

MINUTES
Special Meeting of the Committee of the Whole
September 15, 2020 – 6:15 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 15, 2020, to order at 6:15 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: M. Glotz, Village President Pro Tem
 K. Thirion, Village Clerk
 C. Berg, Village Trustee (Participated Electronically)
 W. Brady, Village Trustee
 W. Brennan, Village Trustee
 D. Galante, Village Trustee (Participated Electronically)
 M. Mueller, Village Trustee

Members Absent: J. Vandenberg, Village President

Staff Present: D. Niemeyer, Village Manager
 P. Carr, Assistant Village Manager
 L. Godette, Deputy Clerk
 J. Urbanski, Public Works Director
 K. Clarke, Community Development Director
 M. Walsh, Police Chief

Others Present:

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 1, 2020 – Motion was made by Trustee Glotz, seconded by Trustee Galante, to approve the minutes of the Special Committee of the Whole meeting held on September 1, 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 FREEDOM POND LANDSCAPE ENHANCEMENTS PHASE 2 PROJECT – John Urbanski, Public Works Director, presented the Freedom Pond project. In 2017 the construction of Freedom Pond at the former Panduit property began. This retaining pond was to assist with Metropolitan Water Reclamation District (MWRD) requirements for rainfall detention of the newly developed downtown area. During the efforts to design the pond, a committee of residents was created to offer recommendations of beautification and useability to enhance the base design. The committee offered recommendations along with this upgrade that we have described as the Phase 2 Enhancements. Shortly after the completion of Phase 1, the MWRD reconstruction efforts at the intersection of 175th & Ridgeland impeded progress into the next phase. It has also been determined the best approach to implementation of Phase 2 was to sub-divide into a “North” and “South” phase based on the upcoming

reconstruction of the adjacent streets and right-of-way and have the South phase added to the Cook County Department of Transportation and Highways construction contract.

This work was bid on Monday, August 31, 2020, with a scope to include but not limited to:

- Installation of site-wide landscaping.
- Installation of a lookout deck and landscaping at the northernly corner.
- Installation of north-east corner landscaping and plaza.
- Installation of north-west corner landscaping and plaza for connection to future path.
- Purchase of materials for future installation of south plazas.

Bids were publicly read aloud at 12:00 P.M. on Monday, August 31, 2020, by the Deputy Clerk with the Public Works Director and Site Design representative present and received as follows:

Contractor:	Location	Bid Proposal
Integral	Romeoville, IL	\$226,320
Copenhaver	Gilberts, IL	\$226,759
Cardinal State	Barrington Hills, IL	\$448,349

Bid Allowance.....	\$7,500
Engineer's Estimate.....	\$229,000

Motion was made by Trustee Glotz, seconded by Trustee Brennan, to recommend the Freedom Pond landscape enhancements phase 2 project, be forwarded to the Village Board 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 #4 - DISCUSS 174TH STREET AND 67TH COURT SITE AND BUILDING

IMPROVEMENTS PROJECT – Mr. Urbanski presented the 174th Street & 67th Court project. During the efforts to coordinate underground burial of the pole-mounted utilities in the area of the Boulevard Project (South St. & 174th St. at 67th Ct.), it was determined the necessary ComEd equipment was to be placed on a recently acquired easement behind the facility (17407 67th Ct.). In order to install the required ComEd switchgear and a new transformer, the previous electrical service to the adjacent facility needed to be rerouted from an overhead mast arm to an underground service. Along with this upgrade, it was determined that the other necessary work in the area would be done in conjunction.

Bids were publicly read aloud at 10:00 A.M. on Wednesday, September 2, 2020, by the Deputy Clerk with the Public Works Director, and a representative from Christopher B. Burke Engineering, Ltd present and received as follows:

Contractor:	Location:	Bid Proposal:
Utility Dynamics Corp.	Oswego, IL	\$51,951.50

Engineer's Estimate:	\$42,900.00
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Motion was made by Trustee Glotz, seconded by Trustee Mueller, to recommend the 174th Street and 67th Court site and building improvements project, be forwarded to the Village Board 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 #5 - DISCUSS THE FOLLOWING PARKING AGREEMENTS: a. 17344 OAK PARK AVENUE – ELEVATED ENTERPRISES, LLC; b.17358 OAK PARK AVENUE – RUBRICS INC.

– Kimberly Clarke, Community Development Director, presented the parking and encroachment agreements. The Village entered into access agreements with the property owners of 17344 (Primal Cut)

and 17358 (Hollsteins) Oak Park Avenue (OPA) in September 2000 as part of the Village's efforts to create public parking in this area. Through these 20-year lease agreements, the Village was able to obtain the rights to use the area behind these commercial buildings to construct a municipal parking lot. This addressed a parking concern for Metra users and downtown businesses. The Village paid for all of the improvements which included access from 173rd Place, Oak Park Avenue and 68th Court and the creation of over 80 parking spaces. These agreements are set to expire on October 11, 2020, therefore Staff is working with the property owners, Tom Hynes, (17344 OPA) and Declan Stapleton, (17358 OPA), to renew the agreements. In addition to the access agreements, both properties encroach on Oak Park Avenue right-of-way (ROW) for their front patios. Primal Cut is proposing to enclose this area to provide year-round use of the area. Use of public ROW requires a 'right to encroach' through a ROW Encroachment Agreement.

