tenant and she would like to defer a couple weeks in order for the owner to go back to the tenant.

Alderman Moylan stated he does not want to give more than two weeks because the owner has not been a good neighbor .

Alderman Oskerka asked for proof from the owner of the accusations because believes such actions by staff withholding such information would be a termination level event.

The property owner stated he would be able to get affidavits stating as such.

City Manager Bartholomew stated the accusations by the property owner are not true.

Moved by Brookman, seconded by Smith, to Defer the Ordinance M-3-23 to the second meeting in June 2023, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1504 MINER STREET.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

**WARRANT
REGISTER**

Alderman Zadrozny presented the Warrant Register.

**Resolution
R-80-23**

Moved by Zadrozny, seconded by Smith, to Approve the Warrant Register of April 17, 2023 in the Amount of \$3,663,070.10 and Approve Resolution R-80-23.

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 stated without objection there will be a change in the agenda, addressing #3 and #4 before #2.

COMMUNITY SERVICES – Alderman Ebrahimi, Chair

**CONSIDER AUTH
THE DISBMT OF
SOCIAL SVCS
FUNDS**
**Resolution
R-82-23**

As part of the FY2023 Budget, City Council allocated \$210,000.00 for disbursement to social service agencies that provide services to Des Plaines residents in need. The Health and Human Services Division (HHS) has solicited and evaluated grant requests from social service agencies that serve the Des Plaines community. At this time, HHS seeks the City Council concurrence with the funding allocation as recommended.

Alderman Ebrahimi stated he would like to increase the funding for MaineStay to \$12,000.00.

Alderman Chester stated he will vote for the increase, but he believes such increases should be addressed as part of the budget.

Moved by Ebrahimi, seconded by Oskerka, to Approve, as amended increasing the funding for MaineStay to \$12,000.00, the Resolution R-82-23, A RESOLUTION AUTHORIZING THE DISBURSEMENT OF SOCIAL SERVICES FUNDS TO THIRTY-EIGHT SOCIAL SERVICE AGENCIES.

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.

LEGAL & LICENSING – Alderman Brookman, Chair

**CONSIDER
APPROVING AN
EIGHTH AMEND
TO THE CITY
MANAGER
EMPLOYMENT
AGRMT**
**Resolution
R-83-23**

City Council considered the resolution and eighth amendment to the City Manager’s employment agreement.

The amendment would incorporate a 2% increase to the base compensation with a one-time \$7,000.00 bonus.

Tom Lovestrand requested Alderman Brookman to make a motion to defer to the next meeting so the information can be included in the packet public review.

Mark P. stated the downtown is a disaster, and is against the Graceland/Webford building; he believes the City needs new management and the City Manager should not be given a raise.

Moved by Brookman, seconded by Chester, to Approve, as amended to incorporate a 2% increase to the base compensation and a one-time \$7,000,00 bonus, the Resolution R-83-23, A RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES AND MICHAEL G. BARTHOLOMEW.

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
AMENDING THE
CITY CODE
REGARDING TERM
LIMITS
Ordinance
M-84-23

Pursuant to City Council Resolution R-21-23, a referendum was placed on the ballot for the April 4, 2023 election (“Referendum”). The Referendum asked whether the City of Des Plaines should prohibit all of its elected officials from serving more than two total terms, whether consecutive or not. Based on Cook County voting results, the Referendum passed by a vote of 64% Yes to 36% No.

The City Attorney has prepared the attached ordinance implementing the Referendum. The following is an explanation of how the previously existing term limit restriction set forth in the City Code and the new term limit restrictions imposed by the Referendum will apply to present and future elected officials.

I. Term Limit Restrictions and General Principles.

- The existing term limit restriction in the City Code that prohibits an elected official from serving two consecutive four-year terms (“Existing Consecutive Limit”) continues to apply to all elected officials currently, or in the future, holding office.
- The new term limit restriction approved by Referendum that prohibits an elected official from serving more than two total four-year terms (“New Total Limit”) applies prospectively only, starting with the terms that will commence in May 2023. This means that any existing term or terms served prior to the Referendum do not count in applying the New Total Limit.
- Under State statute, term limits apply to each elected office separately. So, an individual that serves two total terms as Clerk, may serve two terms as an Alderman, and also two terms as Mayor.

