

MINUTES
Special Meeting of the Committee of the Whole
September 1, 2020 – 6:45 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

President Pro Tem Glotz called the special meeting of the Committee of the Whole on September 1, 2020, to order at 6:46 p.m.

At this time, President Pro Tem Glotz stated this meeting was conducted remotely via electronic participation consistent with Governor Pritzker’s Executive Orders suspending certain requirements of the Open Meetings Act provisions relating to in-person attendance by members of a public body due to the COVID-19 pandemic. President Pro-Tem Glotz introduced ground rules for effective and clear conduct of Village business. Elected officials confirmed they were able to hear one another.

Clerk Thirion called the roll. Present and responding to roll call were the following:

Members Present: J. Vandenberg, Village President (Arrived 6:50)
 M. Glotz, Village President Pro Tem
 K. Thirion, Village Clerk
 C. Berg, Village Trustee
 W. Brady, Village Trustee
 W. Brennan, Village Trustee
 D. Galante, Village Trustee
 M. Mueller, Village Trustee

Members Absent:

Staff Present: D. Niemeyer, Village Manager
 P. Carr, Assistant Village Manager
 L. Godette, Deputy Clerk
 B. Bettenhausen, Village Treasurer
 J. Urbanski, Public Works Director
 K. Clarke, Community Development Director
 D. Framke, Marketing Director
 H. Lipman, Management Analyst

 P. Connelly, Village Attorney

Others Present:

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING HELD ON AUGUST 18, 2020 – Motion was made by Trustee Mueller, seconded by Trustee Berg, to approve the minutes of the Special Committee of the Whole meeting held on August 18, 2020. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #3 – DISCUSS BRIXMOR INCENTIVE AGREEMENT – Brad Bettenhausen, Village Treasurer, presented the Brixmor Incentive Agreement Resolution 2020-R-085 containing the Redevelopment Agreement between Brixmor IA Tinley Park Plaza, LLC (Brixmor) and the Village

related to proposed renovations to the Tinley Park Plaza shopping center on the east side of Harlem Avenue south of 159th Street (15903-16205 Harlem). The small retail center immediately at the southeast corner of 159th and Harlem (15901 Harlem) is not part of this shopping center.

Brixmor has proposed renovations and upgrades to the Tinley Park Plaza shopping center at an estimated total cost of \$21.9 million. “But for” the Village’s assistance toward the project, the renovations would not be able to move forward and current tenant interest in locating in the center would be lost and the shopping center would be adversely impacted.

The Village has offered financial assistance in an amount not to exceed \$9.9 million, or 50% of the actual project costs, whichever is lower. This assistance will be funded by a combination of tax increment financing (TIF) revenues generated by the shopping center properties alone, and incremental municipal sales taxes (1%) generated by all the businesses located in the shopping center over a ten (10) year period. A maximum of \$8.1 million of TIF eligible costs are to be paid from the TIF increment generated, with the remainder (\$1.8 million) to be paid from incremental sales taxes. The portion of the incentive to be funded between the TIF eligible costs and sales tax can fluctuate based on actual expenses, but in addition to the overall \$9.9 million cap on the financial assistance, the amount that can be provided from the incremental municipal sales tax component cannot exceed \$2.5 million.

Under long established fiscal policies regarding incentives, the Village does not look to share sales taxes it may be already receiving. In business expansion and redevelopment agreements such as this, the Village has always looked to share a portion of the increased (incremental) taxes that are expected to result. Following these principles, incremental sales taxes are computed in reference to a base using the 1% municipal sales taxes generated collectively by the shopping center retailers during calendar 2019. If a retailer currently located elsewhere in Tinley Park relocates to the Tinley Park Plaza during the term of the agreement, the sales taxes they generated over a preceding twelve (12) month period will be added to the base. However, in the incentive year where a Tinley business has first relocated, the amount attributable to the base will be pro-rated based on how many months of that incentive year the business was operating in the Tinley Park Plaza (this compares their sales taxes after locating in the center with a comparable base for the “short” period of less than one year).

As with most of the Village’s incentive agreements, the burden is heavily on the developers to achieve the maximum amount of the incentive. If the property or sales tax increments do not materialize at the levels anticipated to fulfill the total support offered, it directly affects the amount of assistance that will be provided over the ten-year period of the agreement. Conversely, if the project is successful in attracting new retail to the center, as is anticipated, it is also possible for the agreement to be fulfilled in less than the ten years provided under the agreement.

