

CITY OF COUNTRYSIDE

*803 Joliet Road
Countryside, IL 60525
www.countryside-il.org*



Meeting Minutes

Regular Meeting of the City Council

Wednesday, April 27, 2022

7:30 PM

City Hall

City Council Members

Mayor, Sean R. McDermott

City Clerk, Elizabeth Kmet

Treasurer, Courtney Bolt

**Aldermen Thomas Mikolyzk, Scott Musillami, John Finn
John Von Drasek, Mark Benson and Tom Frohlich**

- A. CALL TO ORDER** –The meeting was called to order at 7:30 p.m. by Mayor McDermott. City Clerk Kmet led the audience in the Pledge of Allegiance to the Flag. The Mayor asked the audience for a moment of silence to commemorate the lives lost in the ongoing Ukrainian battle for freedom.

Roll Call: City Clerk Kmet called the Roll of those physically present as follows:
Present: Mayor McDermott, Alderman Mikolyzk, Alderman Frohlich, Alderman Benson, Alderman Musillami, Alderman Von Drasek, Alderman Finn, City Clerk Kmet,
Absent: City Treasurer Bolt
Also Present: City Administrator Paul, Police Chief Ford, Asst. Administrator Peterson, City Attorney Peck, Finance Director Schutter, City Engineer Fitzgerald, Building Comm. Wagner, Planning Manager Trent, Recording Sec. Prokop

B. OMNIBUS AGENDA

1. Approval of the City Council Meeting Minutes of April 13, 2022.
2. The Statement of Bills submitted for payment through April 27, 2022: \$739,153.88
 I move to approve the minutes of the City Council Meeting of April 13, 2022, and the Statement of Bills through April 27, 2022, in the amount of \$739,153.88.

A motion was made by Alderman Musillami, seconded by Alderman Finn that this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

C. MAYOR'S REPORT

1. Presentation by David Panitch of the Cook County Forest Preserve District's Strategic Plan.

Mayor McDermott announced that Communications from the Public will be moved to after the Treasurer's Report tonight to accommodate Mr. David Panitch, Project Manager, who will make a PowerPoint presentation on the Cook County Forest Preserve District's Strategic Plan (FPD). He spoke about the history of the Forest Preserves, what they offer residents and the direction they are heading. He noted that the FPD has 70,000 acres of Open Lands that were never closed during the pandemic; if anything more people used their services. The FPD's main purpose and original mission is to acquire, manage and restore land, and to preserve and protect public open spaces. The Illinois legislature first formed the FPD in 1914; they are a separate unit of government for the education, pleasure and recreation of the public. They are more like a state park or national park where one goes to experience nature. The FPD protects woodlands, wetlands, prairies and savannas which are home to numerous species of animals and over 130 species of plants. There are currently over 15,000 acres under restoration or active management; this work continues endlessly.

The Conservation Corps Program includes more than 300 participants each year; 2/3 of these are high school youth and ¾ of the individuals are people of color. Most residents live within a half hour of one of the FPDs; there are over 350 miles of trails which lead to several ecosystems. In 2015 five new campgrounds were opened; many city dwellers have never gone camping; these sites are easily accessible. Local ponds are stocked with fish; six nature centers are run by the FPD, all free to visit; they host programs and events open to all. Their partners include the Brookfield Zoo and the Chicago Botanic Gardens; both entities are on park district land. The FPD land absorbs greenhouse gases produced by 330,000 cars annually. Cook County benefits from these areas; everyone is welcome in the Forest Preserves. Less than 1% of the Cook County property tax bill goes to the FPD. The FPD is in need of additional resources. The

Board of Commissioners have voted to put this on the ballot for the November 2022 election. We invite you to come out and experience nature; join a program, become a volunteer at your local preserve, or just become a general advocate for nature by telling friends and family about the many opportunities available at the FPD. Many special events take place; Bemis Woods is one of the most popular of the top ten forest preserves. New activities are available at that location including Go Ape and Zipline. Thanks for your time and attention; we appreciate your participation in the forest preserves.

Mayor McDermott mentioned the City's receipt of funds from the State to pay for the pedestrian bridge that will connect the bike path to the Aerie Crown Forest Preserve. It is a great collaboration between the City and the Forest Preserve District. He thanked Mr. Panitch for the presentation.

2. Consideration of a Block Party request from Lisa Barbaro at 5311 S. Catherine Avenue for June 11, 2022 from 10 a.m. to 10 p.m.