The agreement with Hynes has been complicated due to the planning for an outdoor patio by his tenant, Paul Spass (Primal Cut). Mr. Spass has expressed interest in developing an outdoor patio at the rear (west) side of the building that will encroach on the existing 24' wide two-way drive aisle. He has requested the aisle be reduced to a 20' wide one-way drive aisle (southbound). Reducing the drive aisle in this manner will impact the conditions of the existing agreements with both property owners. Staff has worked with the Village Attorney to revise the agreements so that access to the municipal parking lot is protected regardless if Mr. Spass moves forward with his patio plans.

17344 OPA Access Agreement (Tom Hynes):

- Village leases west 24' feet of Hynes' property to maintain current 24' two-way aisle configuration (minus 20' for parking for Primal Cut use);
- Term of lease is October 10, 2020 - October 9, 2040;
- Owner agrees to maintain access in an unobstructed manner;
- Village shall provide 3 parking spaces for the exclusive use of Owner's residential tenants;
- Village shall maintain trash enclosure; Owner is responsible for removal of all rubbish and debris in the dumpster area; and
- Owner has right to reconfigure access aisle to a one-way 20' southbound drive aisle during the life of the agreement conditioned upon the Owner paying for all improvements related to the reconfiguration of the drive aisle including, but not limited to, the reconfiguration of the parking stalls west of the drive aisle (including the three tenant parking spaces), the entrance from 173rd Place including new curb, any requisite utility relocation, all curb on and off-site required for the reduction in aisle width and signage.

17358 OPA Access Agreement (Declan Stapleton):

- Village leases a portion of Stapleton's property in its current configuration;
- Village continues to limit parking in the municipal parking lot to three hours;
- At no time will the lot be designated as a commuter parking lot;
- Village shall maintain trash enclosure; Owner is responsible for removal of all rubbish and debris in the dumpster area;
- Village will continue to reserve 2 parking spaces for Owner's tenants; and
- Village will continue to reserve 20 spaces for Hollstein's customers.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to recommend the parking agreements, be forwarded to the Village Board 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 #6 – DISCUSS THE FOLLOWING ENCROACHMENT AGREEMENTS: a. 17344 OAK PARK AVENUE – ELEVATED ENTERPRISES, LLC; b.17358 OAK PARK AVENUE – RUBRICS INC – Ms. Clarke presented the encroachment agreements. Recent surveys of both properties (17344 and 17358 Oak Park Avenue (OPA)) indicate encroachment of the front patios on Oak Park Avenue Right-of-way. The patio encroachment varies from 3.51' to 4.26' with a 4.78' encroachment for

an awning at the 17344 OPA property. Encroachment of the balcony at 17385 OPA varies from 3.77' to 3.93' with a 4.77' sign encroachment. These balconies have existed for many years without issue. The encroachment agreements provide for a permanent acknowledgment of their existence and eliminate the Village's liability for their use. Primal Cut will be requesting the enclosure of their balcony for year-round use.

The encroachment agreement includes:

- A right to encroach upon the Oak Park Avenue ROW as long as the improvements do not impair the use of the ROW;
- Encroachment rights granted shall terminate upon the damage or destruction of 50% or more of the replacement value of the building or other improvements which encroach upon the Village's ROW;
- Does not abrogate or nullify Village's rights or interests in the ROW;
- Owner retains all risks and liabilities associated with the encroachment;
- Village is not responsible for any costs incurred by the Owner to repair or replace the encroachment improvements; and
- Owner holds Village harmless arising out of the use of the encroachment.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to recommend the encroachment agreements, be forwarded to the Village Board 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 #7 - DISCUSS AMENDMENT TO CERTAIN PROVISIONS OF THE TINLEY PARK TOWING OF MOTOR VEHICLES ORDINANCE

– Matt Walsh, Police Chief, presented the Towing amendment. The Tinley Park Police Department is seeking to broaden its ability to impose administrative fees and procedures for impounding vehicles for specified violations with an amendment to the Towing of Motor Vehicle ordinance. Any municipality may, consistent with the Illinois Vehicle Code, provide by ordinance, procedures for the release of properly impounded vehicles, and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of a vehicle. The administrative fee (\$500.00) imposed by the municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fees will act as a strong deterrent and will hold those accountable for their actions associated with criminal activity.

Motion was made by Trustee Brennan, seconded by Trustee Mueller, to recommend the amendment to certain provisions of the Tinley Park Towing of Motor Vehicles Ordinance, be forwarded to the Village Board 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 - 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 Brady, 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 6:33 p.m.