

MEETING NOTICE

NOTICE IS HEREBY GIVEN that the Regular Meeting of the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois will be held on Tuesday, May 21, 2019, beginning at 7:30 PM in the Council Chambers at the Village Hall of Tinley Park, 16250 South Oak Park Avenue, Tinley Park, Illinois.

7:30 PM CALL TO ORDER

 PLEDGE OF ALLEGIANCE

 ROLL CALL

ITEM #1

SUBJECT: CONSIDER APPROVAL OF AGENDA

ACTION: Discussion - **Consider approval of agenda as written or amended.**

COMMENTS: _____

ITEM #2

SUBJECT: CONSIDER APPROVAL OF MINUTES OF THE REGULAR AND SPECIAL VILLAGE BOARD MEETINGS HELD ON MAY 7, 2019.

ACTION: Discussion: **Consider approval of minutes as written or amended.**

COMMENTS: _____

ITEM #3

SUBJECT: CONSIDER PROCLAIMING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY - **President Vandenberg**

ACTION: Discussion: **Consider proclaiming June 7th, 2019 as National Gun Violence Awareness Day in the Village of Tinley Park to honor and remember all victims and survivors of gun violence.**

COMMENTS: _____

ITEM #4

SUBJECT: CONSIDER ADOPTING RESOLUTION 2019-R-037 RECOGNIZING THE TINLEY PARK HIGH SCHOOL SYMPHONIC BAND FOR WINNING 2019 ILLINOIS SUPERSTATE CHAMPIONSHIP IN CLASS 2A. - **Trustee Glotz**

ACTION: Discussion: On May 3, 2019, the Tinley Park High School Symphonic Band took the stage at the Krannert Center for Performing Arts located at the University of Illinois Urbana Campus. They played two songs, "Block M" by Jerry Bilik and "Othello" by Alfred Reed during the SuperState performance, leading them to be crowned as the 2019 Illinois SuperState Champions in Class 2A. **This Resolution is eligible for adoption.**

COMMENTS: _____

ITEM #5

SUBJECT: RECEIVE PRESENTATION OF THE "2019 RETA L. BRUDD MEMORIAL SCHOLARSHIP PROGRAM AWARDS" SPONSORED BY THE COMMUNITY RESOURCE COMMISSION. - **Trustee Glotz**

ACTION: Discussion: Four (4) \$1,000 scholarships will be awarded to students for providing outstanding community service while maintaining academic excellence. Applications were received and reviewed by six (6) judges who chose the winners as follows:

- Seth Huisenga, Victor J. Andrew High School
- James Subka, Victor J. Andrew High School
- Timothy Moriarty, Tinley Park High School
- Jane Sharp, Providence Catholic High School

No specific action is required.

COMMENTS: _____

ITEM #6

SUBJECT: CONDUCT SWEARING IN CEREMONY FOR FIREFIGHTERS. - **Trustee Brennan**

ACTION: Discussion: The Following Firefighters will be sworn in by the Village Clerk:

Christian Andrews, Firefighter
Jacob Litkenhus, Firefighter
Tyler Muller, Firefighter
Brandon Rojas, Firefighter

No specific action required.

COMMENTS: _____

ITEM #7

SUBJECT: CONSIDER THE APPOINTMENT OF AMY LUTCHEN TO THE POSITION OF STAFF ACCOUNTANT. - **Trustee Galante**

ACTION: Discussion: The Village conducted a search for Staff Accountant and received twelve applications. One of the candidates, Amy Lutchen, was identified as the most qualified for the position of Staff Accountant to assist the Village's Finance Department. Amy earned her Bachelor's degree in Accounting from the University of Illinois at Champaign-Urbana and has over twenty years of experience in the Accounting Field, including that of Assistant Controller. She currently serves as part time Staff Accountant with the Village, a position she has held since January of 2019. Amy has resided in Tinley Park for seventeen years. **Consider the appointment of Amy Lutchen to the position of Staff Accountant with the Village of Tinley Park, effective June 3rd, 2019.**

COMMENTS: _____

ITEM #8

SUBJECT: CONSIDER APPROVAL OF THE FOLLOWING CONSENT AGENDA ITEMS:

- A. CONSIDER PROCLAIMING SEPTEMBER 9TH, 2019 THROUGH SEPTEMBER 14TH, 2019 AS VETERAN'S OF FOREIGN WARS (VFW) "BUDDY POPPY WEEK" IN THE VILLAGE OF TINLEY PARK.

- B. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SATURDAY, AUGUST 17, 2019, ON 65TH AVENUE, BETWEEN 174TH STREET AND VOGT STREET FROM 10:30 A.M. TO 10:00 P.M.
- C. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SUNDAY, JUNE 2, 2019, IN THE CUL-DE-SAC AT HITCHCOCK BOULEVARD FROM NOON TO 5:00 P.M.
- D. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SATURDAY, JULY 27, 2019, ON ARLINGTON STREET BETWEEN PRINCETON AND EVERDON, FROM 10:00 A.M. TO 10:00 P.M.
- E. CONSIDER REQUEST FOR A BLOCK PARTY ON SATURDAY, AUGUST 31, 2019, ON RAVINIA DRIVE FROM 6624 TO 6655, FROM 1:00 P.M. TO 9:00 P.M.
- F. CONSIDER ADOPTING RESOLUTION 2019-R-040 APPROVING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE REGIONAL TRANSPORTATION AUTHORITY (RTA); COUNTY OF COOK; VILLAGE OF FOREST VIEW; VILLAGE OF TINLEY PARK; VILLAGE OF LEMONT; VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; VILLAGE OF MELROSE PARK; VILLAGE OF HAZEL CREST; VILLAGE OF NORTHBROOK AS PLAINTIFFS AND THE CITY OF KANKAKEE AS DEFENDANT RELATIVE TO COOK COUNTY CONSOLIDATED CASES 2011 CH 29744 AND 2011 CH 34266 INVOLVING THE MATTER OF SOURCING AND REPORTING OF SALES TAXES.
- G. CONSIDER ADOPTING ORDINANCE NUMBER 2019-O-023 ADOPTING CERTAIN AMENDMENTS TO THE TINLEY PARK MUNICIPAL CODE – 2019 S-033 SUPPLEMENT – CODIFICATION.
- H. CONSIDER ADOPTING RESOLUTION NUMBER 2019-R-039 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) - WARMING SHELTER AT OAK PARK AVENUE TRAIN STATION.
- I. PAYMENT OF OUTSTANDING BILLS IN THE AMOUNT OF \$1,702,424.50 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED MAY 10, 2019, AND MAY 17, 2019.

ACTION: Discussion: **Consider approval of consent agenda items.**

COMMENTS: _____

ITEM #9

SUBJECT: CONSIDER ADOPTING ORDINANCE 2019-O-019 AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT. - **Trustee Brennan**

ACTION: Discussion: Legal has prepared a draft ordinance identifying a fee structure that would be assessed in the event we have a hazardous materials spill, threatened release, or other similar event in the Village response areas. Previously, we did not have a conforming ordinance that covered our actual time, personnel assignments and regular and specialty equipment used during these incidents. The basis of the charges are to reimburse the Village for expenses incurred when removing and/or remediating hazardous material incidents/emergencies

We will be charging the fees prescribed in Public Act 99-0770 that allow for \$250 per hour and \$70 per responder. In addition, the Village may recover costs pertaining to the use of certain materials in removing/remediating hazardous materials.

Public Safety Committee approved the attached draft ordinance at the May 14, 2019 meeting it is recommended for approval. **This Ordinance is eligible for adoption.**

COMMENTS: _____

ITEM #10

SUBJECT: CONSIDER ADOPTING RESOLUTION NUMBER 2019-R-038 APPROVING FY2020 PMP RESURFACING PROGRAM. - **Trustee Glotz**

ACTION: Discussion: The project entails approximately 10.5 miles of pavement improvements which include street resurfacing by heater scarification, HMA surface removal and replacement, pavement patching, miscellaneous concrete repairs, structure adjustments, pavement striping and other miscellaneous improvements in order to complete the project. Quantities will be field adjusted to meet the budget constraints. This item was discussed at the Public Works Committee meeting held on May 14, 2019 and recommended for approval. **This Resolution is eligible for adoption.**

COMMENTS: _____

ITEM #11

SUBJECT: CONSIDER ORDINANCE NUMBER 2019-O-025 APPROVING TEXT AMENDMENTS TO THE ZONING ORDINANCE FOR REGULATIONS RELATED TO TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES - **Trustee Mueller**

ACTION: Discussion: Staff drafted Text Amendments to Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance for Telecommunication Service Facilities (TCSF) in response to several inquiries and state law changes concerning small cell wireless antennas. Staff also improved the Section as a whole in order to clarify and update the Village’s regulations for freestanding cell towers, antennas/co-locations, small cell antennas, distributed antenna systems, and related definitions. The draft changes will replace the existing code section in its entirety. The Village Attorney and Public Works Department assisted Planning staff in reviewing the draft text changes.

The Plan Commission held a Public Hearing on May 2, 2019 and voted unanimously (4-0) to recommend APPROVAL of the Text Amendments **This Ordinance is eligible for first reading.**

COMMENTS: _____

ITEM #12

SUBJECT: CONSIDER ADOPTING ORDINANCE NUMBER 2019-O-024 GRANTING A VARIATION FROM THE ZONING ORDINANCE TO PERMIT AN ACCESSORY STRUCTURE (PLAYHOUSE) TO BE LOCATED IN A REQUIRED SECONDARY FRONT YARD WHERE IT IS NOT PERMITTED AT 17104 67TH COURT IN THE R-4 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT. - **Trustee Mueller**

ACTION: Discussion: The Petitioners, Sandra & Dan Lopez, are seeking a Variation from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance, to permit a 96 square foot accessory structure (playhouse) to be located in a secondary front yard where one is not permitted. The playhouse will be located behind the existing home’s non-conforming secondary front yard setback and within a fenced area of their rear yard. There are no other practical alternative locations on the property due to the small width for a corner lot that was developed under previous Zoning regulations.

The Zoning Board of Appeals held a Public Hearing on May 9, 2019 and voted 4-0 to recommend approval of the requested Variation in accordance with plans as listed in the “List of Reviewed Plans” and recommended conditions in the May 9, 2019 Staff Report. **This Ordinance is eligible for adoption.**

COMMENTS: _____

ITEM #13

SUBJECT: CONSIDER ADOPTING ORDINANCE NUMBER 2019-O-026 GRANTING VARIATIONS FROM THE ZONING ORDINANCE, TO PERMIT A 22'X26' DETACHED GARAGE TO BE LOCATED THREE FEET (3') FROM THE SEDELOT LINE AND TWO FEET (2') FROM THE PRINCIPAL STRUCTURE AT 16933 WILLOW LANE DRIVE IN THE R-4 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT. - **Trustee Mueller**

ACTION: Discussion: The Petitioners, Casey & Sheri Mrofka, located at 16933 Willow lane Drive, are seeking a 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a 22' x 26' detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required and an 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a 10 foot minimum setback is required or the structure must comply with the principal structure setbacks.

The Petitioner is proposing to demolish the existing 18.5' x 22' detached garage and build a new 22' x 26' detached garage to accommodate their vehicles. To construct the preferred garage size, with consideration of the driveway approach, and to avoid removal of an existing tree, they have requested these setback Variations from the property line and the principal structure.

The Zoning Board of Appeals held a Public Hearing on May 9, 2019 and voted 4-0 to recommend approval of the requested Variations in accordance with plans as listed in the "List of Reviewed Plans" and recommended conditions including the prohibition of extending utilities to the garage except electric and limitations to setbacks and future use of the garage as stated in the May 9, 2019 Staff Report. **This Ordinance is eligible for adoption.**

COMMENTS: _____

ITEM #14

SUBJECT: RECEIVE COMMENTS FROM STAFF

COMMENTS: _____

ITEM #15

SUBJECT: RECEIVE COMMENTS FROM THE BOARD

COMMENTS: _____

ITEM #16

SUBJECT: RECEIVE COMMENTS FROM THE PUBLIC

COMMENTS: _____

ITEM #17

SUBJECT: ADJOURN TO EXECUTIVE SESSION TO DISCUSS:

- A. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE PUBLIC BODY, INCLUDING HEARING TESTIMONY ON A COMPLAINT LODGED AGAINST AN EMPLOYEE OF THE PUBLIC BODY OR AGAINST LEGAL COUNSEL FOR THE PUBLIC BODY TO DETERMINE ITS VALIDITY.

- B. THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY, INCLUDING MEETINGS HELD FOR THE PURPOSE OF DISCUSSING WHETHER A PARTICULAR PARCEL SHOULD BE ACQUIRED.

ADJOURNMENT

Ceremonial Meeting of the President & Board of Trustees of the Village of Tinley Park
2019

May 7,

MINUTES OF A CEREMONIAL MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK HELD ON MAY 7, 2019

A ceremonial meeting of the President and Board of Trustees of the Village of Tinley Park was held at 6:30 p.m. on May 7, 2019, in the Kallsen Center at the Village Hall of Tinley Park.

The National Anthem was presented by local musician, Joe Orozco.

At this time Edward J. Zabrocki, Master of Ceremonies introduced the Honorable Justice Margaret M. Ogarek, Circuit Judge, Cook County. Justice Ogarek swore in the following:

**THE HONORABLE WILLIAM A. BRENNAN, TRUSTEE
THE HONORABLE DIANE M. GALANTE, TRUSTEE
THE HONORABLE MICHAEL G. MUELLER, TRUSTEE**

At this time comments were heard from Guest Speakers, Clerk Kristin A. Thirion and Trustee Michael W. Glotz.

At this time comments were heard from Trustee William A. Brennan, Trustee Diane M. Galante, and Trustee Michael G. Mueller.

Patrick E. Rea, provided closing comments.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.

APPROVED:

Village President

ATTEST:

Village Clerk

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Regular Meeting of the Board of Trustees - Minutes**MINUTES OF THE REGULAR BOARD MEETING OF THE TRUSTEES,
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,
ILLINOIS, HELD MAY 7, 2019**

The regular meeting of the Board of Trustees, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, IL on May 7, 2019. President Vandenberg called this meeting to order at 7:35 p.m. and led the Board and audience in the Pledge of Allegiance.

President Vandenberg called for a moment of silence for Reta Brudd, Commission Chair for the Community Resource Commission.

Village President:	Jacob C. Vandenberg
Village Clerk:	Kristin Thirion
Trustees:	Cynthia A. Berg William P. Brady William A. Brennan Diane M. Galante Michael W. Glotz Michael G. Mueller
Absent:	None
Also Present:	
Village Manager:	David Niemeyer
Asst. Village Manager:	Patrick Carr
Village Attorney:	Patrick Connelly

President Vandenberg welcomed the new Board members.

Motion was made by Trustee Glotz, seconded by Trustee Berg, to approve the agenda as written or amended for this meeting. Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Glotz, to approve and place on file the minutes of the regular Village Board Meetings held on April 16, 2019. Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Glotz, to adopt and place on file **RESOLUTION 2019-R-036 NAMING THE COMMUNITY SERVICE YOUTH SCHOLARSHIP PROGRAM IN HONOR OF RETA L. BRUDD.** The current Community Service Youth Scholarship Program sponsored by the Community Resource Commission will be designated "The Reta L. Brudd Memorial Scholarship Program" in memory of the long-time Commissioner. Vote by voice call. President Vandenberg declared the motion carried.

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Motion was made by Trustee Brady, seconded by Trustee Glotz, to **PROCLAIM MAY 14, 2019, AS "APRAXIA AWARENESS DAY" IN THE VILLAGE OF TINLEY PARK.** This is in recognition of the many children worldwide with Childhood Apraxia of Speech (CAS). Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Brennan, seconded by Trustee Mueller, to **PROCLAIM MAY 5 THROUGH MAY 11, 2019, AS "PUBLIC SERVICE RECOGNITION WEEK" IN THE VILLAGE OF TINLEY PARK.** This is in honor of the millions of public employees at the federal, state, county, and local levels. Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Glotz, to **PROCLAIM MAY 5 THROUGH MAY 11, 2019, AS "MUNICIPAL CLERKS WEEK" IN THE VILLAGE OF TINLEY PARK.** This is to extend appreciation to the members of our Clerk's Office and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Glotz, seconded by Trustee Galante, to **PROCLAIM MAY 19 THROUGH MAY 25, 2019, AS "NATIONAL PUBLIC WORKS WEEK" IN THE VILLAGE OF TINLEY PARK.** This is to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protect our national health, safety, and quality of life. Vote by voice call. President Vandenberg declared the motion carried.

At this time, President Vandenberg asked if anyone from the Staff would care to address the Board.

Village Manager David Niemeyer welcomed the new Trustees.

Fire Chief Forest Reeder thanked the participants of the Fire Safety 5K run that took place on Sunday, May 4, 2019. Over \$15,000 was raised this year.

Marketing Director, Donna Framke announced that the Benches on the Avenue will be out this weekend.

At this time, President Vandenberg asked if anyone from the Public would care to address the Board.

Mike Stuckly asked if there were any updates on the Tinley Park Mental Health Center and the Melody Square negotiations. David Niemeyer stated that these projects continue to be in discussion.

A citizen stated his concerns with the finger printing procedures at the Police Department, health care being provided to part-time positions, and the timing of public comment during the Village Board meeting.

A citizen stated that he would like to see additional police officers hired. He also had concerns with the replacement of trees due to the Emerald Ash Borer. He also would like to see the Village host a Haunted House event at the Tinley Mental Health Center to raise funds.

Motion was made by Trustee Berg, seconded by Trustee Brady, to consider approving the following

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Regular Meeting of the Board of Trustees - Minutes

Consent Agenda items:

The following Consent Agenda items were read by the Village Clerk:

- A. CONSIDER THE APPOINTMENT OF TRUSTEE MICHAEL W. GLOTZ TO SERVE AS MAYOR PRO-TEM FOR THE 2019/2020 FISCAL YEAR.
- B. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SATURDAY, AUGUST 17, 2019, FROM 6840 TO 6932 175TH PLACE FROM 2:00 P.M. TO 10:00 P.M.
- C. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SATURDAY, JULY 27, 2019, FROM 6841 TO 6933 176TH PLACE FROM 11:00 A.M. TO 10:00 P.M.
- D. CONSIDER REQUEST FROM THE TINLEY PARK POLICE DEPARTMENT TO CONDUCT A TAG DAY FOR SPECIAL OLYMPICS ON FRIDAY, MAY 17, 2019, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.
- E. CONSIDER REQUEST FROM TINLEY PARK SERTOMA TO CONDUCT A TAG DAY ON FRIDAY, SEPTEMBER 6 AND SATURDAY, SEPTEMBER 7, 2019, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.
- F. CONSIDER REQUEST FROM AMERICAN LEGION POST 615 TO CONDUCT A QUEEN OF HEARTS RAFFLE BEGINNING ON MAY 8, 2019, WITH THE WINNER BEING DRAWN EACH THURSDAY AT POST 615, 17423 67TH COURT.
- G. CONSIDER REQUEST FROM GOOD SHEPHERD MANOR TO CONDUCT A RAFFLE BEGINNING ON MAY 8, 2019, WITH THE WINNER BEING DRAWN AT ODYSSEY COUNTRY CLUB ON JUNE 24, 2019.
- H. PAYMENT OF OUTSTANDING BILLS IN THE AMOUNT OF \$1,222,017.79 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED APRIL 18, APRIL 26, AND MAY 3, 2019.

President Vandenberg asked if anyone from the Board would like to remove or discuss any items from the Consent Agenda. No items were removed or discussed. Vote on roll call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Glotz, seconded by Trustee Brennan, to adopt and place on file **ORDINANCE 2019-O-021 AMENDING TITLE III CHAPTER 43 OF THE TINLEY PARK VILLAGE CODE ENTITLED "PUBLIC COMMENT POLICY"**. This policy amendment would be applied to all open meetings of the Village. Highlights are as follows:

- Board and staff comments will take place at the end of the meeting, followed by public comment.
- Comments are limited to six (6) minutes with a one (1) hour total public comment. An extension can be given by the Board if they choose to do so.
- The public is allowed to speak on any agenda item if it is in the final adoption stage.

President Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. Trustee Glotz thanked the Board for their support on this item. Vote on roll

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call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Glotz, seconded by Trustee Mueller, to adopt and place on file **ORDINANCE NUMBER 2019-O-022 AMENDING TITLE III CHAPTER 30 SECTION 40 OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "STANDING COMMITTEES"**.

This ordinance amends the Standing Committee Structure and meeting dates as follows:

- (1) Economic Development will become a part of the Community Development Committee and Marketing Committee will stand on its own.
- (2) Sets forth the regular meeting date and time for the new Committees:
 - a. Public Works, Public Safety, and Administration and Legal Committees on the 2nd Tuesday of the month at 6:30 p.m.;
 - b. Marketing, Finance, and Community Development on the 4th Tuesday of the month at 6:30 p.m.

President Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Brennan, to **APPOINT THE FOLLOWING VILLAGE BOARD COMMITTEE ASSIGNMENTS.**

FINANCE COMMITTEE**TRUSTEE DIANE M. GALANTE, CHAIR**Trustee Cynthia A. Berg
Trustee Michael G. Mueller**ADMINISTRATION & LEGAL COMMITTEE****TRUSTEE WILLIAM P. BRADY, CHAIR**Trustee Michael W. Glotz
Trustee William A. Brennan**PUBLIC SAFETY COMMITTEE****TRUSTEE WILLIAM A. BRENNAN, CHAIR**Trustee Michael W. Glotz
Trustee William P. Brady**PUBLIC WORKS COMMITTEE****TRUSTEE MICHAEL W. GLOTZ, CHAIR**Trustee William P. Brady
Trustee William A. Brennan**MARKETING COMMITTEE****TRUSTEE CYNTHIA A. BERG, CHAIR**Trustee Diane M. Galante
Trustee Michael G. Mueller**COMMUNITY DEVELOPMENT COMMITTEE****TRUSTEE MICHAEL G. MUELLER, CHAIR**Trustee Cynthia A. Berg
Trustee Diane M. Galante

President Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote by voice call. President Vandenberg declared the motion carried.

Motion was made by Trustee Glotz, seconded by Trustee Brady, to **APPROVE THE AMENDED REGULAR COMMITTEE MEETINGS SCHEDULE FOR THE REMAINDER OF 2019.** The Public Safety, Public Works, and Administration & Legal Committee meetings will take place on the second Tuesday of each month at 6:30 p.m. The Finance, Community Development, and Marketing Committee meetings will take place on the fourth Tuesday of each month at 6:30 p.m. President

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Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote by voice call. President Vandenberg declared the motion carried

Motion was made by Trustee Glotz, seconded by Trustee Mueller, to adopt and place on file **ORDINANCE NUMBER 2019-O-017 APPROVING TEXT AMENDMENTS TO SECTION III.J. (PERMITTED ENCROACHMENTS IN REQUIRED YARDS) OF THE ZONING ORDINANCE FOR REGULATIONS RELATED TO THE PERMITTED HEIGHT FOR FENCES IN THE SECONDARY FRONT YARD WHEN APPROVED AS PART OF AN ADMINISTRATIVE VARIANCE PROCESS.** Due to the number of variation requests concerning the height of a fence in a secondary yard, and due to the building code requirement for a five (5) foot fence for pools, staff drafted Text Amendments to the Zoning Ordinance allowing a five (5) foot fence in a secondary front yard when approved through an administrative variation review. The change will increase the maximum height by one foot (1'), an increase from the currently permitted maximum of four feet (4'). The Plan Commission held a Public Hearing on March 21, 2019 and voted unanimously (7-0) to recommend APPROVAL of the Text Amendments. President Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Berg, seconded by Trustee Brady, to adopt and place on file **ORDINANCE 2019-O-020 AMENDING TITLE XI CHAPTER 112, SECTION 112.20 OF THE TINLEY PARK MUNICIPAL CODE - LICENSE CLASSIFICATIONS (I) AND (J) - HOLLYWOOD CASINO AMPHITHEATRE.** Village staff has been working with representatives from the Hollywood Casino Amphitheatre and Legends Music, LLC (19100 Ridgeland Avenue) to make various amendments to License Classifications (I) and (J) in the Village's liquor code. Both license classes are specific to the Hollywood Casino Amphitheatre. The petitioner has made a substantial investment in the venue this past year, adding several million dollars' worth of improvements. To accompany these improvements meant to enhance guest experience and safety, they have also proposed the following changes to License Classifications (I) and (J):

- Class (I) License: allow for alcohol sales within the fence line (which includes the grassy hill) at two (2) designated points of sale (South Hill Portable and North Hill Portable), within a secured temporarily fenced in area when all day concerts play in the parking lot, and within an extended fence line outside of gate 4 and potentially gate 3 when attendance is above 23,000 to allow for more concourse space; sales of wine by the recyclable can and service of wine coolers up to 25 ounces; roaming, mobile vendors selling alcohol in the lawn area.
- Class (J) License: sales of wine by recyclable can and service of wine coolers up to 25 ounces; VIP areas be allowed to sell the same sized drinks as is allowed in the Concession Areas in Class I; allow for guests to be able to take their beverages out of all private VIP areas into the rest of the venue from the VIP area; permit the sale of alcohol to guests who have tickets to certain private areas adjacent to the floor boxes, but who do not also hold floor box tickets; sale of alcohol by bottle service in upper Skyboxes.
- Additionally, adjustment of ordinance language to be more universally applicable to allow for reasonable changes.

The Police Department is fully aware of the proposed changes and will continue to maintain a close

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working relationship with the Amphitheatre. The Building Department has already received the various permit applications for changes related to the items above and is working with the Amphitheatre to ensure code compliance. The proposed ordinance would amend License Classifications (I) and (J) to include the items laid out above. President Vandenberg stated that this item was in its final adoption stage and asked if anyone cared to address the Board. Trustee Glotz asked Assistant Village Manager Pat Carr and Police Sergeant Pat St. John how this will be policed. Sergeant St. John stated he feels comfortable with the changes and will monitor this at the amphitheater. Trustee Galante stated she would like to see better transportation to and from the amphitheater to downtown Tinley. Pat Carr stated the Village administration and marketing are working with the amphitheater to solve the transportation issues at the venue. President Vandenberg stated that amendment has been thoroughly vetted. Vote on roll call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

At this time, President Vandenberg asked if anyone from the Board would care to address the Board.

Trustee Berg welcomed the new trustees to the Board.

President Vandenberg welcomed the new trustees and stated he looks forward to working with them.

Motion was made by Trustee Brady, seconded by Trustee Glotz, at 8:39 p.m. to adjourn to Executive Session to discuss the following:

- A. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE PUBLIC BODY, INCLUDING HEARING TESTIMONY ON A COMPLAINT.
- B. THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY, INCLUDING MEETINGS HELD FOR THE PURPOSE OF DISCUSSING WHETHER A PARTICULAR PARCEL SHOULD BE ACQUIRED

Vote on roll call: Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Berg, seconded by Trustee Glotz, to adjourn the Executive Session and reconvene the regular Board meeting. Vote by voice call. President Vandenberg declared the motion carried and reconvened the regular Board meeting at 9:01 p.m.

Motion was made by Trustee Mueller, seconded by Trustee Berg, to adjourn the regular Board meeting. Vote by voice call. President Vandenberg declared the motion carried and adjourned the regular Board meeting at 9:01 p.m.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.

May 7, 2019 | 7

Regular Meeting of the Board of Trustees - Minutes

APPROVED:

Village President

ATTEST:

Village Clerk

DRAFT

TINLEY PARK



PROCLAMATION

RECOGNIZING

FRIDAY, JUNE 7TH, 2019 AS

“NATIONAL GUN VIOLENCE AWARENESS DAY”

IN THE VILLAGE OF TINLEY PARK

WHEREAS, on average, around 100 Americans are killed by gun violence every day, and nearly 40,000 people died by guns in the United States in 2017, according to federal statistics from the Centers for Disease Control and Prevention; and

WHEREAS, ensuring public safety is a core responsibility of elected and civic officials; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with limiting firearm access to those with dangerous histories; and

WHEREAS, elected officials, law enforcement, and public safety personnel know their communities well, are familiar with addressing local criminal activity, and are best positioned to understand how to keep community members safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama’s second inaugural parade and was tragically shot and killed just weeks later, should now be celebrating her 22nd birthday; and

WHEREAS, to help honor Hadiya—and recognize the 100 Americans whose lives are cut short and the countless injured survivors of shootings every day—a national coalition of organizations had designated June 7th, 2019, the first Friday in June, as the fifth annual National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange, in recognition of both hunters wearing orange to announce themselves to other hunters in the field & the color orange symbolizing the value of human life; and

WHEREAS, anyone can participate by pledging to wear orange on June 7th, the first Friday in June in 2019, to help raise awareness about gun violence and honor the lives of victims and survivors; and

WHEREAS, the community is urged to help reduce gun violence by encouraging responsible gun ownership and promoting awareness of said violence; and

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, that the first Friday of June, June 7th 2019, be designated as “*National Gun Violence Awareness Day*” in the Village of Tinley Park in recognition of the value of human life & violence prevention efforts.

APPROVED this 21st Day of May 2019.

Jacob C. Vandenberg, Village President

ATTEST:

Kristin A. Thirion, Village Clerk

VILLAGE OF TINLEY PARK



RESOLUTION 2019-R-037

RECOGNIZING THE TINLEY PARK HIGH SCHOOL SYMPHONIC BAND FOR WINNING 2019 ILLINOIS SUPERSTATE CHAMPIONSHIP IN CLASS 2A

WHEREAS, on May 3, 2019, the Tinley Park High School Symphonic Band took the stage at the Krannert Center for Performing Arts located on the University of Illinois Urbana Campus. They played two songs; “Block M” by Jerry Bilik and “Othello” by Alfred Reed during their SuperState performance, leading them to be crowned as 2019 Illinois SuperState Champions in Class 2A; and

WHEREAS, in order to be chosen to perform in the SuperState competition, schools must blind audition by sending in a recording. It is highly competitive with only six bands being chosen to compete from across Illinois in the Class 2A section; and

WHEREAS, the Tinley Park High School Symphonic Band has placed in the SuperState finals fourteen times and won SuperState championships for Class 2A in 2015 and 2019; and

WHEREAS, the Illinois SuperState Concert Band Festival invites only the finest wind band programs in the state of Illinois based on competitive application. Every band invited is a winner and represents the very finest the state has to offer. Each year, an honor band is selected to return the following year for a feature concert. The Tinley Park High School Symphonic Band held this prestigious honor in 2016 and will again return in 2020 to the competition as honored performers.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, that May 21, 2019, be designated as “Titan Band Day” in the Village of Tinley Park, and urge all citizens to join together and congratulate the Tinley Park High School Symphonic Band for being crowned as 2019 Illinois Superstate Champions in Class 2A.

BE IT FURTHER RESOLVED, that the following band members be recognized:

- | | | | | |
|-------------------|--------------------|-------------------|-----------------|-----------------------|
| Rebecca Beltran | Lindsey Dunning | Elizabeth Hoefs | Abigail Newtoff | Aidan Ryan |
| Lauren Berry | Amanda Dutkiewicz | Jackelyn Jelderks | Anne O'Brien | Nathan Ryan |
| Abigail Bertram | Madeleine Ellis | Jovita Johnson | Alisha O'Harrow | Katelyn Sanders |
| Kevin Brueggemann | Grace Evans | Alicia Kanapilly | Kerry Overland | Jason Sienko |
| Jacob Brunette | Sean Ford | Katrina Konrath | Meghan Pallanti | Jennifer Silva |
| Caroline Caserio | Alexa Fortu | Ricardo Lara | Peyton Paluszek | Bethany Sluis |
| Grace Caserio | Jacob Granko | John Lyon | Bella Pequette | Collin Standish |
| Christopher Combs | Aimeree Gravina | John McClelland | Vineet Pillai | Clare Whalen |
| Charles Desnoyers | Mitchell Hendricks | Zachary Nelson | John Roth | Vince Aiello-Director |

APPROVED this 21st Day of May, 2019.

Jacob C. Vandenberg, Village President

ATTEST:

Kristin A. Thirion, Village Clerk

Trustee Cynthia A. Berg

Trustee William P. Brady

Trustee William A. Brennan

Trustee Diane M. Galante

Trustee Michael W. Glotz

Trustee Michael G. Mueller

RECEIVE PRESENTATION OF THE

***“2019 RETA L. BRUDD
MEMORIAL SCHOLARSHIP
PROGRAM AWARDS”***

**SPONSORED BY THE
COMMUNITY RESOURCES
COMMISSION**

Trustee Glotz

**CONDUCT SWEARING IN
CEREMONY FOR FIREFIGHTERS**

CHRISTIAN ANDREWS

JACOB LITKENHUS

TYLER MULLER

BRANDON ROJAS

Clerk Thirion

CONSIDER THE
APPOINTMENT OF
AMY LUTCHEN TO THE
POSITION OF STAFF
ACCOUNTANT

Trustee Galante

TINLEY PARK



PROCLAMATION

RECOGNIZING

SEPTEMBER 9TH- SEPTEMBER 14TH 2019 AS

"BUDDY POPPY WEEK"

IN THE VILLAGE OF TINLEY PARK

WHEREAS, the annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this fundraising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in their desire to "Honor the Dead by Helping the Living"; and

WHEREAS, the citizens of Tinley Park are urged to recognize the merits of this cause by considering contributing to its support through donations for Buddy Poppies on the days set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead; and

WHEREAS, the citizens of Tinley Park are further urged to wear a "Buddy Poppy" as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as Americans; and

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, that Monday, September 9th through Saturday, September 14th 2019 be designated as "*Buddy Poppy Week*" in the Village of Tinley Park.

APPROVED this 21st Day of May 2019.

Jacob C. Vandenberg, Village President

ATTEST:

Kristin A. Thirion, Village Clerk

BLOCK PARTY APPLICATION

Village of Tinley Park

16250 South Oak Park Avenue, Tinley Park, Illinois 60477

Phone: 444-5000

Representative: Rory Nelson

Address: _____ Phone: _____

Organization: _____

Specific Location of Party: 65th Ave Between 174th St & Vogt St.

Request Date: Saturday August 17, 2019

Time: 10³⁰ a.m./p.m. To: 10⁰⁰ a.m./p.m.

Purpose: Social Interaction

Person or Persons In Charge:

Name: Rory Nelson Phone: _____

Name: Traci Nelson Phone: _____

Name: _____ Phone: _____

Number of Barricades Needed: 6 DO NOT USE VEHICLES AS BARRICADES.

PLEASE NOTE

The applicants have the responsibility of ascertaining that the street is not blocked in such a manner as to cause delay in the performance of emergency duties by the police department, fire department, ambulance or public works department. It is recommended that there be no parking on the hydrant side of the street. (moveable road block, refreshments served from curb, no large vehicles parked on street, no entertainment, music boxes or band blocking street).

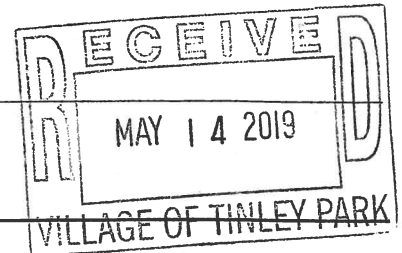
A person or persons shall be responsible for the removal of any road block in the event of an emergency.

The applicants are responsible for any injury, damage to property or illegal actions during the block party.

The applicants are responsible for maintaining order and obedience to the village, county, and state laws.

In the event that there should be directive, written or oral, from the police department to discontinue the party for proper reasons, then the applicants must comply.

Signed: Traci Nelson



VILLAGE USE ONLY

Fire Chief: Approved Not Approved

Police Chief: Approved Not Approved

Village Clerk: Approved Not Approved

Permits & Licenses Committee: _____

BLOCK PARTY APPLICATION

Village of Tinley Park

16250 South Oak Park Avenue, Tinley Park, Illinois 60477

Phone: 444-5000

Representative: Robert Meliska

Address: 9430 Hitchcock Blvd Phone: _____

Organization: Leytonstone HOA

Specific Location of Party: Cul-De-Sac at Hitchcock Blvd

Request Date: June 2, 2019

Time: noon a.m./p.m. To: 5:00 PM a.m./p.m.

Purpose: Annual homeowner block party

Person or Persons In Charge:

Name: Bob Meliska (President HOA) Phone: _____

Name: Doria Koros (Secretary HOA) Phone: _____

Name: _____ Phone: _____

Number of Barricades Needed: 2 DO NOT USE VEHICLES AS BARRICADES.

PLEASE NOTE

The applicants have the responsibility of ascertaining that the street is not blocked in such a manner as to cause delay in the performance of emergency duties by the police department, fire department, ambulance or public works department. It is recommended that there be no parking on the hydrant side of the street. (moveable road block, refreshments served from curb, no large vehicles parked on street, no entertainment, music boxes or band blocking street).

A person or persons shall be responsible for the removal of any road block in the event of an emergency.

The applicants are responsible for any injury, damage to property or illegal actions during the block party.

The applicants are responsible for maintaining order and obedience to the village, county, and state laws.

In the event that there should be directive, written or oral, from the police department to discontinue the party for proper reasons, then the applicants must comply.

Signed: _____ May 13 - 2019

VILLAGE USE ONLY

Fire Chief: Approved Not Approved

Police Chief: Approved Not Approved

Village Clerk: Approved Not Approved

Permits & Licenses Committee: _____

BLOCK PARTY APPLICATION

Village of Tinley Park

16250 South Oak Park Avenue, Tinley Park, Illinois 60477

Phone: 444-5000

Representative: Lynda Harrison

Address: 11143 Princeton Ave Phone: _____

Organization: Arlington Fest Block Party

Specific Location of Party: Arlington between Princeton + Everdon

Request Date: July 27, 2019 7918 Arlington St

Time: 10:00 AM a.m./p.m. To: 10:30 a.m./p.m.

Purpose: Block Party; Neighborhood Social

Person or Persons In Charge:

Name: Lynda Harrison Phone: _____

Name: Julie Vassiliou Phone: _____

Name: Carlisle Deddo Phone: _____

Number of Barricades Needed: _____ DO NOT USE VEHICLES AS BARRICADES.

PLEASE NOTE

The applicants have the responsibility of ascertaining that the street is not blocked in such a manner as to cause delay in the performance of emergency duties by the police department, fire department, ambulance or public works department. It is recommended that there be no parking on the hydrant side of the street. (moveable road block, refreshments served from curb, no large vehicles parked on street, no entertainment, music boxes or band blocking street).

A person or persons shall be responsible for the removal of any road block in the event of an emergency.

The applicants are responsible for any injury, damage to property or illegal actions during the block party.

The applicants are responsible for maintaining order and obedience to the village, county, and state laws.

In the event that there should be directive, written or oral, from the police department to discontinue the party for proper reasons, then the applicants must comply.

Signed: _____

SUBMIT

VILLAGE USE ONLY

Fire Chief: Approved Not Approved

Police Chief: Approved Not Approved

Village Clerk: Approved Not Approved

Permits & Licenses Committee: _____

BLOCK PARTY APPLICATION

Village of Tinley Park

16250 South Oak Park Avenue, Tinley Park, Illinois 60477

Phone: 444-5000

Victoria McNamara

Representative:

Address: 6630 Ravinia Drive

Phone: _____

Organization: _____

Specific Location of Party: 6624 Ravinia Drive to 6655 Ravinia Drive

Request Date: Saturday August 31, 2019

Time: 1pm a.m./p.m. To: 9pm a.m./p.m.

Purpose: Neighborhood gathering , Family fun

Person or Persons In Charge:

Name: Victoria McNamara

Phone: _____

Name: _____

Phone: _____

Name: _____

Phone: _____

Number of Barricades Needed: 16

DO NOT USE VEHICLES AS BARRICADES.

PLEASE NOTE

The applicants have the responsibility of ascertaining that the street is not blocked in such a manner as to cause delay in the performance of emergency duties by the police department, fire department, ambulance or public works department. It is recommended that there be no parking on the hydrant side of the street. (moveable road block, refreshments served from curb, no large vehicles parked on street, no entertainment, music boxes or band blocking street).

A person or persons shall be responsible for the removal of any road block in the event of an emergency.

The applicants are responsible for any injury, damage to property or illegal actions during the block party.

The applicants are responsible for maintaining order and obedience to the village, county, and state laws.

In the event that there should be directive, written or oral, from the police department to discontinue the party for proper reasons, then the applicants must comply.

Signed: _____

SUBMIT

VILLAGE USE ONLY

Fire Chief: Approved Not Approved

Police Chief: Approved Not Approved

Village Clerk: Approved Not Approved

Permits & Licenses Committee: _____



MEMORANDUM



TO: Village Board

FROM: Brad Bettenhausen, Treasurer/Finance Director

RE: RTA Litigation Settlement Agreement

DATE: 9 May 2019

In the fall of 2011, the Village of Tinley Park joined in a lawsuit filed by the RTA, Cook County and a number of municipalities against the City of Kankakee and the Village of Channahon, a number of sales tax broker entities, and certain retailers regarding the sourcing of taxable sales outside of the plaintiffs' jurisdictions to avoid (or reduce) local and regional sales taxes. The Village of Tinley Park is a co-plaintiff in the lawsuit which is managed by the RTA in consultation with the co-plaintiffs.

In 2016, the Village was party to a similar settlement agreement with two of the defendants who were sales tax brokerage entities. The current agreement provides for a settlement with the City of Kankakee. The terms of the settlement agreements are very similar and the Village's attorneys for this litigation at Klein Thorpe and Jenkins have reviewed the agreement and find it acceptable.

The Village's share of this settlement agreement is expected to be no more than \$7,000 and similar to the settlement previously received from the 2016 agreement.

It is recommended that the proposed Settlement Agreement and Release be approved by the Village Board.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

RESOLUTION

NO. 2019-R-040

**A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT AND
RELEASE BETWEEN THE REGIONAL TRANSPORTATION
AUTHORITY (RTA); COUNTY OF COOK; VILLAGE OF FOREST
VIEW; VILLAGE OF TINLEY PARK; VILLAGE OF LEMONT;
VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; VILLAGE OF
MELROSE PARK; VILLAGE OF HAZEL CREST; VILLAGE OF
NORTH BROOK AND PLAINTIFFS AND THE CITY OF KANKAKEE
AS DEFENDANT RELATIVE TO COOK COUNTY CONSOLIDATED
CASES 2011 CH 29744 AND 2011 CH 34266 INVOLVING THE MATTER
OF SOURCING AND REPORTING OF SALES TAXES**

**JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees**

VILLAGE OF TINLEY PARK

Cook County, Illinois
Will County, Illinois

RESOLUTION NO. 2019-R-040

**A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT AND
RELEASE BETWEEN THE REGIONAL TRANSPORTATION
AUTHORITY (RTA); COUNTY OF COOK; VILLAGE OF FOREST
VIEW; VILLAGE OF TINLEY PARK; VILLAGE OF LEMONT;
VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; VILLAGE OF
MELROSE PARK; VILLAGE OF HAZEL CREST; VILLAGE OF
NORTH BROOK AND PLAINTIFFS AND THE CITY OF KANKAKEE
AS DEFENDANT RELATIVE TO COOK COUNTY CONSOLIDATED
CASES 2011 CH 29744 AND 2011 CH 34266 INVOLVING THE MATTER
OF SOURCING AND REPORTING OF SALES TAXES**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park believe and hereby declare that it is in the best interest of the Village and its residents in order to avoid uncertainties of litigation and without admitting any liability to authorize the Village President and/or Village Manager to execute the Settlement Agreement, attached hereto as Exhibit 1; and

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The President and Board of Trustees hereby authorize the Village President and/or Village Manager to execute the Settlement Agreement, attached hereto as Exhibit 1, subject to review as to form by the Village Attorney.

SECTION 3: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Resolution shall be and is hereby repealed to the extent of such conflict.

SECTION 4: That the Village Clerk is hereby ordered and directed to publish this Resolution in pamphlet form, and this Resolution shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21st day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21st day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2019-R-040, **“A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE REGIONAL TRANSPORTATION AUTHORITY (RTA); COUNTY OF COOK; VILLAGE OF FOREST VIEW; VILLAGE OF TINLEY PARK; VILLAGE OF LEMONT; VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; VILLAGE OF MELROSE PARK; VILLAGE OF HAZEL CREST; VILLAGE OF NORTH BROOK AND PLAINTIFFS AND THE CITY OF KANKAKEE AS DEFENDANT RELATIVE TO COOK COUNTY CONSOLIDATED CASES 2011 CH 29744 AND 2011 CH 34266 INVOLVING THE MATTER OF SOURCING AND REPORTING OF SALES TAXES,”** which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

VILLAGE CLERK

SETTLEMENT AGREEMENT AND RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE (“Agreement”) made as of the _____ day of April, 2019, by and between the Plaintiffs to consolidated cases 2011 CH 29744 and 2011 CH 34266 (the REGIONAL TRANSPORTATION AUTHORITY (the RTA); the COUNTY OF COOK; the VILLAGE OF FOREST VIEW; the VILLAGE OF TINLEY PARK; the VILLAGE OF LEMONT; the VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; the VILLAGE OF MELROSE PARK; the VILLAGE OF HAZEL CREST; and the VILLAGE OF NORTHBROOK (collectively, “PLAINTIFFS”)) and Defendant the CITY OF KANKAKEE (KANKAKEE), WITNESSETH.

RECITALS

WHEREAS, the RTA is a special purpose unit of local government and municipal corporation of the State of Illinois with service to and jurisdiction over the following counties in respect to mass ground public transit: Cook, DuPage, Kane, Lake, McHenry, and Will;

WHEREAS, the COUNTY of COOK is a body politic and corporate of the State of Illinois;

WHEREAS, the Villages of FOREST VIEW; TINLEY PARK; ORLAND PARK; ELK GROVE VILLAGE; HAZEL CREST; and NORTHBROOK are Illinois home rule municipalities;

WHEREAS, the Villages of LEMONT and MELROSE PARK are Illinois non-home rule municipalities;

WHEREAS, the PLAINTIFFS are entitled to certain shares of retailers’ occupation taxes imposed on the business of selling tangible personal property within their jurisdictions pursuant to state law (“sales tax”);

WHEREAS, KANKAKEE is an Illinois home rule municipality in Kankakee County, Illinois.

