

**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, SEPTEMBER 19, 2016**

**CALL TO  
ORDER:**

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Bogusz at 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, September 19, 2016.

**ROLL CALL:**

Roll call indicated the following Aldermen present: Haugeberg, Robinson, Rodd, Sayad, Brookman, Chester, Smith and Charewicz. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Community and Economic Development McMahon, Economic Development Coordinator Pruss, Fire Chief Wax, Deputy Police Chief Zaprzalka, Director of Public Works and Engineering Oakley and General Counsel Friedman.

**PRAYER AND  
PLEDGE:**

The opening prayer was given by Nesreen Akhtarkhavari of the Des Plaines Bahá'í, followed by the Pledge of Allegiance to the Flag of the United States of America.

**PRESENTATION:**

Emily, a representative from the Muscular Dystrophy Association, presented a plaque of appreciation to the Des Plaines Firefighters for their "Fill-The-Boot" fundraising efforts.

**CITIZEN PART.:**

Resident Wayne Serbin addressed the City Council commenting on the Frisbie Senior Center 40 year celebration.

Members of the Kiwanis Club addressed the City Council announcing Peanut Day on September 23 and 24.

Residents Jim and Linda Forman addressed the City Council commenting on high water bills.

Carmina Gomez from the Des Plaines History Center addressed the City Council inviting everyone to the annual Dia de los Muertos celebration at the History Center on October 29.

Student members of the Maine West High School "Voice for the Nameless" addressed the City Council presenting signed petitions and read statements urging the passage of a resolution supporting and welcoming refugees. Several adults addressed the City Council giving their support of this effort. Consideration of the resolution was referred to the Community Services Committee.

**CITY CLERK  
ANNOUNCEMENTS:**

City Clerk Ludwig announced various community events taking place during September and October.



**CONSENT  
AGENDA:**

Motion by Haugeberg, seconded by Robinson, to establish the Consent Agenda, except for items 2, 2a, 5, 5a, 6, 6a, 9, 9a, 10 and 10a. Motion declared carried.

Motion by Rodd, seconded by Robinson, to approve the Consent Agenda. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

Staff recommendations and requests were approved; Resolutions R-140-16, R-142-16, and R-143-16 were adopted; Minutes of the Regular Council Meeting of September 6, 2016 and the Closed Session of September 6, 2016 were approved.

**APPROVE  
OFFICERS FOR  
HUD/CDBG  
PROJECTS AND  
PROGRAMS:**

**Consent  
Agenda**

Moved by Rodd, seconded by Robinson, to concur with Staff recommendation to approve the designation of a Certifying Officer and an Environmental Officer for Environmental Review, as required by the United States Department of Housing and Urban Development (HUD) for all CDBG Funded Projects and Programs; and further recommend to adopt Resolution R-140-16, A RESOLUTION DESIGNATING A CERTIFYING OFFICER AND AN ENVIRONMENTAL OFFICER FOR THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-140-16**

**AWARD BID/  
2017-2018  
ELEVATOR  
INSPECTION  
SVCS. WITH  
OPTION (2) TWO  
YEAR  
RENEWALS:**

**Resolution  
R-141-16**

Discussion was held.

Moved by Haugeberg, seconded by Charewicz, to direct Staff to amend Resolution R-141-16, A RESOLUTION APPROVING A CONTRACT WITH THOMPSON ELEVATOR INSPECTION SERVICES COMPANY FOR ELEVATOR INSPECTION AND PLAN REVIEW SERVICES by awarding the bid to the second lowest bidder, Elevator Inspection Services, and place the amended resolution on the agenda for the next Regular Council Meeting of October 3, 2016. Motion declared carried. Alderman Rodd was absent during the vote.