II. Application of Term Limits.

The following explains how these term limit restrictions will apply.

- Scenario One: For a non-incumbent who starts their first term as Alderman in May 2023, the New Total Limit applies. Thus, this Alderman-elect may only hold the office of Alderman for two total terms, whether consecutive or not. The term starting in May 2023 counts as one of those two terms. This Alderman-elect could serve two consecutive terms as Alderman, or this Alderman could serve one term, then go off the Council, and then come back to serve one additional term, for a total of two total terms. Any terms served previously by this individual would not count toward the New Total Limit.
- Scenario Two: For an incumbent Alderman who has just been reelected to a second, consecutive term as Alderman – This Alderman is still bound by the Existing Consecutive Limit. This means that this Alderman must step down after completing their upcoming second consecutive term because more than two consecutive terms are still prohibited. However, this Alderman’s immediately preceding term and any prior terms before that do not count toward the New Total Limit. This means that after completing the upcoming second consecutive term, and after taking time off from the Council, this Alderman could run again for one additional term.
- Scenario Three: For an Alderman in the middle of their first term as Alderman in May 2023 -- This Alderman is still bound by the Existing Consecutive Limit. This means that this Alderman could be elected to an additional term following the existing term. After that, this Alderman would have to step down because more than two consecutive terms are still prohibited. However, this Alderman’s existing term does not count

toward the New Total Limit. This means that after completing the two consecutive terms (only the second of which counts toward the New Total Limit), and after taking time off from the Council, this Alderman could run again for one additional term.

- Scenario Four: For an Alderman in the middle of their second consecutive term as Alderman in May 2023- This Alderman is still bound by the Existing Consecutive Limit. This means that this Alderman must step down after completing their current, second consecutive term because more than two consecutive terms are still prohibited. However, this Alderman’s existing term and any prior terms do not count toward the New Total Limit. This means that after completing the current, second consecutive term, and after taking time off from the Council, this Alderman could run again for two additional terms, whether consecutive or not.

Alderman Brookman pointed out a mistake in the memo. She also stated she was against this referendum from the beginning and did not vote for it. She also stated she believed the wording of the referendum was confusing, and the election of the previous Aldermen attests to that confusion.

Paul Beranek stated the people voted, and the outcome is not stipulated on a certain the percentage of voters coming out to vote.

Moved by Zadrozny, seconded by Ebrahimi, to Approve the Ordinance M-84-23, AN ORDINANCE AMENDING THE CITY CODE REGARDING TERMS LIMITS.

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Zadrozny,
Chester, Smith, Ebrahimi

NAYS: 2 - Lysakowski, Brookman

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

CONSIDER
APPROVING A
FINAL PLAT OF
SUBDIVISION FOR
THE GRACELAND/
WEBFORD
SUBDIVISION
Resolution
R-74-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated April 6, 2023.

The applicant is requesting a Final Plat of Subdivision to consolidate three existing lots of record on the subject property into one, as required by Section 13-1-2 of the Subdivision Regulations.

Due to the PZB’s original denial of the Tentative Plat of Subdivision in 2022, the applicant submitted a new combined Tentative and Final Plat to consolidate the three lots of record on the subject property into one.

Just west of the subject property is 1330 Webford Avenue, which would serve as an open-to-the-public park. However, 1330 Webford is a different zoning lot from 622 Graceland and 1332-1368 Webford, and is a separate and individual lot of record. Therefore, 1330 Webford is not required under Section 13-1-2 to be included in the proposed subdivision.