WHEREAS, at all times relevant, KANKAKEE was party to multiple written non-brokered economic development agreements (the “Direct EDAs”) with certain retailers identified in Counts IV, V, VI and VII of the Sixth Amended Complaint filed by RTA in the Lawsuit referenced below (the “RETAILERS”). Pursuant to the Direct EDAs, the RETAILERS reported to the Illinois Department of Revenue (the “Department”) that certain of their sales took place in KANKAKEE, and thereafter received incentive payments measured as a percentage of taxes collected from their reported retail sales in that municipality;

WHEREAS, the PLAINTIFFS assert that the RETAILERS subject to the Direct EDAs engaged in the business of selling within one or more of the PLAINTIFFS’ taxing jurisdictions, but improperly reported those sales as taking place in KANKAKEE;

WHEREAS, the PLAINTIFFS assert that, as a result of the mis-reporting of retail sales as taking place in KANKAKEE, the PLAINTIFFS lost sales tax revenues that would otherwise have been paid to them by the State of Illinois, as well as a 30% Public Transportation Fund match payable to the RTA pursuant to 70 ILCS 3615/4.09(a)(1)-(2);

WHEREAS, KANKAKEE denies the impropriety of entering into the Direct EDAs; denies that there has been any mis-sourcing or mis-reporting of retail sales; denies that it facilitated any mis-sourcing or mis-reporting of retail sales in any respect; and further denies that the PLAINTIFFS lost any sales tax revenue as a result of their actions;

WHEREAS, the PLAINTIFFS brought suit against KANKAKEE and others in the Circuit Court of Cook County, Illinois, as consolidated cases 2011 CH 29744 and 2011 CH 34266 (the "Lawsuit") alleging violations of Illinois statutory and common law, including violations of 65 ILCS 5/8-11-21, and losses due to the improper sourcing of sales taxes;

WHEREAS, KANKAKEE denies any wrongdoing or violation of law, and further denies any liability to PLAINTIFFS; and

WHEREAS, the aforementioned parties are desirous of resolving all contested matters presently existing in regard to KANKAKEE's Direct EDAs with RETAILERS;

NOW, THEREFORE, IT IS AGREED as follows:

SETTLEMENT TERMS

1. Each of the recitals set forth above is expressly incorporated herein.
2. KANKAKEE shall cause to be paid to the PLAINTIFFS the sum of Four Hundred Thousand dollars (\$400,000.00) (the "Settlement Amount") within seven (7) days of execution of this Agreement. Said payment shall be delivered and made payable to the RTA and the County of Cook for distribution among the PLAINTIFFS in any manner agreed to by and between the PLAINTIFFS.
3. Commencing not later than the date of execution of this Agreement, KANKAKEE will terminate any and all agreements between it and the RETAILERS regarding the sourcing of sales taxes to KANKAKEE and will not re-enter, renew, or otherwise make operational the Direct EDAs previously entered with the RETAILERS regarding the sourcing of sales taxes.
4. KANKAKEE agrees to follow and abide by the laws of the State of Illinois and the regulations promulgated by the Department regarding the sourcing and reporting of retail sales for tax purposes, as now in effect and to be amended and/or enacted in the future.
5. Notwithstanding anything to the contrary herein, this Agreement shall not preclude or prohibit KANKAKEE from entering into EDAs allowed by law.
6. If KANKAKEE determines at any time in the future to enter into an EDA or like agreement with any retailer that engages in the business of selling within the RTA's six-county taxing jurisdiction, it agrees to provide the RTA and all other PLAINTIFFS where the retailer has a retail location or warehouse with written notice of the terms of the contemplated EDA or like agreement at least 30 days before said EDA or like agreement is to become effective. Said written notice shall describe the contemplated sales activity and shall be delivered by e-mail to the persons identified in Exhibit A, attached hereto.
7. Within three (3) business days following receipt of payment, the PLAINTIFFS shall file an Agreed Order dismissing with prejudice their pending causes of action relating to the Direct EDAs between KANKAKEE and the RETAILERS (Counts IV, V, VI and VII of the Sixth Amended Complaint in 2011 CH 29744 and Counts IV, V and VI of the Third Amended Complaint in 2011 CH 34266).

8. All other claims now pending in the Lawsuit that are unrelated to KANKAKEE'S Direct EDAs with the RETAILERS are unaffected by this settlement.
9. Release of KANKAKEE – In consideration for the above-described payment and the other consideration set forth herein, the PLAINTIFFS hereby fully and forever release, remise, acquit and discharge KANKAKEE, and its successors, affiliates, related entities, subsidiaries, divisions, departments, guarantors, sureties, insurers, members, principals, agents, past and present employees, representatives, attorneys, assigns, heirs, executors, officers and elected officials (“KANKAKEE RELEASED PARTIES”) from any and all claims, actions, causes of action, suits, set-offs, contributions, counterclaims, damages, debts, costs, expenses, attorneys’ fees or other fees whatsoever, based on any legal or equitable theory, right of action or otherwise, asserted or unasserted, foreseen or unforeseen, accrued or not accrued, which the PLAINTIFFS now hold or may at any time own or hold against the KANKAKEE RELEASED PARTIES by reason of any acts, circumstances, facts, events or transactions relating to the KANKAKEE Direct EDAs, as well as the activities of any RETAILER that received sales tax rebates from KANKAKEE directly or indirectly as a result of the KANKAKEE Direct EDAs. Nothing herein shall be construed to release KANKAKEE from any obligations under this Agreement.
10. Release of the RETAILERS – In consideration for the above-described payment and the other consideration set forth herein, the PLAINTIFFS hereby fully and forever release, remise, acquit and discharge, the RETAILERS identified in Counts IV, V, VI and VII of the Sixth Amended Complaint in 2011 CH 29744 or Counts IV, V and VI of the Third Amended Complaint in 2011 CH 34266, as well as their successors, affiliates, related entities, subsidiaries, guarantors, sureties, insurers, members, principals, agents, past and present employees, representatives, attorneys, assigns, heirs, executors, officers and directors (the “RELEASED RETAILERS”) from any and all claims, actions, causes of action, suits, set-offs, contributions, counterclaims, damages, debts, costs, expenses, attorneys’ fees or other fees whatsoever, based on any legal or equitable theory, right of action or otherwise, asserted or unasserted, foreseen or unforeseen, accrued or not accrued, which the PLAINTIFFS now hold or may at any time own or hold against the RELEASED RETAILERS by reason of any acts, circumstances, facts, events or transactions occurring before the effective date of this Agreement governed by or implicating the KANKAKEE Direct EDAs including, but not limited to, any matters relating in any way to the Lawsuit. Nothing herein shall be construed to release the RELEASED RETAILERS from any causes of action pending against them for EDAs with the Village of Channahon or any other municipality other than KANKAKEE, or any of their obligations under this Agreement. As additional consideration and as a condition precedent for the release set forth in this paragraph, each RETAILER identified in Counts IV, V, VI and VII of the Sixth Amended Complaint in 2011 CH 29744 and Counts IV, V and VI of the Third Amended Complaint in 2011 CH 34266 shall execute and deliver to PLAINTIFFS a release of the PLAINTIFFS in the form attached as Exhibit B within seven (21) days of execution of this Agreement. The release set forth in this paragraph shall not apply to any person or entity for which a release of the PLAINTIFFS in the form attached as Exhibit B has not been executed and delivered to PLAINTIFFS within seven (21) days of execution of this Agreement, unless the parties mutually agree to further extend that deadline.
11. Avoidance of Double Recovery in Future Audits. By executing this Agreement, the PLAINTIFFS each agree not to seek recovery of their respective retailers’ occupation

taxes or their portion of state use tax monies from any RELEASED RETAILER, or from KANKAKEE with respect to the sales of any RELEASED RETAILER, in whole or in part, jointly or separately, related to any retailers' occupation tax or use tax monies allocated to KANKAKEE as a result of any RELEASED RETAILER reporting its sales as having occurred in KANKAKEE before the effective date of this Agreement, including by virtue of any examination of any RELEASED RETAILER by the Department covering the Settlement Period. To wit, if the Department examines any RELEASED RETAILER for any period before the effective date of this Agreement, such RELEASED RETAILER shall be permitted – pursuant to this paragraph – to make the Department aware of this Agreement and the “Release of the RETAILERS” contained herein. Should the Department determine that any liability exists related to any PLAINTIFF, for any sale by any RELEASED RETAILER covering any portion of the period before the effective date of this Agreement, and insist upon collecting those amounts on behalf of any PLAINTIFF, then, in respect of the release contained in this Agreement and in order to avoid a double recovery or a recovery of amounts in excess of those agreed to and received under this Agreement, the PLAINTIFF or PLAINTIFFS will pay any such monies received from the Department as a result of such a finding as to any RELEASED RETAILER, within fourteen (14) days of receipt, into an escrow account (the “Account”) to be maintained by a third-party escrow agent (the “Agent”). Any funds distributed into that Account shall be distributed by the Agent on a pro rata basis to KANKAKEE and the RELEASED RETAILERS consistent with their respective contributions to the Settlement Amount.

12. Release of the PLAINTIFFS – In consideration of the rights, obligations and other terms as stated in this Agreement, KANKAKEE hereby fully and forever releases, remises, acquits and discharges PLAINTIFFS and their successors, affiliates, related entities, subsidiaries, guarantors, sureties, insurers, members, principals, agents, past and present employees, representatives, attorneys, assigns, heirs, executors, officers and directors (collectively, “PLAINTIFF RELEASED PARTIES”) from any and all claims, actions, causes of action, suits, set-offs, contributions, counterclaims, damages, debts, costs, expenses, attorneys’ fees or other fees whatsoever, based on any legal or equitable theory, right of action or otherwise, asserted or unasserted, foreseen or unforeseen, accrued or not accrued, which KANKAKEE now holds or may at any time own or hold against the PLAINTIFF RELEASED PARTIES by reason of any acts, circumstances, facts, events or transactions relating to the KANKAKEE Direct EDAs, as well as the activities of any RETAILER that received sales tax rebates from KANKAKEE directly or indirectly as a result of a KANKAKEE Direct EDA. Nothing herein shall be construed to release the PLAINTIFFS from any obligations under this Agreement.
13. Except as set forth in paragraph 11 of this Agreement, the parties acknowledge and agree that this settlement shall in no way affect the distribution of funds or the assessment of liability that may be made pursuant to the Department’s pending and/or future audits of any of the released parties and/or related retailers.
14. Each and every term of this Agreement shall be binding upon and inure to the benefit of each party’s successors and assigns.
15. Nothing in this Agreement can be construed as an admission or acknowledgement of wrongdoing or liability on behalf of KANKAKEE or any RETAILER. This Agreement constitutes the compromise of disputed claims, causes of actions, denials, defenses made or to be made by the Parties or any of them, and is being entered into solely for the purpose of bringing to an end the real or potential claims referred to herein and to avoid

further costs of litigation. The Parties understand and agree that neither their entry into this Agreement nor the payment of money pursuant to this Agreement shall constitute an admission of liability by any Party to any person or entity. This Agreement, each of its provisions, any prior drafts thereof, any negotiations, proceedings, or agreements relating to it, and any matter arising in connection with such negotiations, proceedings, or agreements shall not be offered or received in evidence in any litigation other than litigation brought to enforce the terms of this Agreement.

16. The RETAILERS are intended third-party beneficiaries of this Agreement, and may rely upon and avail themselves of the Release provided by this Agreement in any future litigation, or threatened litigation, with the PLAINTIFF RELEASED PARTIES. This Agreement may not be relied upon for any purpose by, or create any rights in, any other person who is not a party to this Agreement or a released party.
17. This Agreement constitutes the entire, complete and integrated statement of each and every term and provision agreed to by and among the parties and is not subject to any condition not provided for herein. This Agreement supersedes any prior representations, promises, or warranties (oral or otherwise) made by any party in respect to this matter, and no party shall be liable or bound to any other party for any prior representation, promise or warranty (oral or otherwise) except for those expressly set forth in this Agreement. This Agreement shall not be modified in any respect except by a writing executed by all parties hereto.
18. It is acknowledged that each party, with the assistance of competent counsel, has participated in the drafting of this Agreement. The parties agree that this Agreement has been negotiated at arms' length by parties of equal bargaining power, each of whom was represented by competent counsel of its own choosing. None of the parties hereto shall be considered to be the drafter of this Agreement or any provision hereof for the purpose of any statute, case law or rule of interpretation or construction that would or might cause any provision to be construed against the drafter.
19. The parties expressly declare and represent that they have read this Agreement and that they have consulted with their respective counsel regarding the meaning of the terms and conditions contained herein. The parties further expressly declare and represent that they fully understand the content and effect of this Agreement, that they approve and accept the terms and conditions contained herein, and that they enter into this Agreement willingly, knowingly, and without compulsion.
20. Should any of the provisions of this Agreement be declared or determined by any Court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term or provisions shall be deemed not to be a part of this Agreement, unless the illegality or invalidity of the illegal or invalid part, term or provision causes this Agreement to fail of its essential purpose, in which case, this entire Agreement shall become invalid and shall be null and void.
21. Each of the undersigned further declares and represents that he or she is competent to execute this instrument and that he or she is duly authorized, and has the full legal right and authority, to execute this Agreement on behalf of the party for whom he or she is signing.
22. The parties shall bear their own expenses, including costs and attorneys' fees, incurred in connection with the negotiation, drafting, and execution of this Agreement, and all

matters relating to the subject matter herein.

23. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Facsimile signatures shall be considered as valid signatures as of the date hereof, although the original signature pages shall thereafter be appended to this Agreement.
24. The parties agree that the terms of this Agreement are contractual and that any dispute as to its interpretation shall be interpreted in accordance with the laws of the State of Illinois, without reference to principles of choice or conflict of laws.
25. The parties agree that any dispute regarding or arising out of this Agreement must be brought and heard in the Circuit Court of Cook County, Illinois and the parties hereby consent to the venue and exercise of jurisdiction over them by such courts.
26. The Parties agree that the contents of this Agreement may be disclosed, subject to the provisions of this Agreement, only: (1) to the members of the RTA Board, to any and all of the members and staff of the RTA's three Service Boards (the Chicago Transit Authority, the Commuter Rail Division of the Regional Transportation Authority (also commonly referred to as "Metra"), and the Suburban Bus Division of the Regional Transportation Authority (also commonly referred to as "Pace")); (2) to members of the Cook County Board and its staff; (3) to members of the Village Boards of the PLAINTIFF municipalities and their staff; (4) to KANKAKEE's Mayor and members of its City Council; (5) to attorneys, accountants, appraisers and other persons for the purpose of providing accounting or tax advice or services to the Parties; (6) in any legal dispute between or among any the Parties to this Agreement; and (7) in accordance with an order entered by a court of competent jurisdiction.

Moreover, acknowledging that the Parties are public bodies subject to the Illinois Freedom of Information Act ("FOIA") and other public disclosure requirements, it is therefore agreed that if there is a legally required public disclosure of any of the terms of this Agreement pursuant to FOIA or other public disclosure law, the disclosing Party shall notify the non-disclosing Parties in writing at least three (3) business days prior to such disclosure of any of the terms of this Agreement pursuant to such requirement. Written notice shall be provided to the non-disclosing Parties as follows: General Counsel, Regional Transportation Authority, 175 W. Jackson Blvd., Suite 1650, Chicago IL 60604; Deputy Director of Tax Compliance, Cook County Department of Revenue, 118 N. Clark Street, Room 1160, Chicago, IL 60602; and Comptroller, City of Kankakee, 304 South Indiana Ave., Kankakee, Illinois 60901. Except for the permitted disclosures referenced above, the Parties further agree not to initiate publicity regarding the fact of settlement, and not to make any public statement regarding the settlement except as required by law or as set forth below in this paragraph. If media requests are received or questions raised regarding this Agreement, the party to whom the request is made shall respond, without elaboration: "In recognition of the hazards and expenses of litigation, the parties decided to settle this lawsuit. Further comment regarding the settlement is prohibited by the parties' Settlement Agreement." The individuals to whom the contents of this Agreement are disclosed pursuant to subsections (1) through (5) of this paragraph ("Party-Related Information Recipients") are bound by this paragraph as if they had specifically signed this Agreement. Violations of this paragraph by Party-Related Information Recipients shall be deemed violations by the party who discloses the Agreement to the Party-Related Information Recipient who violates the provisions of this

paragraph.

WHEREFORE, the parties set their hands as of the date first above written.

REGIONAL TRANSPORTATION AUTHORITY

CITY OF KANKAKEE

By: _____

By: _____

Its: _____

Its: _____

COUNTY OF COOK

VILLAGE OF FOREST VIEW

By: _____

By: _____

Its: _____

Its: _____

VILLAGE OF TINLEY PARK

VILLAGE OF LEMONT

By: _____

By: _____

Its: _____

Its: _____

VILLAGE OF ORLAND PARK

ELK GROVE VILLAGE

By: _____

By: _____

Its: _____

Its: _____

VILLAGE OF MELROSE PARK

VILLAGE OF HAZEL CREST

By: _____

By: _____

Its: _____

Its: _____

VILLAGE OF NORTHBROOK

By: _____

Its: _____

**EXHIBIT A TO SETTLEMENT AGREEMENT AND RELEASE
PLAINTIFFS' CONTACT LIST**

The Regional Transportation Authority

RTA General Counsel and Deputy General Counsel: Nadine Lacombe, Allison Noback
LacombeN@rtachicago.org
NobackA@rtachicago.org

HEYL, ROYSTER, VOELKER & ALLEN, P.C.

John P. Heil, Jr., Brett M. Mares
33 N. Dearborn Street, 7th Floor
Chicago, IL 60602
Phone: (312) 853-8700
jheil@heyloyster.com
bmares@heyloyster.com
chiecf@heyloyster.com
peoecf@heyloyster.com

TABET DIVITO & ROTHSTEIN LLC

Gino L. DiVito, Karina Zabicki DeHayes, Daniel I. Konieczny
209 S. La Salle St., 7th Floor
Chicago, IL 60604
Phone: (312) 762-9450
GDiVito@tdrlawfirm.com
KDeHayes@tdrlawfirm.com
DKonieczny@tdrlawfirm.com
edocket@tdrlawfirm.com

The County of Cook

COOK COUNTY STATE'S ATTORNEY'S OFFICE

Assistant State's Attorneys Daniel H. Brennan, Jr., James Beligratis
500 Richard J. Daley Center
Chicago, IL 60602
Phone: (312) 603-5440
daniel.brennanjr@cookcountyil.gov
james.beligratis@cookcountyil.gov

Village of Forest View

Village Administrator: Mark Masciola
ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE
Judith Kolman
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
Phone: (312) 541-1070
MarkMasciola@forestview-il.org
jkolman@rmcj.com

Village of Tinley Park

Village Manager and Treasurer: Dave Niemeyer, Brad Bettenhausen
KLEIN, THORPE & JENKINS, LTD.

Terrence M. Barnicle, Thomas M. Melody, Howard C. Jablecki
20 N. Wacker Drive, Suite 1660

Chicago, IL 60606

Phone: (312) 984-6400

dniemeyer@tinleypark.org

bbettenhausen@tinleypark.org

tmbarncle@ktjlw.com

tmmelody@ktjlw.com

hjablecki@ktjlw.com

Village of Orland Park

Village Manager and Finance Director: Joseph S. LaMargo and Annmarie Mampe
KLEIN, THORPE & JENKINS, LTD.

Dennis G. Walsh, Howard C. Jablecki

15010 S. Ravinia Ave., Suite 10

Orland Park, IL 60462

Phone: (708) 349-3888

manager@orlandpark.org

finance@orlandpark.org

dgwalsh@ktjlw.com

hjablecki@ktjlw.com

Village of Lemont

Village Administrator: George Schafer

TRESSLER LLP

Andrew S. Paine

233 S. Wacker Drive, 22nd Floor

Chicago, IL 60606

Phone: (312) 627-4154

gschafer@lemont.il.us

apaine@tresslerllp.com

Village of Northbrook

HOLLAND & KNIGHT

Steven Elrod, Stewart Weiss

131 South Dearborn Street, 30th Floor

Chicago, IL 60603

Phone: (312) 578-6565

Steven.Elrod@hkllaw.com

Stewart.Weiss@hkllaw.com

Elk Grove Village

George Knickerbocker, Village Attorney

ELK GROVE VILLAGE

901 Wellington Avenue

Elk Grove Village, IL 60007

Phone: (847) 357-4032

gknickerbocker@elkgrove.org

Village of Hazel Crest

Village Manager: Donna M. Gayden
ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE
Judith Kolman
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
Phone: (312) 541-1070
dgayden@villageofhazelcrest.com
jkolman@rmcj.com

Village of Melrose Park

DEL GALDO LAW GROUP, LLC
K. Austin Zimmer
1441 South Harlem Avenue
Berwyn, Illinois 60402
Phone: (708) 222-7000
zimmer@dlglawgroup.com

EXHIBIT B TO SETTLEMENT AGREEMENT AND RELEASE
RECIPROCAL RELEASE AGREEMENT BY RETAILERS

THIS RELEASE AGREEMENT ("Release") made as of the _____ day of April, 2019, by and between _____ ("RETAILER") and the Plaintiffs to consolidated cases 2011 CH 29744 and 2011 CH 34266 (the REGIONAL TRANSPORTATION AUTHORITY (the RTA); the COUNTY OF COOK; the VILLAGE OF FOREST VIEW; the VILLAGE OF TINLEY PARK; the VILLAGE OF LEMONT; the VILLAGE OF ORLAND PARK; ELK GROVE VILLAGE; the VILLAGE OF MELROSE PARK; the VILLAGE OF HAZEL CREST; and the VILLAGE OF NORTHBROOK (collectively, "PLAINTIFFS")), WITNESSETH.

RECITALS

WHEREAS, RETAILER is identified as a party to a written non-brokered economic development agreement ("Direct EDA") with the City of Kankakee in Count IV, V, VI or VII of the Sixth Amended Complaint in 2011 CH 29744 in the Circuit Court of Cook County, Illinois, or Count IV, V or VI of the Third Amended Complaint in 2011 CH 34266 in the Circuit Court of Cook County, Illinois; and

WHEREAS, as part of the Settlement Agreement and Release between PLAINTIFFS and the City of Kankakee ("KANKAKEE") dated December __, 2018, PLAINTIFFS have agreed to release RETAILER provided that RETAILER executes a reciprocal release of PLAINTIFFS.

NOW, THEREFORE, IT IS AGREED as follows:

TERMS

1. Release of the PLAINTIFFS – In consideration of the rights, obligations and other terms as stated in the Settlement Agreement and Release, RETAILER hereby fully and forever releases, remises, acquits and discharges PLAINTIFFS and their successors, affiliates, related entities, subsidiaries, guarantors, sureties, insurers, members, principals, agents, past and present employees, representatives, attorneys, assigns, heirs, executors, officers and directors (collectively, "PLAINTIFF RELEASED PARTIES") from any and all claims, actions, causes of action, suits, set-offs, contributions, counterclaims, damages, debts, costs, expenses, attorneys' fees or other fees whatsoever, based on any legal or equitable theory, right of action or otherwise, asserted or unasserted, foreseen or unforeseen, accrued or not accrued, which RETAILER now holds or may at any time own or hold against the PLAINTIFF RELEASED PARTIES by reason of any acts, circumstances, facts, events or transactions relating to the Direct EDA, as well as the activities of KANKAKEE directly or indirectly as a result of the Direct EDA. Nothing herein shall be construed to release the PLAINTIFFS from any obligations under this Agreement. As additional consideration and as a condition precedent for the release set forth in this paragraph, each PLAINTIFF shall execute the Settlement Agreement and Release between PLAINTIFFS and the City of Kankakee ("KANKAKEE") dated December __, 2018, which includes the following release of RETAILER:

10. Release of the RETAILERS – In consideration for the above-described payment and the other consideration set forth herein, the PLAINTIFFS hereby fully and forever release, remise, acquit and discharge, the RETAILERS identified in Counts IV, V, VI and VII of the Sixth Amended Complaint in 2011 CH 29744 or Counts IV, V and VI of

the Third Amended Complaint in 2011 CH 34266, as well as their successors, affiliates, related entities, subsidiaries, guarantors, sureties, insurers, members, principals, agents, past and present employees, representatives, attorneys, assigns, heirs, executors, officers and directors (the "RELEASED RETAILERS") from any and all claims, actions, causes of action, suits, set-offs, contributions, counterclaims, damages, debts, costs, expenses, attorneys' fees or other fees whatsoever, based on any legal or equitable theory, right of action or otherwise, asserted or unasserted, foreseen or unforeseen, accrued or not accrued, which the PLAINTIFFS now hold or may at any time own or hold against the RELEASED RETAILERS by reason of any acts, circumstances, facts, events or transactions occurring before the effective date of this Agreement governed by or implicating the KANKAKEE Direct EDAs including, but not limited to, any matters relating in any way to the Lawsuit. Nothing herein shall be construed to release the RELEASED RETAILERS from any obligations under this Agreement. As additional consideration and as a condition precedent for the release set forth in this paragraph, each RETAILER identified in Counts IV, V, VI and VII of the Sixth Amended Complaint in 2011 CH 29744 and Counts IV, V and VI of the Third Amended Complaint in 2011 CH 34266 shall execute and deliver to PLAINTIFFS a release of the PLAINTIFFS in the form attached as Exhibit B within seven (7) days of execution of this Agreement. The release set forth in this paragraph shall not apply to any person or entity for which a release of the PLAINTIFFS in the form attached as Exhibit B has not been executed and delivered to PLAINTIFFS within seven (7) days of execution of this Agreement.

The release set forth in this paragraph shall not apply to any PLAINTIFF that has not executed the Settlement Agreement and Release between PLAINTIFFS and the City of Kankakee ("KANKAKEE") dated December __, 2018, which includes the foregoing release of RETAILER.

2. RETAILER agrees that the terms of this Release are contractual and that any dispute as to its interpretation shall be interpreted in accordance with the laws of the State of Illinois, without reference to principles of choice or conflict of laws.
3. RETAILER agrees that any dispute regarding or arising out of this Release must be brought and heard in the Circuit Court of Cook County, Illinois and the parties hereby consent to the venue and exercise of jurisdiction over them by such courts.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Release Agreement as the date first above written.

RETAILER: _____

By: _____

Its: _____

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-0-023

**AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE
TINLEY PARK MUNICIAP CODE – 2019 S-33 SUPPLIEMENT**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

**ORDINANCE
NO. 2019-0-023**

VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

**AN ORDINANCE ADOPTING CERTAIN AMENDMENTS
TO THE TINLEY PARK MUNICIPAL CODE – 2019 S-33 SUPPLEMENT**

BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park,
Cook and Will Counties, Illinois, as follows:

Section 1: That the Supplement to the Tinley Park Municipal Code attached hereto (identified as the 2019 S-033 Supplement), is hereby adopted and enacted as a part of the Tinley Park Municipal Code, and shall supersede all other general and permanent ordinances dealing with the same subject matters and conflicting with the provisions hereof passed by the President and Board of Trustees on or before December 31, 2018, except such as by reference thereto in said amendments are expressly saved from repeal or continued in force and effect for any purpose.

Section 2: That such additions or amendments to such Code are intended by the President and Board of Trustees to become a part of said Municipal Code, and shall be deemed to be incorporated in such Code, so that reference to the ATinley Park Municipal Code,@ shall be understood and intended to include such additions and amendments.

Section 3: That a copy of such Code, including the amendments, shall be kept on file in the Office of the Village Clerk and preserved in loose leaf form. It shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in their designated places such amendments. This copy of such code as amended shall be available for all persons desiring to examine the same and shall be considered the official Tinley Park Municipal Code.

Section 4: That whenever in such Code any act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of such Code, where no specific penalty is provided therefor, the violation of any such provision of such Code shall be punished by a fine of not more than \$750. Each day any violation of any provisions of the Code shall continue shall constitute a separate offense.

Section 5: That in case of the amendment of any Section of the Code for which a penalty is not provided, the general penalty as provided in Section 4 of this Ordinance shall apply to the section as amended, or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section, that penalty shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 6: That it shall be unlawful for any person, firm, or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the laws of the Village of Tinley Park to be misrepresented thereby. Any person, firm, or corporation violating this Section shall be punished as provided in Section 4 of this Ordinance.

Section 7: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8: That this Ordinance, and the amendments adopted hereby, shall be in full force and effect from and after their passage, approval, and publication in pamphlet form as provided by law.

Section 9: That the Village Clerk be and hereby is authorized and directed to publish this Ordinance and the amendments adopted hereby, in book or pamphlet form.

ADOPTED this ____ day of May, 2019, by a roll call vote of the Corporate Authorities of the Village of Tinley Park as follows:

AYES:

NAYS:

ABSENT:

APPROVED this ____, day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

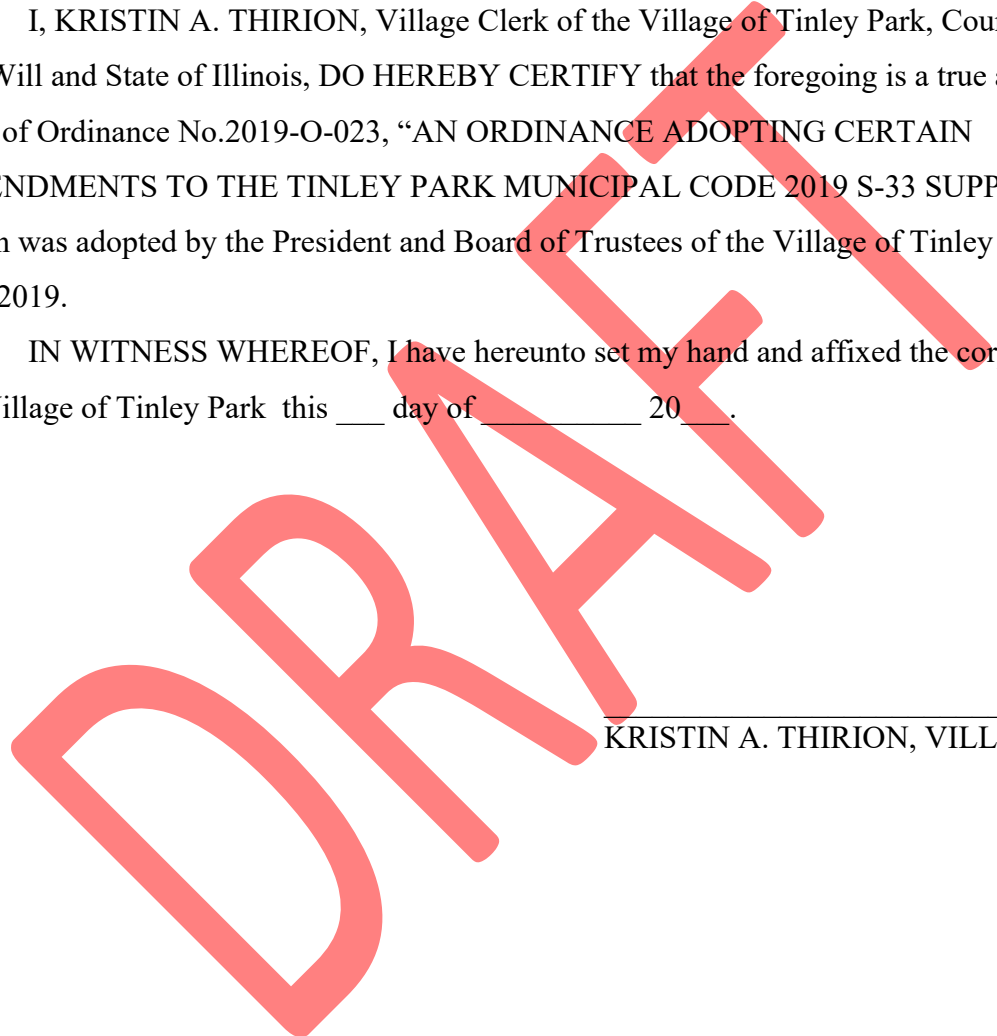
STATE OF ILLINOIS)
 COUNTY OF COOK) SS
 COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No.2019-O-023, "AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE TINLEY PARK MUNICIPAL CODE 2019 S-33 SUPPLEMENT" which was adopted by the President and Board of Trustees of the Village of Tinley Park on May ___, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this ___ day of _____ 20___.

 KRISTIN A. THIRION, VILLAGE CLERK





Interoffice Memo

Date: May 10, 2019

To: David Niemeyer, Village Manager

From: John Urbanski, Assistant Public Works Director

Subject: Oak Park Ave. Train Station Warming Shelter / Metra IGA

Presented for May 14, 2019 Public Works Committee discussion and possible action:

Description:

The March 12th PW Committee discussed the plans to construct a warming shelter and storage facility offered at the Oak Park Avenue Train Station. This plan included a conceptual design of a "hybrid" facility to serve as a dual-purpose building. This structure is recommended to be placed on the North side adjacent to the train tracks. We will see the ability to house commuters along with offer the needed storage for the facility and vendor.

Request was made to Metra for cost participation. After reviewing the conceptual designs, Metra offered to enter into an Intergovernmental Agreement with the Village for their cost not to exceed \$75,000. It is staff's request to concur with the PW Committee of March 12th and enter into an Intergovernmental Agreement with Metra towards the construction costs of a warming/storage facility at the Oak Park Ave. Train Station.

Budget/ Finance:

Overall, the estimated cost of the structure is \$250,000 with the village share at \$175,000.00 or about 70% of the project cost. Funds have been requested and allocated in the current fiscal budget.

Staff Direction Request:

1. Enter into an Intergovernmental Agreement with Metra for the construction of the proposed warming and storage facility.

Attachments:

1. Warming Shelter / Storage Facility Concept Drawings & Details
2. Intergovernmental Agreement with Metra

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

RESOLUTION
NO. 2019-R-039

RESOLUTION AUTHORIZING
AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK
AND COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY
(METRA) – WARMING SHELTER AT OAK PARK AVENUE TRAIN STATION

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

RESOLUTION NO. 2019-R-039**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) – WARMING SHELTER AT OAK PARK AVENUE TRAIN STATION**

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have considered entering into an Intergovernmental Agreement with the Metropolitan Water Reclamation District of Greater Chicago, a true and correct copy of such Intergovernmental Agreement being attached hereto and made a part hereof as **EXHIBIT 1**; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interests of said Village of Tinley Park that said Intergovernmental Agreement be entered into by the Village of Tinley Park, and but for the provision of the inducements therein the property would not be developed as provided therein;

NOW, THEREFORE, Be It Resolved by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Resolution as fully as if completely repeated at length herein.

Section 2: That this President and Board of Trustees of the Village of Tinley Park hereby find that it is in the best interests of the Village of Tinley Park and its residents that the aforesaid "Intergovernmental Agreement" be entered into and executed by said Village of Tinley Park, with said Agreement to be substantially in the form attached hereto and made a part hereof as **EXHIBIT 1**.

Section 3: That the President and Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois are hereby authorized to execute for and on behalf of said Village of Tinley Park the aforesaid Intergovernmental Agreement.

Section 4: That this Resolution shall take effect from and after its adoption and approval.

ADOPTED this 21ST day of May, 2019, by the Corporate Authorities of the Village of Tinley Park
on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this 21ST day of May, 2019, by the President of the Village of Tinley Park.

Village President

ATTEST:

Village Clerk

EXHIBIT 1

**INTERGOVERNMENTAL FUNDING AGREEMENT FOR
THE CONSTRUCTION OF A WARMING SHELTER AT
THE TINLEY PARK COMMUTER FACILITY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) made and entered into this ___ day of _____, 20___, by and between the Village of Tinley Park, an Illinois municipal corporation (“**Municipality**”), and the Commuter Rail Division of the Regional Transportation Authority, a division of an Illinois municipal corporation (“**Metra**”). The Municipality and Metra are sometimes referred to herein individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS:

A. The Constitution of the State of Illinois, Article VII, Section 10, provides that units of local municipalities and school districts may contract among themselves in any manner not prohibited by law or by ordinance.

B. The Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., authorizes public agencies in Illinois to exercise jointly with any other public agency any power or powers, privileges, functions or authority which may be exercised by a public agency, individually, and to enter into contracts for the performance of governmental services, activities, and undertakings.

C. Metra has the authority to cooperate with other governmental agencies and desires to contribute grant funds to reimburse the Municipality for a portion of the costs of the construction of a warming shelter at the Tinley Park commuter facility (“**Project**”).

D. The Municipality is authorized to cooperate with Metra in the exercise of its powers and agrees to manage the Project, and the work necessary to complete the Project (“**Work**”).

E. Metra has determined that the Parties will benefit from the completion of the Project and will provide the Municipality a portion of the necessary funding for the performance of the Work in relation to the Project.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing Recitals, which are hereby incorporated into and made a part of this Agreement, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted by the Parties, the Parties agree as follows:

1. **THE PROJECT**, more specifically described on the on the concept site plan attached to and made a part of this Agreement as **Exhibit A**, (the “**Concept**”). The Concept has been approved by Metra.

2. **AMOUNT OF GRANT**. The total cost of constructing the Project pursuant to the Concept is estimated to be One Hundred Seventy-Five Thousand Dollars (\$175,000). Metra agrees to provide grant funding to the Municipality in an amount up to and not to exceed Seventy-Five

Thousand Dollars (\$75,000) to pay a portion of the costs for the completion of the Project (“Grant” or “Grant Funds”). The costs of completion that exceed this amount will be the responsibility of the Municipality. Metra may agree in writing to increase the amount of the Grant Funding subject to the approval of Metra’s Board of Directors and Executive Director.

3. **INDEMNITY.** Each Party (“Indemnifying Party”) shall indemnify and hold harmless the other Party, its directors, officers, agents, servants and employees (“Indemnified Party”) from and against any and all claims, demands, causes of action, losses, damages, fines, penalties, liabilities, costs and expenses, including attorney’s fees and court costs, to which Indemnified Party may become liable or subject to by reason of or arising out of the failure of Indemnifying Party to perform its obligations hereunder. Under no circumstance will the indemnification obligation set forth herein extend to cover claims, demands, causes of action, losses, damages, fines, penalties, liabilities, costs and expenses, including attorney’s fees and court costs arising from the Indemnified Party’s own negligence or willful misconduct. The indemnities contained in this section survive the termination of this Agreement.

4. **JOINT OBLIGATIONS.**

(a) The Parties agree to do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in furthering the objectives of this Agreement, and the intent of the Parties as reflected by the terms of this Agreement, including, without limitation, the enactment of such resolutions and ordinances, the execution of such permits, applications and agreements, and the taking of such other actions as may be necessary to enable the Parties’ compliance with the terms and provisions of this Agreement, and as may be necessary to give effect to the objectives of this Agreement and the intentions of the Parties as reflected by the terms of this Agreement.

(b) Neither Party shall assign this Agreement to any person or entity without the prior written consent of the other Party.

(c) Municipality and Metra agree that this Agreement is for the benefit of the Parties and not for the benefit of any third party beneficiary. No third Party shall have any rights or claims against Metra or the Municipality arising from this Agreement.

5. **ELIGIBLE COSTS.**

(a) Expenditures incurred by Municipality shall be reimbursable under the Project to the extent they meet the requirements set forth below:

- i. Be necessary in order to accomplish the Project; and
- ii. Be satisfactorily documented (collectively, the “Eligible Costs”).

(b) In the event that it may be impractical to determine exact costs of indirect or service functions, Eligible Costs will include such allowances for these costs as may be approved in writing by Metra.

6. **PAYMENT.** Metra will pay Municipality upon submittal of an acceptable invoice to Metra along with any detailed information about the Work that may be required by Metra. Upon submittal of an invoice, Metra shall process the invoice to verify that such costs are Eligible Costs incurred by Municipality, and shall submit payment within thirty (30) days of the date upon which such payment invoice was timely received. Municipality shall submit invoices for actual costs incurred within forty-five (45) days after completion of the Work. Reimbursement of any cost pursuant to this Section shall not constitute a final determination by Metra of the allowability of such cost and shall not constitute a waiver of any violation of the terms of this Agreement committed by Municipality. Metra will make a final determination as to the allowability only after a final audit of the Project and/or Work has been conducted.

7. **DOCUMENTATION OF PROJECT COSTS.** All costs charged to the Project, including any approved services contributed by Municipality or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and property of the charges.

8. **AUDIT AND INSPECTION.** Municipality shall permit, and shall require its contractors to permit, Metra, RTA, or any other state or federal agency providing grant funds, or their designated agents, authorized to perform such audit and inspection, to inspect all work, materials, payrolls, and other data and records with regard to the Project, and to audit the books, records, and accounts of Municipality and its contractors with regard to the Project. Metra also may require the Municipality to furnish, at any time prior to close-out of the Project, audit reports prepared according to generally accepted accounting principles at Municipality's expense. Municipality agrees to promptly comply with recommendations contained in Metra's final audit report.

9. **RIGHT OF METRA TO TERMINATE.** Upon written notice to Municipality, Metra reserves the right to suspend or terminate all or part of the financial assistance herein provided if Municipality is, or has been, in violation of the terms of this Agreement. Any failure to make progress, which significantly endangers substantial performance of the Project within a reasonable time, shall be deemed to be a violation of the terms of this Agreement. Termination of any part of the Grant Funds will not invalidate obligations properly incurred by Municipality and concurred in by Metra prior to the date of termination to the extent they are non-cancellable. The acceptance of a remittance by Metra of any or all Grant Funds previously received by Municipality or the closing out of Metra financial participation in the Project shall not constitute a waiver of any claim which Metra may otherwise have arising out of this Agreement. In the event of termination of this Agreement during the construction phase for reasons other than violation of the terms hereof by Municipality, Metra shall determine the most appropriate course of action to be taken with respect to the Project.

10. **COMPLIANT WITH RULES AND REGULATIONS.** Municipality agrees that the award of the contracts for the Project has been done in accordance with all applicable state, federal, and Municipality's established rules, regulations and ordinances.

11. **COUNTERPARTS.** This Agreement may be simultaneously executed in counterparts, each of which so executed shall be deemed to be original, and such counterparts together shall constitute one and the same instrument.

12. **EXPENDITURE OF GRANT FUNDS.** Municipality agrees that the Grant Funds for this Project will be used to reimburse costs for Eligible Costs of the Project.

13. **SUBSEQUENT MAINTENANCE & REPAIR.** Upon completion of the Project, Municipality agrees that the new warming shelter will become a part of the Commuter Facility as defined in that certain, "Agreement for the Operation and Maintenance of a Commuter Rail Facility in the Village of Tinley Park," (the "OMA") entered into by the Parties on October 24, 2006, Metra No. 87650, and all maintenance and repair of the building shall be the responsibility of the Municipality under the terms of the OMA.

14. **ENTIRE AGREEMENT.** This Agreement represents the entire Agreement between Metra and Municipality and supersedes all prior negotiations and agreements. This Agreement shall be construed in accordance with the internal laws of the State of Illinois. This Agreement may be amended only by written instrument signed by both Parties hereto.

15. **NOTICES.** All notices, demands, elections, and other instruments required or permitted to be given or made by either Party upon the other under the terms of this Agreement or any statute shall be in writing. Such communications shall be deemed to have been sufficiently served if sent by certified or registered mail with proper postage prepaid, hand delivered, sent by regular mail by the sending Party at the respective addresses shown below, or to such other Party or address as either Party may from time to time furnish to the other in writing. Such notices, demands, elections and other instruments shall be considered delivered to recipient on the second business day after deposit in the U.S. Mail, on the day of delivery if hand delivered.

(a) Notices to Metra shall be sent to:

Metra
547 W. Jackson Boulevard
Chicago, Illinois 60661
Attn: Director of Government Affairs
Phone: (312) 322-6494

(b) Notices to Municipality shall be sent to:

Tinley Park
16250 S. Oak Park Avenue
Tinley Park, IL 60477
Attn:
Phone: (708) 444-5000

16. **GENERAL.**

(a) This Agreement shall be governed by the laws of the State of Illinois.

(b) This Agreement, together with the exhibits attached hereto (all of which are incorporated herein by this reference), constitutes the entire Agreement between the Parties with respect to the subject matter hereof.

(c) The execution, delivery of, and performance under this Agreement is pursuant to authority, validity and duly conferred upon the Parties and signatories hereto.

Signature Page to Follow

IN WITNESS WHEREOF, this Agreement is entered into by and between the Parties hereto as of the date and year first above written.