**AWARD BID/  
PURCHASE/  
PUBLIC WORKS/  
2017 PICK-UP  
TRUCK:**

**Consent  
Agenda**

Moved by Rodd, seconded by Robinson, to concur with Staff recommendation to award bid for the fabrication and installation of a Service Body, Crane, and Up-fitter package to Sauber Manufacturing Company, 10 North Sauber Road, Virgil, Illinois in the amount of \$83,760.00 and approve the purchase of one Ford F-450 Chassis through the Suburban Purchasing Cooperative Contract #145 from Currie Motors, 9423 W. Lincoln Highway, Frankfort, Illinois in the amount of \$35,955.00 (Budgeted Funds – Vehicle Replacement Fund); and further recommend to adopt Resolution R-142-16, A RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 FORD F-450 PICK-UP TRUCK FROM CURRIE MOTORS AND APPROVING AN AGREEMENT WITH SAUBER MANUFACTURING COMPANY FOR THE FABRICATION AND

**Resolution  
R-142-16**

INSTALLATION OF A SERVICE BODY, CRANE AND UP-FIT PACKAGE.  
Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE**  
**EXPENDITURE**  
**OF FUNDS/ FEMA**  
**HAZARD**  
**MITIGATION**  
**GRANT 4116:**  
**Consent**  
**Agenda**

Moved by Rodd, seconded by Robinson, to concur with Staff recommendation to approve expenditure of funds in accordance with FEMA Hazard Mitigation Grant 4116 as approved by Resolution R-134-15; and further recommend to adopt Resolution R-431-16, A RESOLUTION AUTHORIZING THE PURCHASE OF TEN PROPERTIES LOCATED ON BIG BEND DRIVE, DES PLAINES, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution**  
**R-143-16**

**APPROVE AGR./**  
**ANNUAL AUDIT**  
**SVCS./ 2016-2018:**

Discussion was held.

**Resolution**  
**R-145-16**

Moved by Chester, seconded by Sayad, to approve agreement with Crowe Horwath, LLP to provide annual audit services for fiscal years 2016 through 2018 in the not-to-exceed amount of \$172,080.00 (Budgeted Funds – General Fund); and adopt Resolution R-145-16, A RESOLUTION APPROVING A CONTRACT WITH CROWE HORWATH, LLP, FOR PROFESSIONAL AUDIT SERVICES. Upon roll call, the vote was:  
AYES: 7-Haugeberg, Robinson, Sayad,  
Brookman, Chester, Smith, Charewicz  
NAYS: 0-None  
ABSENT: 1-Rodd  
Motion declared carried.

**AMEND CITY**  
**CODE/ ADD**  
**POSITION:**

Discussion was held.

**Ordinance**  
**M-26-16**

Moved by Haugeberg, seconded by Robinson, to direct Staff to remove “Assistant Director of Economic Development” from Schedule A and place on First Reading Ordinance M-26-16, AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 1 OF THE CITY OF DES PLAINES CITY CODE. Upon roll call, the vote was:  
AYES: 6-Haugeberg, Robinson, Sayad,  
Brookman, Chester, Charewicz  
NAYS: 2-Rodd, Smith  
ABSENT: 0-None  
Motion declared carried.

**MINUTES/**  
**REGULAR MTG.:**  
**Consent**  
**Agenda**

Moved by Rodd, seconded by Robinson, to approve Minutes of Regular City Council Meeting of September 6, 2016, as published. Motion declared carried as approved unanimously under Consent Agenda.



**MINUTES/**  
**CLOSED**  
**SESSION:**  
**Consent**  
**Agenda**

Moved by Rodd, seconded by Robinson, to approve Minutes of the Closed Session of September 6, 2016. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE**  
**RECIPROCAL**  
**EASEMENTS/**  
**COVENANTS**  
**AGR./**  
**ROSEMONT**  
**PARK DIST, AND**  
**OUTFRONT**  
**MEDIA, LLC/**  
**TIF #7:**

Discussion was held.

Moved by Rodd, seconded by Charewicz, to adopt Resolution R-148-16, A RESOLUTION APPROVING A RECIPROCAL EASEMENTS AND COVENANTS AGREEMENT WITH THE ROSEMONT PARK DISTRICT AND OUTFRONT MEDIA, LLC.

**Resolution**  
**R-148-16**

Moved by Brookman, seconded by Sayad, to adopt a substitute motion to defer Resolution R-148-16 to the next Regular City Council Meeting on October 3, 2016. Upon roll call, the vote was:

- AYES: 5-Haugeberg, Robinson, Sayad,  
Brookman, Chester
  - NAYS: 3-Rodd, Smith, Charewicz
  - ABSENT: 0-None
- Motion declared carried.