The Tentative and Final Plat of Subdivision shows the following easements and building lines: (i) a 50-foot-wide permanent and perpetual easement for public space on property at 1330 Webford (cross-hatched area); (ii) an approximately 3,000-square-foot permanent and perpetual easement for public space just north of the sidewalk easement in the southern portion of proposed Lot 1; (iii) a 10-foot-wide public utilities and drainage easement on 1330 Webford Avenue (double cross-hatched area); (iv) a 20-foot building line extending across the proposed public park property at 1330 Webford; (v) a 25-foot building line, to reflect the required side

yard for the C-5 district, extending approximately 90 feet along Webford where the subject property is adjacent to residentially-zoned property; (vi) a 5-foot building line, to also reflect the required side yard for the C-5 district, extending approximately 200 feet along Webford where the subject property is adjacent to commercially-zoned property; (vii) a 7-foot public sidewalk easement extending along the south property line along Webford; (viii) an approximately 3-foot-wide public utilities and drainage easement in the northwestern corner of the proposed Lot 1; (ix) a 16.5-foot-wide stormwater detention area; and (x) various public utilities and drainage easements throughout the proposed Lot 1.

The PZB voted 4-1 to approve of the Tentative Plat and approve the forwarding of the Final Plat to City Council.

Should the Council vote to approve the request, staff and the PZB recommend the following conditions, which are incorporated in the approving resolution:

1. That construction-level street lighting detail as required in the attached Engineering memo is provided and approved by the PWE Department prior to issuance of any building or right-of-way permits.
2. That the parkland dedication and fee in lieu amount must be approved by the City Council by resolution duly adopted.

Joe Taylor, with Compasspoint Development, spoke on behalf of the development.

Tom Lovestrand listed reasons on why the City Council should not approve the Final Plat for this development, and asked the Aldermen to please vote no.

Jim Hansen stated the City should hold the developer accountable, especially for future issues that may arise.

Phil Rominski asked about the asbestos removal, and the realistic timeframe of construction. He stated he is worried about how he believes the developer does not care about the neighborhood, and is not following through with promises.

Mark P. stated there should not be a focus on restaurants, there should be a focus on residents and the neighborhoods. He asked the City to put this type of development in another area of the City, and stated the Aldermen are violating the trust of their residents.

Marian Cosmides focused on the obligations of the City Council to the residents, and stated reasons why she believes these obligations have not been occurring in terms of this project.

Deb Lester stated residents should be allowed five minutes for each resolution. She also addressed the safety issues of the development. She asked the demolition permit to not be approved until the safety issues and traffic study are readdressed.

The attorney for the developer stated the City staff is responsible for confirming the safety requirements.

Rick Grubbs stated this is like trying to fit ten pounds of mud into a five-pound bag, and the development does not belong there.

Catherine Aiura stated she believes it is unacceptable there is only ten feet from the current property lines to the new development; she is requesting Des Plaines to become family oriented again.

Resident George stated he really would like to see this building go up, and he would like to see further development like this in Des Plaines.

Moved by Chester, seconded by Moylan, to Approve the Resolution R-74-23, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR THE GRACELAND/WEBFORD SUBDIVISION INCLUDING 622 GRACELAND AVENUE AND 1332-1368 WEBFORD AVENUE, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny, Brookman, Chester, Ebrahimi

NAYS: 2 - Oskerka, Smith

ABSENT: 0 - None

Motion declared carried.

*Alderman Smith stated upon reconsideration she would have voted aye rather than nay for Resolution R-74-23.

CONSIDER
APPROVING
CREDITS AND
PAYMENT OF A
FEE-IN-LIEU IN
SATISFACTION OF
PARK LAND
REQUIREMENT
Resolution
R-75-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated April 10, 2023.

Chapter 13-4 of the Subdivision Regulations requires that as a condition of a Final Plat of Subdivision, if the project subject to the subdivision results in 15 or more residential dwelling units, the developer must fulfill an obligation (i) to provide public park land; (ii) to pay a fee in lieu of; or (iii) a combination of both. The proposed project is subject to the requirement. The method to fulfill the requirement is based on a recommendation of the public body with jurisdiction over parks and recreation – in this case, the Des Plaines Park District – but in an amount at the final determination of the City Council. The Regulations provide for an opportunity to seek credits, or reductions to the full obligation, based on amenities provided within site and floor plans for the development. The applicant has provided plans to seek credits/reductions to the full obligation.