VILLAGE OF TINLEY PARK:

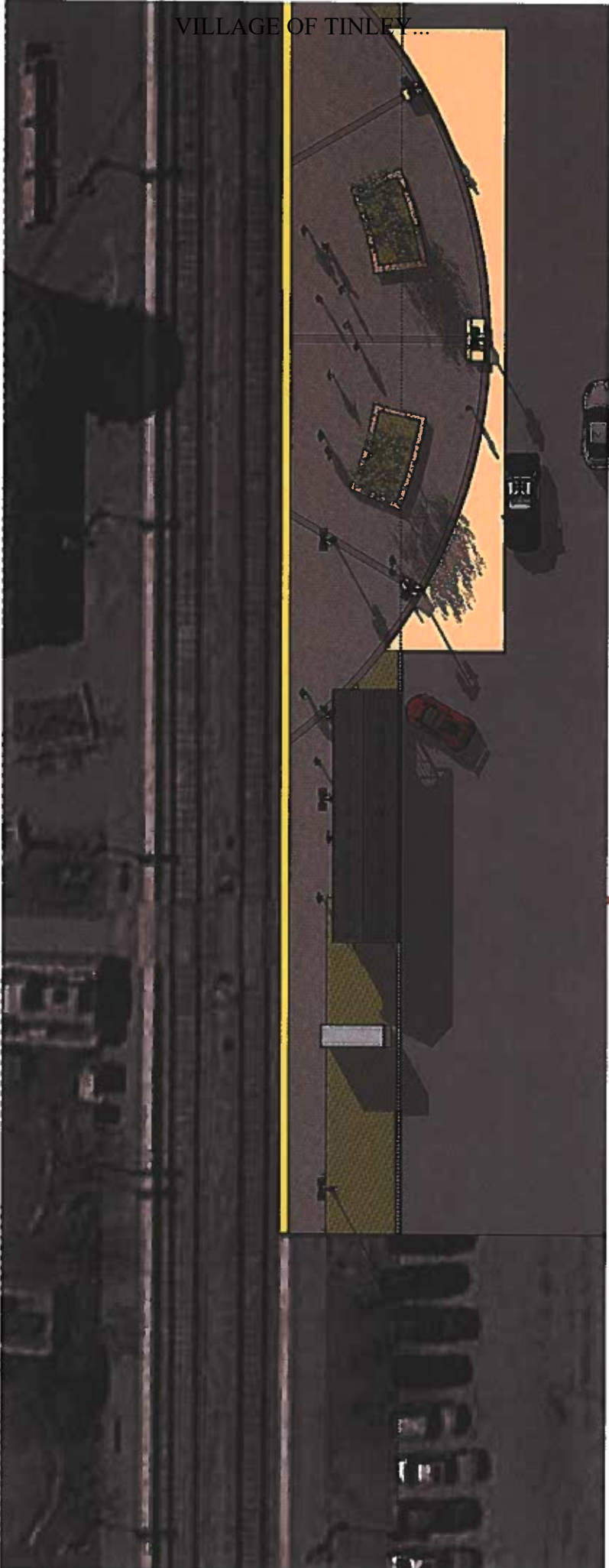
METRA:

By: _____

By: _____
James M. Derwinski, CEO/Executive Director

(please print name and title)

Exhibit A Concept



SITE PLAN

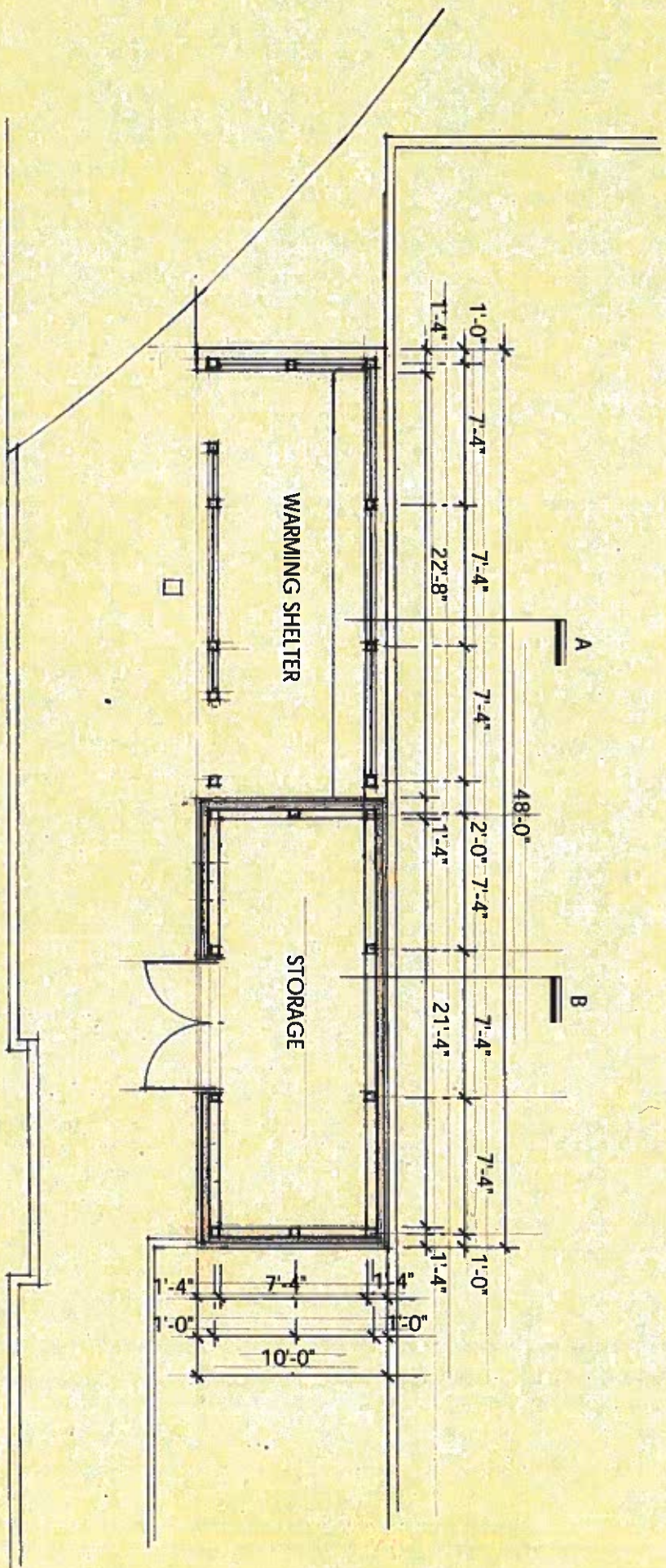
TINLEY PARK OAK PAK AVE METRA STATION

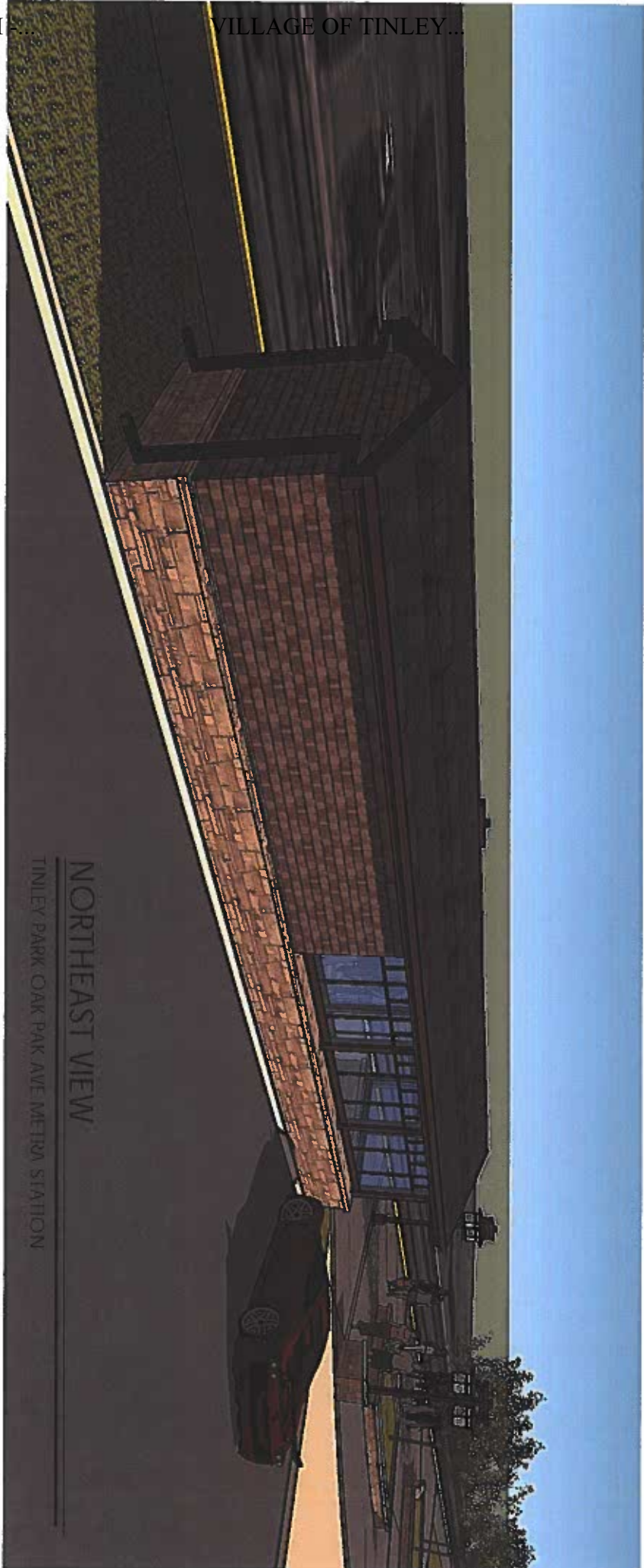




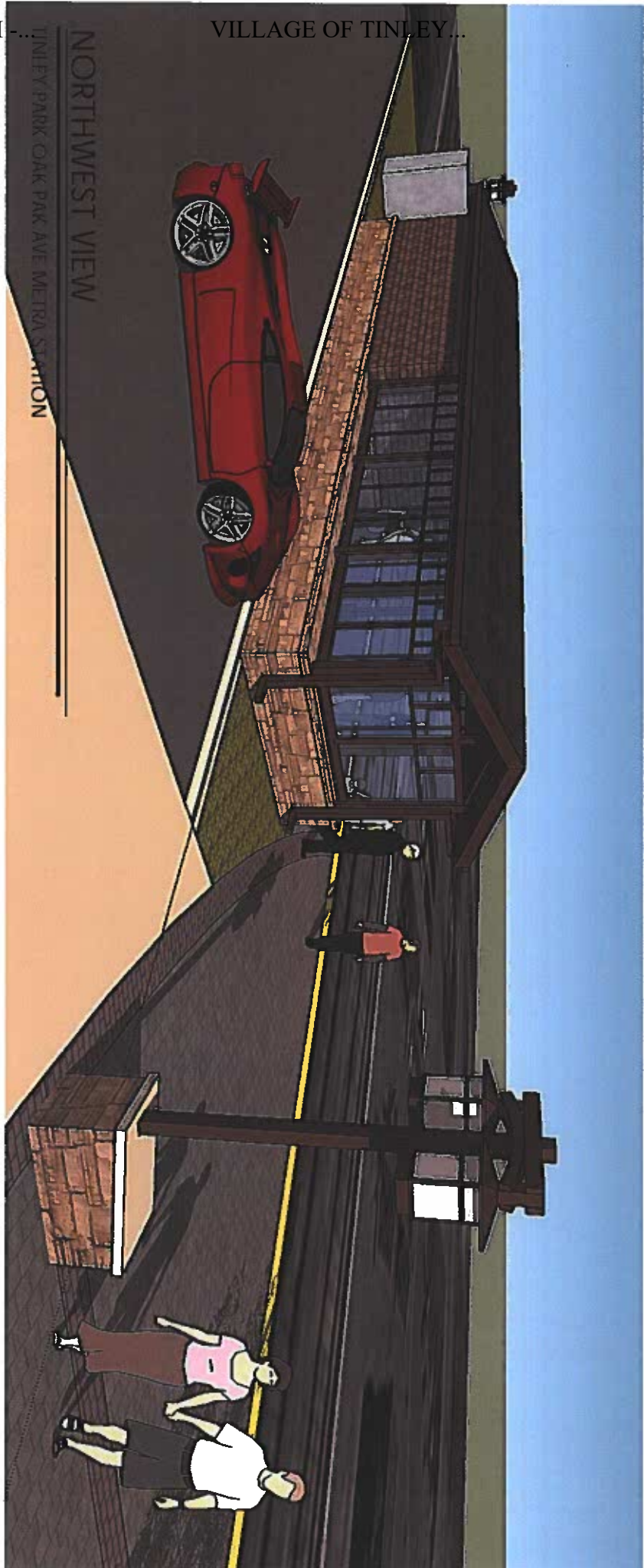
FLOOR PLAN
 TINLEY PARK OAK PAK AVE METRA STATION

1/8" = 1'-0"
 N





LEGAT ARCHITECTS
SUSTAINABILITY | PERFORMANCE | DESIGN



NORTHWEST VIEW

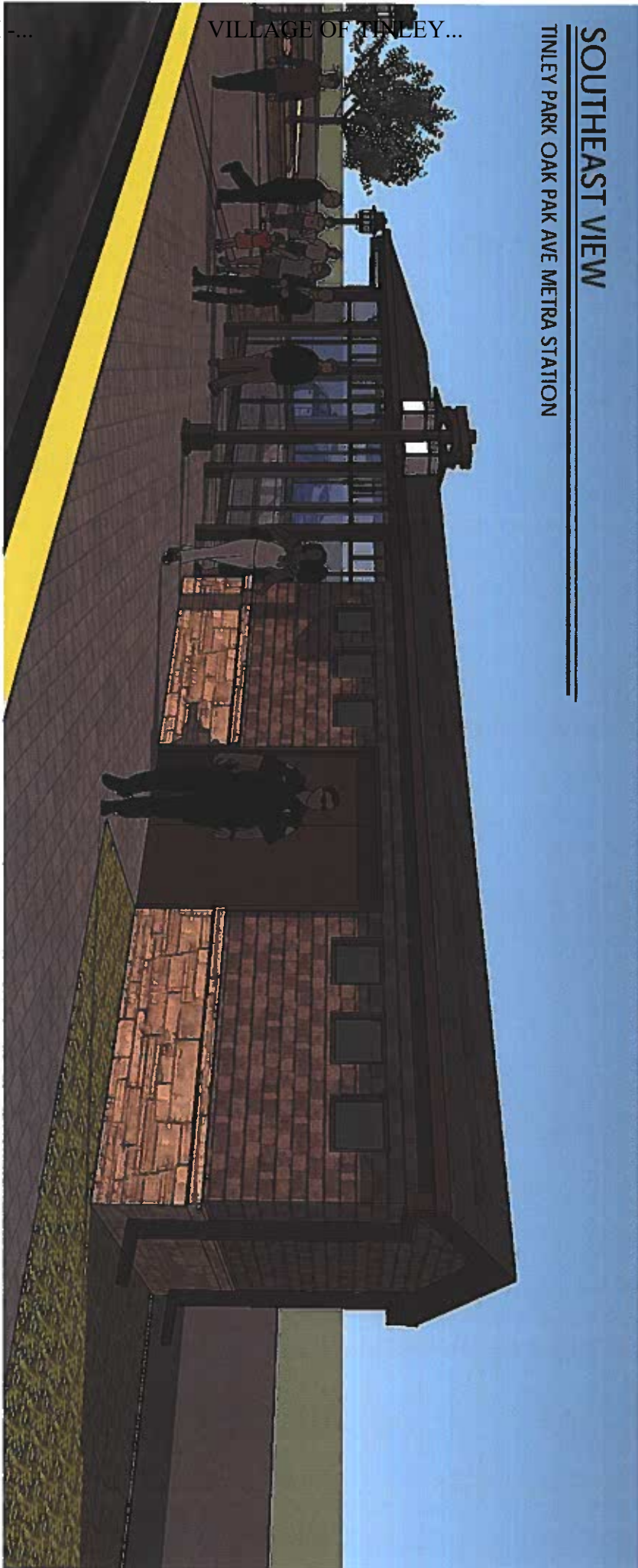
TINLEY PARK OAK PARK AVE METRA STATION



LEGAT ARCHITECTS
 SUSTAINABILITY | PERFORMANCE | DESIGN

SOUTHEAST VIEW

TINLEY PARK OAK PAK AVE METRA STATION

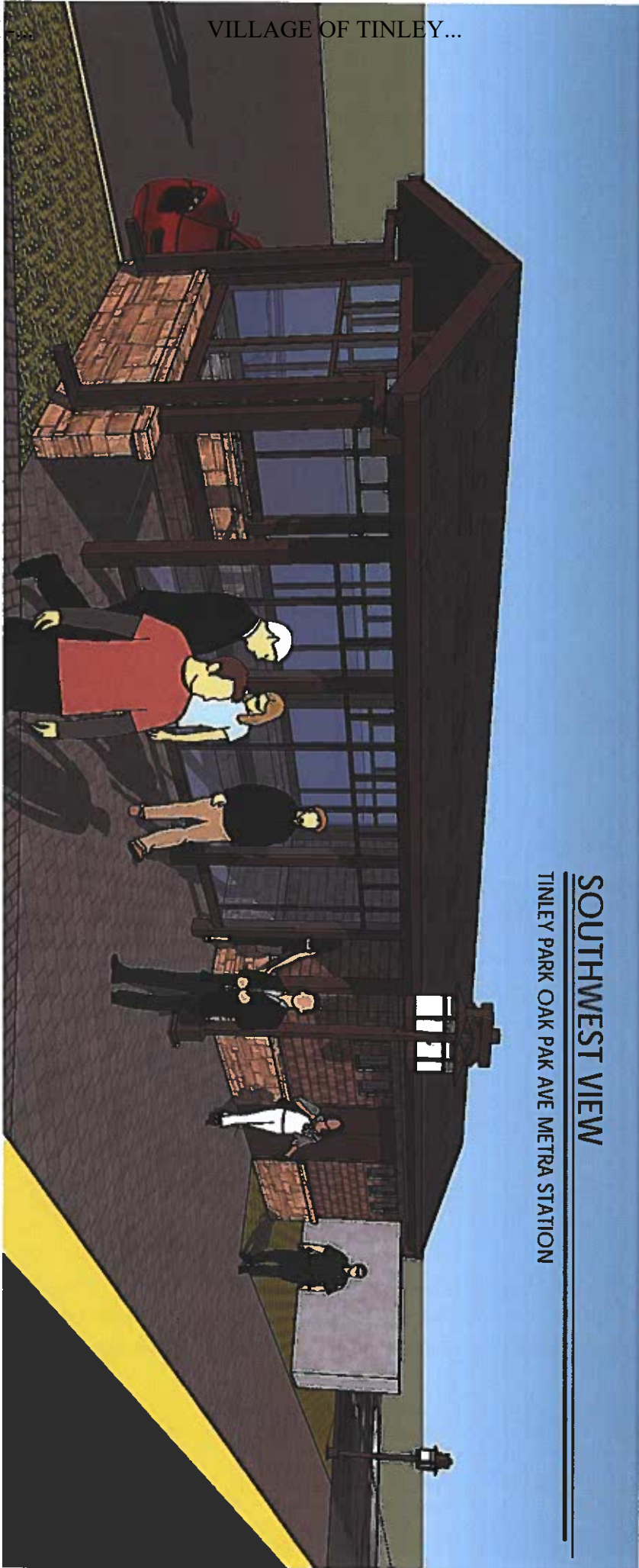


VILLAGE OF TINLEY...

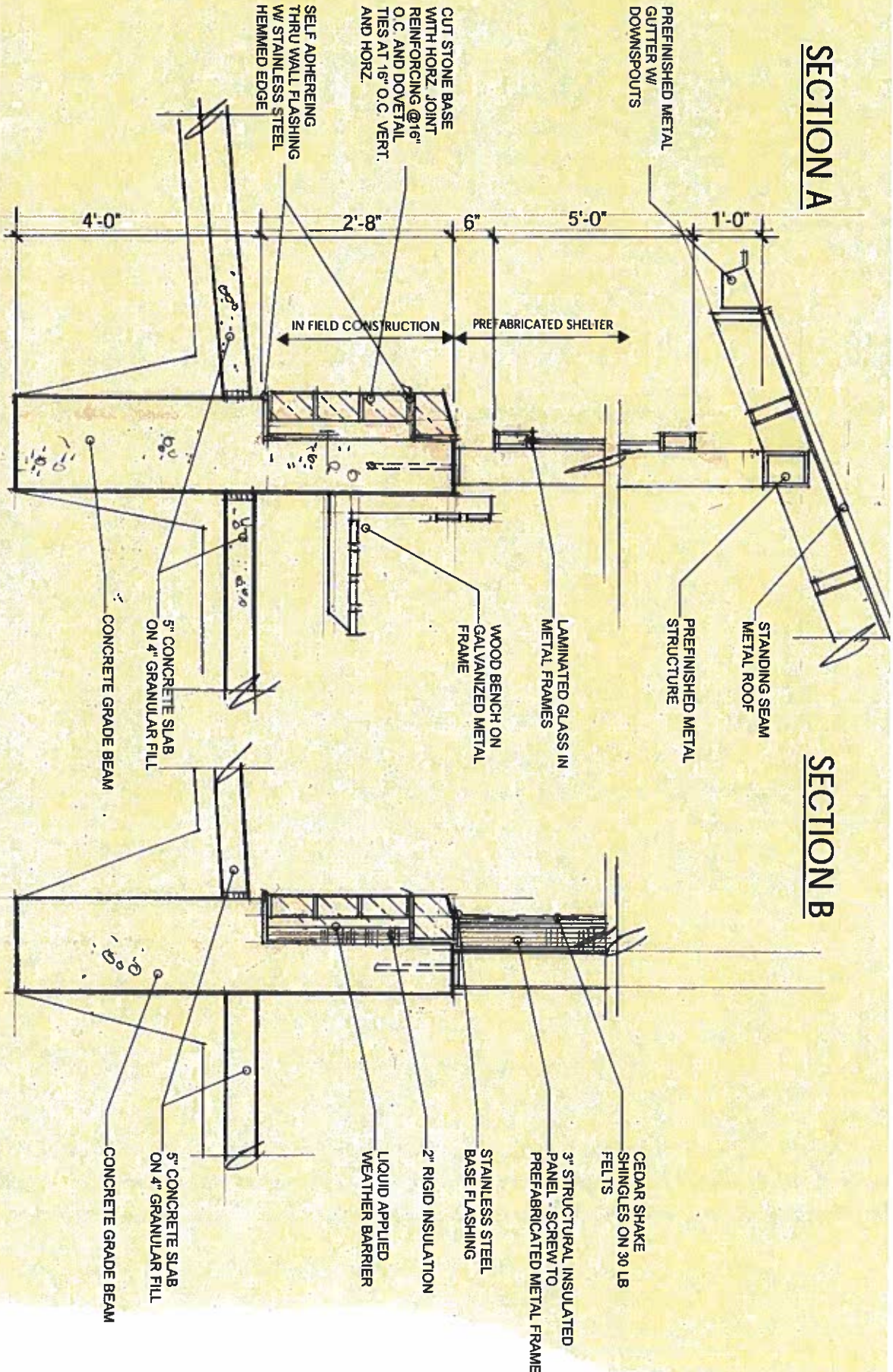
THE VILLAGE OF
TINLEY PARK ILLINOIS



LEGAT ARCHITECTS
SUSTAINABILITY | PERFORMANCE | DESIGN



SOUTHWEST VIEW
TINLEY PARK OAK PARK AVE METRA STATION



STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2019-R-039, **“AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND COMMUTER RAIL DEVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) – WARMING SHELTER AT OAK PARK AVENUE TRAIN STATION,”** which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21st, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

KRISTIN A. THIRION, VILLAGE CLERK

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05/10/2019 10:22:51AM

Voucher List
Village of Tinley Park

Page: 1

Bank code : apbank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
181944	5/10/2019	005548 ACTION TARGETS	0411647-IN	VTP-016773	CLEANING TRAP 01-17-235-73600	842.30
Total :						842.30
181945	5/10/2019	018948 ADAPT PHARMA INC	16422	VTP-016933	NARCAN 01-17-220-73550	2,700.00
Total :						2,700.00
181946	5/10/2019	014472 AERO RUBBER COMPANY, INC.	042919	VTP-016986	1 YR STORAGE/WAREHOUSE 8100 01-35-000-72790	7,200.00
Total :						7,200.00
181947	5/10/2019	002734 AIR ONE EQUIPMENT, INC	143686		MAINT EQUIPMENT 01-19-000-72530	1,703.72
Total :						1,703.72
181948	5/10/2019	018964 ARCHIVESOCIAL	7216		ARCHIVE-ECONOMY 5/3/19-5/2/20 01-35-000-72653	2,388.00
Total :						2,388.00
181949	5/10/2019	010953 BATTERIES PLUS - 277	P14200503		BATTERIES 14-00-000-74150	147.80
Total :						147.80
181950	5/10/2019	015192 BONAREK, MELISSA	050619		PER DIEM:MEALS,TUITION/WINNIN 01-17-220-72140	170.38
Total :						170.38
181951	5/10/2019	011692 BYTE SIZED SOLUTIONS LLC	010670	VTP-016995	SERVICE CONTRACTS 01-19-000-72655	3,600.00
Total :						3,600.00
181952	5/10/2019	018971 CANNATA, LEONARD B	050619		PROF SERV ATTORNEY/INTIMO HE 01-14-000-72850	3,451.50
Total :						3,451.50
181953	5/10/2019	003406 CDS OFFICE TECHNOLOGIES	INV1230566		WIRELESS MIC RECEIVER	

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
181953	5/10/2019	003406 CDS OFFICE TECHNOLOGIES	(Continued)		01-17-205-72540	187.00
					Total :	187.00
181954	5/10/2019	003229 CED/EFENGEE	5025-524988		PHIL 01-25-000-73570	293.06
			5025-524989		PHIL 01-25-000-73570	293.06
					Total :	586.12
181955	5/10/2019	014026 CHANDLER SERVICES	25924		AIRBRAKE HOSE,COOLANT,REUS/ 01-19-000-72540	154.36
					Total :	154.36
181956	5/10/2019	013991 CHICAGO OFFICE PRODUCTS CO.	966646-0	VTP-016962	OFFICE SUPPLIES 01-20-000-73110	1,543.31
			966646-1		01-20-000-73110 STAPLES,WASTEBASKET	324.99
			966892-0		01-19-020-73110 STAMP	16.80
			966947-0		01-19-000-73110 ENVELOPE	23.95
			967014-0		01-19-020-73110 HEADPHONE,FOLDERS	19.80
			C 966959-0		01-19-000-73110 CREDIT ENVELOPES	127.47
			C 967059-0		01-19-020-73110 E-BILLING SET UP CREDIT	-28.28
					01-19-020-73110	-15.00
					Total :	2,013.04
181957	5/10/2019	015199 CHICAGO PARTS & SOUNDS LLC	2-0000363		HAV DOCK REPAIR 01-17-205-72540	313.50
			2J0001077		DOCKSTATION PAN 01-17-205-72540	749.00
					Total :	1,062.50

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Village of Tinley Park

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Bank code : apbank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
181958	5/10/2019	017349 CHICAGO STREET CCDD, LLC	17316		DUMP FEE SEMI LOAD 01-23-000-72890	560.00
Total :						560.00
181959	5/10/2019	003137 CHRISTOPHER B.BURKE ENGINEERNG	149949		PROJ#01.R160373.00007 POST 4 LI 60-00-000-72840	243.00
			149950		PROJ#01.R160373.00008 POST #5 I 61-00-000-72840	9,757.14
			149951		PROJ#01.R160373.00002 INTERIM \\ 60-00-000-72840	6,018.50
			149952		PROJ#01.R160373.00005 TP FIRE S 33-00-000-75907	9,473.71
			149953		PROJ#01.R160373.00009 HARMON' 30-00-000-75905	1,465.00
Total :						26,957.35
181960	5/10/2019	012315 CLASSY FLOWERS	100000643		GREEN GARDEN 01-11-000-73110	59.95
Total :						59.95
181961	5/10/2019	012057 COMCAST CABLE	8771401810296319		ACCT#8771401810296319 5/8/19-6/ 01-14-000-72125	231.85
Total :						231.85
181962	5/10/2019	013878 COMED - COMMONWEALTH EDISON	2777112019		ACCT#2777112019 0 175TH ST & S/ 01-23-000-72510	281.64
			3214011009		ACCT#3214011009 16853 LAKEWO 60-00-000-72510	253.13
			8363023007		ACCT#8363023007 0 179TH ST & 82 60-00-000-72510	197.17
Total :						731.94
181963	5/10/2019	012522 CONNEY SAFETY PRODUCTS, LLC	05692673		MEDICAL SUPPLIES 60-00-000-73117	66.14
					60-00-000-73845	104.08
					01-23-000-73117	66.14
					01-23-000-73845	104.08

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Voucher List
Village of Tinley Park

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Bank code : apbank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
181963	5/10/2019	012522 CONNEY SAFETY PRODUCTS, LLC	(Continued)			
					01-24-000-73117	33.06
					01-24-000-73845	55.47
			05701251		GLOVES	
					60-00-000-73845	203.97
					01-26-023-73845	203.97
					01-26-024-73845	101.99
					Total :	938.90
181964	5/10/2019	012826 CONSTELLATION NEWENERGY, INC.	14737050401		ACCT#83683696 UTIL#4623055116 :	
					01-24-000-72510	11,983.52
			14771948801		ACCT#8061886 UTIL#6771163043 3,	
					01-24-000-72510	3,669.64
					Total :	15,653.16
181965	5/10/2019	018234 CORE & MAIN LP	K427796		400 FEET STORM SEWER PIPE	
				VTP-016889	65-00-000-75310	1,720.00
			K455213		CPLG,ADJ WRENCH	
					60-00-000-73410	140.00
					60-00-000-73630	70.08
			K482897		WATER VALVE	
				VTP-016960	60-00-000-73630	2,173.48
			K489889		ANNUAL WATER CONSUMER PORT	
				VTP-016998	60-00-000-72655	4,970.00
				VTP-016998	64-00-000-72655	2,130.00
			K500460		CAP,PLUG,FLG,MEGALUG,GASKET	
					60-00-000-73630	487.75
					Total :	11,691.31
181966	5/10/2019	012928 COUCH, WILLIAM	C20093357201		REIM. EXP. CDL LICENSE	
					01-26-024-72860	65.00
					Total :	65.00
181967	5/10/2019	003635 CROSSMARK PRINTING, INC	73966		ANNUAL REPORT 2019	
					01-35-000-72991	14,097.00
			74102		SENIOR CENTER MEMBER PERMIT	
					01-41-056-72310	26.50

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Voucher List
Village of Tinley Park

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
181967	5/10/2019	003635 CROSSMARK PRINTING, INC	(Continued) 74171		OK TO POUR CONCRETE LABELS 01-33-300-72310	240.37
			74187		APPROVED LABELS 01-33-300-72310	174.15
Total :						14,538.02
181968	5/10/2019	016393 CUSTOM PATCHES INC	2559889	VTP-016819	PUB ED SUPPLIES 01-20-000-73605	639.50
Total :						639.50
181969	5/10/2019	004009 EAGLE UNIFORM CO INC	276228		RETIRED BADGE 01-19-000-73610	80.00
Total :						80.00
181970	5/10/2019	004152 ECOLAB PEST ELIMINATION INC.	7072234		PEST CONTROL VILLAGE HALL 01-26-025-72790	474.44
			7072235		PEST CONTROL TRAIN ST 01-26-025-72790	86.48
Total :						560.92
181971	5/10/2019	004119 ETP LABS INC.	19-133832		COLIFORM SAMPLES 60-00-000-72865	565.60
Total :						565.60
181972	5/10/2019	015058 FLEETPRIDE	26402100		SPIN ON ASY 01-26-023-72530	30.50
Total :						30.50
181973	5/10/2019	011611 FOX VALLEY FIRE & SAFETY CO.	IN00263463		RADIO MAINT 4/1/19-4/30/19 14-00-000-72750	4,074.50
Total :						4,074.50
181974	5/10/2019	004200 FRAMKE, DONNA	050219		REIM.EXP. MILEAGE & TOLLS 01-35-000-72130	155.70
Total :						155.70
181975	5/10/2019	018967 FREITAG, J	Ref001376113		UB Refund Cst #00455012	

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Village of Tinley Park

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
181975	5/10/2019	018967 FREITAG, J	(Continued)		60-00-000-20599	2.00
					Total :	2.00
181976	5/10/2019	004298 FUN, FUN, FUN DJ'S	050819		WEEKLY CAR SHOW DJ'S/MAY28-A 01-35-000-72923	175.00
					Total :	175.00
181977	5/10/2019	010419 GLOBAL EMERGENCY PRODUCTS, INC	AG69467	VTP-016996	PARTS FOR VEHICLES 01-19-000-72540	3,770.93
					Total :	3,770.93
181978	5/10/2019	018063 GOVERNMENT CONSULTING SERVICES	3700-05-2019		GOV RELATION SERV-STATE OF IL 01-11-000-72790	3,000.00
					Total :	3,000.00
181979	5/10/2019	015397 GOVTEMPSUSA LLC	2771588		4/21/19 & 4/28/19 PAULA WALLRICH 01-33-000-72750	7,458.36
					Total :	7,458.36
181980	5/10/2019	004438 GRAINGER	9154321245		SHIPPING CARTONS,DISPENSER 01-25-000-73870 60-00-000-73870 01-23-000-73870 01-24-000-73870	90.55 23.80 23.80 11.90
			9157070609		TOOLS 01-25-000-73410	255.43
					Total :	405.48
181981	5/10/2019	017574 GRAVES, JEFFREY	050219		PER DIEM MEALS CURRENT TREN 01-17-220-72140	15.00
					Total :	15.00
181982	5/10/2019	004746 HEATHER'S HAUS FLORIST	433153		PEACE LILLY 01-11-000-73110	50.00
					Total :	50.00
181983	5/10/2019	017940 HOBAN, PATRICK	050819		REIM.EXP.LODG,AIRFARE/ICSC RE	

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Voucher List
Village of Tinley Park

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Bank code : apbank

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
181983	5/10/2019	017940 HOBAN, PATRICK	(Continued)		01-33-320-72130	1,174.87
					Total :	1,174.87
181984	5/10/2019	016048 HRUBY, RYAN	050619		PER DIEM: FUEL/POLICE MEMORIA 01-17-205-73530	35.30
					Total :	35.30
181985	5/10/2019	014310 IAFC MEMBERSHIP	108921		MEMBERSHIP KRISTOPHER DUNN 01-19-000-72720	215.00
					Total :	215.00
181986	5/10/2019	015854 IFSAP	050719		EXCEL CLASS/LAURA ROT 5/16/19- 01-19-020-72140	90.00
					Total :	90.00
181987	5/10/2019	004955 ILCMA	16746		P.CARR & H.LIPMAN REGIST MANG 01-12-000-72170	425.00
					Total :	425.00
181988	5/10/2019	014828 ILLINOIS DEPART.OF AGRICULTURE	050219		PESTICIDE APPL LIC/PIERO GALAT 01-26-023-72720	60.00
			050819		STEVE CHIANELLI PEST CONTROL 01-26-023-72720	60.00
			050819.		DAVID BONAREK PEST CONTROL I 01-26-023-72720	45.00
					Total :	165.00
181989	5/10/2019	005160 ILLINOIS STATE POLICE	CC4004		CC 4004 TINLEY FINGERPRINT VILI 01-14-000-72848	339.00
					Total :	339.00
181990	5/10/2019	018946 IMS ALLIANCE	19-0945	VTP-016924	COMMAND BOARD/ACTIVE SHOOT 01-17-205-73600	933.75
					Total :	933.75
181991	5/10/2019	004927 INSTRUMATICS INCORPORATED	49509		TRAINING TOWER SERVICE ENGIN 01-19-000-72140	430.00

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181991	5/10/2019	004927	004927 INSTRUMATICS INCORPORATED	(Continued)		Total : 430.00
181992	5/10/2019	005186	INTERSTATE BATTERY SYSTEM	24038385	BATTERIES 01-17-205-72540	132.95 Total : 132.95
181993	5/10/2019	005212	J S R ENTERPRISES INC	23446	JOB#19100 CLEAR DRAIN PIPING/M 73-80-000-72520	5,192.00 Total : 5,192.00
181994	5/10/2019	018427	KERESTES MARTIN ASSOC INC	1801.07-15	WAYFINDING PLAN 30-00-000-72987	799.50 Total : 799.50
181995	5/10/2019	005356	KROTSER, BRIAN	050719 050719.	PER DIEM MEALS/CELLEBRITE MO 01-17-220-72140 PER DIEM MEALS NW3C / GLEN EL 01-17-220-72140	60.00 30.00 Total : 90.00
181996	5/10/2019	016616	KURTZ AMBULANCE SERVICE INC.	10142	EMS SERVICE AGREEMENT 4/1/19- 01-21-000-72856	53,625.42 Total : 53,625.42
181997	5/10/2019	014190	LEHIGH HANSON	5741853	BED/BACKFILL 60-00-000-73860 01-23-000-73860 70-00-000-73860	170.91 85.45 28.49 Total : 284.85
181998	5/10/2019	012243	LET'S DO LUNCH INC.	24441	BREAKFAST BOX,COFFEE 01-35-000-72220	322.00 Total : 322.00
181999	5/10/2019	005546	LODE, GENE	050719	REIM. EXP. MILEAGE 85 @ 58.0 AT 01-33-300-72130	56.90 Total : 56.90

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182000	5/10/2019	018970 MAYSTER, MARY	050919		REFUND SENIOR DISCOUNT VEHIC 06-00-000-79005	23.50
Total :						23.50
182001	5/10/2019	010966 MC CAHILL, MARY	042519		REIM. EXP. EMBROID JACKET 01-17-205-73610	24.00
Total :						24.00
182002	5/10/2019	005645 MEADE ELECTRIC COMPANY INC.	687778		TRAFFIC SIGNAL MAINT APRIL'19 C 01-24-000-72775	495.00
Total :						495.00
182003	5/10/2019	006074 MENARDS	64254		RATCH,WRN 01-25-000-73410	28.45
			64256		PLIERS,NOZZLE,PART,SLEDGE 01-25-000-73410	58.74
			64258		CLNR/DEGREASER,TOILET CLNR 01-25-000-73580	36.92
			64275		BATTERIES 60-00-000-73840	13.94
					01-23-000-73840	13.94
					01-24-000-73840	6.97
			64343		LUMBER,WOOD GLUE,PH PAN SM 01-25-000-73840	17.59
			64450		WASTEBASKET 01-26-025-73580	24.85
			64451		MOUNTING SQUARES,FOAM TAPE, 01-26-025-73840	6.47
					01-26-025-73410	6.47
			64462		PF STRIPS ASST 01-26-025-73840	7.88
			64479		8' SPF,PLUG 60-00-000-73630	7.88
			64529		PAIL 60-00-000-73410	5.76
			64681		SURGE 01-19-020-72560	7.99

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182003	5/10/2019	006074 006074 MENARDS	(Continued)			Total : 243.85
182004	5/10/2019	017764 MONTANA & WELCH, LLC.	11901		HEARING OFFICER 01-14-000-72876	1,218.75 Total : 1,218.75
182005	5/10/2019	005664 MORTON SALT INC	5401842415		VTP-016222 SALT 01-26-023-73810	26,782.00 Total : 26,782.00
182006	5/10/2019	015723 NICOR	06821610000 09977410001 12213610004		ACCT#06-82-16-1000 0 6640 167TH 60-00-000-72511 ACCT#09-97-74-1000 1 7801 W 1915 01-25-000-72511 ACCT#12-21-36-1000 4 7825 W 167 01-25-000-72511	172.56 324.96 179.46 Total : 676.98
182007	5/10/2019	006216 NORTH EAST MULTI-REG TRAINING	251894 253913	VTP-016858	74 FULL TIME OFFICRS TRNG PRD 01-17-220-72140 CYCLIST CLASS/6 OFFICERS IN HC 01-17-220-72140	7,030.00 2,754.00 Total : 9,784.00
182008	5/10/2019	012036 O'DWYER, DANIEL	043019		PER DIEM: MEAL/SAFARILAND LES 01-17-220-72140	15.00 Total : 15.00
182009	5/10/2019	010135 ONSITE COMMUNICATIONS USA, INC	49207 49207	VTP-016836 VTP-016842	MOBILE RADIO 01-19-000-72550 01-19-000-72530 RADIO EQUIPMENT 01-19-000-72550	1,662.00 64.00 3,490.00 Total : 5,216.00
182010	5/10/2019	018100 OROZCO, JOSEPH	050619		PERF INAUGERATION 5/7/19 01-35-000-72923	25.00

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182010	5/10/2019	018100	018100 OROZCO, JOSEPH		(Continued)	Total : 25.00
182011	5/10/2019	006475	PARK ACE HARDWARE		BUNGEEES 01-26-023-73840	17.19
					ANCHOR 01-26-025-73840	11.19
					FASTENERS 01-26-025-73840	2.04
					BUNGEE 01-26-023-73840	13.37
					QUICK LINK 01-26-025-73840	3.99
					TOTE 01-26-023-73870	11.99
					DRILL BIT 01-19-000-73410	7.99
					Total :	67.76
182012	5/10/2019	006780	POMP'S TIRE SERVICE, INC		VTP-016737 TIRES 01-17-205-73560	2,318.76
					Total :	2,318.76
182013	5/10/2019	015995	PORTER LEE CORPORATION		BEAST SUPPLIES 01-17-225-73110	413.72
				VTP-016923	Total :	413.72
182014	5/10/2019	013587	PROSHRED SECURITY		SHREDDING 01-17-205-72750	120.00
					Total :	120.00
182015	5/10/2019	007680	PUBLIC STORAGE		ACCT#51624287 STATION 47 STOR. 01-19-000-73870	48.27
					Total :	48.27
182016	5/10/2019	006361	RAY O' HERRON CO INC		VESTS AND HELMETS 01-19-000-74619	8,379.00
				VTP-016958	01-19-000-74619	125.00
			1924326-IN		VESTS AND HELMETS	

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182016	5/10/2019	006361 RAY O' HERRON CO INC	(Continued)	VTP-016958	01-19-000-74619	5,859.00
Total :						14,363.00
182017	5/10/2019	015230 RIDGE LANDSCAPE SERVICES LLC	6615	VTP-016999	APRIL LAWN MAINTENANCE	13,678.58
				VTP-016999	01-23-000-72881	765.88
				VTP-016999	01-25-000-72881	367.62
				VTP-016999	60-00-000-72881	505.48
				VTP-016999	70-00-000-72881	505.48
Total :						15,317.56
182018	5/10/2019	006974 RINGHOFER, WILLIAM	050119		HEALTH INSURANCE REIM MAY'19	601.70
					01-17-205-72435	601.70
Total :						601.70
182019	5/10/2019	006874 ROBINSON ENGINEERING CO. LTD.	19050005		PROJ#12-238 80TH AVE 191 - 183	1,401.00
			19050006		01-23-000-72840	1,464.50
			19050007		PROJ#18-R0512 GREENWAY BLVD	1,464.50
					01-23-000-72840	1,464.50
					PROJ#18-R0616 NORTH ST MUSIC	559.00
					30-00-000-75905	559.00
Total :						3,424.50
182020	5/10/2019	010463 ROSEMARY'S GARDEN	19387		FLORAL BASKET	50.00
					01-11-000-73110	50.00
Total :						50.00
182021	5/10/2019	006922 RUBINO'S ITALIAN IMPORTS	042		SUB PLATTER	49.99
					01-15-000-72220	49.99
Total :						49.99
182022	5/10/2019	018968 SCHULDT, RACHEL	Ref001376114		UB Refund Cst #00502707	11.22
					60-00-000-20599	11.22
Total :						11.22
182023	5/10/2019	007453 SERVICE SANITATION, INC.	7710943	VTP-016993	SERVICE CONTRACTS MAY'19	153.25
					01-19-000-72750	153.25

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182023	5/10/2019	007453	007453 SERVICE SANITATION, INC.	(Continued)		Total : 153.25
182024	5/10/2019	007109	SIRCHIE FINGER PRINT LABS	0398193-IN.	EVIDENCE/PHOTOGRAPHY TRAINI 01-17-220-72140	595.00 Total : 595.00
182025	5/10/2019	018435	SPECIAL T UNLIMITED	484427	UNIFORMS/2 RECRUITS 01-17-205-73610	390.00 Total : 390.00
182026	5/10/2019	012238	STAPLES BUSINESS ADVANTAGE	3412121420	LIGHTNIN CAR CARGER WITH USB 01-25-000-73570	36.39 Total : 36.39
182027	5/10/2019	007503	STAT TOWING	000009140 000009700	TIRE CHANGE 01-17-220-72753 TOWING 01-17-220-72753	50.00 50.00 Total : 100.00
182028	5/10/2019	007658	STATE TREASURER	55630	TRAFFIC SIGNAL MAINT HARLEM 1 01-24-000-72775	2,163.63 Total : 2,163.63
182029	5/10/2019	015452	STEINER ELECTRIC COMPANY	S006319664.003 S006337386.001 S006337453.001 S006338833.001	CREDIT LED WALL PACK FIXTURE 01-26-024-73570 ZIPPER BAG CANVAS 01-25-000-73410 CORD CUT REEL,PLUG,CONN 30-00-000-75812 WIRE STRIPPER,PLIERS,SPLICE,S 01-25-000-73410	-401.96 44.87 237.92 220.88 Total : 101.71
182030	5/10/2019	007438	SUB TRAILER HITCH, INC.	12584	ROOF VENT 01-19-020-72540	26.95 Total : 26.95

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182031	5/10/2019	010139 SULLIVAN, KEITH	050619		PER DIEM LODG,MEAL,FUEL/PATRI 01-17-220-72140	791.75
Total :						791.75
182032	5/10/2019	007297 SUTTON FORD INC./FLEET SALES	483055		SOCKET ASY 01-17-205-72540	310.02
Total :						310.02
182033	5/10/2019	018963 TARVID, RUSSELL	050619		REFUND OPA PLACARD 70-00-000-79000	60.00
Total :						60.00
182034	5/10/2019	018607 TELCOM INNOVATIONS GROUP, LLC	A53482	VTP-016973	LOGGING RECORDER INTERFACE 01-25-000-72777	3,320.00
			A53490		LABOR / VOICEMAIL NOT ANSWER 01-25-000-72777	130.00
Total :						3,450.00
182035	5/10/2019	007783 TENCZA, STANLEY	050819		REIM.EXP.5 OFFICERS/ILL POLICE 01-17-205-72130	572.55
Total :						572.55
182036	5/10/2019	014854 THOMSON REUTERS-WEST PYMNT CTF	840235764		IVESTIGATIVE SUITE INFO CHARG 01-17-225-72852	188.47
Total :						188.47
182037	5/10/2019	007800 THYSSENKRUPP ELEVATOR CORP	3004580895		ELEVATOR MAINT-5/1/19-7/31/19 01-26-025-72790	1,175.87
Total :						1,175.87
182038	5/10/2019	007930 TRANS UNION	04900389		BASIC SERV/SUMMARY,REPORT,A 01-17-225-72852	240.90
Total :						240.90
182039	5/10/2019	007909 TRI-RIVER POLICE TRAINING REG	4672		MONDT,PERHSA/BASIC INVEST CC 01-17-220-72140	200.00
Total :						200.00

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182040	5/10/2019	014510 TRUGREEN PROCESSING CENTER	100466538		LAWN SERV 16250 OAK PARK AVE 01-25-000-72881	180.00 Total : 180.00
182041	5/10/2019	004106 TYLER TECHNOLOGIES, INC	025-256684		MAINT 6/1/19-5/31/20 01-17-205-72655	1,092.15 Total : 1,092.15
182042	5/10/2019	008040 UNDERGROUND PIPE & VALVE CO	034778	VTP-016982	SEWER LID LIFTER 64-00-000-73410	950.00 Total : 950.00
182043	5/10/2019	010579 UNIVERSITY OF ILLINOIS	UPIN9565		RANDALL ROCKAITIS/MFI RECERT 01-17-220-72140	100.00 Total : 100.00
182044	5/10/2019	008085 VERMEER MIDWEST/VERMEER IL	PD5914		FUEL FILTER 01-23-000-72530	95.37 Total : 95.37
182045	5/10/2019	006362 VILLAGE OF OAK LAWN	ACCT#1-9990015-00		ACCT#1-9990015-00 4/1/19-5/1/19 60-00-000-73220	972,032.03 Total : 972,032.03
182046	5/10/2019	010165 WAREHOUSE DIRECT WORKPL SOLTNS 4278843-0			TOILET TISSUE 01-26-025-73580	85.20 Total : 85.20
182047	5/10/2019	011055 WARREN OIL CO.	W1220780		N.L. GAS USED 4/18/19-5/2/19 01-17-205-73530 01-19-000-73530 01-20-000-73530 01-21-000-73530 60-00-000-73530 01-23-000-73530 01-24-000-73530 01-33-300-73530 01-12-000-73530	10,544.22 564.31 85.49 90.90 1,331.04 903.24 713.00 191.93 213.56

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182047	5/10/2019	011055 WARREN OIL CO.	(Continued)				
					01-14-000-73532	126.38	
					14-00-000-73530	54.07	
					01-53-000-73530	362.58	
					01-42-000-73545	335.88	
			W1220781		DIESEL USED 4/18/19-5/2/19		
					01-19-000-73545	952.61	
					60-00-000-73545	363.19	
					01-23-000-73545	586.33	
					01-24-000-73545	90.44	
					01-14-000-73531	3,057.23	
					Total :	20,566.40	
182048	5/10/2019	008636 ZETTLEMEIER'S BAKERY	0234864		PAN,CAKES/SENIOR CENTER		
					01-41-056-72937	85.95	
					Total :	85.95	
105 Vouchers for bank code : apbank						Bank total :	1,269,963.38
105 Vouchers in this report						Total vouchers :	1,269,963.38

The Tinley Park Village Board having duly met at Village Hall do hereby certify that the following claims or demands against said village were presented and are approved for payment as presented on the above listing.