A motion was made by Alderman Musillami, seconded by Alderman Benson this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

D. CITY CLERK'S REPORT

1. Consideration of a Resolution Relating to the Review and Approval of Closed Session Minutes. City Clerk Kmet stated that Executive Session Minutes have been reviewed to determine whether they can be released to the general public.

A motion was made by Alderman Mikolyzk, seconded by Alderman Benson this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

City Clerk Kmet declared that this will be known as RESOLUTION 22-05-R.

2. The week of May 1 through May 7 shall be Proclaimed as the **53rd Annual Municipal Clerks Week**. Thanks to all the members of the Clerk's Office for doing an outstanding job. They are the face of the City of Countryside and do a great job representing the City. We thank them for their dedicated service.

E. TREASURER'S REPORT – NO REPORT

F. COMMUNICATIONS FROM THE PUBLIC - Mayor McDermott stated that each speaker will be allowed three minutes to make their public comment. The Mayor provided three letters from residents in support of the Old City Hall Development site. A letter from Herb Bluder, 6701 Sunset; letter from William Grba, 6731 Sunset, and a letter from Patty Essig, 10775 Maplewood Road; and a letter from Julie Pucar, 5870 Longview Drive. Those letters will be entered into the record for Public Comment.

a. Anthony Rotolo, 9541 W. 56 St., is a 39-year resident who lives down the street from the proposed development. On April 5, 2022, the PC/ZBA rejected this development. Prior to that date the developers met to discuss the impact on the community. The PC/ZBA rejected this development; he asked the City Council to also reject this development.

Mayor McDermott asked Planning Manager Richard Trent to repeat the presentation on the Luka Travel Center that he made at the last PC/ZBA Hearing for the City Council and the residents present tonight.

Mr. Trent stated that two meetings were held by the PC/ZBA – on March 1, 2022 and again on April 5, 2022. This is the presentation given at the April 5th meeting; questions will be addressed at the end. There were essentially two requests – a Plat of Resubdivision for Preliminary and Final Approval, and a Special Use Request for a Planned Unit Development (PUD) – specifically a business development that included several uses – a fueling station for trucks and autos, a drive-through facility and outdoor patios.

The subject property is 5550 East Avenue, the former City Hall Complex, bounded by 55th St. to the north, 56th St. to the south, East Avenue to the east and Helping Hand to the west, approximately four acres or 177K+ sf. in size. The first request was to subdivide one lot into two lots – the first lot 94,459 sf. or 2.17 acres in size; the second lot 83,440 sf. or 1.92 acres in size. The second request entails three individual buildings; the current buildings will be razed and three new buildings constructed. Building One is the Fuel Center with a truck and auto fueling station; also includes a drive-through facility and outdoor patio. Building Two is the Market Building – planned as a “green” grocer, First City Grocery, a restaurant and a brewery. Building Three is the Out building – envisioned as a smaller restaurant with drive-through and outdoor patio. All three buildings propose outdoor patios and two buildings propose a drive-through facility.

This is the Revised Site Plan dated March 21, 2022. The original site plan was provided at the March 1, 2022 PC/ZBA meeting. The Commissioners and residents present raised several concerns. The Petitioner revised the original plan with extensive changes made, and answered residents’ concerns:

- 1) Truck and Auto Fueling Station – reduced from 6 truck pumps to 5 truck pumps (trucks fuel from Both sides at the same time);
- 2) Access Drives – originally proposed 5 access drives, reduced to 4, with NO ACCESS ON 56TH ST.;
- 3) Reduction in Market Building size from 21,535 sf. to 14,292 sf.
- 4) Noise Disturbance – provided a 40’ berm, heavy landscaping and detention basin along 56th St.
- 5) Truck Parking on site – reduced from 11 truck stalls to 1 truck stall on the east side.

The Petitioner provided enlarged 3D renderings showing several views of the entire property. Sidewalks along 56th St., 55th St. and along East Ave. are noted. The total size of the three buildings is now 22,302 sf. including the outdoor patios. The drive-through facilities are located at the Fuel Center and the Out Building. Several views of the renderings were shown and discussed. A closer look at the berm, 40’ wide, 7’ high, shows an access point leading to the site, with increased landscaping and a park-like setting. The Fuel Center entails the building, outdoor patio and drive-through facility. The building is 5,000 sf. with attached patio of 340 sf. totals 5,340 sf. The Market Building has two stories -- the City Fresh Grocery and restaurant/brewery component. City Fresh is on the south, the restaurant is in the middle and the brewery on the north end; there are upper and lower patios; a mezzanine in the middle is 735 sf., The Building is 9,357 sf., proposed patios are 4,200 sf, for total square footage of 14, 292 sf. The Out building will be a restaurant or coffee shop that will provide a drive-through and outdoor patio. That building is 2,400 sf; with the outdoor patio 270 sf totaling 2, 674 sf. Those are the three buildings as proposed under the Special Use request for the PUD. Parking requirements for the 22,302 sf. of total buildings call for 112 parking stalls. The Petitioner has downsized the project, made concessions and revisions, and has 114 regular stalls and 6 ADA stalls plus 1 truck stall for a total of 120 parking stalls.