Applicant Mylo Residential Graceland Property, LLC (formerly 622 Graceland Apartments, LLC, with Joe Taylor of Compasspoint Development as Manager) is proposing to provide a combination of open-to-the-public park/open space and private recreational amenity space as part of a proposed mixed-use development. As presented in the Council’s 2022 consideration and ultimate approval of a zoning map amendment to accommodate the project (Ordinance Z-23-22), the mixed-use development contains 131 multifamily dwelling units: 17 studios, 103-one-bedrooms, and 11 two-bedrooms. This results in an obligation of approximately 1.23 acres of parkland dedication, or \$289,023.36 as an equivalent full fee-in-lieu.

As part of the 2022 approvals, the developer is required to purchase the property at 1330 Webford, demolish the existing building (“the Dance Building”), and repurpose the site as an approximately 9,000-square-foot park. As its own zoning lot and lot of record, legal instrument(s) – any covenants as deemed necessary by the General Counsel – would be recorded against the 1330 Webford property to ensure the developer or any future owners would be bound to maintain and provide this park to the public. The programming proposed for 1330 Webford includes seating near Webford, ample plantings along the west lot line, an event lawn, and a play area to the far north, which would be enclosed by a barrier to ensure no conflicts with the railroad tracks to the north.

Additionally, an approximately 3,000-square-foot publicly accessible park/open space between the parking garage and the Webford sidewalk is proposed. Neither the 1330 Webford park nor the space south of the garage would be transferred in title to a public entity; they would remain privately owned.

The Des Plaines Park District reviewed the plans, and its executive director has provided a recommendation memo. The memo expresses the District is not interested in taking title to the 1330 Webford property through a literal land dedication. However, the Council may determine

in its action that the legal arrangement envisioned – permanently recorded easements and covenants for public access – would fulfil the spirit of “dedication.” The approving resolution includes a waiver from the provisions of the Subdivision Regulations requiring transfer of title.

However, the memo also expresses that the District’s recommendation for final, reduced fee in lieu is \$177,104.52. The District recommends reducing the obligation based on (i) the 1330 Webford park; (ii) the fitness area; (iii) the pool deck; and (iv) the outdoor terrace on the top floor. They did not recommend reduction/credits based the open-to-the-public open space area between the garage and the Webford sidewalk, the indoor lounge adjacent to the pool, or the indoor multimedia game lounge on the top floor.

Deb Lester mentioned questioned the square feet of the public park, and the credit should be adjusted accordingly. She also questioned the other credits given.

Alderman Brookman questioned the developer on promises they made on issues such as the fence and brick facade, and requested an explanation on their follow through.

Joe Taylor, with Compasspoint Development, spoke on behalf of the development and answered Aldermen questions.

Alderman Smith asked questioned regarding the train vibrations affecting the structure and safety of the building.

Joe Taylor stated their structural engineers studied vibrations for the train, and determined the actual structure design is in accordance with the with applicable codes and requirements. He stated there is no concern there; and that he does not believe public works, or the building department have additional concerns. He stated the building is currently designed to building codes.

Janet Bar asked if the public will have access to the spaces of the building in which the developer will get credit, such as the pool.

Director of CED Carlisle and Mayor Goczkowski gave explanation on credit for these areas, and stated these spaces will not be open to the public.

Attorney for the developer spoke on behalf of the developer regarding the credits.

Moved by Chester, seconded by Zadrozny, to Approve, as amended to allot the higher amount of revenue for the park district in the amount of \$177,104.52, the Resolution R-75-23, A RESOLUTION APPROVING CREDITS AND PAYMENT OF A FEE-IN-LIEU IN SATISFACTION OF CITY’S PARK LAND DEDICATION REQUIREMENT (622 GRACELAND AVENUE & 1330-1368 WEBFORD AVENUE). No vote.

Moved by Oskerka, seconded by Moylan, to Approve an amendment to the amendment, to include language encouraging the park district to examine using these funds for Potawatomic Park, as a provision to the Resolution R-75-23, A RESOLUTION APPROVING CREDITS AND PAYMENT OF A FEE-IN-LIEU IN SATISFACTION OF CITY’S PARK LAND DEDICATION REQUIREMENT (622 GRACELAND AVENUE & 1330-1368 WEBFORD AVENUE).