In witness thereof, the Village President and Clerk of the Village of Tinley Park, hereunto set their hands.

_____ Village President

_____ Village Clerk

_____ Date

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126213	5/17/2019	011922 HUGHES, TIMOTHY	051519		REFUND HEALTH INSURANCE OVE 86-00-000-20430	440.04
Total :						440.04
1 Vouchers for bank code : ap_py						Bank total : 440.04

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182050	5/17/2019	010955 A T & T LONG DISTANCE	827776689		CORP ID#931719 LONG DISTANCE 01-17-225-72120	23.92
					Total :	23.92
182051	5/17/2019	010318 ADVOCATE CHRIST MEDICAL CNTR	050719		45 BLS PROVIDER E-CARDS 01-19-020-73606	135.00
					Total :	135.00
182052	5/17/2019	002424 AMERICAN WATER WORKS ASSOC	051419		MEMBERSHIP JOE FITZPATRICK 60-00-000-72720	218.00
					Total :	218.00
182053	5/17/2019	015032 ANALYTICAL TECHNOLOGY, INC	416743		SENSOR CALIBRATION/LABOR 60-00-000-72528	231.17
					Total :	231.17
182054	5/17/2019	002537 AURELIO'S PIZZA	1		PIZZAS 01-12-000-72220	86.80
			4		PIZZAS 01-12-000-72140	86.80
					Total :	173.60
182055	5/17/2019	018219 AXON ENTERPRISE, INC.	SI-1590734	VTP-016990	PPM 01-17-220-73760	650.00
					Total :	650.00
182056	5/17/2019	003166 B & J TOWING AND AUTO REPAIR	0015256		SAFETY INSPECTIONS 01-23-000-72266 01-24-000-72266 01-42-000-72266 01-53-000-72266	140.00 25.00 28.00 28.00
					Total :	221.00
182057	5/17/2019	018534 BASS/SCHULER ENTERTAINMENT	050919	VTP-017009	DEPOSIT FOR PERF/AMERICAN EN 01-35-000-72923	1,000.00
			050919.	VTP-017009	DEPOSIT FOR PERF/THE BOY BAN 01-35-000-72923	1,000.00

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182057	5/17/2019	018534	018534 BASS/SCHULER ENTERTAINMENT	(Continued)		Total : 2,000.00
182058	5/17/2019	018959	BAUER, ROSEMARIE A	043019.	REIM.EXP. TABLECLOTHES/SENIOR 01-56-000-72937	96.00 Total : 96.00
182059	5/17/2019	018807	BAXTER & WOODMAN INC	0205840	PROJ#190609.90 WATER SYSTEM 60-00-000-72840	390.00 Total : 390.00
182060	5/17/2019	018981	BECK, MARK	051419	REIM.EXP.PACE DRIVING RECORD 01-53-000-72446	13.00 Total : 13.00
182061	5/17/2019	017044	BISHOP, SAMANTHA	051319	PER DIEM: LODG,MEALS/IDOA/IJOA/ 01-17-205-72170	521.64 Total : 521.64
182062	5/17/2019	002955	BLACK HAWK PAVING	051319	REFUND OVERPAYMENT CONTRACT 01-14-000-79010	50.00 Total : 50.00
182063	5/17/2019	015192	BONAREK, MELISSA	051519	PER DIEM:LODG,MEALS/IDOA/IJOA 01-17-205-72170	521.64 Total : 521.64
182064	5/17/2019	014148	CALL ONE	1210676-1128114	VILLAGE LANDLINE PHONE SERV 01-19-000-72120 60-00-000-72120 63-00-000-72120 64-00-000-72120 01-17-205-72120 01-12-000-72120 01-14-000-72120 01-11-000-72120 01-12-000-72120 01-17-205-72120 01-19-000-72120	1,472.27 2,132.85 236.98 1,015.64 1,267.14 3.65 849.80 8.88 20.42 20.42 4.44

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182064	5/17/2019	014148 CALL ONE	(Continued)			
					01-26-023-72120	5.33
					01-26-024-72120	5.33
					01-33-310-72120	5.33
					01-33-320-72120	5.33
					01-12-000-72120	18.05
					01-14-000-72120	60.33
					01-15-000-72120	10.93
					01-17-205-72120	36.10
					01-19-000-72120	16.15
					01-19-020-72120	5.46
					01-26-023-72120	7.13
					01-26-024-72120	7.13
					01-33-300-72120	10.93
					01-33-310-72120	10.93
					01-33-320-72120	7.13
					01-35-000-72120	7.13
					01-53-000-72120	3.80
					60-00-000-72120	22.90
					63-00-000-72120	2.54
					64-00-000-72120	10.89
					60-00-000-72120	13.31
					Total :	7,304.65
182065	5/17/2019	003396 CASE LOTS INC	9061		JANATORIAL SUPPLIES	
				VTP-016997	01-26-025-73580	626.00
			9205		GREEN SEAL, BLACK LINERS, TOWI	
					01-26-025-73580	450.70
					Total :	1,076.70
182066	5/17/2019	003243 CDW GOVERNMENT INC	SBF7383		TRIPP 10M DUPLEX SMF LC/LC FIB	
					01-16-000-72565	24.58
			SFX1067		<IT> - MCAFEE THREAT PROTECTI	
				VTP-017003	01-16-000-72655	3,050.25
					Total :	3,074.83
182067	5/17/2019	003229 CED/EFENGEE	5025-525207		3/4X66FT	

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182067	5/17/2019	003229 CED/EFENGEE	(Continued)		60-00-000-73570	52.64
					01-26-023-73570	52.64
					01-26-024-73570	26.32
					60-00-000-73570	-1.05
					01-26-023-73570	-1.05
					01-26-024-73570	-0.53
					Total :	128.97
182068	5/17/2019	015199 CHICAGO PARTS & SOUNDS LLC	1-0070957		WINTER POW-R PLUS DIESEL	
					01-26-023-72540	110.88
					Total :	110.88
182069	5/17/2019	003137 CHRISTOPHER B.BURKE ENGINEERNG	150236		PROJ#01.R160373.00001 IMPRV PC	
					62-00-000-75702	564.00
					Total :	564.00
182070	5/17/2019	013820 CINTAS CORPORATION	5013266852		MEDICAL SUPPLIES	
					01-19-000-73115	275.28
					Total :	275.28
182071	5/17/2019	017298 COMCAST BUSINESS	80649958		ACCT#930890410 VH 5/1/19-5/31/19	
					01-14-000-72125	1,145.05
					Total :	1,145.05
182072	5/17/2019	012057 COMCAST CABLE	8771401810028977		ACCT#8771401810028977 5/16/19-6	
					01-26-025-72517	39.69
					Total :	39.69
182073	5/17/2019	013878 COMED - COMMONWEALTH EDISON	0385181000		ACCT#0385181000 RR ST 18001 80`	
					01-25-000-72510	2,154.10
					Total :	2,154.10
182074	5/17/2019	018311 CONNECTION	56730998		<IT> - DESKTOP / WORKSTATION R	
			56731139	VTP-016585	30-00-000-74128	6,828.00
			56734767		MONITORS	
					01-20-000-72565	327.50
					OUTLET POWER STRIP	

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182074	5/17/2019	018311 CONNECTION	(Continued)			
			56734854	VTP-016940	01-16-000-72565 <PD> - TABLETS FOR COMMNDRS	72.90
			56738159	VTP-016940	01-17-220-72565 <PD> - TABLETS FOR COMMNDRS	66.66
				VTP-016940	01-17-220-72565	2,251.21
				VTP-016940	60-00-000-74128	1,125.44
				VTP-016940	01-17-220-72565	208.81
				VTP-016940	60-00-000-74128	104.39
			56742051		MONITORS	
					01-17-225-73600	907.80
			56746190		3040 TC 5/24	
					01-19-020-72565	569.00
			56746295	VTP-016963	<ELEC> - REPLACEMENT TABLETS -	
					30-00-000-74128	2,459.90
			56753977		SCOUT CASE	
					01-16-000-72565	266.64
			56753981		ADPT,CABLE	
					01-17-225-73600	91.24
			56761096		TONER	
					01-17-205-73110	277.91
			56761165		MOUSE KEYB COMBO	
					01-16-000-72565	40.70
					Total :	15,598.10
182075	5/17/2019	018234 CORE & MAIN LP	K518551		1.5" DOMESTIC METER	
				VTP-016984	60-00-000-74175	1,285.00
			K524251		METERS	
				VTP-017021	64-00-000-74175	505.00
					Total :	1,790.00
182076	5/17/2019	018977 CUZZO, MICHAEL	051319		REFUND OVERPAYMENT VEHICLE	
					06-00-000-79005	23.50
					Total :	23.50
182077	5/17/2019	014690 DARLING INGREDIENTS INC	10398929		TRAP	
					73-80-000-72530	1,230.00

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182077	5/17/2019	014690	014690 DARLING INGREDIENTS INC		(Continued)	Total : 1,230.00
182078	5/17/2019	003770	DUSTCATCHERS INC		MATS/VH	
			61457		01-26-025-72790	65.93
			61458		MATS/ PD	
			61459		01-26-025-72790	85.41
					MATS/PW GARAGE	
					01-26-025-72790	116.08
					Total :	267.42
182079	5/17/2019	017073	DYNEGY ENERGY SERVICES LLC		146561319051	ACCT#GMCTIN1000 3/29/19-4/28/19
						60-00-000-72510
						19,413.81
					Total :	19,413.81
182080	5/17/2019	004009	EAGLE UNIFORM CO INC		276767	SHOES,PANTS/DAN RIORDAN
			276775	VTP-016886	01-20-000-73610	249.00
				VTP-016886	SHIRTS,SWEATER,EMB NAME,BAD	
					01-20-000-73610	192.50
					01-20-000-73610	65.25
					Total :	506.75
182081	5/17/2019	004152	ECOLAB PEST ELIMINATION INC.		041019	PEST CONTROL VH
						01-25-000-72790
						185.00
					Total :	185.00
182082	5/17/2019	011176	ELEMENT GRAPHICS & DESIGN, INC		14584	36X27 AVERY MPI 2903 PERMANEN
				VTP-016883	01-17-205-72974	1,335.14
					01-17-205-72974	112.50
					Total :	1,447.64
182083	5/17/2019	015058	FLEETPRIDE		26721114	HD AIR,FILTER
						01-26-023-72540
						74.42
					Total :	74.42
182084	5/17/2019	004346	FRAME TECH, INC.		35928	WHEEL ALIGNMENT 9B
						01-17-205-72540
						55.00
					Total :	55.00

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182085	5/17/2019	004538 GOLDY LOCKS	670248	VTP-017006	STRIKES WITH COVERS POST 12 & 01-26-025-73840	514.80 Total : 514.80
182086	5/17/2019	011506 GRABS, WILLIAM	051319		PER DIEM: LODG,MEALS/IDOA/IJOA/ 01-17-205-72170	521.64 Total : 521.64
182087	5/17/2019	004438 GRAINGER	9164371586 9164639990		CONTAINER DOLLY 01-26-025-73580 GLOVES,EAR MUFFS,HARD HAT 60-00-000-73845 01-26-023-73845 01-26-024-73845	189.54 155.71 155.71 77.86 Total : 578.82
182088	5/17/2019	018962 GRAYSHIFT LLC	1984	VTP-016991	DIGITAL FORENSIC TOOL 01-17-220-73600	15,030.00 Total : 15,030.00
182089	5/17/2019	018816 HEARTLAND CUSTOMER SOLUTIONS	INV1100597		VTP-016884 KEYBOARD,CHICLET E 01-17-220-72565	632.86 Total : 632.86
182090	5/17/2019	012328 HOMER INDUSTRIES	S128486		DROP CHARGE-CHIPS 01-26-023-72890	50.00 Total : 50.00
182091	5/17/2019	018985 HRDESIGNED4U LLC	101		MANAGING PERF EFFECTIVELY TR 01-12-000-72140	1,500.00 Total : 1,500.00
182092	5/17/2019	015090 IJOA	041619	VTP-017019	IJOA/IDOA CONFERENCE 01-17-205-72170	1,050.00 Total : 1,050.00
182093	5/17/2019	004955 ILCMA	051019		MEMBERSHIP DAVID NIEMEYER 7/ 01-12-000-72720	417.00

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182093	5/17/2019	004955 ILCMA	(Continued) 051019.		MEMBERSHIP HANNAH LIPMAN 7/1 01-12-000-72720	159.00
			051019..		MEMBERSHIP PATRICK CARR 7/1/1 01-12-000-72720	220.00
					Total :	796.00
182094	5/17/2019	005186 INTERSTATE BATTERY SYSTEM	10069340		BATTERY 01-17-205-72540	71.85
					Total :	71.85
182095	5/17/2019	005022 ISAWWA	200043817		WATER LOSS-HANDS ON/ZEMAITIS 60-00-000-72170	96.00
					Total :	96.00
182096	5/17/2019	005251 J AND R SALES AND SERVICE INC.	0325208		BLOWER NOZZLES 01-26-023-73410	199.96
					Total :	199.96
182097	5/17/2019	018935 JX TRUCK CENTER	2264621P	VTP-016906	GRILL UNIT 99 FROM ACCIDENT 01-23-000-72530	1,099.99
					Total :	1,099.99
182098	5/17/2019	011043 KARCZEWSKI, KENNETH	051519		REIM EXP DRONE PILOT FAA CER 30-00-000-74025	150.00
					Total :	150.00
182099	5/17/2019	014402 LEXISNEXIS RISK DATA MNGMNT	1038013-20190430		SEARCHES,REPORTS 4/1/19-4/30/1 01-17-225-72852	127.75
					Total :	127.75
182100	5/17/2019	016801 LIBERTY FLAG & BANNER	16232	VTP-017007	FLAGS & FLAGPOLES 01-26-025-73112	1,500.00
					Total :	1,500.00
182101	5/17/2019	016687 LOCALGOVNEWS.ORG	06282019		MEMBERSHIP 6/28/19-6/28/20 01-12-000-72720	1,200.00

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182101	5/17/2019	016687 016687 LOCALGOVNEWS.ORG			(Continued)	Total : 1,200.00
182102	5/17/2019	011258 LONDON, SONNY	051319		PER DIEM: LODG,MEALS/IDOA/IJO/ 01-17-205-72170	521.64 Total : 521.64
182103	5/17/2019	013969 MAP AUTOMOTIVE OF CHICAGO	40-507380		ELEMENT ASY,FILTER,FILTER ASY 01-17-205-72540	390.78 Total : 390.78
182104	5/17/2019	012631 MASTER AUTO SUPPLY, LTD.	15030-70240		TIE RODS 01-17-205-72540	70.71 Total : 70.71
182105	5/17/2019	018509 MCCARTHY II, TIMOTHY EDWIN	051319		PERF FARMERS MARKET 6/29/19 01-35-000-72923	75.00 Total : 75.00
182106	5/17/2019	018509 MCCARTHY II, TIMOTHY EDWIN	051319.		PERF FARMERS MARKET 6/1/19 01-35-000-72923	75.00 Total : 75.00
182107	5/17/2019	006074 MENARDS	64671		FLAG LIGHT 01-26-024-73570	19.99
			64700		BUNGEE 01-26-023-73840	24.64
			64703		GLASS CLNR,TOILET CLNR 01-26-025-73580	18.32
			64880		REFRIG 01-26-025-73870	359.00
			64897		ALL PURPOSE TUB 01-26-025-73580	4.85
			64953		CONNECTOR 60-00-000-72552	3.58
			64962		COMB WRN STD 60-00-000-73410	7.97
					Total :	438.35

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182108	5/17/2019	012517 MERIDIAN IT INC	449596		LABOR 14-00-000-72553	200.00
			449814	VTP-016911	<IT> - DR PROJECT - FLEXPOD INS	
			449832		30-00-000-74126 VTP-015983 TECH ASST & SUPPOR 01-16-000-72650	372.50 185.00
					Total :	757.50
182109	5/17/2019	015761 MOKENA FIRE PROTECTION DIST.	161		PREV MAINT #33 01-19-000-72540	171.38
					Total :	171.38
182110	5/17/2019	005729 MR. RADIATOR & AIR COND SERV	042336		GAS TANK STRAPS 01-17-205-72540	233.00
					Total :	233.00
182111	5/17/2019	015723 NICOR	49924710004		ACCT#49-92-47-1000 4 9191 W 175 01-25-000-72511	199.15
			90223493009		ACCT#90-22-34-9300 9 6700 SOUTH 73-67-000-72511	182.54
					Total :	381.69
182112	5/17/2019	016641 NIEMEYER, DAVID	050719		REIM. EXP. FUEL,PARKING LOBBY 01-12-000-72130	17.00
					Total :	17.00
182113	5/17/2019	001487 NUWAY DISPOSAL SERVICE INC	6565033		EXCHANGE HAUL,DUMP CHARGES 01-26-023-72890	466.15
					Total :	466.15
182114	5/17/2019	018100 OROZCO, JOSEPH	051319		PERF FARMERS MARKET 6/15/19 01-35-000-72923	75.00
					Total :	75.00
182115	5/17/2019	006475 PARK ACE HARDWARE	034978/2		TOTE 01-26-023-73840	47.96
			034980/2		WATER 01-19-000-72220	3.99

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182115	5/17/2019	006475	PARK ACE HARDWARE			
			(Continued)			
			060892/1		RULE TAPE,MARKER 01-26-023-73410	15.00
			060897/1		PARTS,SANDPAPER,EXPOXY,TUBE 01-26-023-73840	67.88
			060898/1		FH SS,BUSHINGS,DRILL BIT,POWE 01-26-023-73840	34.83
			060902/1		HOSES,BUSHING 01-26-023-73840	12.11
			060903/1		WRENCH SET,CLAMP HOSE 01-26-023-73410	5.59
					01-26-023-73840	1.27
			060905/1		DIAMOND BLADE 4.5" WET CON 01-26-023-73840	11.99
			060923/1		DUCT TAPE 01-21-000-73870	17.99
			060933/1		WIRE ROPE CLIP 01-26-023-73840	4.44
			060943/1		BOLT EYE 01-26-023-73840	3.19
					Total :	226.24
182116	5/17/2019	017268	PETERSON JOHNSON & MURRAY	12087	LEGAL SERV VOTP GENERAL MAT 01-14-000-72850	33,077.90
				12088	LEGAL SERV FOIA SERV THRU 4/30 01-14-000-72850	4,942.00
				12089	LEGAL SERV TP MENTAL HEALTH C 20-00-000-72850	234.00
				12090	LEGAL SERV RUDSINSKI VS VOTP 60-00-000-72850	741.00
				12091	LEGAL SERV TP 2019 NO CASH BIL 01-14-000-72850	385.00
				12092	LEGAL SERV BANK OF AMERICA V 01-14-000-72850	448.50
				12093	VOTP GENERAL LABOR MATTER S 01-14-000-72855	2,593.50
				12094	LEGAL SERV TP LOCAL#150-SKIP C	

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182116	5/17/2019	017268 PETERSON JOHNSON & MURRAY	(Continued)			
			12100		01-14-000-72855 LEGAL SERV VOTP PROSECUTION	1,696.50
			12101		01-14-000-72850 LEGAL SERV EBERHARDT VS TP,T	3,948.00
					01-14-000-72850	195.00
					Total :	48,261.40
182117	5/17/2019	006597 PITNEY BOWES PURCHASE POWER	8000900001076300		ACCT#8000-9000-0107-6300 POSTA	
					01-33-300-72110	98.05
					01-41-040-72110	56.61
					01-13-000-72110	18.80
					01-41-046-72110	18.00
					01-17-217-72110	14.20
					01-19-000-72110	7.90
					01-20-000-72110	20.50
					01-35-000-72110	114.30
					01-33-310-72110	10.15
					01-53-000-72110	1.65
					01-41-056-72110	109.50
					06-00-000-72110	1,082.29
					01-41-050-72110	5.50
					60-00-000-72110	333.15
					01-14-000-72110	1,620.31
					Total :	3,510.91
182118	5/17/2019	018983 PROUD, MICHAEL	31323802		REFUND VEHICLE STICKER #11485	
					06-00-000-79005	25.00
					Total :	25.00
182119	5/17/2019	006850 QUILL CORPORATION	7023003		NOTE,POST ITS	
			7075300		01-33-300-73110	56.06
					FILE SORTER	
					01-33-300-73110	14.02
					Total :	70.08
182120	5/17/2019	014412 RAINS, SCOTT	1253895264		REIM.EXP. YAMBO/DOG FOOD	

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182120	5/17/2019	014412 RAINS, SCOTT	(Continued)		01-17-220-72240	54.99
Total :						54.99
182121	5/17/2019	006361 RAY O' HERRON CO INC	1922826-IN		BADGE CASE	68.25
			1923333-IN	VTP-016895	01-98-000-99000 LED FLASHLIGHTS FOR TRAFFIC C	1,452.00
			1926132-IN		01-21-000-73610 UNIFORMS/WHITE-MEYER,TROY	998.54
			1926133-IN		01-17-205-73610 UNFORMS/BADGE #6	796.89
Total :						3,315.68
182122	5/17/2019	006874 ROBINSON ENGINEERING CO. LTD.	051019		PROJ19-R0055 MICS SERV 3/2/19-4	429.50
					01-23-000-72840	837.00
					01-33-310-72840	827.50
					60-00-000-72840	200.00
					65-00-000-72840	2,932.00
			19050003		01-14-000-72840 PROJ#18-R0617 NORTH ST RECON	5,750.00
					27-00-000-72840	10,976.00
Total :						10,976.00
182123	5/17/2019	018984 ROWLEY, F	Ref001376429		UB Refund Cst #00451251	103.68
					60-00-000-20599	103.68
Total :						103.68
182124	5/17/2019	006922 RUBINO'S ITALIAN IMPORTS	047		SUBS	44.94
					01-15-000-72220	44.94
Total :						44.94
182125	5/17/2019	016334 RUSH TRUCK CENTERS	3014926165		FAN BELT,TENSIONER	187.38
					60-00-000-72540	187.38
Total :						187.38
182126	5/17/2019	007629 SAM'S CLUB DIRECT	2686		****8162 POST-ITS,PENS,COOKIE T	

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182126	5/17/2019	007629 SAM'S CLUB DIRECT	(Continued)			
					60-00-000-73110	18.49
					01-23-000-73110	18.49
					01-24-000-73110	9.24
					01-14-000-72985	82.88
			4294		DIAL,COPY PAPER,OFFICE SUPPLI	
					01-26-025-73580	17.96
					60-00-000-73115	17.93
					01-26-023-73115	17.93
					01-26-024-73115	8.96
					60-00-000-73110	64.14
					01-26-023-73110	64.14
					01-26-024-73110	32.08
			6670		OFFICE,CONF,RECEPTION SUPPLI	
					01-17-205-73600	168.84
					01-17-205-72220	25.00
					01-17-235-73570	66.32
					01-17-235-73600	166.65
					01-17-205-73110	93.22
					Total :	872.27
182127	5/17/2019	007092 SAUNORIS	586456		METROMIX SOILESS	
					01-26-023-73680	16.00
					Total :	16.00
182128	5/17/2019	008710 SHERVINO, ROBERT	051319		PER DIEM: LODG,MEALS/IDOA/IJO/	
					01-17-205-72170	521.64
					Total :	521.64
182129	5/17/2019	007156 SKILLPATH/NST SEMINARS	2244562		ADMIN PROF HANDBOOK	
					01-26-023-72140	31.90
					Total :	31.90
182130	5/17/2019	013190 SOLARWINDS	IN431616		<IT> - SOLARWINDS PATCH MANAC	
				VTP-017015	01-16-000-72655	717.00
					Total :	717.00

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Bank code : apbank

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
182131	5/17/2019	018147 SONI, RAJ	051419		PERF FARMERS MARKET 6/22/19 01-35-000-72923	75.00
					Total :	75.00
182132	5/17/2019	012238 STAPLES BUSINESS ADVANTAGE	3412139640		POS ROLLS,CD/DVD PAPER SLEEV 01-17-220-72855	12.79
			3412139641		01-17-205-73110	99.65
			3412139641		FILE JACKET,TAPE,ADDING MACHI 01-14-000-73110	31.95
			3413189131		01-15-000-73110	47.49
			3413189131		ENV,MOISTENER FINGERTIPS,CAF 01-14-000-73110	111.97
					01-13-000-73110	2.59
					01-53-000-73870	24.68
			3413189132		TONER,ENV,PENS,PPR CLIPS,COR 01-17-205-73110	342.26
					Total :	673.38
182133	5/17/2019	007361 STAROS, PHILIP	050219		REFUND HEALTH INSURANCE OVE 84-00-000-20199	1,316.00
					Total :	1,316.00
182134	5/17/2019	007438 SUB TRAILER HITCH, INC.	12598		ADAPTOR 01-26-024-72540	26.95
					Total :	26.95
182135	5/17/2019	007297 SUTTON FORD INC./FLEET SALES	483172		ALARM SYSTEM 01-26-023-72540	82.32
			483247		TUBE 01-17-205-72540	218.40
			483274		SOCKET ASY 01-17-205-72540	310.02
			483385		SHAFT ASY,SOCKET & WIRE ASY 01-17-205-72540	369.68
			483425		PIPE FUEL FILLER 01-17-205-72540	120.87

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
182135	5/17/2019	007297	007297 SUTTON FORD INC./FLEET SALES	(Continued)		Total : 1,101.29
182136	5/17/2019	018982	SWEENEY, KELLY	051319	PER DIEM: MEALS,FUEL ILEAS BA: 01-17-220-72140	195.01 Total : 195.01
182137	5/17/2019	018264	THE LAKOTA GROUP, INC.	17030.04-08	HARMONY SQUARE 4/1/19-4/30/19 30-00-000-75905	5,282.45 Total : 5,282.45
182138	5/17/2019	018024	THE PRIMAL CUT STEAKHOUSE	10001	FOOD/BENCH RECEPTION 01-35-000-72923	1,060.61 Total : 1,060.61
182139	5/17/2019	007717	THIRD DISTRICT FIRE CHIEF ASSN	4094 4105	MABAS DUES/KLOTZ,SLEPSKI,REC 01-19-000-72720 MONTHLY LUNCHEON MEETING 01-19-000-72170	150.00 15.00 Total : 165.00
182140	5/17/2019	014556	TNEMEC COMPANY INC.	2383033	CRETE WARM SUN 60-00-000-72528	68.55 Total : 68.55
182141	5/17/2019	007955	TRAFFIC CONTROL & PROTECTION	100813	VTP-016979 SIGN MATERIALS 01-26-023-73830 01-26-023-73830	2,090.20 88.65 Total : 2,178.85
182142	5/17/2019	004972	TREASURER, STATE OF ILLINOIS	142146428	DRINKING WATER OP/ALLEN S LOF 60-00-000-72720	10.00 Total : 10.00
182143	5/17/2019	013200	TRIBUNE PUBLISHING COMPANY	006062440000	CLASSIFIED LISTINGS 01-13-000-72330 01-33-310-72330 01-13-000-72330	68.62 205.86 392.00

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Village of Tinley Park

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
182143	5/17/2019	013200	013200 TRIBUNE PUBLISHING COMPANY	(Continued)		Total : 666.48
182144	5/17/2019	010653	TRINIDAD, HEATHER	051319	PER DIEM: LODG,MEALS/IDOA/IJO/ 01-17-205-72170	521.64
					Total :	521.64
182145	5/17/2019	014510	TRUGREEN PROCESSING CENTER	101236424	LAWN SERV HARLEM AVE MEDIAN 01-26-023-72881	290.00
				101244898	LAWN SERV 76TH AVE MEDIAN 161 01-26-023-72881	250.00
				101248740	LAWN SERV DT AREA 1 OAK PK AV 01-26-023-72881	125.00
				101332935	LAWN SERV VET PKWY,183 VETEF 01-26-023-72881	125.00
					Total :	790.00
182146	5/17/2019	004106	TYLER TECHNOLOGIES, INC	045-261838	EXECUTIME MAINT 5/1/19-4/30/20 01-15-000-72655	4,318.65
					Total :	4,318.65
182147	5/17/2019	008040	UNDERGROUND PIPE & VALVE CO	034994-01	MAIN BREAK CLAMPS VTP-016942 60-00-000-73630	1,050.00
					Total :	1,050.00
182148	5/17/2019	002613	UNITED HEALTHCARE AARP	050619	MAY 19 PYMT FOR JUNE 19 COVEF 01-33-300-72435 01-13-000-72435 60-00-000-72435 01-26-023-72435 60-00-000-72435 01-17-205-72435 60-00-000-72435 01-26-024-72435 01-26-023-72435 60-00-000-72435 01-17-205-72435 01-26-025-72435	254.75 211.26 64.37 64.36 201.40 128.73 289.48 192.97 100.70 195.26 70.43 117.12

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Voucher List
Village of Tinley Park

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
182148	5/17/2019	002613 UNITED HEALTHCARE AARP	(Continued)		60-00-000-72435 01-26-025-72435 01-17-205-72435	37.14 37.13 78.04
						Total : 2,043.14
182149	5/17/2019	011904 UPS	0000626634199		SHIPPER#626634 60-00-000-72110	4.43
						Total : 4.43
182150	5/17/2019	018250 VERIZON CONNECT NWF INC	OSV000001753481		CUST ID#TINL001 GPS TRUCK TRA 01-26-023-72790	322.15
						Total : 322.15
182151	5/17/2019	006362 VILLAGE OF OAK LAWN	6384		2006 GO BONDS ON 2019 & 2011A (
						63-00-000-73223 3,180.22
						64-00-000-73223 8,480.58
						60-00-000-73223 14,841.01
						60-00-000-73222 7,264.28
						63-00-000-73222 1,556.63
						64-00-000-73222 4,151.01
						6391 IEPA REICH LOAN PAY REIM L17-50
						60-00-000-73221 110,800.49
						63-00-000-73221 23,742.96
						64-00-000-73221 63,314.56
						Total : 237,331.74
182152	5/17/2019	008158 VIOLETTO JR, RAYMOND	051319		PER DIEM: LODG,MEALS/IDOA/IJO/ 01-17-205-72170	521.64
						Total : 521.64
182153	5/17/2019	012368 VISION INTEGRATED GRAPHICS,LLC	525506		LATE NOTICES FOR APRIL1ST BILL	
						60-00-000-72310 249.07
						64-00-000-72310 106.75
						60-00-000-72110 365.37
						64-00-000-72110 156.58
						525508 MAY 1ST WATER BILLS/SET-UP

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
182153	5/17/2019	012368	VISION INTEGRATED GRAPHICS,LLC	(Continued)	60-00-000-72310 64-00-000-72310	1,177.34 504.57 Total : 2,559.68
182154	5/17/2019	010165	WAREHOUSE DIRECT WORKPL SOLTNS 4280655-0		HAND SANITIZER 01-14-000-73115	51.70 Total : 51.70
182155	5/17/2019	012144	WILL COUNTY CED	050719	ANNUAL CED INVESTMENTS 5/1/19 01-33-320-72720	10,000.00 Total : 10,000.00
182156	5/17/2019	008226	WYMAN & COMPANY	050819	FRAMING 01-41-046-72790	248.00 Total : 248.00
107 Vouchers for bank code : apbank						Bank total : 432,021.08
108 Vouchers in this report						Total vouchers : 432,461.12

The Tinley Park Village Board having duly met at Village Hall do hereby certify that the following claims or demands against said village were presented and are approved for payment as presented on the above listing.

In witness thereof, the Village President and Clerk of the Village of Tinley Park, hereunto set their hands.

_____ Village President

_____ Village Clerk

_____ Date

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-O-019

**AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL
CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45:
HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2019-O-019**AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Tinley Park ("Village") in response to certain hazardous material incidents desires to protect the public health, safety, and welfare of its residents through the proper removal and remediation of hazardous materials; and

WHEREAS, the Village desires to amend its Title III of the Village Code to include Chapter 45 entitled "HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT," which would create certain fees to reimburse the Village in responding to hazardous material incidents; and

WHEREAS, Public Act 99-0770 allows the Village to charge and collect certain fees related to Village employees responding to hazardous emergency incidents; and

WHEREAS, pursuant to the Hazardous Materials Transportation Act, 430 ILCS 30/1 *et al* and the Uniform Hazardous Substances Act of Illinois, 430 ILCS 35/1 *et al.*, the Village is further granted the authority to charge fees for certain costs incurred by the Village in removing and or remediating hazardous materials; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to adopt Chapter 45 of Title III of the Village Code pursuant to this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That Title III Chapter 45 entitled “HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT,” is hereby created and shall be added in numerical order as follows:

**CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE
REIMBURSEMENT**

45.01 PURPOSE AND INTENT

45.02 DEFINITIONS

**45.03 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENCE
EXPENSE RECOVERY**

45.04 LIMITATION OF LIABILITY

45.05 PROHIBITED ACTS

45.08 RESPONSE AUTHORITY

45.09 LIABILITY FOR FEES; COSTS; PENALTIES

45.10 DUTY TO REIMBURSE

45.11 EFFECTIVE DATE

45.01 PURPOSE AND INTENT.

It is the purpose and intent of the Village of Tinley Park to establish certain charges and rates to reimburse the Village for cost associated with the remediation and removal of hazardous materials that pose a substantial danger to the public health, safety, and welfare.

45.02 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

“COSTS.” Shall mean all expenses incurred in relation to the provisions of services by the Village or any Emergency Response Agency, regardless of whether the Village would have otherwise incurred those costs including reasonable costs of equipment used in the provision of such services, costs of materials expended in providing such services, costs of storing hazardous or any other materials recovered during the course of providing such services, or any other costs attributable to the provision of such services.

“EMERGENCY ACTION.” Shall mean any action taken at or near the scene of hazardous material emergency incident to prevent or minimize harm to human health, to property, or to the environment from the unintentional release of a hazard material.

“EMERGENCY RESPONSE AGENCY.” Shall mean a unit of the Village of Tinley Park or any unit of local government that provides any of the following: (1) firefighting services, (2)

emergency rescue services, (3) emergency medical services, (4) hazardous materials response teams, (5) civil defense, or (6) technical rescue teams.

“FACILITY.” Shall mean any building, structure, installation, equipment, pipe, or pipeline including but not limited to any, pipe into a sewer or publicly-owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft. Also, any site or area where hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

“FIRE ADMINISTRATOR.” Shall mean the Village of Tinley Park Fire Administrator.

“HAZARDOUS MATERIAL.” Shall mean any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible, or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling, use including reasonably foreseeable ingestion by children, or transported in commerce, and also means any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged. This definition shall include all definitions described in the Hazardous Materials Transportation Act, 430 ILCS 30/1 *et al* and the Uniform Hazardous Substances Act of Illinois, 430 ILCS 35/1 *et al*.

“LAW ENFORCEMENT OFFICIALS.” shall mean the Illinois State Police or any duly authorized employee of the Village of Tinley Park Police Department or local government agency who are primarily responsible for the prevent or detection of crime and enforcement of the criminal code and the highway and traffic laws of the State of Illinois or any political subdivision of the State.

“MUTUAL AID.” shall my any action taken pursuant to an intergovernmental agreement, including, but not limited to, agreements made as part of a Mutual Aid Box Alarm System (“MABAS”).

“RELEASE.” shall mean any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer, or pipe so that such hazardous material or any constituent thereof may enter the environment.

“REMEDIAL ACTION.” Shall mean any action consistent with permanent, remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property, or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and rune off, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare of the environment.

“REMOVAL.” Shall mean the clean up of released hazardous materials from the environment, including such actions as may be necessary and appropriate to monitor, assess, and evaluate the release or threat of release of hazardous materials, the disposal of removed material, or the taking of such action as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the environment. The term includes, but is not limited to, security fencing, provision of the alternate water supplies, and temporary evacuation of threatened individuals.

“RESPONSE.” Shall mean any removal or remedial action.

“RESPONSIBLE PARTY.” Shall mean any person who: (1) owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency; (2) owns or has custody of bulk or non-bulk packaging or a transport vehicle that contains hazardous material that is involved in an incident requiring emergency action by an emergency response agency; or (3) causes or substantially contribute to the cause of the incident.

45.03 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENT EXPENSE RECOVERY

A. Notwithstanding any other provision or rule of law, the following Responsible Party shall be jointly and severally liable for all costs of removal and remedial action incurred by the Village as a result of a release or threatened release of a hazardous material:

- (1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous material;
- (2) Any person who, at the time of disposal, transport, storage, or treatment of a hazardous material, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of any such hazardous material;
- (3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal, or treatment of hazardous materials owned, controlled, or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous materials;
- (4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage, or treatment facilities or sites from which there is a release or a substantial threat of release of such hazardous substances; and
- (5) Any person who by an intentional or non-intentional negligent act causes a release or substantial threat of release of such hazardous materials.

B. The Village shall prepare and forward to the Responsible Party or Parties in a hazardous material incident a bill for the total costs and expenses incurred for which said Responsible Party or Parties are responsible pursuant to this Chapter; provided, however, any costs in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of the total bill shall be made within sixty (60) days of receipt. Any bill or portion of a bill remaining unpaid after sixty (60) days of receipt shall accrue interest on the unpaid balance of 1.5% per month, or the maximum legal rate, whichever is lower.

45.04 LIMITATION OF LIABILITY

The Village, its agents, its officers, and employees shall not have any liability or responsibility for any claim, injury, or damage of any kind resulting from a hazardous material incident to which the Village or any of its department officers, agents, or employees respond.

45.05 PROHIBITED ACTS

No person shall cause, threatened, or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environment Protection Agency or other state or federal agency having primary jurisdiction over the release, and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property, or the environment.

The Law Enforcement Officials shall enforce the rules and regulations issued under this Chapter.

45.08 RESPONSE AUTHORITY

A. The Fire Administrator or his authorized representative shall have authority to respond to any release or threatened release of hazardous materials within the Village or affecting the public water supply, wells, or sewage treatment works located within district. This authority including, but is not limited to, remedial action and removal.

B. The Fire Administrator shall have primary authority to respond to any release or threatened release of hazardous materials as described. The Fire Administrator shall report any release or threatened release of hazardous materials to all appropriate federal, state, and local public health, safety, and emergency agencies within twenty-four (24) hours of any substantial release of hazardous material. The Fire Administrator shall relinquish his response authority at such time, if any, as the federal, state, or local public health, safety, or emergency agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

C. The Fire Administrator, during such time as Response authority is vested in him, shall be authorized to utilize all Village personnel and equipment and he may, in his sole discretion, take such remedial or removal action as he may deem necessary or appropriate to respond to the release or threatened release of hazardous material including the use of material and in accordance with any Mutual Aid Box Alarm System (“MABAS”) agreement.

D. All responding personnel shall cooperate with, and operate under, the direction of the Fire Administrator or other persons he designates when exercising response authority under this Chapter until such time as the person exercising such response authority has determined that the response is complete or responsibility is assumed by the federal, state, or local emergency response agency having primary jurisdiction over the released or threatened release.

E. The person exercising response authority under this Chapter shall coordinate and/or cooperate with other federal, state, or local emergency response agencies involved in response to the release or threatened release of hazardous materials.

F. The responding Law Enforcement Officials shall be primarily responsible for the removal of any material not considered a Hazardous Material, but which remains hazardous or imminently dangerous to the public including, but not limited to, narcotics, cadavers, and an excessive accumulation of litter, clutter, or debris.

45.09 LIABILITY FOR FEES; COSTS; PENALTIES

A Responsible Party shall be jointly and severally liable for any fee, costs, or penalties described herein.

The fees to be paid by a Responsible Party to the Village in conjunction with the Village’s response to the hazardous material emergency shall be as follows:

- Two-Hundred and Fifty Dollars (\$250.00) per hour, for responding to a call;
- Seventy Dollars (\$70.00) per responder, for responding to a call; and
- All costs shall be reimbursable to the Village related to materials utilized in rendering remedial or removal services.

These fees shall be imposed regardless of residency.

Any person violating any provision of this Chapter shall be fined two hundred dollars (\$200.00), for each offense, which fine shall be payable in addition to the fee otherwise due and owing to the Village.

All fees assessed and collected under this Chapter shall be deposited into the Village's general fund.

45.10 DUTY TO REIMBURSE

It shall be unlawful for any responsible party to fail to reimburse the Village, within sixty (60) days after the mailing of a bill for the hazardous material emergency incident, the costs incurred by the Village and any private contractor responding to the incident at the request of the Village. The amount of the hazardous material emergency reimbursement fee shall be calculated in a manner provided in Section 45.09 of this Chapter.

The failure to pay any debt due to the Village as imposed pursuant to this Chapter, after the period granted for payment has expired by any person liable for such debt, shall constitute a violation of this chapter. Judgment shall be entered against any person who violates this section in the amount of the debt remaining unpaid on the date the judgment is entered plus litigation and collection costs, attorney's fees and an amount representing all fines and penalties assessed pursuant to this Chapter. An administrative penalty of 75% of the amount of debt remaining unpaid on the date the judgment is entered shall be assessed for each month or portion thereof in which the debt remained unpaid.

Nothing in this section shall preclude the village from seeking to collect any debt due the village provided in Chapter 42 of this Code, or through the use of any other administrative procedure or court proceeding authorized by law.

45.11 EFFECTIVE DATE.

This ordinance shall become effective immediately upon adoption.

SECTION 3: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21st day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21st day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-019, “AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL CODE ENTITLED “ADMINISTRATION” ADDING CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

KRISTIN A. THIRION, VILLAGE CLERK



Interoffice

Memo

Date: March 6, 2019

To: David Niemeyer – Village Manager
 Brad Bettenhausen – Village Treasurer
 Kevin Workowski, Public Works Director

From: Colby Zemaitis, PE, CFM – Village Engineer

Subject: Contract Award FY2020 PMP Resurfacing Program

Prepared for May 14, 2019 Public Works Committee Meeting for consideration and possible action:

Description: The project entails approximately 11.2 miles of pavement improvements which include street resurfacing by heater scarification, HMA surface removal and replacement, pavement patching, miscellaneous concrete repairs, structure adjustments, pavement striping and other miscellaneous improvements in order to complete the project.

Five (5) bids were received and publicly read on April 23, 2019. The bid results are below and the bid tab is attached. The lowest responsible bidder was Gallagher Asphalt Corporation in the amount of \$3,777,794.75.

<u>Contractor</u>	<u>Location</u>	<u>Bid Total</u>
Gallagher Asphalt Corporation	Thornton, IL	\$3,777,794.75
PT Ferro Construction Company	Joliet, IL	\$3,871,111.85
D Construction Co.	Coal City, IL	\$4,199,401.25
Lindahl Brothers Inc.	Bensenville, IL	\$4,234,802.00
Austin-Tyler Construction, Inc.	Elwood, IL	\$4,812,204.35
Engineer's Estimate		\$3,598,532.50

Budget / Finance: Funding in the amount of \$3,960,000.00 is available in the FY20 Budget for Design Engineering, Roadway Resurfacing, Construction, Material Testing and Construction Engineering. This project will be reduced from 11.2 miles to approximately 10.5 miles of road improvements to meet and provide sufficient funds for the engineering and construction of the project.

Budget	\$3,960,000.00
Low Bid – Gallagher Asphalt	\$3,777,794.75



Engineering Base Fee	\$1,250.00
Negotiated Preliminary Engineering Fee (3.5%)	\$132,222.82
Negotiated Engineering Inspection Fee (6%)	\$226,667.69
Materials Testing Fee	<u>\$27,500.00</u>
	\$4,165,435.25

Over Budget Total **(\$205,435.25)**

Change Order #1	\$199,794.75
Remaining (Over Budget) Total as Awarded	<u>(\$5,640.50)</u>
Approved Budget Total	\$3,965,640.50

Staff Direction Request:

1. Approve the bid in the amount of \$3,578,000.00 based on the low adjusted bid amount (Change Order #1) for the 2019 PMP Resurfacing Project to Gallagher Asphalt Corporation for the 10.5 miles of pavement improvements. Quantities will be field adjusted (Reduced by a minimum of an additional \$5,640.50) to meet the budget constraints.
2. Direct Staff as necessary.

Attachments

1. Bid Tab dated 4/26/19
2. Award letter from Robinson Engineering dated 5/1/19
3. Change Order # 1





Municipal Expertise. Community Commitment.

Jennifer S. Prinz, PE
Direct Line: (708) 210-5687
Email: jprinz@reltd.com

May 1, 2019

Project 19-R0005.01

Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477

Attn.: Mr. Colby Zemaitis, PE CFM, Village Engineer

RE: FY 2020 PMP Resurfacing Program- Section 19-00000-00-GM

Dear Kevin:

Bids were received and publicly read on Tuesday April 23, 2019 at 10:01 AM for the above-mentioned project. The bid results are as follows:

<u>Contractor</u>	<u>Location</u>	<u>As Read Bid</u>
Gallagher Asphalt Corporation	Thornton, IL	\$3,777,794.75
P.T. Ferro Construction Co.	Joliet, IL	\$3,871,111.85
D Construction Co.	Coal City, IL	\$4,199,401.25
Lindahl Brothers Inc.	Bensenville,	\$4,234,802.00
Austin Tyler Construction, Inc.	Elwood, IL	\$4,812,204.35
<i>Engineer's Estimate</i>		\$3,598,532.50

We have reviewed the bids and found them to be correct and in order; therefore, at this time we recommend that the Village award the contract to the low responsive responsible bidder, Gallagher Asphalt Corporation in the amount of Three Million Seven Hundred Seventy Seven Thousand Seven Hundred Ninety Four Dollars and Seventy Five Cents (\$3,777,794.75).