Board members and residents had additional concerns; Mr. Trent asked City Engineer Fitzgerald to get involved in the responses. Four main concerns were raised – 1) what is the impact of this project on

Helping Hand Center; 2) how does this project impact the City's water supply; 3) what is the impact of blasting on the underground tanks; and 4) the Traffic Study makes no distinction between truck and auto traffic. Mr. Fitzgerald responded via email after researching the topics. A detailed email with highlighted markings was included; Mr. Trent has hard copies of that email which he distributed to several residents tonight. Mr. Fitzgerald addressed the information in his email regarding State Statute requirements and regulatory processes involved with this type of development relating to water tanks and underground fuel tanks.

Mr. Fitzgerald stated the first concern is with the Helping Hand Center to the west. The State Fire Marshal's office has the authority to approve underground tanks. The Section highlighted requires a 20' clearance between the tank and all property lines. If Helping Hand is classified as an educational facility, it is an 85' setback. Based on review of the site plan dated March 22, 2022, either setback requirement can easily be achieved at the site. The site is large enough to move the tanks as far away as necessary.

Number 2 – the underground tanks' impact on the City's water supply – The Fire Marshal has jurisdiction over placement of the tanks; the clearances in their Codes cover everything but water mains because water mains are covered under IEPA, Bureau of Water, Division of Public Water Supply. They require a minimum of 25' clearance between water mains and tanks. In this case there is adequate clearance. As long as the walls of the tank are doubled -- secondary containment -- double walls of fiberglass tanks allow for less than 25' clearance. All tanks in Illinois are required to be double-walled tanks. The City's mains are 100' away from the proposed tanks. Regarding vertical clearance, that is not regulated; horizontal regulation is all that is needed.

Number 3 – the impact of quarry blasting on underground tanks – mining falls under the IDNR. They look to the Surface Mine Land Conservation Act for regulation. Basically, their Code requires controlled blasting, ..." so as to not permit injury to persons or damage to public or private property outside the blasting site..." If there is a violation of the Code, then IDNR would get involved and issue violations for exceeding vibrations, etc.

Number 4 – distinction between truck and auto traffic in the Traffic Study. Mr. Fitzgerald summarized the Traffic Study and showed the areas where truck and passenger car traffic were shown as distinct subjects. Traffic counts taken during the pandemic were adjusted to reflect the lesser amount of traffic in general. They compared it to the IDOT Study done in 2018 and tweaked the figures accordingly. They also took into consideration all the planned IDOT improvements -- the widened lanes, additional storage in the left turn and right turn lanes, etc. They look at accident numbers, estimate site traffic generated and directional distribution, showing which way traffic goes after leaving the site. They use all that information to project the traffic that will be impacted by this development, analyze those conditions and come up with conclusions; that is the purpose of the study. Passenger cars and trucks were definitely considered separately. The Mayor thanked Mr. Fitzgerald for his presentation.

Resuming Communications from the Public

a. Donna Miller, 5808 Francis Avenue, noted the numerous residents present tonight to learn the fate of 55th and East Avenue Development. The majority of residents are against it; their voices told the story to the PC/ZBA and they voted in the residents' favor. They hope their Aldermen will do the same. The sales tax analysis displayed growth and flexibility in the budget; with that said, there is no urgent concern to put such a development on that corner; money is not always a factor. Listen to the voices east of LaGrange Road; the west side is constantly enhanced with grants and beautification projects while the east side is abandoned. That is the gateway to Countryside; what a welcome site for visitors!

b. Beatrice Sutkus, 9501 W. 56 St., a 20-year resident. This is a residential area; let's keep it that way; this is not a commercial area. This used to be a quiet, wooded and upscale area with forest preserves, very quiet. Residents don't want Countryside to turn into an ugly, low class, dump city. Putting in a truck stop will definitely do that; it will downgrade the area and have a negative impact on property values. No one wants to live next door to a truck stop or a brewery. It is a danger to the water supply; how long before a blast does crack the underground tanks causing seepage into the water supply. Joliet Road is still closed because of blasting. The noise concern from all sources will be heard by residents for blocks around; traffic increase, pollution increase, crime increase, dump trucks – we don't want any of it in our neighborhood.