The Tinley Park Plaza shopping center (15903-16205 Harlem) began development in approximately 1974, and was expanded circa 1984-1988 which added Walt’s Food Store and Builders Square as primary anchors. Façade and other site improvements to the center were undertaken in 1992. Although there have been several mergers, acquisitions, and related name changes, the shopping center has been beneficially owned by the Brixmor Property Group (specifically Brixmor IA Tinley Park Plaza LLC) since 1995. The south end of the plaza was renovated circa 2003-2006 with a primary focus on redeveloping space which had been previously occupied by Builders Square (~1988-1999) which anchored the south end of the center following the termination of the lease by Kmart Corporation. This renovation resulted in the addition of a new free-standing out lot building set closer to Harlem Avenue (16205 Harlem) as well as newly designed tenant spaces (currently The Tile Shop through Dollar Tree). In 2015-2016, an additional free-standing building was constructed at the north end of the center (15903- 15915 Harlem), generally mirroring the building at the opposite end of the center. A portion of the in-line retail spaces was

demolished and reconfigured as additional parking. The currently proposed renovations are expected to revitalize the shopping center for years to come.

There is currently approximately 251,500 square feet in this retail center including the two freestanding out lot buildings. Of this, approximately 230,000 square feet lies in the in-line center along the eastern side of the property. Placing the storefronts in a continuous row set back away from the road, with the field of parking in front, was the typical configuration for shopping centers at the time this plaza was developed. Within the main in-line building, approximately 83,000 square feet (over 36%) is currently vacant. Some of this vacancy has resulted from companies who have ceased operations or have relocated. In the process, the plaza has lost some of its prior anchor tenants. The owners are aware of certain existing leases that are not expected to be renewed which would add to the vacancies. Brixmor has found success in leasing the newer renovated spaces, but finds that the older spaces are becoming increasingly difficult to fill, particularly in light of the changing needs and demands of “brick and mortar” retailers. The vacancies offer additional challenges in their marketing efforts.

Brixmor representatives contacted the Village approximately a year ago with an ambitious phased renovation plan intended to update and breathe new life into the shopping center. They were envisioning creating a potential dining and entertainment destination, and was seeking Village financial assistance to move the plan forward. Their initial assistance request had sought a significant sharing of sales taxes generated by the shopping center, which has been a common tool used by the Village (and other municipalities) to support new development and redevelopment alike with a goal toward increased sales tax revenues, employment opportunities, and reducing the government’s reliance on property taxes. However, the amount of the request, and the proposed structure of the sharing request far exceeded the Village’s established fiscal policies that have been developed and adopted by the Board over the past four decades. When the Village’s policies were applied to the request, the amount of potential support that could be provided was far less than their request and need.

While the COVID-19 pandemic significantly altered the owner’s earlier vision of creating a dining and entertainment destination, they have been successful in getting two retailers under contract that intend to occupy approximately 63,500 square feet of retail space. Both retailers have established stringent requirements for the delivery of the renovated space and Brixmor has been working diligently to be able to meet those deadlines. The initial phase of the project entails demolition of approximately 87,000 square feet of the in-line center and construction of new retail spaces to accommodate the retailers under contract, as well as others yet to be determined.

Mayor Pro Tem Glotz expressed concern regarding the financial assistance percentage. Trustee Galante concurred asking if a lower percentage was more typical. Mr. Bettenhausen replied the amount varies depending on particular circumstances.

Trustee Berg stated she is not in favor of using taxpayer dollars to fund corporations. David Niemeyer, Village Manager, replied this would be from the increment.

Andrew Balzer, Director of Redevelopment, Brixmor Property Group, gave an overview of Brixmor and the project.

At Mayor Pro Tem Glotz’s request Mr. Bettenhausen gave a brief explanation on the difference between taxpayer and TIF funds.

Trustee Galante asked if there is any upfront financial assistance. Mr. Bettenhausen replied no.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to recommend the Brixmor incentive agreement, be forwarded to the Village Board for approval. Vote by roll call. Ayes: Brady, Brennan, Galante, Mueller. Nays: Berg, Glotz. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #4 - DISCUSS PROCESS FOR AWARDING OF A BUSINESS LICENSE FOR ADULT USE CANNABIS FACILITIES. – Hannah Lipman, Management Analyst, explained in August 2020, the Village Board approved an Ordinance amending the Tinley Park Zoning Ordinance for the purpose of regulating adult-use cannabis business establishments (2020-O-038). Per this Ordinance, there is only one (1) adult-use cannabis license available. It will be permitted as a Special Use in B-2 & B-3 Zoning Districts, permitted only along Harlem Avenue, LaGrange Road, and/or 159th Street, and be permitted in a standalone building only. Ordinance 2020-O-040 was also passed, establishing a business license for an adult-use cannabis facility.