Should there be any questions on this matter, please feel free to call me.

Respectfully yours,
ROBINSON ENGINEERING, LTD.

Jennifer S. Prinz, PE CFM
Village Engineering Consultant
/jsp

R:\2015-2019\2019\19-R0005.TP\19-R0005.01\Correspondence\Award letter 05.01.2019.doc

Encl. Bid Tabulation
Xc Kelly Mulqueeny, Street Superintendent w/ enclosures

Tabulation of Bids

Local Public Agency: Village of Tinley Park Date: _____
 County: Cook Time: _____
 Section: 19-00000-00-GM Appropriation: _____
 Estimate: \$3,598,532.50

Attended By: _____

Name of Bidder:	Gallagher Asphalt Corp.	P.T. Ferro Construction Co.	D. Construction, Inc.	Lindahl Brothers Inc.	Austin Tyler Construction Inc.
Address of Bidder:	18100 S. Indiana Avenue	700 S. Rowell Ave	1488 S. Broadway	622 E. Green Street	23343 S. Ridge Road
	Thornton, IL 60476	Joliet, IL 60434	Coal City, IL 60416	Bensenville, IL 60106	Elwood, IL 60421
Approved Engineer's Estimate					

Item No.	Item Description	Unit	QTY	Unit Price	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
40600290	BITUMINOUS MATERIALS (TACK COAT)	POUND	101,000	\$0.01	\$1,010.00	\$0.01	\$1,010.00	\$0.01	\$1,010.00	\$0.01	\$1,010.00	\$0.01	\$1,010.00	\$0.01	\$1,010.00
40600625	LEVELING BINDER (MACHINE METHOD), N50	TON	200	\$54.00	\$10,800.00	\$70.00	\$14,000.00	\$65.00	\$13,000.00	\$65.00	\$13,000.00	\$84.00	\$16,800.00	\$82.00	\$16,400.00
40600982	HOT-MIX ASPHALT SURFACE REMOVAL - BUTT JOINT	SQ YD	580	\$2.30	\$1,334.00	\$25.00	\$14,500.00	\$0.01	\$5.80	\$7.00	\$4,060.00	\$10.50	\$6,090.00	\$0.01	\$5.80
40603335	HOT-MIX ASPHALT SURFACE COURSE, MIX "D", N50	TON	14,800	\$59.75	\$884,300.00	\$66.50	\$984,200.00	\$70.00	\$1,036,000.00	\$62.00	\$917,600.00	\$71.50	\$1,058,200.00	\$74.50	\$1,102,600.00
40603340	HOT-MIX ASPHALT SURFACE COURSE, MIX "D", N70	TON	4,100	\$60.00	\$246,000.00	\$67.50	\$276,750.00	\$70.00	\$287,000.00	\$65.25	\$267,525.00	\$73.50	\$301,350.00	\$76.50	\$313,650.00
42400200	PORTLAND CEMENT CONCRETE SIDEWALK 5 INCH	SQ FT	21,000	\$6.00	\$126,000.00	\$6.00	\$126,000.00	\$11.00	\$231,000.00	\$5.78	\$121,380.00	\$7.35	\$154,350.00	\$6.80	\$142,800.00
44000155	HOT-MIX ASPHALT SURFACE REMOVAL, 1 1/2"	SQ YD	84,100	\$1.35	\$113,535.00	\$1.20	\$100,920.00	\$1.70	\$142,970.00	\$2.35	\$197,635.00	\$1.84	\$154,744.00	\$1.85	\$155,585.00
44000200	DRIVEWAY PAVEMENT REMOVAL	SQ YD	2,875	\$14.00	\$40,250.00	\$15.00	\$43,125.00	\$18.00	\$51,750.00	\$10.50	\$30,187.50	\$15.75	\$45,281.25	\$16.35	\$47,006.25
44000500	COMBINATION CURB AND GUTTER REMOVAL	FOOT	21,600	\$7.00	\$151,200.00	\$7.50	\$162,000.00	\$7.85	\$169,560.00	\$7.50	\$162,000.00	\$8.65	\$186,840.00	\$11.25	\$243,000.00
44000600	SIDEWALK REMOVAL	SQ FT	21,000	\$1.60	\$33,600.00	\$2.00	\$42,000.00	\$1.50	\$31,500.00	\$1.95	\$40,950.00	\$1.55	\$32,550.00	\$2.20	\$46,200.00
44201672	CLASS D PATCHES, TYPE II, 2 INCH	SQ YD	50	\$42.00	\$2,100.00	\$45.00	\$2,250.00	\$35.00	\$1,750.00	\$16.00	\$800.00	\$20.00	\$1,000.00	\$35.00	\$1,750.00
44201676	CLASS D PATCHES, TYPE IV, 2 INCH	SQ YD	225	\$22.00	\$4,950.00	\$35.00	\$7,875.00	\$35.00	\$7,875.00	\$15.00	\$3,375.00	\$20.00	\$4,500.00	\$23.00	\$5,175.00
44201711	CLASS D PATCHES, TYPE IV, 5 INCH	SQ YD	1,200	\$44.00	\$52,800.00	\$42.00	\$50,400.00	\$45.00	\$54,000.00	\$34.00	\$40,800.00	\$35.00	\$42,000.00	\$51.00	\$61,200.00
44201761	CLASS D PATCHES, TYPE I, 10 INCH	SQ YD	1,300	\$70.00	\$91,000.00	\$75.00	\$97,500.00	\$70.00	\$91,000.00	\$75.00	\$97,500.00	\$45.00	\$58,500.00	\$118.00	\$153,400.00
44201765	CLASS D PATCHES, TYPE II, 10 INCH	SQ YD	1,000	\$70.00	\$70,000.00	\$75.00	\$75,000.00	\$70.00	\$70,000.00	\$71.00	\$71,000.00	\$45.00	\$45,000.00	\$111.00	\$111,000.00
44201769	CLASS D PATCHES, TYPE III, 10 INCH	SQ YD	250	\$70.00	\$17,500.00	\$75.00	\$18,750.00	\$70.00	\$17,500.00	\$67.00	\$16,750.00	\$45.00	\$11,250.00	\$97.00	\$24,250.00
44201771	CLASS D PATCHES, TYPE IV, 10 INCH	SQ YD	354	\$74.00	\$26,196.00	\$75.00	\$26,550.00	\$70.00	\$24,780.00	\$66.00	\$23,364.00	\$45.00	\$15,930.00	\$88.00	\$31,152.00
48101200	AGGREGATE SHOULDERS, TYPE B	TON	625	\$40.00	\$25,000.00	\$30.00	\$18,750.00	\$30.00	\$18,750.00	\$22.00	\$13,750.00	\$50.00	\$31,250.00	\$43.00	\$26,875.00
60234200	INLETS, TYPE A, TYPE 1 FRAME, OPEN LID	EACH	1	\$1,200.00	\$1,200.00	\$1,750.00	\$1,750.00	\$1,200.00	\$1,200.00	\$1,320.00	\$1,320.00	\$2,620.00	\$2,620.00	\$1,240.00	\$1,240.00
60603800	COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.12	FOOT	1,000	\$22.00	\$22,000.00	\$27.00	\$27,000.00	\$25.00	\$25,000.00	\$26.25	\$26,250.00	\$24.10	\$24,100.00	\$28.25	\$28,250.00
70300220	TEMPORARY PAVEMENT MARKING - LINE 4"	FOOT	1,000	\$0.25	\$250.00	\$1.50	\$1,500.00	\$1.00	\$1,000.00	\$0.33	\$330.00	\$2.00	\$2,000.00	\$0.01	\$10.00
78001100	PAINT PAVEMENT MARKING - LETTERS AND SYMBOLS	SQ FT	250	\$3.00	\$750.00	\$3.50	\$875.00	\$3.00	\$750.00	\$3.15	\$787.50	\$3.00	\$750.00	\$3.85	\$962.50
78001110	PAINT PAVEMENT MARKING - LINE 4"	FOOT	18,600	\$0.40	\$7,440.00	\$0.50	\$9,300.00	\$0.31	\$5,766.00	\$0.33	\$6,138.00	\$0.35	\$6,510.00	\$0.75	\$13,950.00
78001130	PAINT PAVEMENT MARKING - LINE 6"	FOOT	2,100	\$0.65	\$1,365.00	\$1.00	\$2,100.00	\$0.53	\$1,113.00	\$0.55	\$1,155.00	\$0.55	\$1,155.00	\$1.15	\$2,415.00
78001150	PAINT PAVEMENT MARKING - LINE 12"	FOOT	1,025	\$1.35	\$1,383.75	\$1.75	\$1,793.75	\$1.05	\$1,076.25	\$1.10	\$1,127.50	\$1.10	\$1,127.50	\$2.25	\$2,306.25
78001180	PAINT PAVEMENT MARKING - LINE 24"	FOOT	525	\$2.75	\$1,443.75	\$3.50	\$1,837.50	\$3.00	\$1,575.00	\$3.15	\$1,653.75	\$3.00	\$1,575.00	\$3.85	\$2,021.25
78100100	RAISED REFLECTIVE PAVEMENT MARKER	EACH	30	\$35.00	\$1,050.00	\$130.00	\$3,900.00	\$60.00	\$1,800.00	\$52.50	\$1,575.00	\$50.00	\$1,500.00	\$100.00	\$3,000.00
78300200	RAISED REFLECTIVE PAVEMENT MARKER REMOVAL	EACH	30	\$15.00	\$450.00	\$10.00	\$300.00	\$0.01	\$0.30	\$10.00	\$300.00	\$20.00	\$600.00	\$0.01	\$0.30
LR400510	REJUVENATING AGENT	GALLON	28,300	\$0.01	\$283.00	\$0.01	\$283.00	\$0.01	\$283.00	\$0.01	\$283.00	\$0.01	\$283.00	\$0.01	\$283.00
LR400520	HOT IN-PLACE RECYCLING - SURFACE RECYCLING	SQ YD	218,000	\$3.70	\$806,600.00	\$3.49	\$760,820.00	\$3.40	\$741,200.00	\$3.70	\$806,600.00	\$3.60	\$784,800.00	\$4.60	\$1,002,800.00

Tabulation of Bids

Local Public Agency: Village of Tinley Park Date: _____
 County: Cook Time: _____
 Section: 19-00000-00-GM Appropriation: _____
 Estimate: \$3,598,532.50

Attended By: _____

Name of Bidder:	Gallagher Asphalt Corp.	P.T. Ferro Construction Co.	D. Construction, Inc.	Lindahl Brothers Inc.	Austin Tyler Construction Inc.
Address of Bidder:	18100 S. Indiana Avenue	700 S. Rowell Ave	1488 S. Broadway	622 E. Green Street	23343 S. Ridge Road
	Thornton, IL 60476	Joliet, IL 60434	Coal City, IL 60416	Bensenville, IL 60106	Elwood, IL 60421
Approved Engineer's Estimate					

Item No.	Item Description	Unit	QTY	Unit Price	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
X0326144	TACTILE/DETECTABLE WARNING SURFACE	SQ FT	4,200	\$18.00	\$75,600.00	\$20.00	\$84,000.00	\$0.01	\$42.00	\$21.00	\$88,200.00	\$21.00	\$88,200.00	\$17.25	\$72,450.00
X2110104	TOPSOIL FURNISH AND PLACE, 4" (SPECIAL)	SQ YD	12,425	\$0.70	\$8,697.50	\$0.01	\$124.25	\$0.01	\$124.25	\$3.15	\$39,138.75	\$1.00	\$12,425.00	\$6.00	\$74,550.00
X2520700	SODDING, SPECIAL	SQ YD	12,425	\$1.50	\$18,637.50	\$0.01	\$124.25	\$0.01	\$124.25	\$15.75	\$195,693.75	\$11.00	\$136,675.00	\$15.00	\$186,375.00
X4230720	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 7 INCH, SPECIAL	SQ YD	1,300	\$60.00	\$78,000.00	\$65.00	\$84,500.00	\$75.00	\$97,500.00	\$63.00	\$81,900.00	\$62.95	\$81,835.00	\$71.00	\$92,300.00
X4401198	HOT-MIX ASPHALT SURFACE REMOVAL, VARIABLE DEPTH	SQ YD	56,000	\$1.20	\$67,200.00	\$1.35	\$75,600.00	\$1.70	\$95,200.00	\$2.40	\$134,400.00	\$1.42	\$79,520.00	\$1.35	\$75,600.00
X6026624	VALVE BOXES TO BE ADJUSTED (SPECIAL)	EACH	27	\$200.00	\$5,400.00	\$100.00	\$2,700.00	\$175.00	\$4,725.00	\$78.75	\$2,126.25	\$300.00	\$8,100.00	\$240.00	\$6,480.00
Z0004522	HOT-MIX ASPHALT DRIVEWAY PAVEMENT, 6"	SQ YD	1,575	\$40.00	\$63,000.00	\$45.00	\$70,875.00	\$44.00	\$69,300.00	\$32.50	\$51,187.50	\$41.95	\$66,071.25	\$56.00	\$88,200.00
Z0017400	DRAINAGE & UTILITY STRUCTURES TO BE ADJUSTED	EACH	300	\$250.00	\$75,000.00	\$270.00	\$81,000.00	\$220.00	\$66,000.00	\$577.50	\$173,250.00	\$720.00	\$216,000.00	\$445.00	\$133,500.00
Z0017700	DRAINAGE & UTILITY STRUCTURES TO BE RECONSTRUCTED	EACH	20	\$750.00	\$15,000.00	\$1,000.00	\$20,000.00	\$600.00	\$12,000.00	\$1,575.00	\$31,500.00	\$1,680.00	\$33,600.00	\$825.00	\$16,500.00
z9999999	COMBINATION CONCRETE CURB AND GUTTER REPLACEMENT	FOOT	20,600	\$21.00	\$432,600.00	\$22.50	\$463,500.00	\$23.00	\$473,800.00	\$22.05	\$454,230.00	\$22.05	\$454,230.00	\$24.50	\$504,700.00
z9999999	RUBBER ADJUSTING RINGS	EACH	700	\$0.01	\$7.00	\$0.01	\$7.00	\$0.01	\$7.00	\$59.85	\$41,895.00	\$62.00	\$43,400.00	\$0.01	\$7.00
z9999999	STEEL ADJUSTING RINGS	EACH	25	\$150.00	\$3,750.00	\$125.00	\$3,125.00	\$175.00	\$4,375.00	\$194.25	\$4,856.25	\$200.00	\$5,000.00	\$175.00	\$4,375.00
z9999999	REPLACE FRAMES AND ADJUSTMENTS, 4"	EACH	10	\$300.00	\$3,000.00	\$400.00	\$4,000.00	\$400.00	\$4,000.00	\$656.25	\$6,562.50	\$310.00	\$3,100.00	\$360.00	\$3,600.00
z9999999	REPLACE FRAMES AND ADJUSTMENTS, 7"	EACH	28	\$325.00	\$9,100.00	\$400.00	\$11,200.00	\$400.00	\$11,200.00	\$735.00	\$20,580.00	\$310.00	\$8,680.00	\$390.00	\$10,920.00
z9999999	PIPE UNDERDRAINS, FABRIC LINED TRENCH 6"	FOOT	50	\$35.00	\$1,750.00	\$80.00	\$4,000.00	\$50.00	\$2,500.00	\$73.50	\$3,675.00	\$86.00	\$4,300.00	\$47.00	\$2,350.00
				TOTAL:	\$3,598,532.50		\$3,777,794.75		\$3,871,111.85		\$4,199,401.25		\$4,234,802.00		\$4,812,204.35



Village of Tinley Park
Change Order Form

Change Order No. 1
Date: 5/1/2019

Name of Project FY 2020 PMP Proposed Resurfacing
Department Public Works
Contractor Gallagher Asphalt Construction Company

The following changes are hereby made to the CONTRACT DOCUMENTS:
Reduce contract to match funding in FY2020 budget. Delete at least 3 streets or 0.7 miles of resurfacing and other items as directed by staff to reduce quantity and thus reduce the overall contract cost.

Location No.	Location Name	From	To	Length
21	Cambridge Place	175th Street	Windsor Parkway	648
22	Drummond Drive	Windsor Parkway	Windsor Parkway	1412
23	Windsor Parkway	Drummond Drive	94th Avenue	1467

Justification:
Reduce contract to funding level. Total funding is \$3,960,000 for design engineering, construction, material testing and construction engineering.

Original CONTRACT AMOUNT	\$	\$3,777,794.75
Previous CHANGE ORDER(S) No(s). <u>N/A</u>	\$	\$0.00
Current CONTRACT AMOUNT with all previous changes to date	\$	\$3,777,794.75
 This CHANGE ORDER AMOUNT	\$	(\$199,794.75)
NEW CONTRACT AMOUNT including this change order	\$	\$3,578,000.00
TOTAL CHANGE to CONTRACT AMOUNT - All Change Orders		-5.29%
EXTENSION OF CONTRACT TIME IN DAYS		0
REVISED FINAL COMPLETION DATE		n/a

Approvals Required:
To be effective this Order must be approved by the Village if it changes the scope or objective of the PROJECT, or as may otherwise be required by the CONTRACT.

Reviewed by: 5/3/19
Date: 5/3/19
Accepted by: 5/3/19
Date: 5/3/19



Village of Tinley Park
Change Order Form

Change Order No. 1
Date: 5/1/2019

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Approvals Required:
To be effective this Order must be approved by the Village if it changes the scope or objective of the PROJECT, or as may otherwise be required by the CONTRACT.

Reviewed by: 5/3/19
Date: 5/3/19

Accepted by: 5/3/19
Date: 5/3/19

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

RESOLUTION
NO. 2019-R-038

A RESOLUTION APPROVING A CONTRACT FOR THE 2019 PAVEMENT MANAGEMENT PROGRAM (PMP) TO GALLAGHER ASPHALT CORPORATION

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

VILLAGE OF TINLEY PARK
Cook County, Illinois - Will County, Illinois

RESOLUTION NO. 2019-R-038

A RESOLUTION APPROVING A CONTRACT FOR THE 2019 PAVEMENT MANAGEMENT PROGRAM (PMP) TO GALLAGHER ASPHALT CORPORATION

WHEREAS, the Village of Tinley Park, Cook and Will Counties, Illinois, is a Home Rule Unit pursuant to the Illinois Constitution of 1970; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have considered entering into a Contract with the Gallagher Asphalt Corporation, a true and correct copy of such Contract being attached hereto and made a part hereof as **EXHIBIT 1**; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interests of said Village of Tinley Park that said Contract be entered into by the Village of Tinley Park;

NOW, THEREFORE, Be It Resolved by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Resolution as fully as if completely repeated at length herein.

Section 2: That this President and Board of Trustees of the Village of Tinley Park hereby find that it is in the best interests of the Village of Tinley Park and its residents that the aforesaid "Contract" be entered into and executed by said Village of Tinley Park, with said Contract to be substantially in the form attached hereto and made a part hereof as **EXHIBIT 1**, subject to review and revision as to form by the Village Attorney.

Section 3: That the President and Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois are hereby authorized to execute for and on behalf of said Village of Tinley Park the aforesaid Contract.

Section 4: That this Resolution shall take effect from and after its adoption and approval.

ADOPTED this 21st day of May, 2019, by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this 21st day of May, 2019, by the President of the Village of Tinley Park.

ATTEST:

Village President

Village Clerk

EXHIBIT 1

STATE OF ILLINOIS)
 COUNTY OF COOK) SS
 COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2019-R-038, **“A RESOLUTION APPROVING A CONTRACT FOR THE 2019 PAVEMENT MANAGEMENT PROGRAM (PMP) TO GALLAGHER ASPHALT CORPORATION,”** which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

 KRISTIN A. THIRION, VILLAGE CLERK



PLAN COMMISSION STAFF REPORT

May 2, 2019

Location

Village-wide

Approval Sought

Text Amendments to Section II and Section III.W. of the Zoning Ordinance

WORKSHOP

Text Amendments: Regulations for Telecommunication Service Facilities (TCSF)

EXECUTIVE SUMMARY

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for Co-Locations, new Freestanding Cell Towers, Small Cell, and Distributed Antenna Systems DAS.

Staff has received numerous inquiries about small cell antennas and began researching how to regulate such technology in the best way. Additionally, the current regulations for Cell Towers and Co-Locations have room for clarification and improvement. Staff initially drafted regulations in 2017 that went through many workshops and public hearings on the subject. These regulations were ready for adoption in January 2018 but were placed on hold at the direction of legal counsel, due to concerns about proposed state and federal bills and rules that would preempt many local regulations.

The proposed text amendments will further regulate Small Cell Antennas on private property and will establish design standards required for all small cell facilities, including those covered by the state law. Staff drafted a new Section III.W. that encompasses regulations for all telecommunication service facilities (TCSF), including Cell Towers, Antenna Co-Locations, Small Cell Antennas, and Distributed Antenna Systems.

Updates from the April 4, 2019 Workshop Staff Report are indicated in red.

Project Planner

Daniel Ritter, AICP
Senior Planner

BACKGROUND

Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's ability to regulate aesthetics. Cellular technology is continually changing and the Village's regulations must be updated from time to time to minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services.

The Telecommunications Act of 1996 states that local governments cannot "prohibit or have the effect of prohibiting wireless facilities," but also preserves local zoning authority over the "placement, construction, and modification of wireless facilities." This act prevents local authorities from outright banning telecommunications facilities from certain areas, which makes it difficult to regulate telecommunication facilities based upon traditional zoning district classifications (such as residential, business, industrial) that may cover large areas and constitute a prohibition. It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental or health effects of radio frequency emissions.

Illinois S.B. 1451, known as Small Wireless Facilities Deployment Act, was approved by the Illinois General Assembly and signed by Governor Rauner into law in April 2018. The law establishes state-wide regulations for collocation of small cell antennas located within the public right-of-way and on private commercial and industrial properties. The goal of this Act was to streamline the approval process for wireless providers who provide cellular access to the public. The regulations were specifically geared towards the improvement of 5G networks, which typically require greater use of small cell antennas in urbanized areas. The Act pre-empts local authority to regulate the siting of small cell antennas and requires that any small cell antenna co-located in accordance with the Act shall be considered a permitted use within a public right-of-way or on certain commercial or industrial properties. Additionally, the Act sets specific requirements in regards to height limitation, location, permitting process, review process, permit fees, and allowable rent. The Federal Communications Commission (FCC) also set new stricter rules that municipalities must follow including time limits for when applications must be acted on ("shot clock") and requiring telecommunication facilities to be treated similarly to other public utilities that serve the public.

Many municipalities have converted their "cell tower ordinance" into a comprehensive "wireless facilities ordinance" to address new technologies and incorporate the most recent regulatory changes. Staff proposed changes in late 2017 and received a unanimous recommendation of approval from the Plan Commission following a number of public meetings on the subject. Staff has made a few additional changes to those regulations that include:

1. Exemption of Small Cell Wireless Facilities in the public right-of-way that comply with the Small Cell Wireless Facilities Deployment Act.
2. Introduction of design standards for all small cell wireless facilities, including those permitted within the public right-of-ways.
3. Require disguising new TCSF locations when requested (via Special Use Permit) within 1,000 feet of a Residential Zoning District.
4. Consistency in terms and increased strength in the wording of regulations.
5. Reorganization to clearly indicate a hierarchy of permitted locations for cellular facilities. The hierarchy must be followed by requiring clear due diligence efforts showing the least obtrusive location in the hierarchy is being utilized. A Special Use is required for all new tower installations.
6. The proposed hierarchy from most preferred to least is as follows:
 - a. Co-Location of antennas on existing cellular tower or non-residential structure (including municipal water towers).
 - b. New cellular facility on Village-owned property.

- c. New cellular facility on public/taxing body property.
 - d. New cellular facility in M-1 zoned property, not within 1,000 feet of a Residential Zoning District.
 - e. New cellular facility in ORI zoned property, not within 1,000 feet of a Residential Zoning District.
 - f. New cellular facility in Business (B-1 through B-5) zoned property, not within 1,000 feet of a Residential Zoning District.
 - g. New Cellular facility in Residential (R-1 through R-7) zoned property or other zoning districts within 1,000 feet of a residentially zoned property.
 - h. New cellular facility within the Legacy Districts.
7. Site Plan approval is required for any co-location with new ground equipment screening and any new TCSF location.

TYPES OF TCSF

Freestanding Cell Towers



Co-Locations

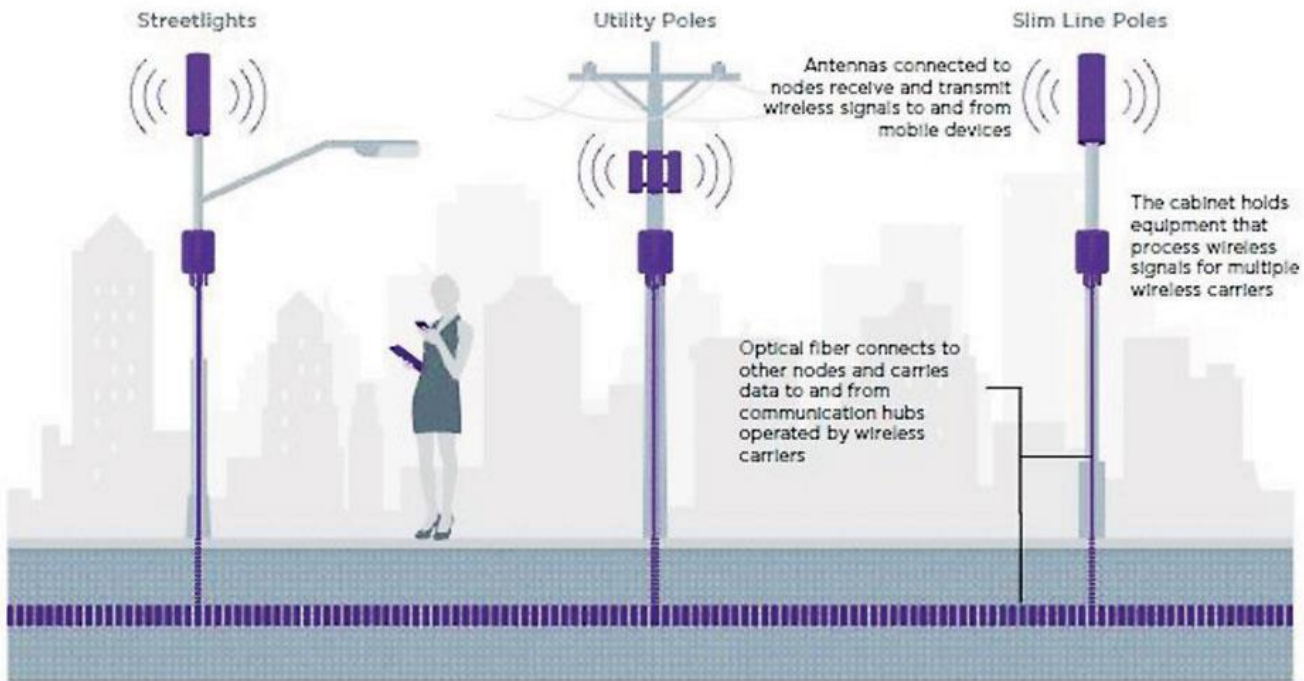


Small Cell Antennas



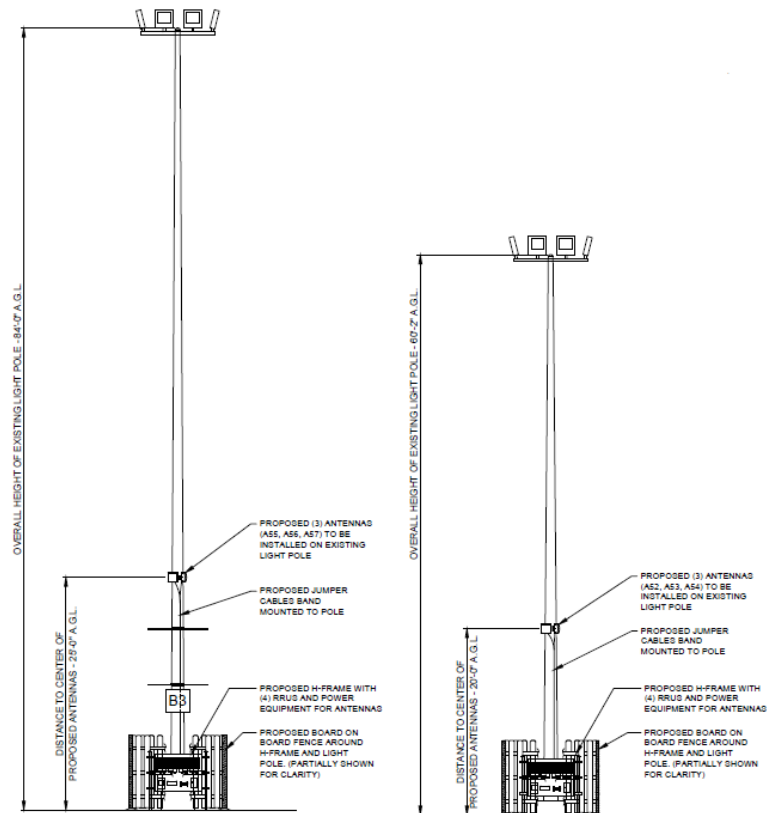
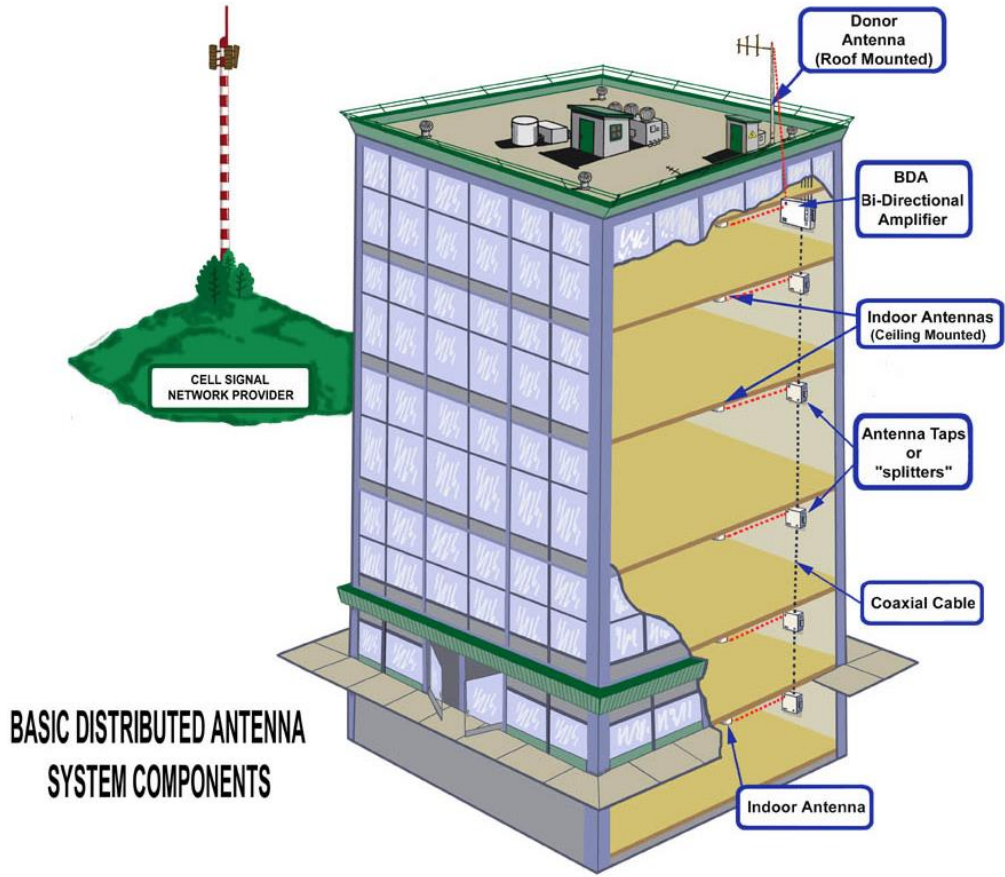
What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Source: Crown Castle

Distributed Antenna Systems



CONSIDERATIONS

Some topics for further discussion:

- Historically all new towers required a Special Use. This allowed for public input. Understanding that the Telecommunication Act does not allow a municipality from regulating wireless services based on environmental or health effects of radio frequency emissions, does the Commission wish to allow certain locations by right as a permitted use. This would then not allow for public input.
- Is the Commission comfortable with the location hierarchy that has been imposed with Village owned property as the first choice for location of a new tower and the Legacy Districts as the least favored choice? The hierarchy would require due diligence to prove they cannot meet a location higher on the hierarchy.
- The proposed ordinance requires a masonry enclosure for equipment. Does the Commission wish to require this of all installations and require the applicant to request a variance if they want something else; or does the Commission feel comfortable allowing PVC vinyl fencing in some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
- Does the Commission agree with staff's recommendation to require antenna attached to a structure to be permitted only on the rear (opposite of main entrance/façade) and sides of a building?
- Small Cell locations on decorative light poles as least desirable? This would allow location on private property or construction of a new small cell pole before this is permitted.

Plan Commission discussed the changes at length in the workshop meeting. The Commission generally agreed with staff's recommended hierarchy for new towers, including that the Legacy District should be the last possible option, even if it can't be prohibited. The Commission did recommend breaking out commercial and residential districts into separate categories which are presented in the new draft ordinance. There was also some discussion about not requiring a Special Use Permit in some instance where denial would be difficult or where the Village had control. However, the Commission recommended that all new pole locations require a Special Use Permit to ensure that all surrounding property owners are at least notified before a new pole is erected.

The Commission agreed with the small cell design standards for all small cell locations within the Village. They agreed these were least preferred on the decorative light poles in the Legacy District. Staff noted that the Village Attorney was reviewing the wording and requirements to prohibit small cell antennas on the decorative lantern light poles. Upon review, it was noted that the State law prevents the Village from specifically prohibiting any utility pole or requiring that a specific utility pole type be used for small cell antennas. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and require that the character and aesthetic design of the pole remain.

RECOMMENDED MOTION

If the Plan Commission wishes to take action, the following motion is in the appropriate form:

"...make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems as indicated in Staff's draft Text Amendments dated 4/11/2019."

...with the following changes: [any changes that the Plan Commission wishes to make to the draft Text Amendments]

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Consider the Following Amendments to Section III of the Zoning Ordinance:

W. REGULATIONS FOR TELECOMMUNICATION SERVICE FACILITIES (TCSF)

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and Co-Location of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF*Last Edited 4/11/2019 by DR***3. General Regulations:**

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. The Petitioner shall demonstrate that the proposed Antenna(s) and support structure(s) are safe, and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. All Towers and Antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and Antennas;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- f. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of Towers, Co-Location of Antennas by more than one provider on existing Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit shall not be granted unless the Petitioner demonstrates, compliance with the following:
 - (1) A diligent effort has been made to locate the Antenna on an existing Freestanding Cell Tower, building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
 - (2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other Antennas to Co-Locate on the proposed Freestanding Cell Tower, where such Co-Location is technologically feasible; and
 - (3) The Site Plan for the construction of a new Freestanding Cell Tower shall delineate an area, either on site or on adjacent property, near the base of the Tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new Freestanding Cell Tower is adequate to allow Co-Location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.

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- g. **Structural Integrity:** A TCSF, including Antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois with drawings sealed with a professional seal and including geotechnical verification of the structural design.
- h. **Abandonment:**
 - (1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:
 - i. Reactivate the use of the TCSF either by said owner/operator or transfer of the Tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;
 - ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and
 - iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

4. Regulations for Locating TCSF

- a. **Hierarchy of TCSF Locations:** In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such locations exist, then a new TCSF location, including

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new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.

b. Location Requirements for TCSF Co-Locations

- (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.
- (2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other Antennas on the monopole.
- (3) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
- (4) Attachment to Existing Non-Residential Building:
 - i. Antennas shall only be permitted on the rear and side walls of a building.
 - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
 - iii. Antennas shall be made to blend into the architecture of the building.
- (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the Co-Location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
 - ii. If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
 - iii. The Petitioner must obtain a Building Permit from the Community Development Department.

c. Location Requirements for New TCSF Locations

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- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
- i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.
 - ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business district, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - v. All other locations (all residential zoning districts and within 1,000 feet of any residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any

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Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

(2) Yards and Setbacks:

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.
- ii. A Freestanding Cell Tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.

(3) Approval for New Freestanding Cell Towers

- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
- iv. The Petitioner must obtain a Building Permit from the Community Development Department.

d. Conditions for All TCSF Locations

(1) Maximum Height:

- i. A Freestanding Cell Tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
- ii. Antennas attached to an existing Freestanding Cell Tower shall not project above the top of the monopole.

(2) Color:

- i. A Freestanding Cell Tower, Antennas, and all related equipment and appurtenances shall be a color that blends with the surroundings.
- ii. The use of reflective materials is prohibited.

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- iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.
- (3) Future Co-Locations: All new Freestanding Cell Towers must allow for a minimum of one (1) Co-Location by other potential users.
- (4) Disguised Towers: The Village encourages the use of Disguised Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as described in Section III.W.4.c.(1).v. of the Zoning Code above.
- (5) Screening:
 - i. The Freestanding Cell Tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 - ii. All associated ground equipment shall be screened by a masonry shelter or enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity and aesthetic design of the enclosure.
 - iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

5. Regulations for Small Cell Wireless Facilities**a. Small Cell Wireless Facility Locations**

- (1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.
- (2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.
- (3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of five hundred (500) feet from any other Utility Pole on which a Small Cell Wireless Facility is mounted. A lesser separation may be approved if the Petitioner provides evidence that the lesser separation is necessary to close a significant gap in the Petitioner's services or to otherwise provide adequate services to customers, and the proposed Small Cell Wireless Facility location is the least

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intrusive means to do so.

b. Conditions

- (1) Maximum Number of Antennas: Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.
- (2) Surface Area of Antenna:
 - i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
 - ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
 - iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.

c. Design Standards

- (1) Overall Size: The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.
- (2) Stealth Requirement: The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.
- (3) Maximum Height: The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.
- (4) Minimum Height: The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.
- (5) Minimum Equipment Height: The operator of a Small Cell Wireless Facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the pole, but no lower than nine (9) feet above grade.
- (6) Pole Visual Interference: Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

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- (7) Extensions: Extensions to poles utilized for the purpose of connecting a Small Cell Wireless Facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire Small Cell Wireless Facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in Section W.3.h. of the Zoning Code above. An extension shall be securely bound to the Utility Pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.
- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
- i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
 - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility Antenna shall include a radome, cap, or other Antenna panel covering or shield and shall be of a color that blends with the color of the Utility Pole on which it is mounted.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles

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should be used including the installation on private property. When Co-Located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

- (13) **Undergrounding:** Any mechanical equipment or Antenna equipment associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.
- (14) **Screening:** Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) **Burial or Removal of Utility Poles:** If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) **Illumination:** Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.

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(17) Signage: No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

d. Approval

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.
- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.
- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems (DAS)

a. Location

- (1) All Distributed Antenna Systems must be installed on private property.
- (2) Exterior Antennas shall be located upon existing poles or structures.
- (3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yards.

b. Conditions

- (1) Surface Area of Antennas: Each Antenna within a Distributed Antenna System shall not have a surface area of more than seven (7) square feet. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.

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(2) Height:

- i. The top of the highest point of the Antenna shall not extend beyond the height of the existing structure that the Antenna is mounted upon.
- ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.

(3) Color:

- i. A Distributed Antenna System, including the Antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring must be covered with an appropriate cover or cable shield.

(4) Screening:

- i. The Distributed Antenna System shall be architecturally compatible with the proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
- iii. All associated equipment located on the roof of a principal structure shall be screened from view from all adjacent public right-of-ways.
- iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- (1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- (2) The Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above.

VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF
Last Edited 4/11/2019 by DR

Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.

- (3) The Petitioner must obtain a Building Permit from the Community Development Department.

DRAFT

VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF*Last Edited 3/29/2019 by DR***Consider the Following Definitions for Section II of the Zoning Ordinance:**

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than 72 feet in height, which is owned and operated by an amateur radio operator licensed by the FCC.

ANTENNA SUPPORT STRUCTURE: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding support structures not greater than 72 feet in height, owned and operated by an amateur radio operator licensed by the FCC. Such term shall also include any related and necessary cabinet or shelter.

CABINET: Casing or console, not including a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and do not exceed height of seven feet.

CO-LOCATION: The location and use of two or more antennas on a single antenna support structure.

DISGUISED SUPPORT STRUCTURE: Any freestanding, manmade structure, designed for the support of one or more antenna, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, artificial trees, light standards, or similar alternative design mounting structures that camouflage or conceal the presence of a wireless service facility.

DISTRIBUTED ANTENNA SYSTEM: A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. Such systems can be either indoor or outdoor.

FREESTANDING CELL TOWER: A cell tower designed and constructed to stand alone on its own foundation, free of architectural or other supporting frames, or attachments, including, but not limited to, self-supporting (lattice) towers and monopoles.

GUYED TOWER: A tower that has tensioned cables attached to the tower and anchored at a distance from the structure's base.

MONOPOLE: A structure composed of a single spire, pole or tower used to support antennas or related equipment.

PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT: Equipment, inclusive of an antenna, that is part of a personal wireless telecommunications facility.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY: An antenna, equipment, all applicable hardware, and related improvements used, or designed to be used, to provide

VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF*Last Edited 3/29/2019 by DR*

wireless transmission of voice, data, images or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

SHELTER: A structure for the protection and security of communications equipment associated with one or more antennas, where access to equipment is gained from the interior of the structure.

SMALL CELL WIRELESS FACILITY: A personal wireless telecommunications facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area supported on structures not initially designed to support such equipment.

TCSF: Telecommunication service facilities include the collective use of the terms "antenna," "antenna support structure," "cabinet," "disguised support structure," "freestanding tower," "shelter," "tower" and other similar objects and equipment to describe telecommunication service facilities.

TOWER: A structure designed for the support of one or more antennas, including self-supporting (lattice) towers, monopoles, or other freestanding towers, but not disguised support structures, or buildings.

UTILITY POLE: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function that is owned and maintained by Commonwealth Edison, Illinois Department of Transportation, Cook County, the Village of Tinley Park or similar public utility provider.

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities**V. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES****1. Locations:**

- a. Subject to Site Plan Approval, any such personal wireless service facilities shall be considered a Permitted Use if located on an existing freestanding tower, including co-locations, on Village-owned property. Provided no such Village-owned property meets the needs of the Petitioner, location on an existing freestanding tower, including co-locations, on non-Village owned property shall be considered a Permitted Use. Prior to construction of such facilities, the Petitioner must receive Site Plan Approval from the Plan Commission pursuant to the Site Plan review process set forth in Section III,T of this Ordinance;
- b. Except as provided in Subsection V.1.a above, a Special Use Permit is required and may be requested pursuant to the Special Use process set forth in Section X.J for any use that satisfies the definition of personal wireless service facility, as defined herein, provided that the proposed location satisfies any one of the criteria listed below:
 - (1) The proposed facility is a new structure on Village-owned property pursuant to an agreement with the Village and further provided that such facilities are so designed so as to allow and encourage co-location by other potential users;
 - (2) The proposed facility is a new structure and is on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform its due diligence and demonstrate there are no locations available that satisfy the criteria provided in V.1.a and V.1.b(1) above;
 - (3) The proposed facility is within the M-1 General Manufacturing District and (a) is not within one thousand (1,000) feet of a Residential Zoning District, or (b) is separated from Residential Zoning Districts by a freeway or principal arterial as defined by the Village of Tinley Park Comprehensive Plan. Further, the Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1) and V.1.b(2) above. If any such locations do exist, the Special Use Permit may be denied; and
 - (4) The proposed facility is attached to an existing structure within a non-residential or non-historic District. The Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1), V.1.b(2), and/or V.1.b(3) above. If any such locations do exist, the Special Use Permit may be denied.

2. Maximum Height for Personal Wireless Service Facilities:

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

An applicant for approval of a personal wireless facility shall demonstrate that the personal wireless facilities do not exceed the minimum height required to function satisfactorily. Under any circumstances, personal wireless facilities shall not exceed the following height restrictions unless otherwise specifically approved by grant of a Special Use Permit as per Section X.J hereof:

- a. The maximum height of a freestanding tower shall not exceed one hundred (100) feet provided; however, that an applicant requesting a freestanding tower shall demonstrate that the tower antenna is the minimum height required to function satisfactorily;
- b. If mounted on the roof of an existing building or structure, the height of an antenna shall not exceed ten (10) feet above the height of the existing structure provided; however, that the maximum height may be increased if: (1) the radio signal would be impaired or blocked off if the antenna was located near the middle of the roof; and (2) the Village Board determines that it is preferable to locate the antenna at a location other than near the edge of the roof; and
- c. An antenna attached to the side of a building, structure, or tower shall not extend above the roof of the building, structure, or tower; provided, however, if the radio signal is distorted or blocked by structures located on the roof of the building, the Village may allow the height to exceed the height of the building, structure or tower in its discretion.

3. **Screening and Site Location for Personal Wireless Service Facilities Attached to Freestanding Towers:**

- a. Support structures and antennas shall have a non-contrasting blue, gray, or similar color that minimizes their visibility and is compatible with the surrounding landscape;
- b. Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical; and
- c. Personal wireless service facilities attached to a freestanding tower shall not be located between a principal building and a street or in the front yard of the lot in question. Such freestanding tower shall be located adjacent to the rear wall of the principal building unless: (1) it is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape; or (2) the location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities**4. Screening and Site Location for Personal Wireless Service Facilities Attached to Existing Buildings or Structures:**

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to height restrictions in this Subsection therein. Such facilities shall not be attached to the front wall of a building unless it can be shown that other locations are not feasible and that the facilities shall be made to effectively blend into the architecture of the building;
- b. Personal wireless service facilities and their support structures attached to an existing building or structure shall be of a color identical to the building or that maximizes the blending of the facilities and support structures into the architecture of the building or structure; and
- c. Personal wireless service facilities and their support structures attached to an existing building or structure shall not extend more than twenty-four (24) inches beyond the wall of such building or structure.