c. Steve Sutkus, 9501 W. 56 St. – ironic that the City built a “green” building here. The truck stop will be spewing pollution far and wide. He lives across from Vulcan for 20 years; it is dirty; residents will be prisoners of the noise pollution. If Aldermen lived near it, would they vote for it?

d. Donna O'Keefe, 9651 W. 56 St. – is concerned about traffic; don't know what kind of traffic will be there. Can't pull out on East Avenue now, with four more driveways, it will be impossible. The whole concept is very upsetting.

e. David Zitek, 9706 W. 56 St., believes this development will cause an unhealthy atmosphere for the street. East Avenue is crowded now; impossible traffic problems will result; it is not fitting for this neighborhood. What about a library in Countryside? Or urban agriculture youth farm? There is much potential here; this program has more cons than pros; listen to the citizens; they wouldn't be here if this was a good idea. Please listen to the citizens.

f. Bob Conrad, Aldermen should listen to the residents because most letters you mentioned – the addresses were nowhere near this development. He spoke to many residents about this – NIMBY – not in my backyard. This is in everyone's back yard. Let's have Countryside get back to what we were; vote for what's right for everybody in the City. Beatrice Sutkus closed with a prayer. Mayor McDermott thanked all the residents for their comments.

G. COMMITTEE AND COMMISSION REPORTS FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED ACTION UPON:

1. ECONOMIC DEVELOPMENT

a. FYI -- Alderman Von Drasek announced that Aging Well and Aging Care Connections recognizes the month of May as Seniors Month; he wants folks to get involved with helping Seniors; take some pamphlets in the lobby, help with planting flowers, raking grass, etc. The purpose of this organization is to help keep seniors in their home as long as possible. If you can volunteer time or donate funds; all help is appreciated.

2. FINANCE COMMITTEE

a. Alderman Finn sought consideration of the Annual Appropriation Ordinance for the Fiscal Year Beginning May 1, 2022 and ending April 30, 2023 in the amount of \$25,681,662.

**A motion was made by Alderman Mikolyzk, seconded by Alderman Frohlich
this matter be APPROVED as presented; motion carried by the following vote:**

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

City Clerk Kmet declared that this will be known as ORDINANCE 22-17-O.

b. Alderman Finn sought consideration of an Ordinance Providing for Supplemental Appropriations for the Fiscal Year Beginning May 1, 2021 and ending April 30, 2022.

A motion was made by Alderman Frohlich, seconded by Alderman Mikolyzk this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

City Clerk Kmet declared that this will be known as ORDINANCE 22-18-O.

c. Alderman Finn sought consideration of an Agreement with Granite Government Solutions to Provide Telecommunication Services in the Annual Amount of \$11,829, but with a savings of nearly \$5,400 per year.

A motion was made by Alderman Von Drasek, seconded by Alderman Frohlich this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

3. HUMAN RESOURCES COMMITTEE - NO REPORT

4. INFRASTRUCTURE COMMITTEE – NO REPORT

5. PLAN COMMISSION/ZONING BOARD OF APPEALS

a. City Attorney Peck sought consideration of a Recommendation to Deny Application for Luka Old City Hall Plat of Resubdivision at 5550 East Avenue. On March 1 and April 5, 2022, the Applicant appeared before the PC/ZBA seeking preliminary and final approval for a Plat of Resubdivision of 5550 East Avenue. After hearing all testimony and evidence, the PC/ZBA found that it was not in the best interest of the City or its residents to recommend approval of the Final Plat of Resubdivision; it was their recommendation to DENY the preliminary and final approval of the proposed Resubdivision. Alderman Benson moved to NOT concur with the PC/ZBA recommendation and approve the Preliminary and Final Plat of Resubdivision for the real estate commonly known as 5550 East Avenue as presented, and entitled Luka's Old City Hall Resubdivision; motion seconded by Alderman Musillami.

A motion was made by Alderman Benson, seconded by Alderman Musillami that this matter be APPROVED as presented; motion carried by the following vote:

Aye: 4 Alderman Musillami, Alderman Benson, Alderman Von Drasek, Alderman Mikolyzk

Nay: 2 Alderman Frohlich, Alderman Finn

City Clerk Kmet declared that this will be known as ORDINANCE 22-19-O.

b. City Attorney Peck sought consideration of Report of Findings and Recommendations to Deny Application for Special Use to Luka Travel Center 1, LLC, 5550 East Avenue. On March 1 and April 5, 2022, the Applicant appeared before the PC/ZBA seeking a Special Use for a Planned Unit Development to allow a business development of commercial uses on the property commonly known as 5550 East Avenue. After hearing all testimony and evidence, the PC/ZBA found that the Applicant did not establish the requirements for the requested Special Use. At that hearing there were several

objections to the proposed special Use. Those objections were based upon additional truck traffic, traffic safety issues with ingress/egress, increased noise, adverse effects on the residents in the area. It was the recommendation of the PC/ZBA to DENY the requested Special Use.