The Village has been in contact with several individuals/companies who are interested in opening a dispensary in town. As there is only one (1) license available, staff has begun to consider what the process for awarding the license may consist of.

One approach is to utilize a lottery system. Minimum criteria would be developed to determine eligibility to participate, and an appeals process would also need to be created as well.

Another approach could be more of a merit-based system. Staff could share minimum criteria and request business license applications be turned in with a business plan, which displays that businesses ability to meet the criteria.

General criteria to be considered may include:

- Proven experience (other locations);
- Security plan;
- Whether or not a license has already been obtained from the State (or if in the process of obtaining a license);
- Local presence (Chicagoland area); and
- Past convictions, outstanding fees to any public agency, etc.

Patrick Connelly, Village Attorney, stated the criteria need to be clear.

President Pro Tem Glotz prefers a merit-based system with the applicant already having a license from the State. Trustees Brady, Galante, Berg, and Brennan concur. President Vandenberg concurred adding the criteria need to be very clear.

Trustee Mueller would like to see the applicant's plan for community engagement added to the criteria.

Item #5 - DISCUSS DEMOLITION REQUEST FOR 7050 171ST STREET. – Kimberly Clarke, Community Development Director, presented the demolition request. The property located at 7050 171st Street has continued to deteriorate for the past 3 years under the ownership of Sisk Holdings 3 LLC. Tenants have not occupied any portion of the building while under their ownership. The Building Department has continuously worked with the owners to make this a viable property. Contractor and engineering disputes along with other reasons have caused forward progress to halt. Several citations have been written for the violations starting in April of 2018. As of today, those code enforcement fines exceed \$13,000.

Per Village Ordinance 101.9, The Village sent notice to Sisk Holdings 3 LLC that unless steps are taken to repair the building within 15 days, the Village may seek a court order to demolish the buildings. The owners have not appeared in court.

Based on the definitions of an abandoned and dangerous building as outlined in our Village Ordinance, the building is a nuisance. The owner has not placed the building in a safe state, is unable to do so, and it is currently unable to be occupied. The building is an "attractive nuisance" and is having a negative effect on the community.

President Pro Tem Glotz asked if the daycare next door was closing and if there is a cost estimate. Ms. Clarke stated she has not spoken to the daycare owner regarding closing. Currently there is no estimate available, however there are funds available in the budget.

President Vandenberg asked how long it has been since redevelopment was attempted. Ms. Clarke stated it has been at least two years. While there was some interest recently, the purchase was unsuccessful, adding there are currently safety issues on the property which the owner is not addressing.

Trustee Brennan stated while safety is a concern, so is the cost of demolishing the property.

Trustee Mueller stated the surrounding business need to be considered as well, adding a lien would be placed on the property for the costs.

Trustee Brady asked if the Village erected the fence currently surrounding the property. Ms. Clarke replied the owner erected the fence after court action but no improvements have been made.

Mr. Connelly clarified, authorizing the demolition complaint still gives the property owner the ability to appear in court with repair plans. The building would not be demolished immediately.

A complaint will be drafted with a copy sent to the property owner. Once an agreement is drawn up, it will be presented the Board for approval.

Item #6 - DISCUSS AMENDING TITLE III CHAPTER 31 SECTION 29 (31.029) OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "VILLAGE CLERK AS VILLAGE COLLECTOR."

–Kristin Thirion, Village Clerk, explained in the early days of Tinley Park, the small size of the community necessitated a degree of overlap in the duties of the Clerk's office. In addition to being the Keeper of the Records, the Village Clerk also served as Village Collector. Title III, Chapter 31, Section 29 of the Village Municipal Code describes this role and calls for additional funds to augment the Clerk's salary for the oversight of financial functions such as the collection of licensing, vehicle sticker, and parking fees. Ordinance 84-0-070 specifically provided for this compensation when it passed on December 18th, 1984.

In the Staffing Level Study conducted in June of 2017 by the Matrix Consulting Group, it was recommended that the "Village transfer financial functions performed by the Village Clerk to the Treasurer's Office (page 31)."

In addition to ending weekend service and eliminating a Commission Secretary position, the Clerk's Office subsequently effected a complete transfer of all staff conducting financial functions to the Treasurer's Office last year.