5. Screening and Site Location for Ground Level Equipment and Buildings:

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to the height restrictions set fourth in this Subsection V;
- b. Landscaping consisting of shrubs and similar materials shall be provided surrounding the foundation of ground level buildings, structures, and fences subject to the review and approval of the Community Development Director;
- c. Ground level buildings and structures shall be designed and located to blend with the existing architecture and landscaping of the subject property and the surrounding area. Masonry facades shall be required for such buildings or structures unless otherwise allowed as a condition of the Special Use Approval; and
- d. Fencing may be provided as a condition of the Special Use Approval for the purpose of enclosing and screening freestanding towers or antennas and their support facilities. Such fencing shall comply with the requirements for residential fences contained in this Ordinance, except as specifically authorized by conditions for approval of a Special Use.

6. Compliance with Governmental and other Safety Regulations:

- a. The applicant shall demonstrate that the proposed antennas and support structure are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall he fitted with anti-climbing devices, as approved by the manufacturer;

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

- b. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas; and
- c. Upon application and approval, the Building Commissioner shall issue a Building Permit prior to construction of any tower or antenna. Said Building Permit shall verify that towers and antennas are constructed in compliance with applicable Village Building Codes and any requirements of the Electronic Industries Standards and the Federal Communications Commission, as well as the provisions herein.

7. Co-Location and Location on Existing Structures Preferred:

In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding tower is proposed, Special Use Approval shall not be granted unless the applicant demonstrates compliance with the following:

- a. A diligent effort has been made to locate the antenna on an existing structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
- b. Covenants shall be recorded which require that the applicant allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and
- c. The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the applicant must allow, on a commercially reasonable basis, other providers to locate on site.

8. Abandonment of Towers or Antennas:

In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

- a. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
- b. Dismantle and remove the tower at which time any Special Use shall become null and void; and
- c. Request approval from the Board of Trustees to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Board of Trustees as per regulations herein.

**VOTP Zoning Ordinance – Current Definitions Related to
Personal Wireless Service Facilities**

ANTENNA: An Antenna is any exterior apparatuses at a fixed location designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services as defined herein.

ANTENNA HEIGHT: Antenna Height is the vertical distance measured from the lowest grade level within five (5) feet of the base of an antenna support structure to the highest point of the structure even if said highest point is an antenna.

PERSONAL WIRELESS SERVICE/PERSONAL WIRELESS SERVICE FACILITIES:
As defined in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future.

TOWER, FREESTANDING: A Freestanding Tower is a structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common carrier towers, cellular telephone towers, or personal communications services towers, alternative tower structures, and similar structures.



**MINUTES OF THE REGULAR MEETING OF THE
PLAN COMMISSION, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

May 2, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on May 2, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Tim Stanton, Acting Chairman
Lucas Engel
Garrett Gray
Angela Gatto

Absent Plan Commissioner(s): Angela Gatto
Eduardo Mani
MaryAnn Aitchison
Stephen Vick

Village Officials and Staff: Mike Mueller, Village Trustee
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for May 2, 2019 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the April 4, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER ENGEL, to approve the minutes as presented. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE MAY 2, 2019 REGULAR MEETING

Item #1 PUBLIC HEARING: TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT

Consider a proposed Text Amendments to consider recommending that the Village Board approve Text Amendments to amend Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for Telecommunication Service and Small Cell Wireless Facilities.

Present were the following:

Plan Commissioners: Tim Stanton, Acting Chairman
Lucas Engel
Garrett Gray
Angela Gatto

Absent Plan Commissioner(s): Angela Gatto
Eduardo Mani
MaryAnn Aitchison
Stephen Vick

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GRAY, to open the Public Hearing for TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

ACTING CHAIRMAN STANTON noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

ACTING CHAIRMAN STANTON requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. Mr. Ritter went through the background noting adjustments that were made as a result of the workshop and attorney review. Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's ability to regulate aesthetics. Cellular technology is continually changing and the Village's regulations must be updated from time to time to minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services.

Telecommunication Service Facilities (TCSF) is the catchall term for the wireless antennas, equipment and all else associated with them. These wireless regulations were originally adopted in 1998 with the last update in 2010. The Telecommunication Act of 1996 limited the role that municipalities can have to regulate them related to aesthetics and

requiring that you cannot prohibit them or regulate their environmental effects. The FCC also set new stricter rules that municipalities must follow including time limits for when applications must be acted on (shot clock) and requiring telecommunication facilities to be treated similarly to other public utilities that serve the public. Illinois S.B. 1451 (Small Wireless Facilities Deployment Act) was signed into law by Governor Rauner in April 2018. Tinley Park adopted regulations in line with the state law regulating small cell co-locations in public right-of-ways to the greatest extent possible and based upon the Illinois Municipal League's (IML) model ordinance.

Staff proposed changes in late 2017 and received a unanimous recommendation of approval from the Plan Commission following a number of public meetings on the subject. However, due to the state small cell law, the adoption was placed on hold on the advice from legal counsel. Staff has made some changes to those original regulations that include:

1. Exemption of small cell wireless facilities in the public right-of-way that comply with the Small Cell Wireless Facilities Deployment Act.
2. Introduction of design standards for all small cell wireless facilities in the Village, including those permitted within the public right-of-ways.
3. Require disguising new TCSF locations when requested (via Special Use Permit) within 1,000 feet of a Residential Zoning District.
4. Consistency and increased strength in wording of regulations.
5. Reorganization to clearly indicate a hierarchy of permitted locations for cellular facilities. The hierarchy must be followed by requiring clear due diligence efforts showing the least obtrusive location in the hierarchy is being utilized. A Special Use is required for all new tower installations.
6. The proposed hierarchy from most preferred to least is as follows:
 - a. Co-location of antennas on existing cellular tower or non-residential structure (including municipal water towers).
 - b. New cellular facility on Village-owned property.
 - c. New cellular facility on public/taxing body property.
 - d. New cellular facility on M-1 zone property, not within 1,000 feet of a Residential Zoning District.
 - e. New cellular facility on ORI, not within 1,000 feet of a Residential Zoning District.
 - f. New cellular facility on Business (B-1 through B-5) zoned property, not within 1,000 feet of a Residential Zoning District.
 - g. New Cellular facility in Residential (R-1 through R-7) zoned property or other zoning districts within 1,000 feet of a residentially zoned property.
 - h. New cellular facility within the Legacy Districts.
7. Site Plan approval is required for any co-location with new ground equipment screening and any new TCSF location.

Mr. Ritter displayed examples of freestanding Cell Towers, Co-locations, Small Cell Antennas, Small Cell Deployments, and Distributed Antenna Systems. :

- 1) Historically all new towers required a Special Use. This allowed for public input. Understanding that the Telecommunication Act does not allow a municipality from regulating wireless services based on environmental or health effects of radio frequency emissions, does the Commission wish to allow certain locations by right as a permitted use. This would then not allow for public input.
 - Special Uses continue to be required for any new tower sites to allow for proper notice to surrounding property owners.

- 2) Is the Commission comfortable with the location hierarchy that has been imposed with Village-owned property as the first choice for the location of a new tower and the Legacy Districts as the least favored choice? The hierarchy would require due diligence to prove they cannot meet a location higher on the hierarchy.
 - Business and Residential districts were further separated. The Legacy District has remained the least preferred location for a new pole
- 3) The proposed ordinance requires a masonry enclosure for equipment. Does the Commission wish to require this of all installations and require the applicant to request a variance if they want something else; or does the Commission feel comfortable allowing PVC vinyl fencing in some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
 - Masonry enclosures will remain a requirement. Variations are an option if it is not feasible or there is another design that meets or exceeds the brick design standard
- 4) Does the Commission agree with staff's recommendation to require antenna attached to a structure to be permitted only on the rear (opposite of main entrance/façade) and sides of a building?
 - Rear and sides will be permitted but the front façade of a building will not be permitted by-right.
- 5) Small Cell locations on decorative light poles as least desirable? This would allow location on private property or construction of a new small cell pole before this is permitted.
 - Upon legal review, it was determined that the proposed language was too strong in prohibiting locations on a particular type of pole. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and require that the character and aesthetic design of the pole remain.

Plan Commission discussed the changes at length in the workshop meeting. The Commission generally agreed with staff's recommended hierarchy for new towers, including that the Legacy District should be the last possible option, even if it can't be prohibited. The Commission did recommend breaking out commercial and residential districts into separate hierarchy categories which are presented in the new draft ordinance. There was also some discussion about not requiring a Special Use Permit in some instances where denial would be difficult or where the Village had control. However, the Commission recommended that all new pole locations require a Special Use Permit to ensure that all surrounding property owners are at least notified before a new pole is erected.

The Commission agreed with the small cell design standards for all small cell locations within the Village. They agreed these were least preferred on the decorative light poles in the Legacy District. Staff noted that the Village Attorney was reviewing the wording and requirements to prohibit small cell antennas on the decorative lantern light poles. Upon review, it was noted that the State law prevents the Village from specifically prohibiting any utility pole or requiring that a specific utility pole type be used for small cell antennas. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and would require that the character and aesthetic design of the pole remain.

ACTING CHAIRMAN STANTON asked for comments or questions from the Commissioners.

There were none.

ACTING CHAIRMAN STANTON asked for comments or questions from the Public.

There were none.

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER GATTO, to close the Public Hearing for TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities,

including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems as indicated in Staff's draft Text Amendments dated 4/11/2019.

AYES: GRAY, ENGEL, GATTO, ACTING CHAIRMAN STANTON

NAYS: NONE

ACTING CHAIRMAN STANTON declared the Motion unanimously approved.

DRAFT

GOOD OF THE ORDER:

Dan Ritter, Senior Planner noted:

1. North Street construction has started and paver type/pattern selected.
2. Streetscape plan getting reviewed and should bring a cohesive design with the new downtown developments.
3. Proactive Code Enforcement plan has passed to include a foreclosure program.
4. Welcome to new Trustee Mueller.

ACTING CHAIRMAN STANTON welcomed Trustee Mueller and noted looking forward to working with him.

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER ENGLE, seconded by PLAN COMMISSIONER GATTO to adjourn the Regular Meeting of the Plan Commission of May 2, 2019 at 7:19 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION ACTING CHAIRMAN STANTON declared the meeting adjourned.

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-O-025

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO SECTION II AND
SECTION III.W OF THE ZONING ORDINANCE PERTAINING TO
TELECOMMUNICATION SERVICE FACILITIES**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2019-O-025**AN ORDINANCE APPROVING TEXT AMENDMENTS TO SECTION II AND SECTION III.W OF THE ZONING ORDINANCE PERTAINING TO TELECOMMUNICATION SERVICE FACILITIES**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park (“Village”) desires to amend Section II (“Definitions”) and Section III.W (“TCSF Regulations”) of the Tinley Park Zoning Ordinance pertaining to regulations for Telecommunication Service Facilities (“Text Amendments”); and

WHEREAS, the proposed text amendments have been referred to the Plan Commission of this Village and have been processed in accordance with the Village of Tinley Park Zoning Ordinance; and

WHEREAS, the Plan Commission held a public hearing on the proposed text amendments on May 2, 2019, at which time all persons were afforded an opportunity to be heard; and

WHEREAS, the Plan Commission voted unanimously in favor to recommend the Text Amendments to in the Tinley Park Zoning Ordinance; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the proposed text amendments be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report of findings and recommendations; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to approve said Text Amendments pursuant to this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: That the report and findings and recommendations of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely, as if fully recited herein at length.

SECTION 2: That Section II of the Tinley Park Zoning Ordinance entitled “DEFINITIONS” is hereby amended by adding the following underlined language in alphabetical order as follows:

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than 72 feet in height, which is owned and operated by an amateur radio operator licensed by the FCC.

ANTENNA SUPPORT STRUCTURE: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding support structures not greater than 72 feet in height, owned and operated by an amateur radio operator licensed by the FCC. Such term shall also include any related and necessary cabinet or shelter.

CABINET: Casing or console, not including a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and do not exceed height of seven feet.

CO-LOCATION: The location and use of two or more antennas on a single antenna support structure.

DISGUISED SUPPORT STRUCTURE: Any freestanding, manmade structure, designed for the support of one or more antenna, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, artificial trees, light standards, or similar alternative design mounting structures that camouflage or conceal the presence of a wireless service facility.

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GUYED TOWER: A tower that has tensioned cables attached to the tower and anchored at a distance from the structure's base.

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PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT: Equipment, inclusive of an antenna, that is part of a personal wireless telecommunications facility.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY: An antenna, equipment, all applicable hardware, and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

SHELTER: A structure for the protection and security of communications equipment associated with one or more antennas, where access to equipment is gained from the interior of the structure.

SMALL CELL WIRELESS FACILITY: A personal wireless telecommunications facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area supported on structures not initially designed to support such equipment.

TCSF: Telecommunication service facilities include the collective use of the terms "antenna," "antenna support structure," "cabinet," "disguised support structure," "freestanding tower," "shelter," "tower" and other similar objects and equipment to describe telecommunication service facilities.

TOWER: A structure designed for the support of one or more antennas, including self-supporting (lattice) towers, monopoles, or other freestanding towers, but not disguised support structures, or buildings.

UTILITY POLE: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function that is owned and maintained by Commonwealth Edison, Illinois Department of Transportation, Cook County, the Village of Tinley Park or similar public utility provider.

SECTION 3: That Section III.W of the Tinley Park Zoning Ordinance entitled "REGULATIONS FOR TELECOMMUNICATION SERVICE FACILITIES," is hereby amended to delete the entirety of the current code section and replace with the following language in numerical order:

W. REGULATIONS FOR TELECOMMUNICATION SERVICE FACILITIES (TCSF)

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for

location, structural integrity, and compatibility with existing telecommunication services;

- c. Encourage the location and Co-Location of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

3. General Regulations:

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. The Petitioner shall demonstrate that the proposed Antenna(s) and support structure(s) are safe, and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as

approved by the manufacturer;

- d. All Towers and Antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and Antennas;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- f. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of Towers, Co-Location of Antennas by more than one provider on existing Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit shall not be granted unless the Petitioner demonstrates, compliance with the following:
 - (1) A diligent effort has been made to locate the Antenna on an existing Freestanding Cell Tower, building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
 - (2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other Antennas to Co-Locate on the proposed Freestanding Cell Tower, where such Co-Location is technologically feasible; and
 - (3) The Site Plan for the construction of a new Freestanding Cell Tower shall delineate an area, either on site or on adjacent property, near the base of the Tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new Freestanding Cell Tower is adequate to allow Co-Location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.
- g. Structural Integrity: A TCSF, including Antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois with drawings sealed with a professional seal and including geotechnical verification of the structural design.

h. Abandonment:

- (1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:
 - i. Reactivate the use of the TCSF either by said owner/operator or transfer of the Tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;
 - ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and
 - iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

4. Regulations for Locating TCSF

- a. Hierarchy of TCSF Locations: In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such locations exist, then a new TCSF location, including new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.
- b. Location Requirements for TCSF Co-Locations
 - (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to

support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.

- (2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other Antennas on the monopole.
 - (3) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
 - (4) Attachment to Existing Non-Residential Building:
 - i. Antennas shall only be permitted on the rear and side walls of a building.
 - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
 - iii. Antennas shall be made to blend into the architecture of the building.
 - (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the Co-Location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
 - ii. If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
 - iii. The Petitioner must obtain a Building Permit from the Community Development Department.
- c. Location Requirements for New TCSF Locations
- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
 - i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected body or district (e.g. library district, park district,

school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.

- ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
- iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
- iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business district, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
- v. All other locations (all residential zoning districts and within 1,000 feet of any residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

(2) Yards and Setbacks:

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.

- ii. A Freestanding Cell Tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.
- (3) Approval for New Freestanding Cell Towers
- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
 - ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
 - iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
 - iv. The Petitioner must obtain a Building Permit from the Community Development Department.
- d. Conditions for All TCSF Locations
- (1) Maximum Height:
- i. A Freestanding Cell Tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
 - ii. Antennas attached to an existing Freestanding Cell Tower shall not project above the top of the monopole.
- (2) Color:
- i. A Freestanding Cell Tower, Antennas, and all related equipment and appurtenances shall be a color that blends with the surroundings.
 - ii. The use of reflective materials is prohibited.
 - iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.
- (3) Future Co-Locations: All new Freestanding Cell Towers must allow for a minimum of one (1) Co-Location by other potential users.
- (4) Disguised Towers: The Village encourages the use of Disguised Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as

described in Section III.W.4.c.(1).v. of the Zoning Code above.

(5) Screening:

- i. The Freestanding Cell Tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
- ii. All associated ground equipment shall be screened by a masonry shelter or enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity and aesthetic design of the enclosure.
- iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

5. Regulations for Small Cell Wireless Facilities

a. Small Cell Wireless Facility Locations

- (1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.
- (2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.
- (3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of five hundred (500) feet from any other Utility Pole on which a Small Cell Wireless Facility is mounted. A lesser separation may be approved if the Petitioner provides evidence that the lesser separation is necessary to close a significant gap in the Petitioner's services or to otherwise provide adequate services to customers, and the proposed Small Cell Wireless Facility location is the least intrusive means to do so.

b. Conditions

- (1) Maximum Number of Antennas: Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.
- (2) Surface Area of Antenna:

- i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
 - ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
 - iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.
- c. Design Standards
- (1) Overall Size: The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.
 - (2) Stealth Requirement: The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.
 - (3) Maximum Height: The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.
 - (4) Minimum Height: The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.
 - (5) Minimum Equipment Height: The operator of a Small Cell Wireless Facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the pole, but no lower than nine (9) feet above grade.
 - (6) Pole Visual Interference: Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.
 - (7) Extensions: Extensions to poles utilized for the purpose of connecting a Small Cell Wireless Facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire Small Cell Wireless Facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in Section W.3.h. of the Zoning Code above. An extension shall be securely bound to the Utility Pole perpendicular to the ground in accordance with applicable engineering standards for the

design and attachment of such extensions. No extensions fabricated from wood shall be permitted.

- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
 - i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
 - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility Antenna shall include a radome, cap, or other Antenna panel covering or shield and shall be of a color that blends with the color of the Utility Pole on which it is mounted.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles should be used including the installation on private property. When Co-Located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.
- (13) Undergrounding: Any mechanical equipment or Antenna equipment

associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.

- (14) Screening: Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) Burial or Removal of Utility Poles: If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) Illumination: Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.
- (17) Signage: No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

d. Approval

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.

- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.
- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems (DAS)

a. Location

- (1) All Distributed Antenna Systems must be installed on private property.
- (2) Exterior Antennas shall be located upon existing poles or structures.
- (3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yards.

b. Conditions

- (1) Surface Area of Antennas: Each Antenna within a Distributed Antenna System shall not have a surface area of more than seven (7) square feet. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.
- (2) Height:
 - i. The top of the highest point of the Antenna shall not extend beyond the height of the existing structure that the Antenna is mounted upon.
 - ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.

(3) Color:

- i. A Distributed Antenna System, including the Antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring must be covered with an appropriate cover or cable shield.

(4) Screening:

- i. The Distributed Antenna System shall be architecturally compatible with the proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
- iii. All associated equipment located on the roof of a principal structure shall be screened from view from all adjacent public right-of-ways.
- iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- (1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- (2) The Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above. Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.

(3) The Petitioner must obtain a Building Permit from the Community Development Department.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21st day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21st day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-025, “AN ORDINANCE APPROVING TEXT AMENDMENTS TO SECTION II AND SECTION III.W OF THE ZONING ORDINANCE PERTAINING TO TELECOMMUNICATION SERVICE FACILITIES,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

KRISTIN A. THIRION, VILLAGE CLERK


Land Tech Survey Company, Ltd.
 17612 Pecan Lane Tinley Park, IL 60477 (708) 532-3299

PLAT OF SURVEY

LOT 15 IN BREITBARTH'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

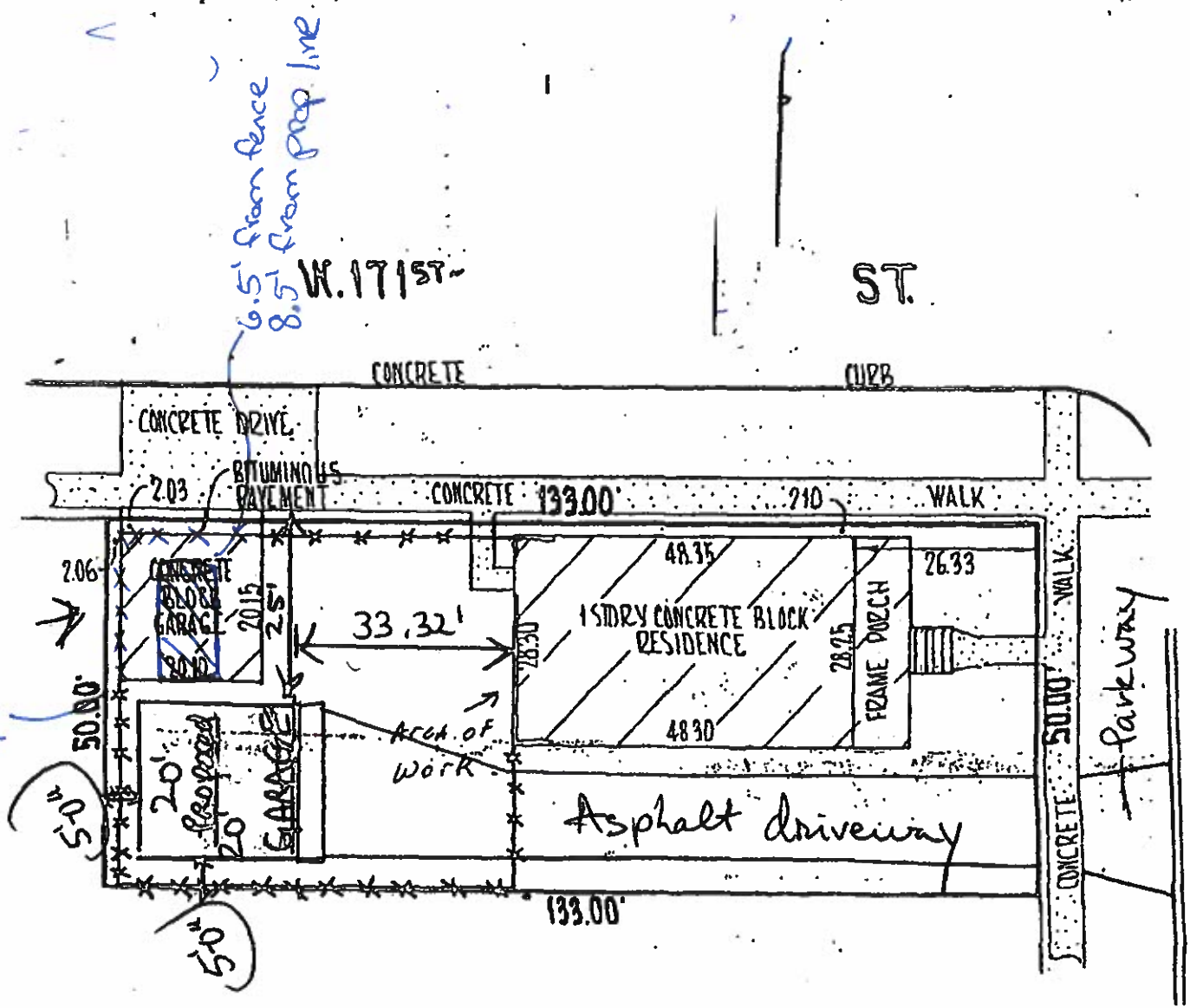
COMMONLY KNOWN AS: 17104 S. 67TH COURT
 TINLEY PARK, ILLINOIS

HO 20 = 1,300
 Arch = 197
 Garage = 460
 Layover = 90
 2,009
 Lot: 10,650
 A.P. = 5.5

Proposed Playhouse

14" from Garage

6.5' from fence
 8.5' from prop line

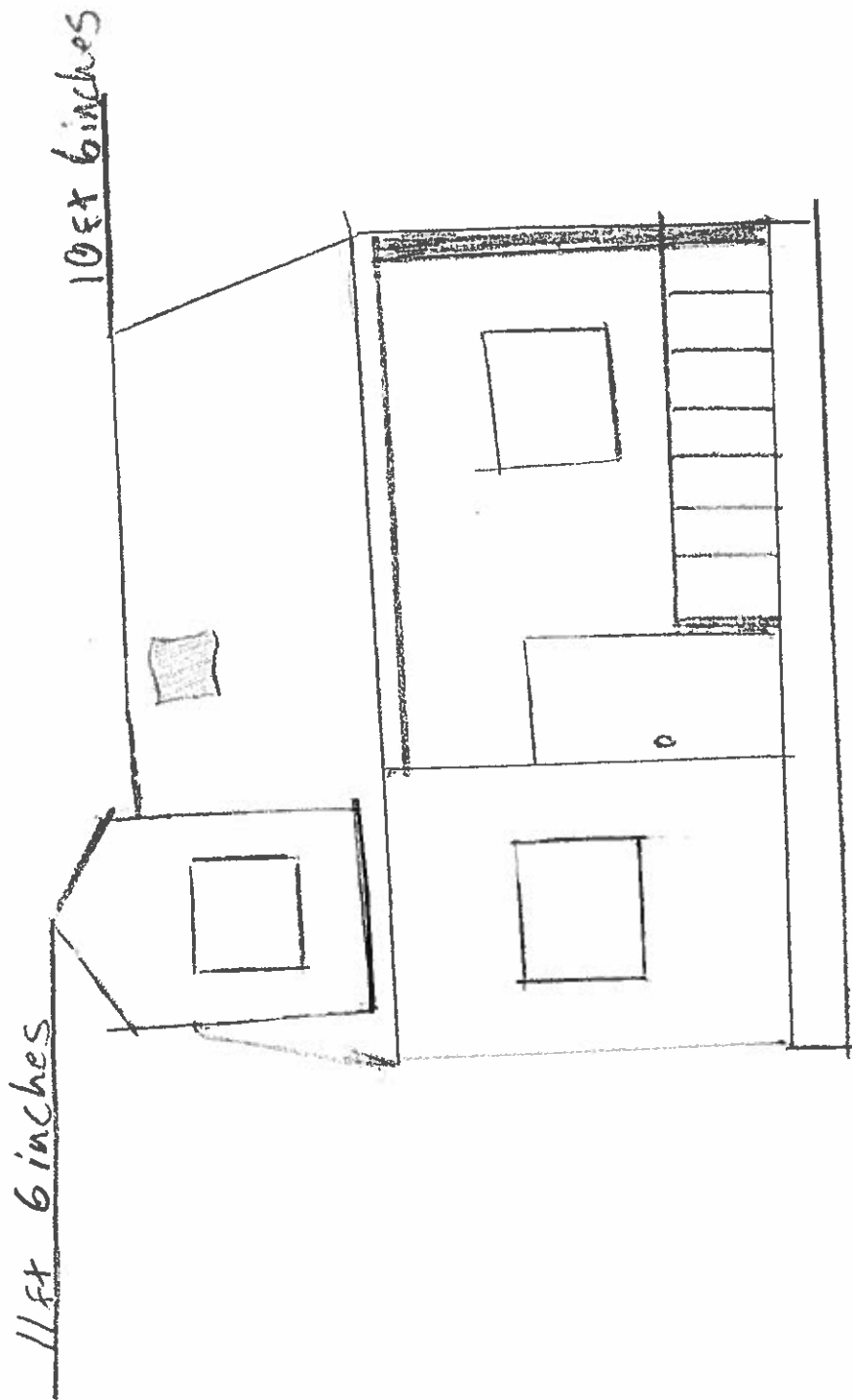


W. 171ST

ST.

parkway

17104 61st St
play house



- * No Electric (Solar light for lighting)
- * Foundation treated 2x8 (no concrete pad)

171021 67th Ct Tinley Park

Driveway

Garage

Fence

8ft
14ft 6in

Play House

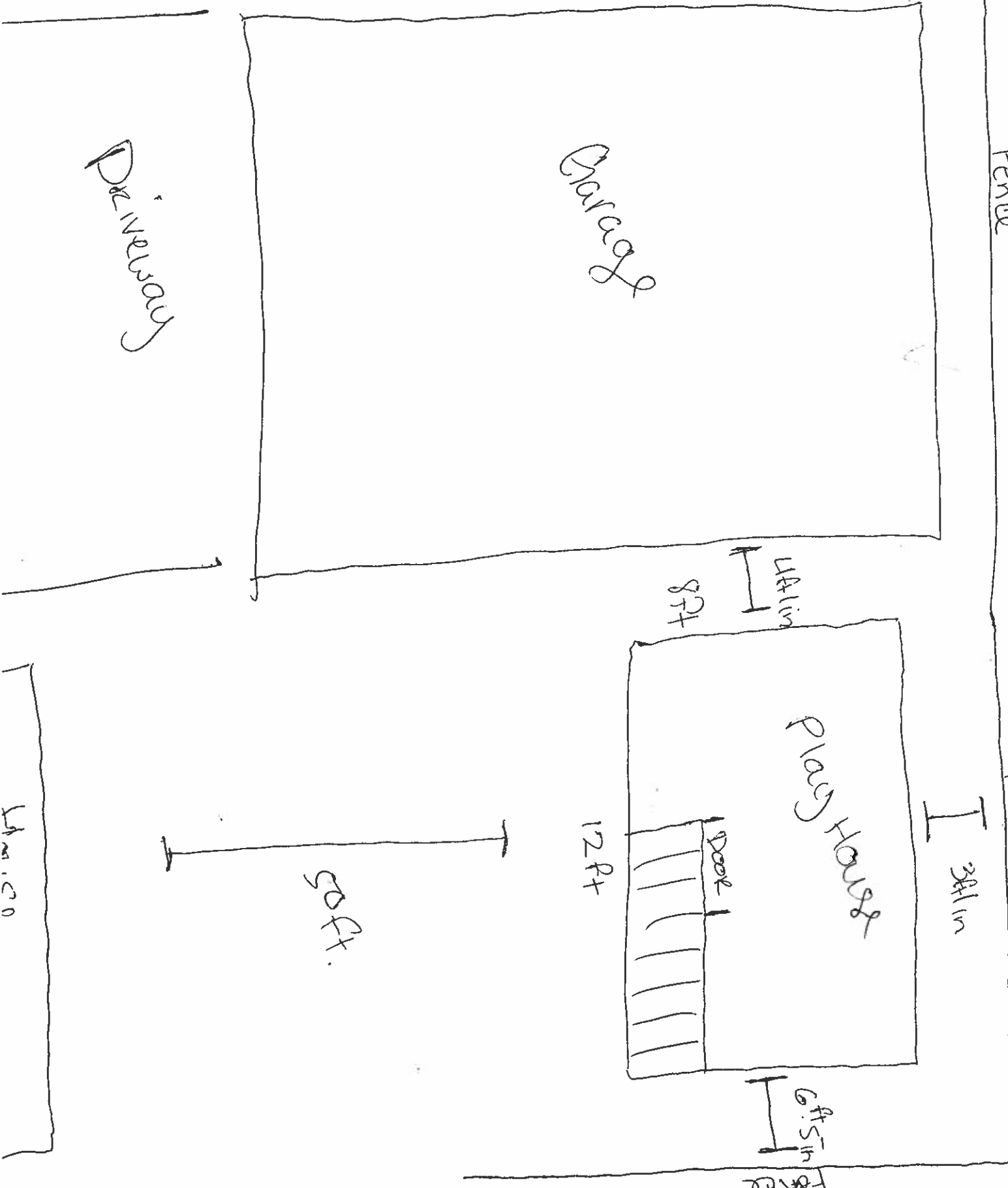
3ft 6in

12ft
Door

6ft 5in
Fence

90ft.

4ft 6in







ZONING BOARD OF APPEALS STAFF REPORT

MAY 9, 2019

Petitioner

Sandra & Dan Lopez

Property Location

17104 67th Court

PIN

28-30-400-008-0000

Zoning

R-4, Single-Family
Residential

Approval Sought

Accessory Structure
Setback Variation

Project Planner

Daniel Ritter, AICP
Senior Planner

LOPEZ – PLAYHOUSE SETBACK VARIATION 17104 67th Court



EXECUTIVE SUMMARY

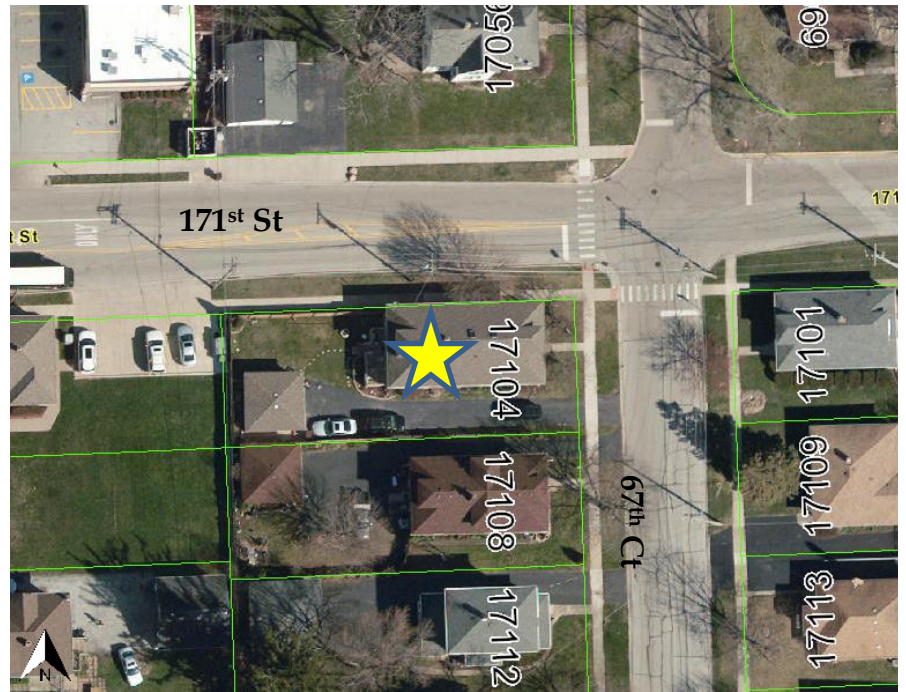
The Petitioners, Sandra & Dan Lopez, located at 17104 67th Court, are seeking the following Variations:

1. A Variation from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance, to permit a 96 square foot accessory structure (playhouse) to be located in a secondary front yard where one is not permitted.

The Petitioner is requesting the Variation for their 96 square foot playhouse that was constructed without a permit in 2017. The playhouse was placed in the location of an old nonconforming garage, which was located in the required secondary front yard. The property is located in Breithbarth Subdivision which was part of the original Village boundaries in 1892 and subdivided around 1918. Similar to other properties in this subdivision and surrounding area, it was subdivided and developed under previous zoning regulations and the home is therefore legal nonconforming with respect to setbacks. While located in a required secondary front yard, the playhouse is located within a legally fenced area and is set back behind the house. Although the playhouse is taller than the existing detached garage, it is approximately 12 feet in height and it meets the 18 foot maximum height for accessory structures.

EXISTING SITE & HISTORY

The subject property is a 6,650 square foot (133 feet by 50 feet) size corner lot and located in the Breitbarth's Subdivision. The home is on the southwest corner of 67th Court and 171st Street. The existing home was originally constructed around 1925 before modern Zoning Code standards and therefore is considered legal non-conforming in regards to its setbacks and bulk requirements. The home is located approximately 2 feet from the north property line that runs parallel to 171st Street. The current Zoning Code's R-4 front yard setback is 25 feet. Unlike newer subdivisions, the corner lots of these older subdivisions were not designed larger than interior lots and thus have less space in the rear yard of the property.



When the fence code was last revised in 2017, corner lots with non-conforming house setbacks were a primary point of discussion. Upon discussion by the Zoning Board and Plan Commission, it was determined that it was acceptable to permit fences up to a legal non-conforming setback line of a home. This is permitted through an administrative variance approval provided that there are no verified site line visibility concerns with the proposed fence. This means that a lot with nonconforming setbacks may have an area that is permitted to be fenced in as if it was a rear yard. However, the resulting fenced-in front yard area is still not permitted to have any permanent accessory structures placed within it.

ZONING & NEARBY LAND USES

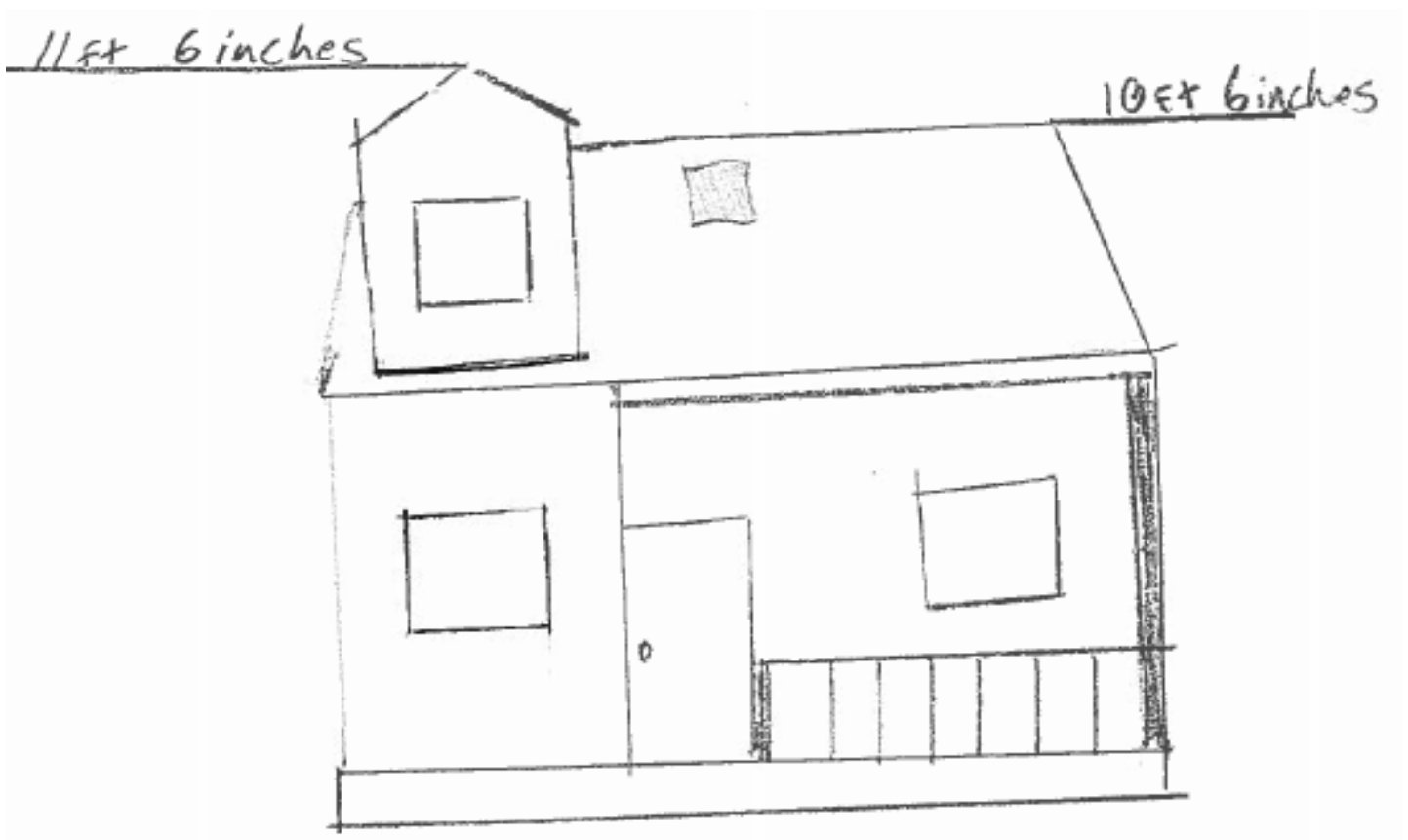
The proposed site is zoned R-4, Single-Family Residential. The surrounding properties to the North, South, and East are also zoned R-4, Single-Family Residential. The property to the east is zoned DF, Downtown Flex which is operates as a tax attorney's office, while the property to the northwest is zoned NG, Neighborhood General and operates as a 7-11 convenience store. The area's homes are a mix of single-story ranch and two-story houses, with most built before 1950.



VARIATION REQUEST

The Petitioner constructed a 96 square foot (8 foot by 12 foot) playhouse in 2017 without knowledge that the existing setbacks were nonconforming or of the building permit requirements. The structure is located 6.5 feet from the fence and 2 feet from the property line to the north. Upon identification by Village inspectors for work without a permit, the petitioner was notified that a permit had to be obtained and that permit fee is double as penalty for completing work without a permit. Upon review of the submitted permit plans, it was determined that the playhouse does not comply with the code due to being located in a required secondary front yard. Due to the playhouse completed and lack of alternative available locations, the petitioner decided to proceed with a Variation request instead of removing the structure. **The existing nature of the playhouse cannot be considered as part of the Variation consideration as it was illegally constructed, is not related to the physical property, and would be a hardship caused by the owner.**

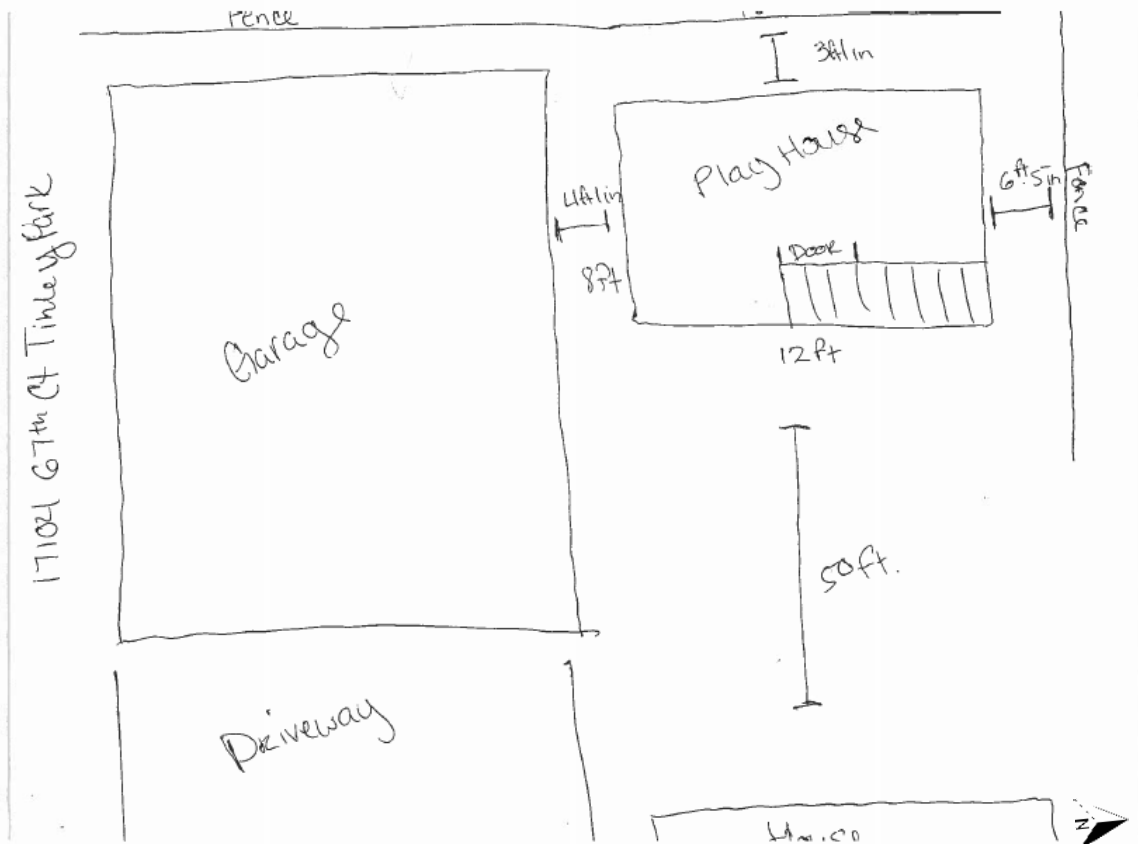
The structure has not received final building permit or inspection approval which will need to be completed if the Variation is approved. The Petitioner has explained their reasoning for the Variation request in their responses to the Standards for a Variation. The primary argument is that being a corner lot with a legal non-conforming home setback make the property unique.