**MOTION TO**  
**RECONSIDER**  
**VOTE:**

Moved by Haugeberg, seconded by Robinson, to reconsider the vote on Resolution R-148-16. Upon roll call, the vote was:

- AYES: 7-Haugeberg, Robinson, Rodd, Sayad,  
Chester, Smith, Charewicz
  - NAYS: 1-Brookman
  - ABSENT: 0-None
- Motion declared carried.

**APPROVE**  
**RECIPROCAL**  
**EASEMENTS/**  
**COVENANTS**  
**AGR./**  
**ROSEMONT**  
**PARK DIST, AND**  
**OUTFRONT**  
**MEDIA, LLC/**  
**TIF #7:**

Moved by Haugeberg, seconded by Robinson, to adopt Resolution R-148-16, A RESOLUTION APPROVING A RECIPROCAL EASEMENTS AND COVENANTS AGREEMENT WITH THE ROSEMONT PARK DISTRICT AND OUTFRONT MEDIA, LLC. Upon roll call, the vote was:

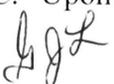
**Resolution**  
**R-148-16**

- AYES: 6-Haugeberg, Robinson, Rodd,  
Chester, Smith, Charewicz
  - NAYS: 2-Sayad, Brookman
  - ABSENT: 0-None
- Motion declared carried.

**APPROVE**  
**RECIPROCAL**  
**EASEMENTS/**  
**COVENANTS**  
**AGR./ O'HARE**

Moved by Charewicz, seconded by Rodd, to adopt Resolution R-149-16, A RESOLUTION APPROVING A RECIPROCAL EASEMENTS AND COVENANTS AGREEMENT WITH O'HARE REAL ESTATE, LLC. Upon roll call, the vote was:

- AYES: 6-Haugeberg, Robinson, Rodd,



**REAL ESTATE/  
TIF #7:**

Chester, Smith, Charewicz  
NAYS: 2-Sayad, Brookman  
ABSENT: 0-None  
Motion declared carried.

**Resolution  
R-149-16**

**MAYOR BOGUSZ DECLARED THAT THE CITY COUNCIL WAS NOW  
RESOLVED INTO A COMMITTEE OF THE WHOLE**

**FINANCE & ADMINISTRATION:** – Alderman Smith, Chair

**WARRANT  
REGISTER:**

Alderman Sayad stated that he objects to paying invoices from Holland & Knight because we could get them cheaper by an outside or in house service.

Moved by Haugeberg, seconded by Charewicz, to recommend to the City Council approval of the September 19, 2016 – Warrant Register, in the total amount of \$4,356,524.61; and further recommend that Resolution R-146-16 be adopted at appropriate time this evening. Motion declared carried. Alderman Sayad did not agree.

**DISCUSSION/  
PRESENTATION/  
WATER/SEWER  
FUND:**

Under Committee of the Whole, Finance & Administration, Item 1b, it was the consensus of the Council to move the discussion of the Water/Sewer Fund to the agenda of the next Regular City Council Meeting on October 3, 2016. There were no objections.

**COMMUNITY DEVELOPMENT** – Alderman Charewicz, Chair

**VARIATIONS/  
RESUBDIVISION/  
1555-1557 & 1565  
ELLINWOOD  
AVENUE:**

Economic Development Coordinator Pruss reviewed her Memorandum of September 13, 2016 regarding a request by Opus Development Company which proposes to construct 113 multi-family units in the C-5 Zoning District located at 1555-1557 and 1565 Ellinwood Street (Case #16-050-V-SUB). The petitioner is requesting approval of a tentative and final plat of consolidation and a major variation of the 1998 City of Des Plaines Zoning Ordinance Section 12-7-3.5.e.2 which requires a minimum Lot Area of 150,600 square feet, where the applicant is providing 57,342 square feet.

The Planning and Zoning Board *recommended* (7-0) that the City Council approve the proposed final plat and final planned unit development, subject to conditions.

Coordinator Pruss and City Manager Bartholomew answered questions from the Aldermen.

Mr. Sean Spellman of Opus Development Company and Ms. Gretchen Camp of Elness Swenson Graham Architects appeared before the City Council to answer questions.

**1555-1557 & 1565  
ELLINWOOD  
AVENUE:**  
(Cont'd)

Moved by Rodd, seconded by Smith, to recommend to the City Council approval of the variations and resubdivision, subject to conditions for Opus Development Company located at 1555-1557 and 1565 Ellinwood Street at appropriate time this evening. Motion declared carried.

**COND. USE  
PERMIT/  
STANDARD  
VARIATION/ 1900  
EAST TOUHY  
AVE.:**

Economic Development Coordinator Pruss reviewed her Memorandum of August 30, 2016 regarding a request by Petitioner Lambrini Georgantas who is requesting (i) a conditional use permit under Section 12-7-3.K of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow a drive-through facility at 1900 East Touhy Avenue located in the C-3 General Commercial District of the City, and (ii) a standard variation pursuant to 3-6(F) of the 1998 Des Plaines Zoning Ordinance, as amended, to reduce the one-way travel lane from the required 12 feet to 10 feet (Case #16-052-CU-V). Ms. Pruss answered questions from the Aldermen.

The Community and Economic Development Department recommends approval of the requested conditional use permit to allow a drive-through facility at 1900 East Touhy Avenue located in the C-3 General Commercial District of the City, and the requested standard variation to reduce the one-way travel lane from the required 12 feet to 10 feet.

The Planning and Zoning Board, after having heard and fully considered the evidence, voted (7-0) to recommend approval of the standard Variance and conditional use permit subject to a condition that the speaker for the drive-through order board be positioned away from the existing residential property to the north to the greatest extent possible.

Moved by Chester, seconded by Brookman, to recommend to the City Council approval of the Conditional Use Permit and Standard Variation, subject to a condition for Petitioner Lambrini Georgantas located at 1900 East Touhy Avenue at appropriate time this evening. Motion declared carried.

**PROPOSED  
THEATRE/  
RESTAURANT  
DISTRICT  
BUSINESS  
ASSISTANCE  
PROGRAM:**

The discussion regarding the Business Assistance Program Modification – New Theatre and Restaurant District Program and Resolution R-147-16 was deferred to the Special City Council Meeting of September 29, 2016 under Unfinished Business. There were no objections.

Moved by Sayad, seconded by Brookman, to discuss Item 3a under Legal & Licensing Committee regarding Modification of the Code of Ethics first before discussing the Business Assistance Program Modification – New Theatre and Restaurant District Program and Resolution R-147-16. Motion declared carried. Alderman Smith did not agree.



**LEGAL AND LICENSING** – Alderman Haugeberg, Chair

**DISCUSSION/  
MODIFICATION  
OF CODE OF  
ETHICS:**

Discussion was held.

Alderman Haugeberg proposed that the Code of Ethics be amended to include the principals of each company with which the City does business in the amount of \$10,000 or more and for twelve consecutive months.

It was the consensus of the Aldermen to place this item on the agenda for the next Regular City Council Meeting of October 3, 2016.

**MAYOR BOGUSZ ASSUMED THE CHAIR AND DECLARED THE CITY COUNCIL BACK IN SESSION.**

**UNFINISHED  
BUSINESS:**

**AWARD BID/  
TIF #1  
STREETSCAPE  
IMPROV'S. -  
PHASE III:**

Moved by Haugeberg, seconded by Robinson, to adopt Resolution R-131-16, A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH LORUSSO CEMENT CONTRACTORS, INC., FOR TIF #1 DOWNTOWN STREETSCAPE PHASE III PROJECT. Upon roll call, the vote was:

AYES: 7-Haugeberg, Robinson, Rodd, Sayad,  
Chester, Smith, Charewicz

NAYS: 1-Brookman

ABSENT: 0-None

Motion declared carried.

**Resolution  
R-131-16**

**APPROVE  
AGREEMENT/  
TIF #1  
STREETSCAPE  
IMPROV'S. -  
PHASE III -  
ENG. SVCS. -  
CHANGE ORDER  
NO. 1 TO TASK  
ORDER #3:**

Moved by Haugeberg, seconded by Rodd, to adopt Resolution R-132-16, A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO TASK ORDER NO. 3 UNDER A MASTER CONTRACT WITH SPACECO, INC., FOR ENGINEERING SERVICES. Upon roll call, the vote was:

AYES: 7-Haugeberg, Robinson, Rodd, Sayad,  
Chester, Smith, Charewicz

NAYS: 1-Brookman

ABSENT: 0-None

Motion declared carried.

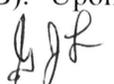
**Resolution  
R-132-16**

**ORDINANCE  
Z-23-16  
FINAL PUD/  
FINAL PLAT  
SUBDIVISION/  
800 NORTHWEST  
HGHWY:**

Mr. Chris Coleman of Buckingham Properties appeared before the City Council to answer questions from the Aldermen.

Moved by Sayad, seconded by Rodd, to adopt Ordinance Z-23-16, AN ORDINANCE APPROVING A FINAL PLAT OF PLANNED UNIT DEVELOPMENT WITH A PERMITTED EXCEPTION AND A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 800 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS. (Case #16-048-FPUD-FSUB). Upon roll call, the vote was:

AYES: 6-Robinson, Rodd, Sayad,



Chester, Smith, Charewicz

NAYS: 2-Haugeberg, Brookman

ABSENT: 0-None

Motion declared carried.

**NEW BUSINESS:**

**WARRANT REGISTER:**

**Resolution  
R-146-16**

Moved by Smith, seconded by Haugeberg, to concur with recommendation of Committee of the Whole to adopt Resolution R-146-16, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES PLAINES THAT THE FOLLOWING BILLS ARE DUE AND PAYABLE AND THAT THE MAYOR AND CITY CLERK BE AND ARE HEREBY AUTHORIZED TO MAKE PAYMENT FOR SAME. Total: \$4,356,524.61. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**VARIATIONS/  
RESUBDIVISION/  
1555-1557 & 1565  
ELLINWOOD  
AVENUE:**

**Ordinance  
Z-24-16**

Moved by Charewicz, seconded by Smith, to concur with recommendation of Committee of the Whole to place on First Reading Ordinance Z-24-16, AN ORDINANCE APPROVING TENTATIVE AND FINAL PLATS OF CONSOLIDATION AND A MAJOR VARIATION FROM SECTION 12-7-3.5.E.2 OF THE CITY OF DES PLAINES ZONING ORDINANCE AT 1555-1557 AND 1565 ELLINWOOD AVENUE, DES PLAINES, ILLINOIS. (CASE #16-050-V-SUB). Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

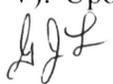
**COND. USE  
PERMIT/  
STANDARD  
VARIATION/ 1900  
EAST TOUHY  
AVE.:**

**Ordinance  
Z-25-16**

Moved by Charewicz, seconded by Sayad, to concur with recommendation of Committee of the Whole to place on First Reading Ordinance Z-25-16, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A CLASS B RESTAURANT WITH A DRIVE-THROUGH FACILITY IN THE C-3 ZONING DISTRICT AT 1900 TOUHY AVENUE, DES PLAINES, ILLINOIS. (CASE #16-052-CU-V). Motion declared carried.

**ORDINANCE  
Z-25-16  
COND. USE  
PERMIT/  
STANDARD  
VARIATION/ 1900**

Moved by Charewicz, seconded by Sayad, to advance to Second Reading and adopt Ordinance Z-25-16, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A CLASS B RESTAURANT WITH A DRIVE-THROUGH FACILITY IN THE C-3 ZONING DISTRICT AT 1900 TOUHY AVENUE, DES PLAINES, ILLINOIS. (CASE #16-052-CU-V). Upon roll call, the vote was:



**PROPOSED  
THEATRE/  
RESTAURANT  
DISTRICT  
BUSINESS  
ASSISTANCE  
PROGRAM:**  
(Cont'd)

Moved by Haugeberg, seconded by Rodd, to adopt a substitute motion to approve Resolution R-147-16, A RESOLUTION ADOPTING THE CITY OF DES PLAINES RESTAURANT DISTRICT PROGRAM, AS AMENDED. Upon roll call, the vote was:

AYES: 6-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Smith, Charewicz

NAYS: 2-Sayad, Chester

ABSENT: 0-None

Motion declared carried.

**ADJOURNMENT:** There being no further business, the Special Meeting of the City Council adjourned at 9:58 p.m.

---

Gloria J. Ludwig, MMC – CITY CLERK

APPROVED BY ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2016

---

Matthew J. Bogusz, MAYOR