Salaries of elected officials cannot be changed while in office, therefore, Clerk Thirion recommended that the Village draft an ordinance to take effect on May 1st, 2021 that would eliminate the Clerk/Collector

office from the Code of Ordinances and eliminate the additional pay received by the Clerk for Collector's duties.

Trustee Galante asked the amount of compensation received. Mr. Bettenhausen replied it is a \$5000 annual stipend.

Mr. Connelly stated he will draft an ordinance eliminating the collector position, moving the duties to the Village Treasurer. This Ordinance will be presented at the next Village Board meeting.

Item #7 DISCUSS LOBBYIST CONTRACT. – David Niemeyer, Village Manager, presented the Lobbyist contract. The Village's annual retainer agreement with the Village Lobbyist, the Rory Group is due for renewal. Tom Manion and Lucy Anderson have been working with the Village since June 1, 2019 on State issues including the Tinley Park Mental Health Center and County issues including helping the Village obtain \$600,000 in grants to aid reconstruction of County roads.

There would be no fee increase, which is \$3000, per month.

This contract is for one (1) year, retroactive to June 2020 through June 2021.

President Vandenberg asked if there were any changes to the contract. Mr. Niemeyer replied there were none.

Trustee Galante asked if other Villages have a lobbyist. Mr. Niemeyer replied larger communities with more complex issues may have one. Trustee Galante then asked if a list of projects could be supplied to the Board, and if the Board can give them direction without incurring additional fees. Mr. Niemeyer responded yes to both, adding the retainer is a flat fee.

Mayor Pro Tem Glotz noted the fees are less than market price.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to recommend the Lobbyist contract, be forwarded to the September 15, 2020, Village Board meeting for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #8 DISCUSS SOCIAL MEDIA POLICY – Donna Framke, Marketing Director, presented the Social Media policy. The marketing department is the village's central public information center and, as such, develops and monitors content on each of the Village's communications platforms including the Village's website, TV station and YouTube channel, community email newsletter, and social media platforms (Facebook, Instagram, Twitter and LinkedIn) to ensure a consistent Village-wide message. These channels are used for Village and department business purposes only and use for communications and postings of third-party advertising or political information is prohibited.

A social media policy that was drafted by the village attorneys was presented.

Mayor Pro Tem Glotz would like items 1,5, and 7 of the policy to include approval by the Village Manager or Assistant Village Manager.

Mayor Pro Tem Glotz also expressed concern with item 10 of the policy posing freedom of speech issues. Mr. Niemeyer responded Village employees are representatives of the Village at all times. Mr. Connelly stated this item can be reviewed. Trustee Galante added this is included in her employers Social Media Policy.

President Vandenberg asked about the Village's policy on public comments made on Village posts. Ms. Framke stated filters have always been set at the highest levels, eliminating curse words as well as foul and vulgar language. As a public forum, it is practice not to delete comments unless necessary.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to recommend the Social Media Policy, be forwarded, as amended, to the September 15, 2020, Village Board meeting for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: Galante. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #9 DISCUSS VILLAGE RESOURCES AND COMMUNICATION CHANNELS. – Mr. Niemeyer explained at a recent Marketing Committee meeting, there was discussion of the use of the Village's communication channels, as well as staff, to promote certain events. The concern was whether individual trustees should be allowed to do this, and if the rest of the Board should be informed.

As mentioned at the Marketing Committee meeting, individual trustees have previously written columns in the Village Exchange Newsletter to promote events, however currently, the Village relies more on social media for communication. Recently social media was used to have each trustee prepare a video related to COVID-19. In addition, other elected officials have used Village channels to promote events such as presentations from the assessor's office.

If elected officials wish to continue to use Village communication channels, guidelines on the type of events that can be promoted, how it is communicated to other trustees, whether pictures should be included and whether there should be limits on how often one trustee can use the channels to promote a project or events in one (1) year, can be developed by Staff, if desired.

The Village Manager has occasionally written articles in the Village's weekly email blast on various topics of interest that are also promoted on the Village website. This may be an alternate option. For example, the Marketing department recently prepared an article working with the Finance department on the status of our budget cuts. As Finance is Trustee Galante's area, she would be the author of this article.

Trustee Brady does not feel there should be a limit on the number of times a Trustee can use Village channels. He is comfortable with the current helping our citizens and seniors. Trustee's Brennan and Mueller concurred.

President Vandenberg stated he doesn't have a problem with videos on Village channels as long as it's not political because we are here to help the residents. He feels there should be better communication. He also feels a decision should be made regarding personal opinions being expressed on a public platform.

Trustee Galante concurred with President Vandenberg adding there needs to be a unified message.

Trustee Berg stated that united we stand, and divided we fall.

Trustee Brennan concurred with President Vandenberg, that personal opinions do not belong on Village channels. He encourages the Liaisons of their department to keep getting the word out. He thinks there shouldn't be a limit on communications, and that Trustees get out of their positions what they put into them. Some of the Board members are doing a little bit extra to help the residents.

Mayor Pro Tem Glotz stated Trustees should be able to use Village channels if there is benefit to the residents. He commented on past messages delivered by Board members. He commented that he

supported the Mayor on past messages delivered and decisions made even though the Board wasn't informed. He stated that Board members can't do anything without the approval of the Manager.

Mr. Niemeyer noted that staff will move forward with the Committee columns for Board members and if Board members have videos released using Village resources, the rest of the Board is informed.

Item #10 DISCUSS LED STREETLIGHTING REPLACEMENT PROJECT: a. LED STREETLIGHTING 159TH ST. REPLACEMENT PROJECT b. LED STREETLIGHTING REPLACEMENT - PHASE 4, 4A & 4B PROJECT.

– John Urbanski, Public Works Director, presented the LED Street Lighting project. Currently Public Works has completed phases one through three of the LED Street Lighting Replacement Project in FY 2017 - 2019, which included approximately 1,177 streetlights.

The 159th Street LED Street Lighting Replacement Project will continue to benefit the village in multiple Ways including but not limited to:

- Live notification of outages (Not relying on Village Staff Inspections/Reports).
- Actual energy consumption reports (Not assumed by ComEd).
- Energy savings of approximately \$77 - \$124 per light head (Annually).
- Maintenance savings of approximately \$53 - \$55 per light head (Annually).
- Based on the energy and maintenance savings, our expected return on this investment is expected to have a payback of less than six (6) years.
- Damage I Knock-down instant notification.
- Supplying manufacturer offers 10-year warranty on product.
- Reduction in maintenance requirements allow for staff to redirect toward infrastructure repairs.

Public Works requested consideration to purchase 143 new high efficiency LED light heads to replace existing lights on 159th St. between 86th Avenue and Oak Park Avenue. Sufficient funds are available under the approved FY21 Capital Project Budget (\$100,000).

The purchase consists of all applicable items to replace/retrofit new LED light heads on existing High-Pressure Sodium/Metal Halide/Mercury light heads within the specified areas on 159th St. between 86th Avenue and Oak Park Avenue and includes:

Quantity	Item	
143	GELD ER12025B340DGRAYGIL 214W Light Fixture	\$67,210
143	GELD ELWN0A8UBAAXXAD Smart Nodes	\$26,190.45
1	GELD ELWG0CXXGM Gateway Controller	<u>\$4,800</u>
	TOTAL	\$98,200.45

The phase 4, 4A & 4B LED project request includes a three-part contract due to individual funding sources.

Public Works recommended extending the current contract for an additional year for the LED Street Lighting Replacement Project for the listed areas within Tinley Park. The contract has the option of two (2) , one (1) year renewals. This would be the first extension. The past year John Burns Construction has proven to be a professional and reliable contractor with reasonable rates. Sufficient funds are available under the approved FY21 Capital Project Budget for the following projects:

- LED Street Lighting Replacement – Phase 4 (\$310,000)
 - Location: 179th to 1172nd and Bridalwood Lane to 62nd Avenue

- LED Street Lighting Replacement – Phase 4A (\$115,600)
 - Location: Oak Park Avenue between Tinley Park Drive to Hickory Street
- LED Street Lighting Replacement – Phase 4B (\$226,000)
 - Location: Oak Park Avenue between 172nd to 178th Street

Purchase will consist of all applicable labor and materials to replace/retrofit new LED light heads on existing High-Pressure Sodium/Metal Halide/Mercury light heads within the specified areas of the Phase 4, 4A, and 4B Replacement Projects.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to move the LED Streetlighting Replacement project, to the September 15, 2020 Village Board meeting for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #11 – RECEIVE COMMENTS FROM THE PUBLIC –

President Pro Tem Glotz asked if anyone from the public wished to comment. No one came forward.

President Pro Tem Glotz asked if there were any written comments or requests to speak telephonically from members of the public. Laura Godette, Deputy Village Clerk, stated there were none.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to adjourn the Committee of the Whole. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the meeting adjourned at 8:17 p.m.