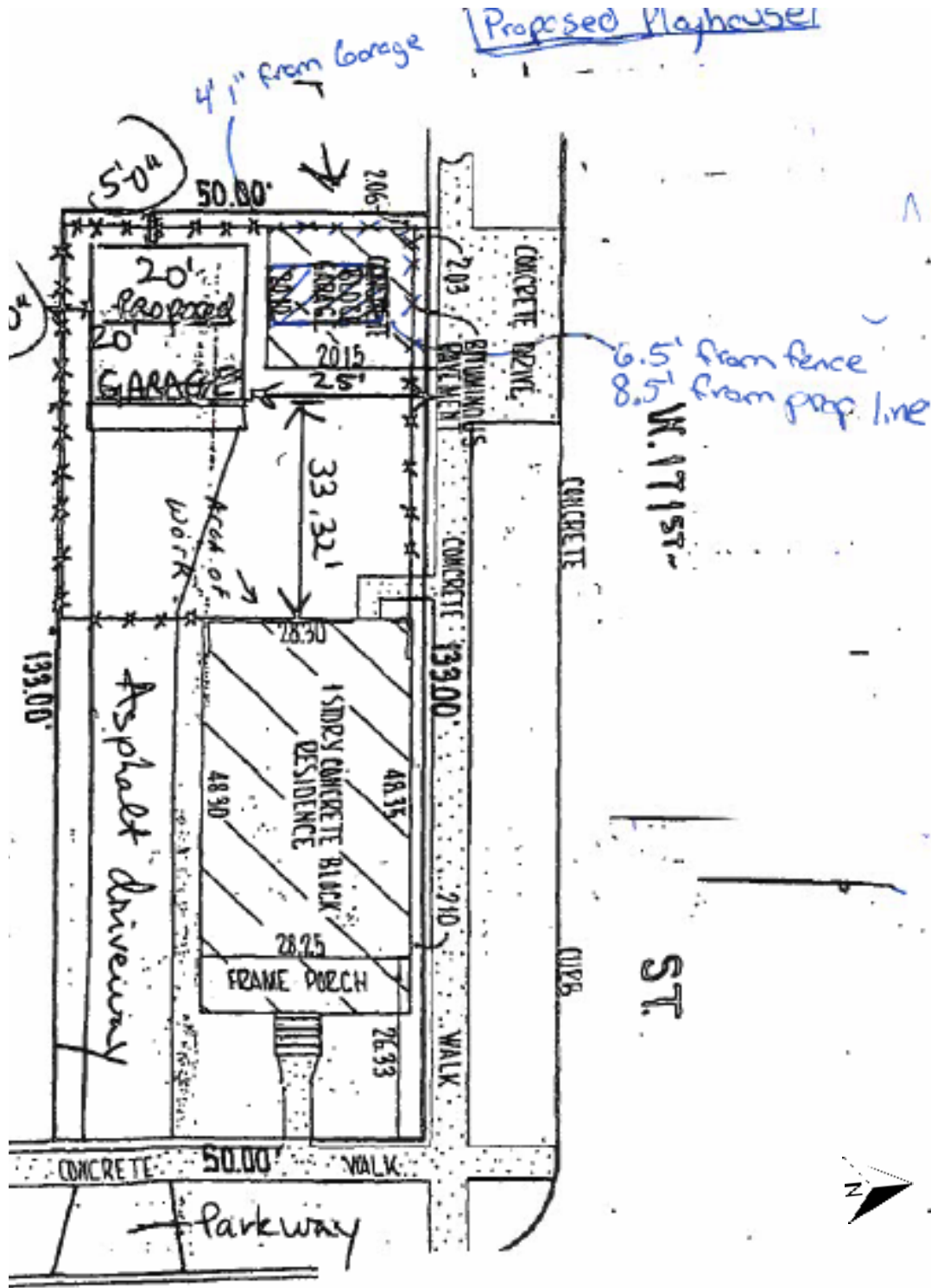
Above: Sketch of constructed playhouse.



Above: Picture of constructed playhouse front façade looking west.



Above: Layout and setbacks of playhouse.



Above: Marked plat of survey for playhouse

While in a required secondary front yard, the playhouse is positioned behind the existing setback of the home and is within a legally fenced area which creates a typical visual appearance for single-family homes. Due to the age of the surrounding neighborhood, there are a number non-conforming accessory structure setbacks. The playhouse improves the situation that previously existed with a garage access on 171st Street. The structure does not create any visual obstructions or safety concerns. Electric (solar or ComEd hookup) is permitted for accessory structures. However, no other utilities (water, gas, sewer, cable, etc.) may be incorporated into an accessory structure. Additionally, accessory structures cannot be used for any business operations or as living space. A number of clarifications have been placed as recommended conditions of this Variation request.



Above: Playhouse view looking east from neighboring commercial property.



Above: Playhouse view looking west from sidewalk.



Above: Neighboring property to the east across 67th Street with a non-conforming accessory structure (garage).



Above: Neighboring property to the north across 171st Street with a non-conforming accessory structure (garage).

STANDARDS FOR A VARIATION

Section X.G.4. of the Zoning Ordinance states the Zoning Board of Appeals shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Zoning Board of Appeals must provide findings for the first three standards; the remaining standards are provided to help the Zoning Board of Appeals further analyze the request. Staff prepared draft responses for the Findings of Fact below for consideration.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***The property can yield a reasonable return without approval of the Variation. However, if the strict interpretation of the code was applied, there would be no feasible locations for a second accessory structure to be placed on the property, and thus the usefulness and attractiveness of the property would be diminished compared to a typical single-family home.***
2. The plight of the owner is due to unique circumstances.
 - ***The property was developed before modern Zoning Code setback standards and therefore has a reduced setback in the secondary front yard that makes the property unique compared to other corner lots in the Village. Due to the existing principal structure's age and non-conforming setbacks, no other locations on the site are feasible for a second accessory structure. The playhouse is not a required structure; however, the location and size do not negatively impact adjacent properties.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The location of the playhouse is within a legally fenced yard that abuts a commercial parking area located within its secondary front yard. The existing location of the playhouse limits the visual effects on nearby residential properties and neighborhood. Due to the age of the surrounding neighborhoods, many nearby non-conforming accessory structures have similar setbacks and the playhouse will not look out of place.***
4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. **The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;**
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

- f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

MOTION TO CONSIDER

If the Zoning Board of Appeals wishes to take action, an appropriate wording of the motions would read:

“...make a motion to recommend that the Village Board grant a Variation to the Petitioners, Sandra and Dan Lopez, from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance, to permit an accessory structure (playhouse) to be located in a secondary front yard where it is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

...with the following conditions:

- a. The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.*
- b. No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,*
- c. The accessory structure shall not be used for any business activity or living space.*

[any other conditions that the ZBA would like to add]

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date On Sheet
Marked Plat of Survey	Petitioner	n/a
Site Layout Plan with Setbacks	Petitioner	n/a
Elevation Sketch	Petitioner	n/a
Existing Pictures	Staff	n/a



Village of Tinley Park
Community Development Dept.
16250 S. Oak Park Ave.
Tinley Park, IL 60477
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS PLANNING AND ZONING GENERAL APPLICATION

REQUEST INFORMATION

*Additional Information is Required for Specific Requests as Outlined in Specific Addendums

- Special Use for: _____
- Planned Unit Development (PUD) Concept Preliminary Final Deviation
- Variation Residential Commercial for permit approval
- Annexation
- Rezoning (Map Amendment) From _____ to _____
- Plat (Subdivision, Consolidation, Public Easement) Preliminary Final
- Site Plan
- Landscape Change Approval
- Other: _____

PROJECT & PROPERTY INFORMATION

Project Name: _____

Project Description: Play House

Project Address: 17104 67th Ct Property Index No. (PIN): _____

Zoning District: _____ Lot Dimensions & Area: _____


Estimated Project Cost: \$ _____

OWNER OF RECORD INFORMATION

Please supply proper documentation of ownership and/or designated representative for any corporation.

Name of Owner: Sandra Lopez Company: _____

Street Address: 17104 67th Ct City, State & Zip: Tinley Park IL 60477

E-Mail Address: britd1c@yahoo.com Phone Number: 

APPLICANT INFORMATION


Same as Owner of Record

All correspondence and invoices will be sent to the applicant. If applicant is different than owner, "Authorized Representative Consent" section must be completed.

Name of Applicant: Dan Lopez Company: _____

Relation To Project: _____

Street Address: 17104 67th Ct City, State & Zip: Tinley Park IL 60477

E-Mail Address: britd1c@yahoo.com Phone Number: 



Village of Tinley Park
Community Development Dept.
16250 S. Oak Park Ave.
Tinley Park, IL 60477
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS
PLANNING AND ZONING GENERAL APPLICATION

Authorized Representative Consent

It is required that the property owner or his designated representative be present at all requests made to the Plan Commission and Zoning Board of Appeals. During the course of a meeting, questions may arise regarding the overall project, the property, property improvements, special conditions attached to recommendations among other aspects of any formal request. The representative present must have knowledge of the property and all aspects of the project. They must have the authority to make commitments related to the project and property. Failure to have the property owner or designated representative present at the public meeting can lead to substantial delays to the project approval. If the owner cannot be present or does not wish to speak at the public meeting, the following statement must be signed by the owner for an authorized repetitive.

I hereby authorize Dan Lopez (print clearly) to act on my behalf and advise that they have full authority to act as my/our representative in regards to the subject property and project, including modifying any project or request. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature:

Property Owner Name (Print):

Sandra Lopez

Acknowledgements

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions, and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable, or otherwise.
Members of the Plan Commission, Zoning Board of Appeals, Village Board as well as Village Staff may conduct inspections of subject site(s) as part of the pre-hearing and fact finding review of requests. These individuals are given permission to inspect the property in regards to the request being made.
Required public notice signs will be obtained and installed by the Petitioner on their property for a minimum of 10 days prior to the public hearing. These may be provided by the Village or may need to be produced by the petitioner.
The request is accompanied by all addendums and required additional information and all applicable fees are paid before scheduling any public meetings or hearings.
Applicant verifies that all outstanding fees and monies owed to the Village of Tinley Park have been paid.
Any applicable recapture, impact, engineering, contracted review or other required fees and donations shall be paid prior to issuance of any building permits, occupancy permits, or business licenses.
The Owner and Applicant by signing this application certify that the above information and all supporting addendums and documentation is true and correct to the best of their knowledge.

Property Owner Signature:

Property Owner Name (Print):

Sandra Lopez

Applicant Signature:
(If other than Owner)

Applicant's Name (Print):

Dan Lopez

Date:

3/2/19



Village of Tinley Park
Community Development Dept.
16250 S. Oak Park Ave.
Tinley Park, IL 60477
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS VARIATION ADDENDUM

APPLICATION & SUBMITTAL REQUIREMENTS

A complete application consists of the following items submitted in a comprehensive package. If materials are submitted separately or are incomplete they will not be accepted and may delay the review and hearing dates until a complete application package is received. The following information is being provided in order to assist applicants with the process of requesting a **Variation** from the terms of the Zoning Ordinance. This information is a summary of the application submittal requirements and may be modified based upon the particular nature and scope of the specific request.

Depending upon meeting schedules, legal notification requirements, and the specific type and scope of the request, this process generally takes between 45 to 60 days from the date of submission of a complete application package. Please schedule a pre-application meeting with Planning Department staff to review the feasibility of the proposal, discuss applicable Ordinance requirements, discuss submittal requirements and receive preliminary feedback on any concept ideas or plans prior to making a submittal.

- General Application form is complete and is signed by the property owner(s) and applicant (if applicable).
- Ownership documentation is submitted indicating proper ownership through a title report or title policy. If a corporation or partnership, documentation of the authorized agent must be supplied as well. All beneficiaries of a property must be disclosed.
- A written project narrative detailing the specific variation(s) from code requirements that are being requested, the reasoning for requiring the variation, the general nature and specific aspects of the proposal being requested. Any additional requests such as a Special Use or Site Plan approval should be indicated in the narrative as well.
- A Plat of Survey of the property that is prepared by a registered land surveyor and has all up-to-date structures and property improvements indicated. All proposed improvements shall be indicated on the survey and be appropriately scaled with all setbacks and dimensions clearly indicated.
- Any applicable site plan, engineering/grading plans, exterior elevations or interior layout plans that indicate the full scope of the project and the Standards for a Variation.
- Responses to all Standards for a Variation on the following page (can be submitted separately along with the narrative, but all standards must be covered).
- Residential Variation Hearing Fee - \$150
Commercial Variation Hearing Fee - \$200

STANDARDS AND CRITERIA FOR A VARIATION

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following statements and questions related to the Standards with factual evidence and information to support the requested Variation. If additional space is required, you may provide the responses on a separate document or page.

- A. Describe the difficulty that you have in conforming with the current regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

There should be no difficulty. We build a non permanent structure in accordance with village regulations

- B. Describe any difficulties or hardships that current zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

Our property has different zoning than other properties.

- C. Describe how the above difficulty or hardship was created.

A permit was not applied for at the start of this project.

- D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

Because we are on a corner lot

- E. Explain how this Variance would not be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

The intent of the variance is to accommodate a playhouse for my daughter.

- F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.

Its on personal property and for personal use only.

- G. Explain how granting this Variance will not alter the essential character of the neighborhood or locality.

It's a child's playhouse in our backyard

H. Describe how the requested Variance will not:**1. Impair an adequate supply of light and air to adjacent properties.**

The location of the structure is clear from any other properties and far enough away not to cause any obstructions.

2. Substantially increase the congestion of the public streets.

The structure is located in the backyard of the home which is also fenced in.

3. Increase the danger of fire.

There is no electrical in this playhouse and it is placed off other structures for safety.

4. Impair natural drainage or create drainage problems on adjacent property.

The structure sits on even ground where there is no natural drainage for it to impair.

5. Endanger the public safety.

It is for personal use in the backyard of my home. It is fenced in with a lock on our gate so there is no public access.

6. Substantially diminish or impair property values within the neighborhood.

A backyard playhouse will not affect the value of anyone else's home.



**MINUTES OF THE REGULAR MEETING OF THE
ZONING BOARD OF APPEALS, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

May 9, 2019

The Regular Meeting of the Zoning Board of Appeals was held in the Council Chambers at the Village of Tinley Park, 16250 Oak Park Avenue on May 9, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Zoning Board Members:

Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members:

Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff:

Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

ZONING BOARD OF APPEALS CHAIRMAN, STEVEN SEPESSY called to order the Regular Meeting of the Zoning Board of Appeals on May 9, 2019 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the March 14, 2019 Zoning Board of Appeals Meeting was presented for approval. A Motion was made by ZONING BOARD MEMBER GASKILL, seconded by ZONING BOARD MEMBER BETTENHAUSEN, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Minutes approved as amended.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MAY 9, 2019 REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Item #1 PUBLIC HEARING: LOPEZ, 17104 67TH COURT
ACCESSORY STUCTURE (PLAYHOUSE) SETBACK VARIATION**

Consider recommending that the Village Board grant Sandra and Dan Lopez a Variation to permit an accessory structure (playhouse) to be located in a required secondary front yard where it is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) Zoning District.

Zoning Board Members: Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members: Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: Mr. Lopez, Petitioner

A Motion was made by COMMISSIONER PASZCZYK, seconded by COMMISSIONER GASKILL, to open the Public Hearing for Lopez, 17104 67th Court, Accessory Structure (Playhouse) Setback Variation. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

CHAIRMAN SEPESSY noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SEPESSY requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner is requesting the Variation for their 96 square foot playhouse that was constructed without a permit in 2017.

The subject property is a 6,650 square foot size corner lot and located in the Breitbarth Subdivision. The home is on the southwest corner of 67th Court and 171st Street. The home was originally constructed around 1925 before modern Zoning Code standards and therefore is considered legal non-conforming in regards to its setbacks and bulk requirements. The home is located approximately 2 feet from the north property line that runs parallel to 171st Street. The current Zoning Code's R-4 front yard setback is 25 feet. Unlike newer subdivisions, the corner lots of these older subdivisions were not designed larger than interior lots and thus have less space in the rear yard of the property.

The fence code was revised in 2017 and one of the discussion points was non-conforming setbacks. It was determined that it was acceptable to permit fences up to a legal non-conforming setback line of a home. This is permitted through an administrative variance approval provided that there are no verified site line visibility concerns with the proposed fence. A lot with non-conforming setbacks may have an area that is permitted to be fenced in as if it was a rear yard. However, the resulting fenced-in yard area is still not permitted to have any permanent accessory structures placed within it.

The site is zoned R-4, Single-Family Residential. The surrounding properties to the North, South, and East are also zoned R-4. The property to the east is zoned DF, Downtown Flex which is operated by a tax attorney's office with a small parking area. The property to the northwest is zoned NG, Neighborhood General and operates as a 7-11 convenience store.

The Variation request is to allow this playhouse in what is required a secondary front yard. The playhouse is 96 square feet (8 foot by 12 foot) and 11.5 feet tall. The size and the height are permitted. The main issue staff is looking at is the location. The structure is located 6.5 feet from the fence and 2 feet from the property line to the north. The playhouse does not comply with the code due to being located in a required secondary front yard. The existing nature of the playhouse cannot be considered as part of the Variation consideration as it was illegally constructed, and is not related to the physical property, and would be a hardship caused by the owner.

The Petitioner has explained their reasoning for the Variation request in their responses to the Standards for a Variation. The primary argument is that being a corner lot with a legal non-conforming home setback makes the property unique. The playhouse is in a required secondary front yard and is positioned behind the existing setback of the home and is within a legally fenced area which creates a typical visual appearance for single-family homes. The playhouse improves the situation that previously existed with garage access on 171st Street. The structure does not create any visual obstructions or safety concerns. There is electric permitted however, no other utilities (water, gas, sewer, cable, etc.) may be acceptable.

Mr. Ritter displayed photos of the existing playhouse, neighboring homes and a survey of the property. The playhouse will still need to be inspected and approved by the building inspector after the permit is issued.

CHAIRMAN SEPESSY asked the Commissioners for comments or questions.

COMMISSIONER GASKILL inquired what was in the spot of the playhouse originally. Mr. Ritter replied there was a garage on that footprint that was removed

CHAIRMAN SEPESSY asked the Petitioner to speak.

Mr. Lopez noted the playhouse was given to his daughter by his mother-in-law. He started building it without a permit and was stopped when the inspector noticed it was being built. At that point, he applied for the permit. Mr. Lopez did put a firewall on the side that faces the garage.

A Motion was made by COMMISSIONER PASZCZYK, seconded by COMMISSIONER GASKILL, to close the Public Hearing for Lopez, 17104 67th Court, Accessory Structure (Playhouse) Setback Variation. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

Mr. Ritter noted the Standards for a Variation:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

- ***The property can and likely will yield a reasonable return. However, if the strict interpretation of the code was applied, there would be no feasible location for a second accessory structure to be placed, and thus the usefulness and attractiveness of the property would be diminished compared to a typical single-family home.***
2. The plight of the owner is due to unique circumstances.
 - ***The property and existing home were developed before modern Zoning Code setback standards and has a reduced setback in the secondary front yard that make the property unique compared to many other corner lots. Due to the existing principal structures non-conforming setbacks, no other location is feasible for an accessory structure to be located. I would still state a playhouse is not a necessary accessory structure however its location and size is not impacting the adjacent properties. I disagree with your statement. At the time the property was built it complied with***
 3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The location of the structure is within a legally fenced in rear yard area that abuts a commercial parking area; this limits the visual effects on any nearby residential properties and neighborhood.***
 4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

CHAIRMAN SEPESY asked for a Motion.

COMMISSIONER GASKILL, seconded by COMMISSIONER PASZCZYK made a motion to recommend that the Village Board grant a Variation to the Petitioners, Sandra and Dan Lopez, from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance, to permit an accessory structure (playhouse) to be located in a secondary front yard where it is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

With the following conditions:

1. The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.
2. No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,
3. The accessory structure shall not be used for any business activity or living space.

AYES: PASZCZYK, GASKILL, BETTENHAUSEN & CHAIRMAN SEPESSY

NAYS: NONE

CHAIRMAN SEPESSY declared the Motion unanimously approved.

This will go to the Village Board on May 21, 2019 for adoption.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MAY 9, 2019 REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Item #2 PUBLIC HEARING: MROFKA, 16933 WILLOW LANE DRIVE
ACCESSORY STRUCTURE (DETACHED GARAGE) VARIATIONS**

Consider recommending that the Village Board grant Casey and Sheri Mrofka Variations to permit a reduced side yard setback, reduced distance from a principal structure and increased height for an accessory structure (detached garage) at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) Zoning District.

Zoning Board Members: Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members: Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: Mr. Mrofka, Petitioner

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER BETTENHAUSEN, to open the Public Hearing for Mrofka, 16933 Willow Lane Drive Accessory Structure (Detached Garage) Variations. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

CHAIRMAN SEPESSY noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SEPESSY requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner is proposing to demolish the existing 18.5' X 22' detached garage and build a new 22' X 26' detached garage to accommodate their vehicles. To accomplish the preferred garage size, driveway approach, and avoid an existing tree, they have requested setback Variations from the property line and the principal structure. These setback Variations may be able to be reduced or eliminated by adjusting the garage location or size. The Petitioner is also requesting a Variation to permit the garage to be 22' in height. The maximum garage height of 18' is standard across the Village and can be met by the Petitioner. A garage can be designed within the current code requirements and no hardships exist that necessitate a height Variation.

The subject property is an approximately 8,380 square foot interior lot that is located in the Parkside Subdivision. This subdivision has a large range of housing ages and styles. Many of the homes were initially constructed without enclosed garages or with much smaller garages. Many home and garage setbacks within the subdivision are non-conforming due to their construction before the Village's modern zoning codes were adopted. The site has an existing garage that is set back from the property line on an angle, range from 7.1' to 3.75'.

There have been a few setback Variations for detached garages granted over the last 10-20 years in the Village's older subdivisions. These Variations all included proposing a replacement garage that was the same size and location or an addition to an existed garage. No recent garage setback Variations increased an existing non-conforming setback.

The Village's requirement for a maximum accessory structure height is 18'. This height was determined to be an acceptable height that would permit the storage of the majority of residential vehicles. The Village's height allowance for a detached garage is taller and less restrictive than neighboring communities. Only one garage height Variation has been approved since the code changes in 2007. The Variation request was for a 19.5' high detached garage that was recommended for denial by the ZBA, It was found that the proposal did not meet the Standards for a Variation. The Variation was eventually approved by the Village Board due to the unique circumstance surrounding the case. All other garages constructed since 2007 have complied with the Village's maximum height requirements.

The proposed site is zoned R-4, Single-Family Residential. All surrounding properties area also zoned R-4, Single Family Residential.

There are three Variations being requested:

1. A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required.
2. An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a 10 foot minimum setback is required or the structure must comply with the principal structure setbacks.
3. A 4 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be 22 feet in height instead of the permitted maximum height of 18 feet.

The Petitioner's reasoning for the Variations is attached to their application. The Variation for the decreased side yard setback distance between the garage and house is based upon the layout of the existing lot and home. In addition to the setback Variations, the Petitioner has also requested a height Variation to allow for increased attic space in the garage.

The Petitioner has two Variation requests based on locating their preferred 22 foot wide detached garage. This first setback Variation proposes to reduce the required side yard setback from 5 feet to 3 feet from the property line. It would also reduce the setback further from the existing garage setback of 3.75 feet. Staff does not recommended that the existing 3.75-foot side yard setback be reduced further to not set a precedent of reducing existing setbacks and maintain the integrity of the accessory structure requirements throughout the Village.

There are many options the petitioner has to pick up and extra .75 to 1.75 feet. The garage could have further room on the side yard if moved further back (east) in the yard and could meet the required 5 foot setback. There is an existing large oak tree that may require some trimming to shift the garage back (east)

into the rear yard further. However, the tree's trunk is far enough away from the garage that any work should not cause significant damage to the tree's root zone. The garage width and lengths could also be reduced (or combined with shifting garage east) to accommodate adding approximately 1-2 feet to the proposed side yard setback. A 20 foot wide garage is an accepted width and length for a two-car garage. Alternatively, an attached side-loaded garage could be constructed at the back of the house (near where the patio currently exists) that would meet the required setbacks and could then be constructed at the desired height without a Variation. An attached-garage may also increase the value of the property. If the setback-related Variation is considered to meet the Standards for a Variation, it is recommended that the request be minimized to the greatest extent possible.

The second setback variation proposes that the garage would be approximately 2 feet from the existing enclosed porch that is required to be 10 feet apart or must then comply with the principal structures setback requirements that are even further restrictive. This setback from the principal structure will be similar to the existing garage setback. The garage is not very visible from the public right-of-way because it is detached and setback behind the home. Staff does not have concerns about the reduced distance from the house if all building codes and fire separation requirements are met. **It should be noted that this Variation would only change the Zoning Code requirements and the garage will still have to comply with additional fire and building code requirements (i.e. fire-rated wall) when the project is submitted for building permit review.**

Mr. Ritter gave the Petitioner alternative options which would better align the driveway and allow for a 5' setback from the property line. Mr. Ritter also displayed an option that would be an attached garage on the back of the house that would also comply with the setbacks.

Mr. Ritter noted regarding the height of the garage it does not meet the Standard for a hardship for a height Variance. There is nothing physical with the property that would cause the approval of the height Variance. This would set a precedence if approved.

CHARIMAN SEPESSY asked the Petitioner if he had comments.

Mr. Mrofka replied he was only asking for what is currently there now. The current structure is 3.7 on one side and 8' from the side of the house. He would like to turn the garage to increase the width by 7" on one side and still 8' from the house. He would like to build a maximum size 24 X 30' garage, but his property is not large enough to hold that. He has a 10' van and would like to put an 11' door in.

COMMISSIONER GASKILL noted he could still put an 11' door in with an 18' height. If Mr. Mrofka wants a 22' height, he should attach the garage to the rear of the house where it is not visible. Mr. Mrofka replied he did not want an attached garage because there are no other attached garages in his neighborhood.

Commissioners all generally agreed that the height variation was not appropriate or acceptable and should maintain the maximum of 18 feet. CHAIRMAN SEPESSY asked Mr. Mrofka if he would remove the height variation request and he agreed that he would.

Mr. Ritter noted that staff was concerned most about the side yard setback variation. The Petitioner had many options to meet the 5 foot setback or at least maintain the 3.75 foot setback and not make it worse. Staff would rather see the setback from the home reduced further than have a side yard setback variation.

COMMISSIONER BETTENHAUSEN inquired if he understood he would need to put in a firewall per the building code requirement in the garage. Mr. Mrofka replied that he would be doing that.

A Motion Was Made By COMMISSIONER PASZCZYK, Seconded By COMMISSIONER BETTENHAUSEN, to close the Public Hearing for MROFKA, 16933 Willow Lane Drive Accessory Structure (Detached Garage) Variations. The Motion was approved by voice call.

CHAIRMAN SEPESSY declared The Motion Approved.

CHAIRMAN SEPESSY asked for comments from the Commissioners.

CHAIRMAN SEPESSY confirmed Mr. Mrofka would go down to 18' on the height of the garage. Mr. Mrofka replied that he would but did not prefer it. CHAIRMAN SEPESSY noted he had no problem with the setbacks as presented and if the firewall is installed that would be his preference. All other Commissioners noted all the Variations were acceptable except the height of 22' and should be 18' per the code.

Mr. Ritter noted if the garage is being rebuilt, staff would like to see the same setbacks as the original garage. Mr. Ritter noted if the 5' setback wasn't met, staff would like to see the garage being as close to the 5' setback as possible. Mr. Ritter stated the Village also does not want to see the tree damaged but shifting the garage 1-2 feet or reducing the size would not significantly affect the root zoned or endanger the tree.

Mr. Mrofka replied the lot is a trapezoid and the further over he pushes the garage it would be too close to the tree that is there. He is trying to avoid getting closer to the tree. Mr. Mrofka stated there were two neighboring properties with 2 foot setbacks and he is doing something better than those. Mr. Ritter stated the one he knows was approved by Variation in the same place and size as the previous garage and did not make the existing non-conforming situation worse. He did not know the specifics of those variations and each request is looked at individually in regards to the specifics of the situation. Underground utilities have been an issue with the garages as well, which is not relevant to this case.

Mr. Ritter went through the Standards for Variation:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - a. *The property can yield a reasonable return based upon building a garage in compliance with all codes requirements or as it exists today.*
2. The plight of the owner is due to unique circumstances.
 - a. *The requested Variations do not appear to be in harmony with the general purpose and intent of the code and the strict enforcement of the code will not result in a hardship that is unique, as other properties have similar conditions. The property is unique in regards to the age and design that limit the location of a detached garage. However, existing non-conforming setbacks do not create a unique situation and each property owner must work to comply within the current code requirements upon replacement of any non-conforming structures. Reasonable alternatives exist that would reduce or eliminate the need the Variation requests.*
 - b. *There are no unique physical property traits that necessitate a taller garage and the code requirement can be easily met. The accessory structure maximum height requirement already permits flexibility and has been consistently applied Village-wide.*

3. The Variation, if granted, will not alter the essential character of the locality.
 - a. ***The detached garage will be the tallest residential accessory structure in the neighborhood and would look out-of-place compared to other detached garages and accessory structures in the neighborhood. Additionally, the garage will be taller than many of the ranch-style homes in the neighborhood. The combination of the increased height and reduced side yard setback would detract from the appearance of the subject-property and of neighboring properties.***
4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - g. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - h. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - i. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - j. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - k. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - l. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

CHAIRMAN SEPESY asked for a Motion.

COMMISSIONER BETTENHAUSEN, seconded by COMMISSIONER PASZCZYK made a motion to recommend that the Village Board grant the following Variations to the Petitioners, Casey and Sheri Mrofka at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

- a) A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required
- b) An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a

10 foot minimum setback is required or the structure must comply with the principal structure setbacks.

...with the following conditions:

4. The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.
5. No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,
6. The accessory structure shall not be used for any business activity or living space.

AYES: PASZCZYK, GASKILL, BETTENHAUSEN & CHAIRMAN SEPESSY

NAYS: NONE

CHAIRMAN SEPESSY declared the Motion unanimously approved.

This will go to the Village Board on May 21, 2019

DRAFT

GOOD OF THE ORDER:

Mr. Ritter noted:

1. North Street construction around the future plaza has started and paver type/pattern selected.
2. Streetscape plan getting reviewed and should bring a cohesive design with the new downtown developments.
3. Proactive Code Enforcement plan has passed to include a foreclosure tracking program.
4. Corner fence height text amendment was approved by the Village Board from 4' to 5'.
5. The Cellular text changes will go to the Village Board for Approval this month.

RECEIVE COMMENTS FROM THE PUBLIC

None at this time.

ADJOURNMENT

There being no further business, a Motion was made by ZONING BOARD MEMBER GASKILL, seconded by ZONING BOARD MEMBER BETTENHAUSEN, to adjourn the Regular Meeting of the Zoning Board of Appeals of May 9, 2019 at 8:35 p.m. The Motion was unanimously approved by voice call. ZONING BOARD OF APPEALS CHAIRMAN STEPHEN SEPESSY declared the meeting adjourned.

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-O-024

**AN ORDINANCE GRANTING A PLAYHOUSE SETBACK VARIATION TO
ALLOW FOR THE CONSTRUCTION OF PLAYHOUSE AT 17104 67TH COURT
(SANDRA AND DEAN LOPEZ)**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2019-O-024**AN ORDINANCE GRANTING A PLAYHOUSE SETBACK VARIATION TO
ALLOW FOR THE CONSTRUCTION OF PLAYHOUSE AT 17104 67TH COURT
(SANDRA AND DEAN LOPEZ)**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, a petition for the granting of a setback variation (“Variation”) to allow the construction of an accessory structure (“Playhouse”) located at 17104 67th Court in the R-4 (Single-Family Residential) zoning district has been filed by Sandra and Dan Lopez (“Petitioners”) with the Village Clerk of this Village and has been referred to the Zoning Board of Appeals (“ZBA”) of the Village and has been processed in accordance with the Tinley Park Zoning Ordinance; and

WHEREAS, said ZBA held a public hearing on the question of whether the Variation should be granted on May 9, 2019, at the Village Hall of this Village, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the Daily Southtown, a newspaper of general circulation within the Village of Tinley Park; and

WHEREAS, after hearing testimony on the petition, the ZBA found that the petition met the requisite standards enumerated in the Tinley Park Zoning Ordinance for granting the Variation and voted 4-0 to recommend to the Village President and Board of Trustees for the approval of the Variation; and

WHEREAS, the ZBA has filed its report of findings and recommendations regarding the Variation with this Village President and Board of Trustees, and this Board of Trustees has duly considered said report, findings, and recommendations; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to approve said Variation; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: That the report of findings and recommendations of the ZBA are herein incorporated by reference as the findings of this President and the Board of Trustees, as complete as if fully set forth herein at length. This Board finds that the Petitioners have provided evidence establishing that they have met the standards for granting the Variation set forth in Section X.G.4 of the Zoning Ordinance, and the proposed granting of the Variation as set forth herein are in the public good and in the best interest of the Village and its residents and is consistent with and fosters the purpose and spirit of the Tinley Park Zoning Ordinance.

SECTION 2: The Variation set forth herein below shall be applicable to the following described property:

LEGAL DESCRIPTION: LOT 15 BREITBARTH'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL IDENTIFICATION NUMBER: 28-30-400-008-0000

COMMONLY KNOWN AS: 17104 67th Court, Tinley Park, Illinois

SECTION 3: That a Variation from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance is hereby granted to the above-mentioned property to permit a 96 square-foot accessory structure ("Playhouse") to be located in the secondary front yard where one is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) zoning district.

SECTION 4: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21st day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21st day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

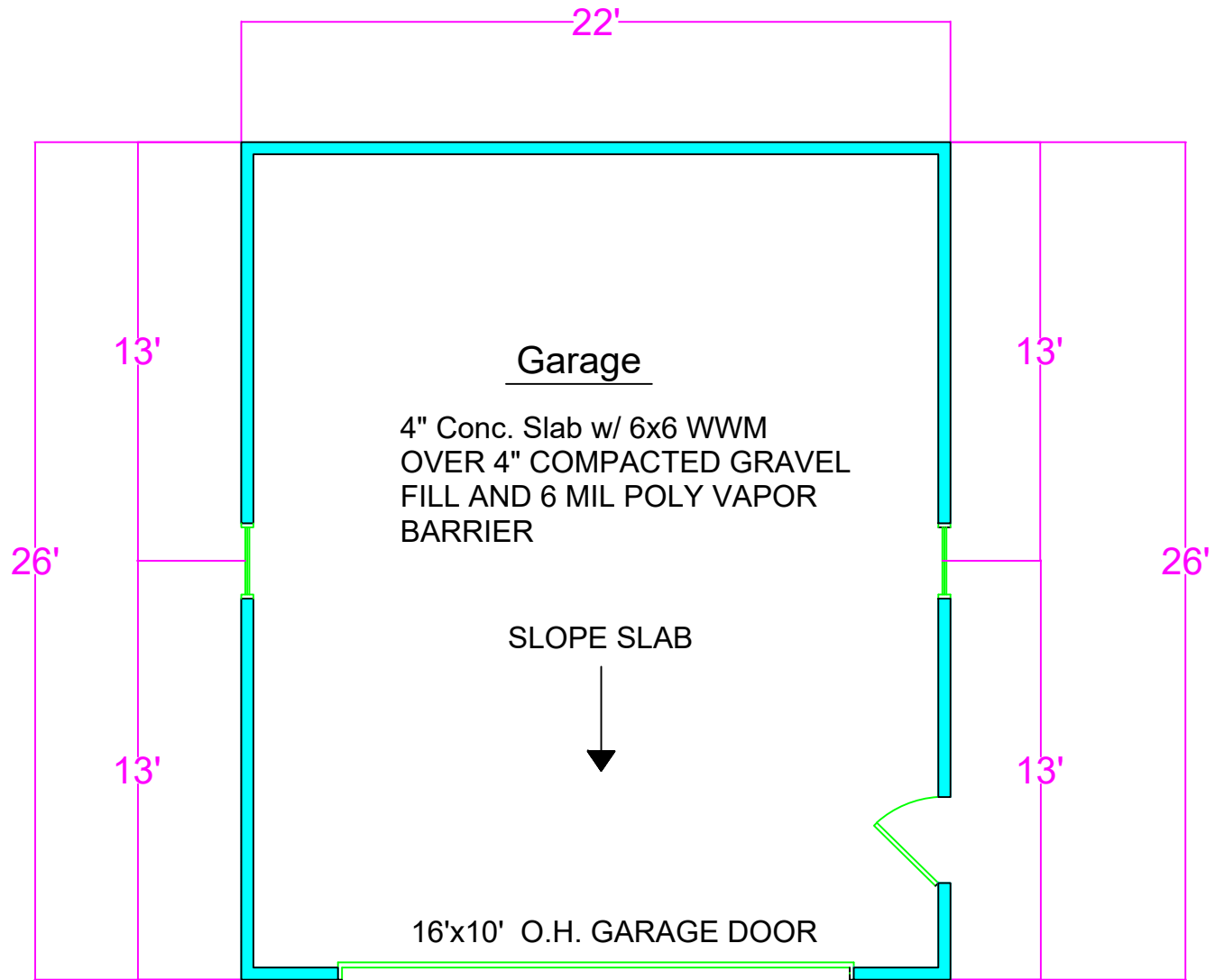
STATE OF ILLINOIS)
 COUNTY OF COOK) SS
 COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-024, “AN ORDINANCE GRANTING A PLAYHOUSE SETBACK VARIATION TO ALLOW FOR THE CONSTRUCTION OF PLAYHOUSE AT 17104 67TH COURT (SANDRA AND DEAN LOPEZ),” which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

KRISTIN A. THIRION, VILLAGE CLERK



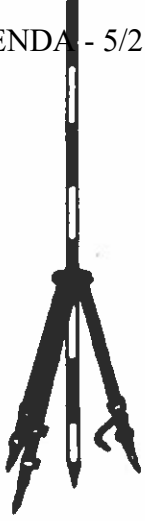
FLOOR PLAN NOTES

1. All exterior walls are 2x4 Thick.
2. All Door and Window Headers are 2 - 2x10's w/ 1/2" Plywood Solid Between

LOT 16 IN BLOCK 16 IN RESUBDIVISION OF PARKSIDE, BEING A SUBDIVISION OF THE NORTHEAST QUARTER (EXCEPT THE SOUTH 320 FEET OF THE WEST 320 FEET THEREOF) OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**COMMONLY KNOWN AS: 16933 WILLOW LANE
TINLEY PARK, ILLINOIS**

28-30-212-058-0000



WILLOW LANE

DRIVE

CONCRETE

GRASS

80.64'

25.0 FT. BUILDING LINE

BITUMINOUS

69.10

30.04

Wood Deck
15'
10'

BITUMINOUS DRIVE

10.00

26.34

38.77

NO. 16933
1STORY FRAME RESIDENCE

26.25

covered

15.46

15.43

Block patio

126.67'

132.33

7.18

26.1

12.50

12.50

27.72

3.74

3' from Prop. Line

FENCE

WOOD DRIVE



ZONING BOARD OF APPEALS STAFF REPORT

MAY 9, 2019

Petitioner

Casey & Sheri Mrofka

Property Location

16933 Willowlane Drive

PIN

28-30-212-058-0000

Zoning

R-4, Single-Family
Residential

Approval Sought

Garage Variations

MROFKA – GARAGE SETBACK & HEIGHT VARIATIONS 16933 Willowlane Drive



Project Planner

Daniel Ritter, AICP
Senior Planner

EXECUTIVE SUMMARY

The Petitioners, Casey & Sheri Mrofka, located at 16933 Willowlane Drive, are seeking the following Variations:

1. A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a 22' x 26' detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required.
2. An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a 10 foot minimum setback is required or the structure must comply with the principal structure setbacks.
3. A 4 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be 22 feet in height instead of the permitted maximum height of 18 feet.

The Petitioner is proposing to demolish the existing 18.5' x 22' detached garage and build a new 22' x 26' detached garage to accommodate their vehicles. To accomplish the preferred garage size, driveway approach, and avoid an existing tree, they have requested setback Variations from the property line and the principal structure. These setback Variations may be able to be reduced or eliminated by adjusting the garage location or size. The Petitioner is also requesting a Variation to permit the garage to be 22 feet in height. The maximum garage height of 18 feet is standard across the Village and can be met by the Petitioner. Options to comply with the code include reducing garage attic space, lowering the roof's angle/pitch or constructing an attached garage at the rear of the house. Regardless of the alternative, a garage can be designed within the current code requirements and no hardships exist that necessitate a height Variation.

EXISTING SITE & HISTORY

The subject site is an approximately 8,380 square foot size interior lot that is located in the Parkside Subdivision. Parkside is a subdivision with a large range of housing ages (the majority built in the 1940-50's) and styles. Many of the neighborhood's homes were initially constructed without enclosed garages or with much smaller garages. Many home and garage setbacks within the subdivision are non-conforming due to their construction before the Village's modern zoning codes were adopted. The site has an existing garage that is set back from the property line on an angle, ranging from 7.18 feet to 3.75 feet.

There have been a few setback Variations for detached garages granted over the last 10-20 years in the Village's older subdivisions (For example, 7289 173rd Street, 6557 Riverside Drive, 16941 Willowlane Drive, etc.) However, these Variations all included proposing a replacement garage that was the same size and location or an addition to an existing garage. All recently approved garage setback Variations have maintained (or even slightly improved) the existing setbacks; no recent garage setback Variations increased an existing non-conforming setback.

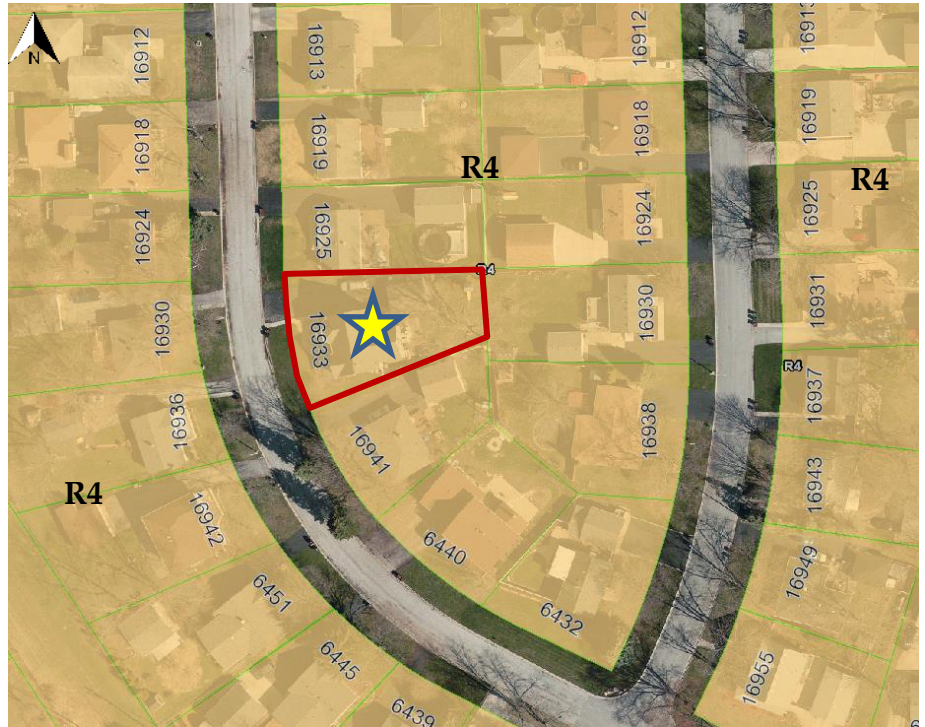


The Village's requirement for a maximum accessory structure height was limited to 15 feet until 2007 when the code was increased to permit a maximum height of 18 feet. This height was determined to be an acceptable height that would permit the storage of the majority of residential vehicles. This allowed some additional flexibility but continued to limit the height of accessory structures in a manner that keeps the residential feel of homes and neighborhoods. This is a concern because detached garages can be as close as 5' from a property line and a garage can affect the appearance, site lines and area stormwater drainage on neighboring properties. Many 1-story ranch homes are only 13-15 feet in height and it was deemed important by the Plan Commission at the time that accessory structures remain less visually dominate than a neighborhood's principal structures. For comparison purposes, the Village's existing 18 foot maximum height allowance for detached garages is taller and less restrictive than that of neighboring communities (Orland Park - 13 feet, Orland Hills - 13 feet, Mokena - 15 feet, New Lenox - 15 feet, Frankfort - 15 feet, Oak Forest - 15 feet, Matteson - 15 feet).

Only one (1) garage height Variation has been approved since the 2007 code changes (2011-O-048, 16913 Forestview Drive). This Variation request was for a 19.5 foot high detached garage that was recommended for denial by the Zoning Board of Appeals (ZBA). It was found that the proposal did not meet the Standards for a Variation. The Variation was eventually approved by the Village Board due to the unique circumstances surrounding the case. The garage was incorrectly constructed by a contractor (submitted plans indicated it was to only be 17.5 feet high) and had defaulted on their contractor bond. The estimated costs of reducing the height of the garage were extremely high for a mistake that was not caused by the resident. The garage met the required setback, which was a reason stated by the Village Board that the additional 1.5 foot in height could be acceptable. This was a unique situation and circumstance that do not relate to the existing proposal. All other garages constructed since 2007 have complied with the Village's maximum height requirements.

ZONING & NEARBY LAND USES

The proposed site is zoned R-4, Single-Family Residential. All surrounding properties are also zoned R-4, Single Family Residential and include single-family dwelling units. The area's homes are a mix of single-story ranch and two-story houses, with the majority built between 1940 and 1960.

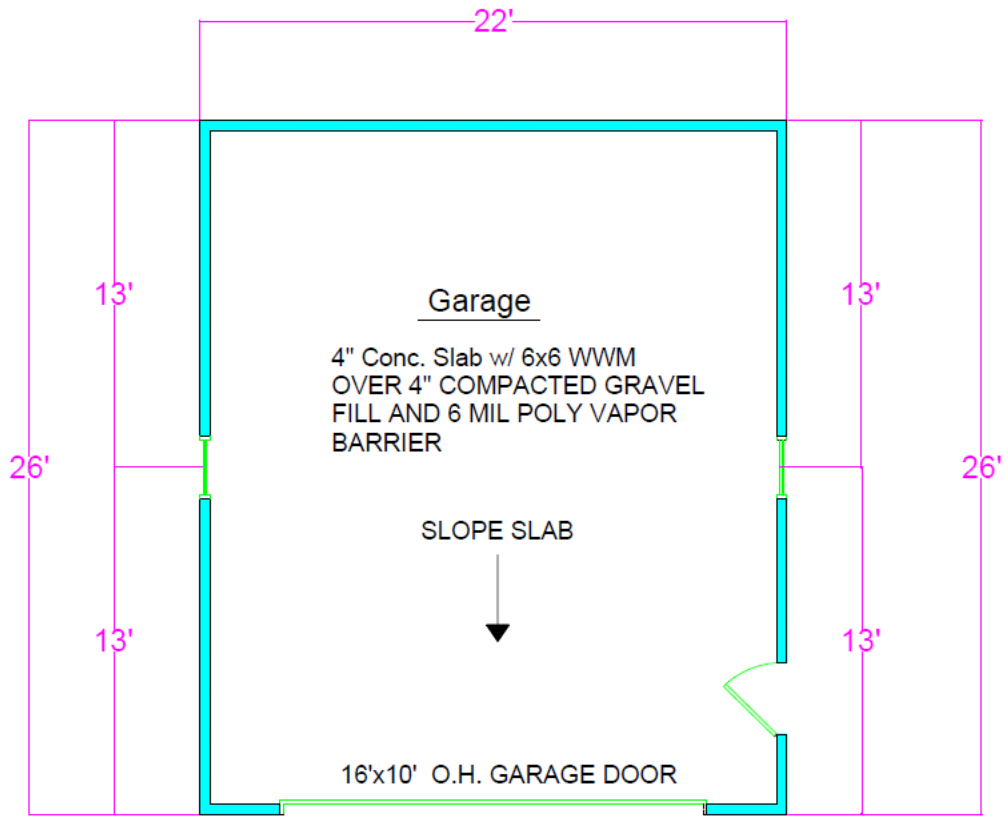


VARIATION REQUESTS

The Petitioner is proposing to construct a 572 square foot detached garage, approximately in the same location as the existing garage, based on the attached plans. The following three Variations are required to construct the garage as proposed:

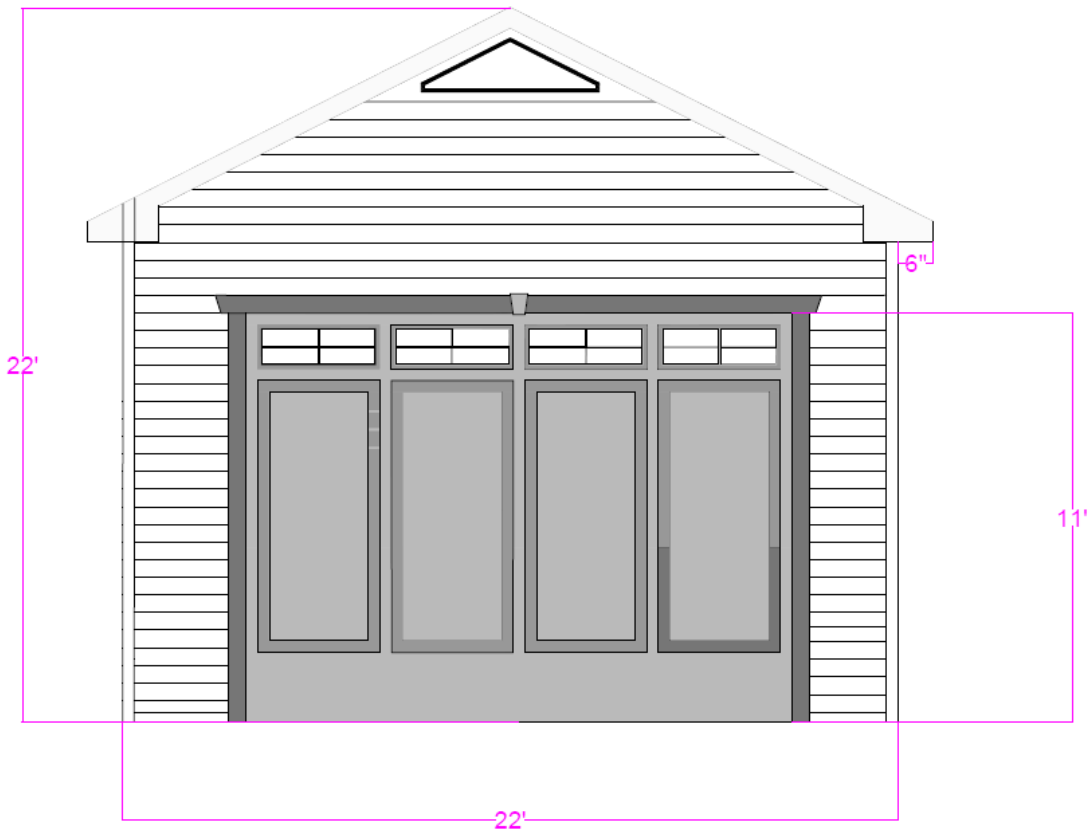
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3. A 4 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be 22 feet in height instead of the permitted maximum height of 18 feet.

The Petitioner's reasoning for the Variations is attached to their application. The Variation for the decreased side yard setback distance between the garage and house is based upon the layout of the existing lot and home. In addition to the setback Variations, the Petitioner has also requested a height Variation to allow for increased attic space in the garage.



FLOOR PLAN NOTES

- 1. All exterior walls are 2x4 Thick.
- 2. All Door and Window Headers are 2 - 2x10's w/ 1/2" Plywood Solid Between

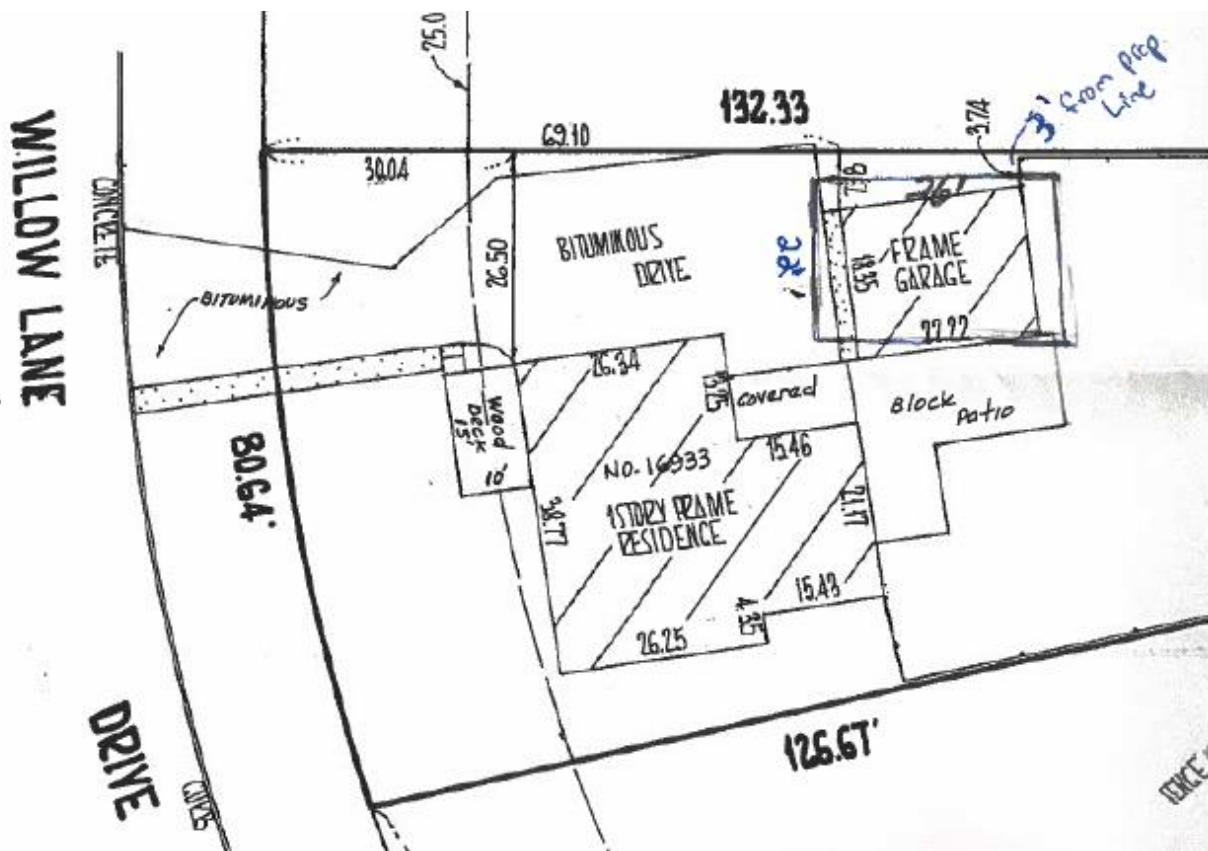


Above drawings are not to-scale.

Setback Variations

The Petitioner has two Variation requests based on locating their preferred 22 foot wide detached garage. This first setback Variation proposes to reduce the required side yard setback from 5 feet to 3 feet from the property line. It would also reduce the setback further from the existing garage setback of 3.75 feet. It is not recommended that the existing 3.75-foot side yard setback be reduced further to not set a precedent and maintain the integrity of the accessory structure requirements throughout the Village. The garage could have further room on the side yard if moved further back (east) in the yard and could meet the required 5 foot setback. There is an existing large oak tree that may require some trimming to shift the garage back (east) into the rear yard further. However, the tree's trunk is far enough away from the garage that any work should not cause significant damage to the tree's root zone. The garage width and lengths could also be reduced (or combined with shifting garage east) to accommodate adding approximately 1-2 feet to the proposed side yard setback. A 20 foot wide garage is an accepted width and length for a two-car garage. Alternatively, an attached side-loaded garage could be constructed at the back of the house (near where the patio currently exists) that would meet the required setbacks and could then be constructed at the desired height without a Variation. An attached-garage may also increase the value of the property. If the setback-related Variation is considered to meet the Standards for a Variation, it is recommended that the request be minimized to the greatest extent possible.

The second setback variation proposes that the garage would be approximately 2 feet from the existing enclosed porch that is required to be 10 feet apart or must then comply with the principal structures setback requirements that are even further restrictive. This setback from the principal structure will be similar to the existing garage setback. The garage is not very visible from the public right-of-way because it is detached and setback behind the home. Staff does not have concerns about the reduced distance from the house if all building codes and fire separation requirements are met. **It should be noted that this Variation would only change the Zoning Code requirements and the garage will still have to comply with additional fire and building code requirements (i.e. fire-rated wall) when the project is submitted for building permit review.**



Above: Petitioner proposal for 22' x 26' detached garage setback 3' from the property line and 2' from the house.



Alternative Option 1: Set a 22' x 26' detached garage further back (east) on the property to better align driveway, allowing a 5' setback from the property line and an increase in the setback (around 6.5') from the house and enclosed porch.



Alternative Option 2: Set a reduced width, 20' x 26' detached garage, only slightly further back (east) on the property to better align driveway, allow full 5' setback from the property line and maintain 2' setback from the house/porch.



Alternative Option 3: Construct an attached garage (approximately 20' x 24') at the back of the house. This would comply with all setback requirements and would then be permitted to be 22' in height as well.

Height Variations

The Variation request for the garage height has no unique hardship related to the property and the code requirements can be met. Additionally, there is no history of approvals in similar situation and all recent detached garages have complied with the code's requirements. Due to these circumstances, the garage height request would essentially negate the code requirements without any unique reasoning and could set a negative Village-wide precedent. The existing code gives additional flexibility compared to the standard 15 foot high garage that is required by most other local jurisdictions. A 22 foot high garage is likely to look out of place as an accessory structure that is taller than other principal and accessory structures in the neighborhood. The garage would be as much as 7 feet taller than most of the neighboring single-story homes and look further out of place with the neighborhood's residential appearance. The proposed decreased side yard setback only makes these issues even more prominent.

Requested Variations at 16933 Willowlane Drive				
	Code Required	Existing	Proposed	Recommended*
Minimum Side Yard Setback	5'	3.73'	3'	5'
Setback From Principal Structure	10'	~1.5'	2'	At least 2'
Maximum Accessory Structure Height	18'	~13'	22'	18'

*An attached side-loaded garage can be constructed where the patio currently exists at the desired height and meet the required setbacks.

STANDARDS FOR A VARIATION

Section X.G.4. of the Zoning Ordinance states the Zoning Board of Appeals shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Zoning Board of Appeals must provide findings for the first three standards; the remaining standards are provided to help the Zoning Board of Appeals further analyze the request. **Staff prepared draft responses for the Findings of Fact below. These draft Findings of Fact generally do not support recommending approval of the Variations as presented. If the Zoning Board of Appeals would like to recommend these Variations for approval, these Findings of Fact will need to be amended at the meeting. If the Board and Petitioner agree to revise their application, staff recommends that this item be continued to the next meeting to allow revised plans to be reviewed and the proper motions can be drafted.**

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***The property can yield a reasonable return based upon building a garage in compliance with all codes requirements or as it exists today.***

2. The plight of the owner is due to unique circumstances.
 - ***The requested Variations do not appear to be in harmony with the general purpose and intent of the code and the strict enforcement of the code will not result in a hardship that is unique, as other properties have similar conditions. The property is unique in regards to the age and design that limit the location of a detached garage. However, existing non-conforming setbacks do not create a unique situation and each property owner must work to comply within the current code requirements upon replacement of any non-conforming structures. Reasonable alternatives exist that would reduce or eliminate the need the Variation requests.***
 - ***There are no unique physical property traits that necessitate a taller garage and the code requirement can be easily met. The accessory structure maximum height requirement already permits flexibility and has been consistently applied Village-wide.***

3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The detached garage will be the tallest residential accessory structure in the neighborhood and would look out-of-place compared to other detached garages and accessory structures in the neighborhood. Additionally, the garage will be taller than many of the ranch-style homes in the neighborhood. The combination of the increased height and reduced side yard setback would detract from the appearance of the subject-property and of neighboring properties.***

4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;

- d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
- e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

MOTION TO CONSIDER

If the Zoning Board of Appeals wishes to take action, an appropriate wording of the motions would read:

“...make a motion to recommend that the Village Board grant the following Variations to the Petitioners, Casey and Sheri Mrofka at 16933 Willowlane Drive in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

- 1. **A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required**
- 2. **An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a 10 foot minimum setback is required or the structure must comply with the principal structure setbacks.**
- 3. **A 4 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be 22 feet in height instead of the permitted maximum height of 18 feet.”**

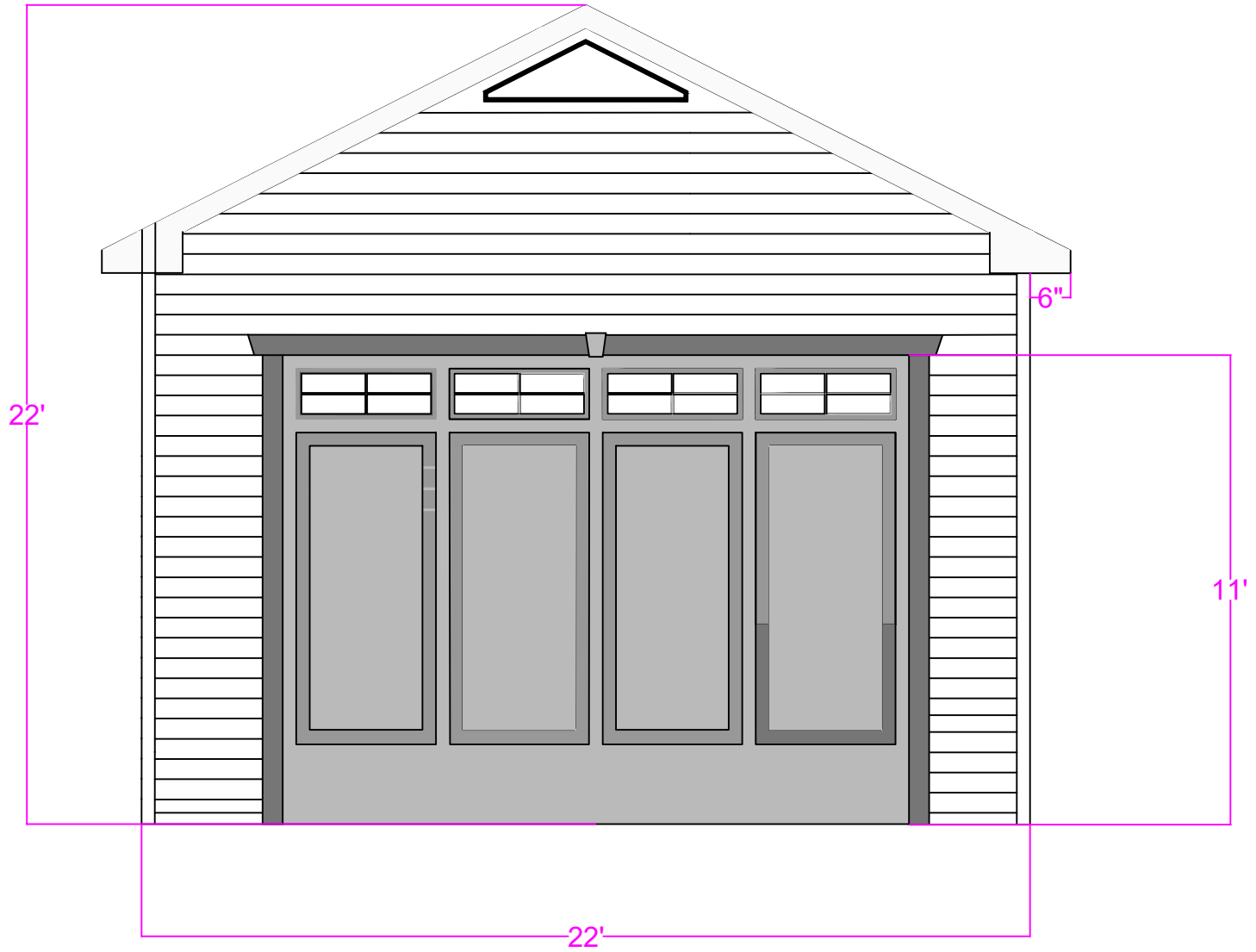
...with the following conditions:

- a. *The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.*
- b. *No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,*
- c. *The accessory structure shall not be used for any business activity or living space.*

[any other conditions that the ZBA would like to add]

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date On Sheet
Marked Plat of Survey	Petitioner	04-25-19
Garage Floor Plan	Petitioner	04-24-19
Garage Front Elevation Plan	Petitioner	04-24-19



VILLAGE OF TINLEY PARK
APPLICATION FOR ZONING ORDINANCE VARIANCE

The undersigned hereby Petitions the Village of Tinley Park Zoning Board of Appeals and/or Plan Commission to consider a Variation from the terms of the Zoning Ordinance as follows:

PETITIONER INFORMATION

Name: Casey Mrofka

Mailing Address: 16933 Willowlane Drive

City: Tinley Park State: IL Zip: 60477

Day Phone: [REDACTED] Evening Phone: Same

Cell Phone: [REDACTED] Fax Number: _____

Email Address: casey.artistic@gmail.com

Nature of Petitioner’s Interest in the property and/or relationship to the owner:
(Applications received on behalf of the owner of record must be accompanied by a signed letter of authorization).

PROPERTY INFORMATION

Street Address: 16933 Willowlane Drive

Owners: Casey & Sheri Mrofka

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A ² 8 foot variance to the 5' ^{Setback} ~~easement~~ to allow a 2~~2~~ 2' wide garage.

(resulting 3' ^{Setback} ~~Setback~~)

Examples of Specific Type of Variance Requested:

This refers to the exact number of feet, the exact dimensions of a structure, exact height/type of fence.
For example:

“A 15 foot Variance to the Front Yard Setback on the East side of the property to allow for a 6-foot tall cedar fence on this corner lot.”

“A 180 square foot variance to the 720 square foot maximum allowable size of an accessory structure to allow for a 30 foot or 900 square foot garage on this residential property.”

“A 10 foot variance to the 10 foot maximum allowable height for a sign to allow for a 20 foot high monument sign on this commercial property.”

REASON THAT THE VARIANCE IS NEEDED: (See Examples below)

The existing garage is 18' wide and we would like to make the new one 22' wide. This way we can park 2 cars in the garage.

Examples of Reasons that the Variance is needed:

“We would like to extend our fence 15 feet toward the street from the front corner of the house so that we can enclose a pool, swing set, shed, landscaping, trees, side entrance, etc., and provide a safe area for our children to play”

“We would like to build an oversized garage on our property so that we may store our antique vehicle, snow mobiles, riding lawn mower, etc., inside, as well as our two other cars, which are currently parked in the driveway”

The Petitioner certifies that all of the above statements and other information submitted as part of this Application and Findings of Fact are true and correct to the best of his or her knowledge:

Signature:  Date: 4/5/2019

Printed Name: Casey Mrofka

OFFICE USE ONLY:

Current Zoning on Property R4 Present Use SF Home

Notes

VILLAGE OF TINLEY PARK
APPLICATION FOR ZONING ORDINANCE VARIANCE

The undersigned hereby Petitions the Village of Tinley Park Zoning Board of Appeals and/or Plan Commission to consider a Variation from the terms of the Zoning Ordinance as follows:

PETITIONER INFORMATION

Name: Casey Mrofka

Mailing Address: 16933 Willowlane Drive

City: Tinley Park State: IL Zip: 60477

Day Phone: [REDACTED] Evening Phone: _____

Cell Phone: [REDACTED] Fax Number: _____

Email Address: casey.artistic@gmail.com

Nature of Petitioner’s Interest in the property and/or relationship to the owner:
(Applications received on behalf of the owner of record must be accompanied by a signed letter of authorization).

PROPERTY INFORMATION

Street Address: 16933 Willowlane Drive

Owners: Casey & Shrei Mrofka

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A 4' Height variance to the 18' allowable for a detached garage to make it 22'

Examples of Specific Type of Variance Requested:

This refers to the exact number of feet, the exact dimensions of a structure, exact height/type of fence.
For example:

“A 15 foot Variance to the Front Yard Setback on the East side of the property to allow for a 6-foot tall cedar fence on this corner lot.”

“A 180 square foot variance to the 720 square foot maximum allowable size of an accessory structure to allow for a 30 foot or 900 square foot garage on this residential property.”

“A 10 foot variance to the 10 foot maximum allowable height for a sign to allow for a 20 foot high monument sign on this commercial property.”

REASON THAT THE VARIANCE IS NEEDED: (See Examples below)

We would like to raise the height to store our oversize promaster van which is 10' tall. And also still have attic space to have storage.

Examples of Reasons that the Variance is needed:

“We would like to extend our fence 15 feet toward the street from the front corner of the house so that we can enclose a pool, swing set, shed, landscaping, trees, side entrance, etc., and provide a safe area for our children to play”

“We would like to build an oversized garage on our property so that we may store our antique vehicle, snow mobiles, riding lawn mower, etc., inside, as well as our two other cars, which are currently parked in the driveway”

The Petitioner certifies that all of the above statements and other information submitted as part of this Application and Findings of Fact are true and correct to the best of his or her knowledge:

Signature: _____ Date: 4/8/2019

Printed Name: Casey Mrofka

OFFICE USE ONLY:

Current Zoning on Property R4 Present Use SF Home

Notes

FINDINGS OF FACT**ADDITIONAL INFORMATION TO BE PRESENTED
TO SUPPORT A VARIATION REQUEST FROM THE TERMS OF
THE VILLAGE OF TINLEY PARK ZONING ORDINANCE**

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following questions with facts and information to support the requested Variation:

- A. Describe the difficulty that you have in conforming with the **current** regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

The Property line is on an angle without the variance I cannot increase the size.

- B. Describe any difficulties or hardships that **current** zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

This would not decrease the property value.

- C. Describe how the above difficulty or hardship was created.

The difficulty was created by the property line.

FINDINGS OF FACT (CONTINUED)

- D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

Most properties on the area have square property lines, which allow a full size garage. With the shape of ours we are restricted in the size that will fit.

- E. Explain how this Variance **would not** be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

This is for more room to fit another car only.

- F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located: (Example: fencing will not obstruct view of automobile traffic).

This will not change anything in the area.

- G. Explain how granting this Variance will not alter the essential character of the neighborhood or locality:

This will not change anything.

FINDINGS OF FACT**ADDITIONAL INFORMATION TO BE PRESENTED
TO SUPPORT A VARIATION REQUEST FROM THE TERMS OF
THE VILLAGE OF TINLEY PARK ZONING ORDINANCE**

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following questions with facts and information to support the requested Variation:

- A. Describe the difficulty that you have in conforming with the **current** regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

The Property line is on an angle without the variance I cannot increase the size.

- B. Describe any difficulties or hardships that **current** zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

This would not decrease the property value.

- C. Describe how the above difficulty or hardship was created.

The difficulty was created by the property line.

FINDINGS OF FACT (CONTINUED)

- D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

Most properties on the area have square property lines, which allow a full size garage. With the shape of ours we are restricted in the size that will fit.

- E. Explain how this Variance **would not** be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

This is for more room to fit another car only.

- F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located: (Example: fencing will not obstruct view of automobile traffic).

This will not change anything in the area.

- G. Explain how granting this Variance will not alter the essential character of the neighborhood or locality:

This will not change anything.

FINDINGS OF FACT (Continued)

H. Describe how the requested Variance **will not**:

1. Impair an adequate supply of light and air to adjacent properties.

No Changes will occur.

2. Substantially increase the congestion of the public streets.

Doesn't affect this.

3. Increase the danger of fire.

Dosen't affect this.

4. Impair natural drainage or create drainage problems on adjacent property.

Doesn't affect this.

5. Endanger the public safety.

Dosen't affect this.

6. Substantially diminish or impair property values within the neighborhood.

Dosen't affect this.



**MINUTES OF THE REGULAR MEETING OF THE
ZONING BOARD OF APPEALS, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

May 9, 2019

The Regular Meeting of the Zoning Board of Appeals was held in the Council Chambers at the Village of Tinley Park, 16250 Oak Park Avenue on May 9, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Zoning Board Members: Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members: Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

ZONING BOARD OF APPEALS CHAIRMAN, STEVEN SEPESSY called to order the Regular Meeting of the Zoning Board of Appeals on May 9, 2019 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the March 14, 2019 Zoning Board of Appeals Meeting was presented for approval. A Motion was made by ZONING BOARD MEMBER GASKILL, seconded by ZONING BOARD MEMBER BETTENHAUSEN, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Minutes approved as amended.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MAY 9, 2019 REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Item #1 PUBLIC HEARING: LOPEZ, 17104 67TH COURT
ACCESSORY STUCTURE (PLAYHOUSE) SETBACK VARIATION**

Consider recommending that the Village Board grant Sandra and Dan Lopez a Variation to permit an accessory structure (playhouse) to be located in a required secondary front yard where it is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) Zoning District.

Zoning Board Members: Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members: Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: Mr. Lopez, Petitioner

A Motion was made by COMMISSIONER PASZCZYK, seconded by COMMISSIONER GASKILL, to open the Public Hearing for Lopez, 17104 67th Court, Accessory Structure (Playhouse) Setback Variation. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

CHAIRMAN SEPESSY noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SEPESSY requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner is requesting the Variation for their 96 square foot playhouse that was constructed without a permit in 2017.

The subject property is a 6,650 square foot size corner lot and located in the Breitbarth Subdivision. The home is on the southwest corner of 67th Court and 171st Street. The home was originally constructed around 1925 before modern Zoning Code standards and therefore is considered legal non-conforming in regards to its setbacks and bulk requirements. The home is located approximately 2 feet from the north property line that runs parallel to 171st Street. The current Zoning Code's R-4 front yard setback is 25 feet. Unlike newer subdivisions, the corner lots of these older subdivisions were not designed larger than interior lots and thus have less space in the rear yard of the property.

The fence code was revised in 2017 and one of the discussion points was non-conforming setbacks. It was determined that it was acceptable to permit fences up to a legal non-conforming setback line of a home. This is permitted through an administrative variance approval provided that there are no verified site line visibility concerns with the proposed fence. A lot with non-conforming setbacks may have an area that is permitted to be fenced in as if it was a rear yard. However, the resulting fenced-in yard area is still not permitted to have any permanent accessory structures placed within it.

The site is zoned R-4, Single-Family Residential. The surrounding properties to the North, South, and East are also zoned R-4. The property to the east is zoned DF, Downtown Flex which is operated by a tax attorney's office with a small parking area. The property to the northwest is zoned NG, Neighborhood General and operates as a 7-11 convenience store.

The Variation request is to allow this playhouse in what is required a secondary front yard. The playhouse is 96 square feet (8 foot by 12 foot) and 11.5 feet tall. The size and the height are permitted. The main issue staff is looking at is the location. The structure is located 6.5 feet from the fence and 2 feet from the property line to the north. The playhouse does not comply with the code due to being located in a required secondary front yard. The existing nature of the playhouse cannot be considered as part of the Variation consideration as it was illegally constructed, and is not related to the physical property, and would be a hardship caused by the owner.

The Petitioner has explained their reasoning for the Variation request in their responses to the Standards for a Variation. The primary argument is that being a corner lot with a legal non-conforming home setback makes the property unique. The playhouse is in a required secondary front yard and is positioned behind the existing setback of the home and is within a legally fenced area which creates a typical visual appearance for single-family homes. The playhouse improves the situation that previously existed with garage access on 171st Street. The structure does not create any visual obstructions or safety concerns. There is electric permitted however, no other utilities (water, gas, sewer, cable, etc.) may be acceptable.

Mr. Ritter displayed photos of the existing playhouse, neighboring homes and a survey of the property. The playhouse will still need to be inspected and approved by the building inspector after the permit is issued.

CHAIRMAN SEPESSY asked the Commissioners for comments or questions.

COMMISSIONER GASKILL inquired what was in the spot of the playhouse originally. Mr. Ritter replied there was a garage on that footprint that was removed

CHAIRMAN SEPESSY asked the Petitioner to speak.

Mr. Lopez noted the playhouse was given to his daughter by his mother-in-law. He started building it without a permit and was stopped when the inspector noticed it was being built. At that point, he applied for the permit. Mr. Lopez did put a firewall on the side that faces the garage.

A Motion was made by COMMISSIONER PASZCZYK, seconded by COMMISSIONER GASKILL, to close the Public Hearing for Lopez, 17104 67th Court, Accessory Structure (Playhouse) Setback Variation. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

Mr. Ritter noted the Standards for a Variation:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

- ***The property can and likely will yield a reasonable return. However, if the strict interpretation of the code was applied, there would be no feasible location for a second accessory structure to be placed, and thus the usefulness and attractiveness of the property would be diminished compared to a typical single-family home.***
2. The plight of the owner is due to unique circumstances.
 - ***The property and existing home were developed before modern Zoning Code setback standards and has a reduced setback in the secondary front yard that make the property unique compared to many other corner lots. Due to the existing principal structures non-conforming setbacks, no other location is feasible for an accessory structure to be located. I would still state a playhouse is not a necessary accessory structure however its location and size is not impacting the adjacent properties. I disagree with your statement. At the time the property was built it complied with***
 3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The location of the structure is within a legally fenced in rear yard area that abuts a commercial parking area; this limits the visual effects on any nearby residential properties and neighborhood.***
 4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

CHAIRMAN SEPESY asked for a Motion.

COMMISSIONER GASKILL, seconded by COMMISSIONER PASZCZYK made a motion to recommend that the Village Board grant a Variation to the Petitioners, Sandra and Dan Lopez, from Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance, to permit an accessory structure (playhouse) to be located in a secondary front yard where it is not permitted at 17104 67th Court in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

With the following conditions:

1. The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.
2. No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,
3. The accessory structure shall not be used for any business activity or living space.

AYES: PASZCZYK, GASKILL, BETTENHAUSEN & CHAIRMAN SEPESSY

NAYS: NONE

CHAIRMAN SEPESSY declared the Motion unanimously approved.

This will go to the Village Board on May 21, 2019 for adoption.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MAY 9, 2019 REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Item #2 PUBLIC HEARING: MROFKA, 16933 WILLOW LANE DRIVE
ACCESSORY STRUCTURE (DETACHED GARAGE) VARIATIONS**

Consider recommending that the Village Board grant Casey and Sheri Mrofka Variations to permit a reduced side yard setback, reduced distance from a principal structure and increased height for an accessory structure (detached garage) at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) Zoning District.

Zoning Board Members: Robert Paszczyk
Donald Bettenhausen
James Gaskill Sr.
Steven Sepessy, Chairman

Absent Zoning Board Members: Jennifer Vargas
James Fritts
Kellie Schuch

Village Officials and Staff: Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: Mr. Mrofka, Petitioner

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER BETTENHAUSEN, to open the Public Hearing for Mrofka, 16933 Willow Lane Drive Accessory Structure (Detached Garage) Variations. The Motion was approved by voice call. CHAIRMAN SEPESSY declared the Motion approved.

CHAIRMAN SEPESSY noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SEPESSY requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner is proposing to demolish the existing 18.5' X 22' detached garage and build a new 22' X 26' detached garage to accommodate their vehicles. To accomplish the preferred garage size, driveway approach, and avoid an existing tree, they have requested setback Variations from the property line and the principal structure. These setback Variations may be able to be reduced or eliminated by adjusting the garage location or size. The Petitioner is also requesting a Variation to permit the garage to be 22' in height. The maximum garage height of 18' is standard across the Village and can be met by the Petitioner. A garage can be designed within the current code requirements and no hardships exist that necessitate a height Variation.

The subject property is an approximately 8,380 square foot interior lot that is located in the Parkside Subdivision. This subdivision has a large range of housing ages and styles. Many of the homes were initially constructed without enclosed garages or with much smaller garages. Many home and garage setbacks within the subdivision are non-conforming due to their construction before the Village's modern zoning codes were adopted. The site has an existing garage that is set back from the property line on an angle, range from 7.1' to 3.75'.

There have been a few setback Variations for detached garages granted over the last 10-20 years in the Village's older subdivisions. These Variations all included proposing a replacement garage that was the same size and location or an addition to an existed garage. No recent garage setback Variations increased an existing non-conforming setback.

The Village's requirement for a maximum accessory structure height is 18'. This height was determined to be an acceptable height that would permit the storage of the majority of residential vehicles. The Village's height allowance for a detached garage is taller and less restrictive than neighboring communities. Only one garage height Variation has been approved since the code changes in 2007. The Variation request was for a 19.5' high detached garage that was recommended for denial by the ZBA, It was found that the proposal did not meet the Standards for a Variation The Variation was eventually approved by the Village Board due to the unique circumstance surrounding the case. All other garages constructed since 2007 have complied with the Village's maximum height requirements.

The proposed site is zoned R-4, Single-Family Residential. All surrounding properties area also zoned R-4, Single Family Residential.

There are three Variations being requested:

1. A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required.
2. An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a 10 foot minimum setback is required or the structure must comply with the principal structure setbacks.
3. A 4 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be 22 feet in height instead of the permitted maximum height of 18 feet.

The Petitioner's reasoning for the Variations is attached to their application. The Variation for the decreased side yard setback distance between the garage and house is based upon the layout of the existing lot and home. In addition to the setback Variations, the Petitioner has also requested a height Variation to allow for increased attic space in the garage.

The Petitioner has two Variation requests based on locating their preferred 22 foot wide detached garage. This first setback Variation proposes to reduce the required side yard setback from 5 feet to 3 feet from the property line. It would also reduce the setback further from the existing garage setback of 3.75 feet. Staff does not recommended that the existing 3.75-foot side yard setback be reduced further to not set a precedent of reducing existing setbacks and maintain the integrity of the accessory structure requirements throughout the Village.

There are many options the petitioner has to pick up and extra .75 to 1.75 feet. The garage could have further room on the side yard if moved further back (east) in the yard and could meet the required 5 foot setback. There is an existing large oak tree that may require some trimming to shift the garage back (east)

into the rear yard further. However, the tree's trunk is far enough away from the garage that any work should not cause significant damage to the tree's root zone. The garage width and lengths could also be reduced (or combined with shifting garage east) to accommodate adding approximately 1-2 feet to the proposed side yard setback. A 20 foot wide garage is an accepted width and length for a two-car garage. Alternatively, an attached side-loaded garage could be constructed at the back of the house (near where the patio currently exists) that would meet the required setbacks and could then be constructed at the desired height without a Variation. An attached-garage may also increase the value of the property. If the setback-related Variation is considered to meet the Standards for a Variation, it is recommended that the request be minimized to the greatest extent possible.

The second setback variation proposes that the garage would be approximately 2 feet from the existing enclosed porch that is required to be 10 feet apart or must then comply with the principal structures setback requirements that are even further restrictive. This setback from the principal structure will be similar to the existing garage setback. The garage is not very visible from the public right-of-way because it is detached and setback behind the home. Staff does not have concerns about the reduced distance from the house if all building codes and fire separation requirements are met. **It should be noted that this Variation would only change the Zoning Code requirements and the garage will still have to comply with additional fire and building code requirements (i.e. fire-rated wall) when the project is submitted for building permit review.**

Mr. Ritter gave the Petitioner alternative options which would better align the driveway and allow for a 5' setback from the property line. Mr. Ritter also displayed an option that would be an attached garage on the back of the house that would also comply with the setbacks.

Mr. Ritter noted regarding the height of the garage it does not meet the Standard for a hardship for a height Variance. There is nothing physical with the property that would cause the approval of the height Variance. This would set a precedence if approved.

CHARIMAN SEPESSY asked the Petitioner if he had comments.

Mr. Mrofka replied he was only asking for what is currently there now. The current structure is 3.7 on one side and 8' from the side of the house. He would like to turn the garage to increase the width by 7" on one side and still 8' from the house. He would like to build a maximum size 24 X 30' garage, but his property is not large enough to hold that. He has a 10' van and would like to put an 11' door in.

COMMISSIONER GASKILL noted he could still put an 11' door in with an 18' height. If Mr. Mrofka wants a 22' height, he should attach the garage to the rear of the house where it is not visible. Mr. Mrofka replied he did not want an attached garage because there are no other attached garages in his neighborhood.

Commissioners all generally agreed that the height variation was not appropriate or acceptable and should maintain the maximum of 18 feet. CHAIRMAN SEPESSY asked Mr. Mrofka if he would remove the height variation request and he agreed that he would.

Mr. Ritter noted that staff was concerned most about the side yard setback variation. The Petitioner had many options to meet the 5 foot setback or at least maintain the 3.75 foot setback and not make it worse. Staff would rather see the setback from the home reduced further than have a side yard setback variation.

COMMISSIONER BETTENHAUSEN inquired if he understood he would need to put in a firewall per the building code requirement in the garage. Mr. Mrofka replied that he would be doing that.

A Motion Was Made By COMMISSIONER PASZCZYK, Seconded By COMMISSIONER BETTENHAUSEN, to close the Public Hearing for MROFKA, 16933 Willow Lane Drive Accessory Structure (Detached Garage) Variations. The Motion was approved by voice call.

CHAIRMAN SEPESSY declared The Motion Approved.

CHAIRMAN SEPESSY asked for comments from the Commissioners.

CHAIRMAN SEPESSY confirmed Mr. Mrofka would go down to 18' on the height of the garage. Mr. Mrofka replied that he would but did not prefer it. CHAIRMAN SEPESSY noted he had no problem with the setbacks as presented and if the firewall is installed that would be his preference. All other Commissioners noted all the Variations were acceptable except the height of 22' and should be 18' per the code.

Mr. Ritter noted if the garage is being rebuilt, staff would like to see the same setbacks as the original garage. Mr. Ritter noted if the 5' setback wasn't met, staff would like to see the garage being as close to the 5' setback as possible. Mr. Ritter stated the Village also does not want to see the tree damaged but shifting the garage 1-2 feet or reducing the size would not significantly affect the root zoned or endanger the tree.

Mr. Mrofka replied the lot is a trapezoid and the further over he pushes the garage it would be too close to the tree that is there. He is trying to avoid getting closer to the tree. Mr. Mrofka stated there were two neighboring properties with 2 foot setbacks and he is doing something better than those. Mr. Ritter stated the one he knows was approved by Variation in the same place and size as the previous garage and did not make the existing non-conforming situation worse. He did not know the specifics of those variations and each request is looked at individually in regards to the specifics of the situation. Underground utilities have been an issue with the garages as well, which is not relevant to this case.

Mr. Ritter went through the Standards for Variation:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - a. *The property can yield a reasonable return based upon building a garage in compliance with all codes requirements or as it exists today.*
2. The plight of the owner is due to unique circumstances.
 - a. *The requested Variations do not appear to be in harmony with the general purpose and intent of the code and the strict enforcement of the code will not result in a hardship that is unique, as other properties have similar conditions. The property is unique in regards to the age and design that limit the location of a detached garage. However, existing non-conforming setbacks do not create a unique situation and each property owner must work to comply within the current code requirements upon replacement of any non-conforming structures. Reasonable alternatives exist that would reduce or eliminate the need the Variation requests.*
 - b. *There are no unique physical property traits that necessitate a taller garage and the code requirement can be easily met. The accessory structure maximum height requirement already permits flexibility and has been consistently applied Village-wide.*

3. The Variation, if granted, will not alter the essential character of the locality.
 - a. ***The detached garage will be the tallest residential accessory structure in the neighborhood and would look out-of-place compared to other detached garages and accessory structures in the neighborhood. Additionally, the garage will be taller than many of the ranch-style homes in the neighborhood. The combination of the increased height and reduced side yard setback would detract from the appearance of the subject-property and of neighboring properties.***
4. Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - g. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - h. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - i. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - j. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - k. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - l. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

CHAIRMAN SEPESY asked for a Motion.

COMMISSIONER BETTENHAUSEN, seconded by COMMISSIONER PASZCZYK made a motion to recommend that the Village Board grant the following Variations to the Petitioners, Casey and Sheri Mrofka at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Zoning Board of Appeals at this meeting:

- a) A 2 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be setback 3 feet from the side lot line where a minimum 5 foot setback is required
- b) An 8 foot Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance, to permit a detached garage to be located within 2 feet of the existing principal structure where a

10 foot minimum setback is required or the structure must comply with the principal structure setbacks.

...with the following conditions:

4. The accessory structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expanded upon.
5. No utilities (water, sewer, gas, cable, etc.) other than electric are permitted in an accessory structure,
6. The accessory structure shall not be used for any business activity or living space.

AYES: PASZCZYK, GASKILL, BETTENHAUSEN & CHAIRMAN SEPESSY

NAYS: NONE

CHAIRMAN SEPESSY declared the Motion unanimously approved.

This will go to the Village Board on May 21, 2019

DRAFT

GOOD OF THE ORDER:

Mr. Ritter noted:

1. North Street construction around the future plaza has started and paver type/pattern selected.
2. Streetscape plan getting reviewed and should bring a cohesive design with the new downtown developments.
3. Proactive Code Enforcement plan has passed to include a foreclosure tracking program.
4. Corner fence height text amendment was approved by the Village Board from 4' to 5'.
5. The Cellular text changes will go to the Village Board for Approval this month.

RECEIVE COMMENTS FROM THE PUBLIC

None at this time.

ADJOURNMENT

There being no further business, a Motion was made by ZONING BOARD MEMBER GASKILL, seconded by ZONING BOARD MEMBER BETTENHAUSEN, to adjourn the Regular Meeting of the Zoning Board of Appeals of May 9, 2019 at 8:35 p.m. The Motion was unanimously approved by voice call. ZONING BOARD OF APPEALS CHAIRMAN STEPHEN SEPESSY declared the meeting adjourned.

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-O-026

**AN ORDINANCE GRANTING CERTAIN VARIATIONS TO ALLOW A
DETACHED GARAGE AT 16933 WILLOW LANE DRIVE
(CASEY AND SHERI MROFKA)**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
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200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2019-O-026**AN ORDINANCE GRANTING CERTAIN VARIATIONS TO ALLOW A
DETACHED GARAGE AT 16933 WILLOW LANE DRIVE
(CASEY AND SHERI MROFKA)**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, a petition for the granting of a detached garage setback variations (“Variations”) to allow the construction of a detached garage for the storage of vehicles located at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) zoning district has been filed by Casey and Sheri Mrofka (“Petitioners”) with the Village Clerk of this Village and has been referred to the Zoning Board of Appeals (“ZBA”) of the Village and has been processed in accordance with the Tinley Park Zoning Ordinance; and

WHEREAS, said ZBA held a public hearing on the question of whether the Variations should be granted on May 9, 2019, at the Village Hall of this Village, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the Daily Southtown, a newspaper of general circulation within the Village of Tinley Park; and

WHEREAS, after hearing testimony on the petition, the ZBA found that the petition met the requisite standards enumerated in the Tinley Park Zoning Ordinance for granting the Variations and voted 4-0 to recommend to the Village President and Board of Trustees for the approval of the Variations; and

WHEREAS, the ZBA has filed its report of findings and recommendations regarding the Variations with this Village President and Board of Trustees, and this Board of Trustees has duly considered said report, findings, and recommendations; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to approve said Variations; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: That the report of findings and recommendations of the ZBA are herein incorporated by reference as the findings of this President and the Board of Trustees, as complete as if fully set forth herein at length. This Board finds that the Petitioners have provided evidence establishing that they have met the standards for granting the Variations set forth in Section X.G.4 of the Zoning Ordinance, and the proposed granting of the Variations as set forth herein are in the public good and in the best interest of the Village and its residents and is consistent with and fosters the purpose and spirit of the Tinley Park Zoning Ordinance.

SECTION 2: The Variations set forth herein below shall be applicable to the following described property:

LEGAL DESCRIPTION: LOT 16 IN BLOCK 16 IN RESUBDIVISION OF PARKSIDE, BEING A SUBDIVISION OF THE NORTHEAST QUARTER (EXCEPT THE SOUTH 320 FEET OF THE WEST 330 FEET THEREOF) OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL IDENTIFICATION NUMBER: 28-30-212-058-0000

COMMONLY KNOWN AS: 16933 Willow Lane Drive, Tinley Park, Illinois

SECTION 3: That a two-foot (2') Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance is hereby granted to the above-mentioned property to permit a 22' x 26' detached garage to be setback three-feet (3') from the side lot where a minimum five-foot (5') setback is required at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) zoning district, subject to the following conditions:

- a. The access structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expended upon;
- b. No utilities (water, sewer, gas, cable, etc.,) other than electric is permitted in an accessory structure; and
- c. The accessory structure shall not be used for any business activity or living space.

SECTION 4: That a eight-foot (8') Variation from Section III.I. (Accessory Structures and Uses) of the Zoning Ordinance is hereby granted to the above-mentioned property to permit the detached garage to be located within two-feet (2') of the existing principal structure where a ten-foot (10') minimum setback is required or the structure must comply with the principal structure setbacks at 16933 Willow Lane Drive in the R-4 (Single-Family Residential) zoning district.

- a. The access structure must maintain the proposed setbacks and size as presented with the Variation and may not be moved or expended upon;
- b. No utilities (water, sewer, gas, cable, etc.) other than electric is permitted in an accessory structure; and
- c. The accessory structure shall not be used for any business activity or living space.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21st day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21st day of May, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-026, “AN ORDINANCE GRANTING CERTAIN VARIATIONS TO ALLOW A DETACHED GARAGE AT 16933 WILLOW LANE DRIVE (CASEY AND SHERI MROFKA),” which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of May, 2019.

KRISTIN A. THIRION, VILLAGE CLERK

**COMMENTS
FROM THE
STAFF**

**COMMENTS
FROM THE
BOARD**

**PUBLIC
COMMENT**

EXECUTIVE SESSION

ADJOURN TO EXECUTIVE SESSION TO DISCUSS:

- A. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE PUBLIC BODY, INCLUDING HEARING TESTIMONY ON A COMPLAINT LODGED AGAINST AN EMPLOYEE OF THE PUBLIC BODY OR AGAINST LEGAL COUNSEL FOR THE PUBLIC BODY TO DETERMINE ITS VALIDITY.**

- B. THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY, INCLUDING MEETINGS HELD FOR THE PURPOSE OF DISCUSSING WHETHER A PARTICULAR PARCEL SHOULD BE ACQUIRED.**

ADJOURNMENT