Alderman Von Drasek moved to NOT concur with the PC/ZBA and to permit a PUD to allow:

1. A three-pump truck and 12 pump car Fuel Center with an outdoor patio and a drive-through. An additional two truck pumps are conditionally approved if, after a six-month review by the Applicant and the City (cost paid by the Applicant) there are no significant increases of traffic and accidents on the main roads and residential streets as determined by the City Council. Said review and findings will be brought before the City Council at a Public Meeting with Public Notice as required by law.

2. A City Fresh Market with outdoor sales, a Fast Casual Restaurant with outdoor patios and a Brewery with outdoor patios; and

3. An Out Building for a potential fast food restaurant with an outdoor patio and a drive-through, all in substantial compliance with the application and plans as presented at the PC/ZBA hearing. Alderman Mikolyzk seconded the motion; motion carried by Roll Call vote:

A motion was made by Alderman Von Drasek, seconded by Alderman Mikolyzk that this matter be APPROVED as presented; motion carried by the following vote:

Aye: 4 Alderman Musillami, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek

Nay: 2 Alderman Frohlich, Alderman Finn

City Clerk Kmet declared that this will be known as ORDINANCE 22-20-O.

6. SPECIAL EVENTS COMMITTEE – NO REPORT

7. SUSTAINABILITY COMMITTEE

a. Alderman Musillami announced a committee meeting will be held on May 9 at 5:30 p.m. at City Hall.

8. FLAGG CREEK ADVISORY BOARD – NO REPORT

H. LEGAL REPORT – NO REPORT

I. CITY ADMINISTRATOR'S REPORT – NO REPORT

J. STAFF REPORTS

1. Police Chief Ford - NO REPORT

Mayor McDermott stated that an additional speed limit sign will be installed on 56th St. the signs for the traffic speed will collect data, which can be used to do the traffic analysis.

2. City Engineer Fitzgerald

a. Bids were opened – Mr. Fitzgerald is seeking Consideration of Awarding a Contract to Unique Plumbing Co., Inc. of Brookfield, IL, the low bidder, in the amount of \$59,062.75 for the 2022 Drainage Improvements for the project on 7th Avenue, the depression area behind the homes. All bids came in higher than the engineer's estimate.

A motion was made by Alderman Benson, seconded by Alderman Finn this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson, Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

b. Consideration of Engineer's Payment Estimate #5 in the amount of \$93,096.72 to Unique Plumbing Co., Inc. of Brookfield, IL: for the Joliet Road and East Avenue Water Main Replacement Project. The project is basically completed; they are working near the Union Hall, doing restoration work which should be completed in 2-3 weeks.

A motion was made by Alderman Musillami, seconded by Alderman Mikolyzk that this matter be APPROVED as presented; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson,
Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

3. Assistant City Administrator

a. Ms. Peterson presented an Update on the Request for Qualifications Process for the Space Needs Analysis for the Public Works Facility. At the January Infrastructure Committee Meeting Staff was directed to have a Space Needs Analysis conducted on the existing Public Works site. On March 7, 14 RFQs were sent to architectural firms in the area who have worked on municipal and "green" type projects. The RFQs were also posted on the City's website; due date was Friday April 1. The City received 9 RFQs; the Review Committee consisting of Jesse Serna, DPW Supt., John Fitzgerald, City Engineer, and Ms. Peterson. They selected three firms to interview beginning tomorrow afternoon. They hope to narrow down the choice to one firm, negotiate a price and present it to the City Council at a meeting in May or June.

K. BUSINESS FROM THE CITY COUNCIL FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON: - NONE

L. ADJOURNMENT

A motion was made by Alderman Finn, seconded by Alderman Musillami that this meeting be ADJOURNED; motion carried by the following vote:

Aye: 6 Alderman Musillami, Alderman Frohlich, Alderman Benson,
Alderman Mikolyzk, Alderman Von Drasek, Alderman Finn

Nay: 0

Mayor McDermott declared the meeting adjourned at 8:49 p.m.

APPROVED

Respectfully Submitted,

/fp

ELIZABETH KMET, CITY CLERK