Upon roll call, the vote was:

AYES: 5 - Moylan, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 3 - Lysakowski, Brookman, Smith

ABSENT: 0 - None

Motion declared carried.

Moved by Chester, seconded by Zadrozny, to Approve, as amended to allot the higher amount of revenue for the park district in the amount of \$177,104.52 with the amendment to the amendment to include language encouraging the park district to examine using these funds for Potawatomi Park, the Resolution R-75-23, A RESOLUTION APPROVING CREDITS AND PAYMENT OF A FEE-IN-LIEU IN SATISFACTION OF CITY'S PARK LAND DEDICATION REQUIREMENT (622 GRACELAND AVENUE & 1330-1368 WEBFORD AVENUE). No vote.

Upon roll call, the vote was:

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

NAYS: 1 - Moylan

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING
CREDITS AND
PAYMENT OF A
FEE-IN-LIEU IN
SATISFACTION OF
PARK LAND
REQUIREMENT
Resolution
R-76-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated April 10, 2023.

Mylo Residential Graceland Property, LLC (formerly 622 Graceland Apartments, LLC; Joe Taylor of Compasspoint Development as Manager) is the developer of the proposed Graceland-Webford mixed-use project and contract purchaser of the City-owned property at 1332 Webford Avenue. Pursuant to the purchase and sale agreement ("PSA") approved by the City Council in 2022, the City and developer must enter into a Development Agreement ("Agreement") governing the proposed project for the transaction to be executed. The Council's approval of the attached resolution will authorize the City to enter into the Agreement.

The Development Agreement provides a framework for how the proposed project is proposed to be built and move through the phases of permitting, construction, and occupancy. Further, the Agreement is a mechanism for the City to reinforce certain requirements of the City Code, such as providing necessary public improvements in adjacent public right-of-way and the performance security guaranteeing completion. The Agreement also incorporates exhibits showing building materials and design, park/open space programming, and landscaping to ensure the project will fulfill the vision and expectations that inspired the Council's initial approval in 2022. The components of the Agreement address: Development Plans; Public Improvements and Performance Security; Construction Logistics; Demolition and Traffic Management; Occupancy: Temporary and Final; Diligent Pursuit of Construction; and Governing Documents.

The attorney for the developer requested the City to waive some of the building fees.

Alderman Lysakowski and Alderman Zadrozny stated do not agree with waving the fees.

Alderman Moylan stated he is for waving the fees.

Paul Beranek asked if the fees can be given back after there is verification on the proper completion of the project.

Alderman Oskerka stated would be more inclined to reimburse the fees once the retail space is open.

Joe Taylor spoke on his behalf regarding the amount spent versus the fee amounts they are requesting to be waived.

Tom Lovstrand stated there are risk factors in development, and giving relief is a burden on taxpayers.

Deb Lester asked if the demolition permit can be withheld until IDOT and all third-party agencies give approval.

Joe Taylor spoke regarding the IDOT permit process and the process of demolition.

Moved by Chester, seconded by Moylan, to Approve, as amended to incorporate the higher park district number from the last vote of \$177,104.52 and to incorporate the waiving of building permit fees for in house services, the Resolution R-76-23, A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES AND MYLO RESIDENTIAL GRACELAND PROPERTY LLC (622 GRACELAND AVENUE & 1330-1368 WEBFORD AVENUE).

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Zadrozny,
Chester, Smith, Ebrahimi

NAYS: 2 - Lysakowski, Zadrozny

ABSENT: 0 - None

Motion declared carried.

Alderman Smith asked Joe Taylor to clean off the cement that is on the wall off of Graceland on the Welkin building.

Joe Taylor stated it will be painted once the weather clears up.

ADJOURNMENT

Moved by Chester, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 10:20 p.m.

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

APPROVED BY ME THIS ___1st
DAY OF ___May_____, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR