

MINUTES
Meeting of the Committee of the Whole
December 3, 2019 – 6:30 p.m.
Village Hall - Council Chambers
16250 S Oak Park Ave.
Tinley Park, IL 60477

Members Present: M. Glotz, Village President Pro-Tem
K. Thirion, Village Clerk
C. Berg, Village Trustee
W. Brennan, Village Trustee
D. Galante, Village Trustee
M. Mueller, Village Trustee (Via Telephone Conference Call)

Members Absent: J. Vandenberg, Village President
W. Brady, Village Trustee

Staff Present: D. Niemeyer, Village Manager
P. Carr, Assistant Village Manager
F. Reeder, Fire Chief
M. Walsh, Police Chief
K. Clarke, Community Development Director
B. Bettenhausen, Finance Director
D. Maiolo, Human Resources Director
H. Lipman, Management Analyst
P. Connelly, Village Attorney

Others Present:

Item #1 - The meeting of the Committee of the Whole was called to order at 6:32 p.m. on December 3, 2019.

President Pro-Tem Glotz stated that Trustee Mueller is participating in this meeting electronically by telephone conference call because of employment purposes. Trustee Mueller is prevented from physically attending this meeting due to employment purposes. Trustee Mueller acknowledged his participation via telephone conference call.

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON NOVEMBER 5, NOVEMBER 12, AND NOVEMBER 18 & 19, 2019. – Motion was made by Trustee Berg, seconded by Trustee Brennan, to approve the minutes of the Committee of the Whole meeting held on November 5, November 12, and November 18 & 19, 2019. Vote by voice call. Ayes: Berg, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: Brady. Village President Pro-Tem Glotz declared the motion carried.

Item #3 - DISCUSS NEW CANNABIS LAW.

Village Manager David Niemeyer presented an update regarding adult use cannabis. He stated following the November 12, 2019, Committee of the Whole discussion on adult use cannabis, the Village posted a survey link for additional resident input on the topic. The survey asked to what extent the respondent supported or opposed the sale of adult use cannabis within the Village.

Management Analyst, Hannah Lipman, presented the results of the survey. In total, over 2,700 surveys were completed. Roughly 68% of respondents somewhat support/strongly support retail dispensaries. About 66% of respondents somewhat support/ strongly support indoor cultivation centers. Similarly, 66% of respondents also somewhat support/strongly support manufacturing facilities. On site consumption had just under 50% who strongly support this use, and an additional 9% who somewhat support it.

The Village extended an invitation to the three (3) companies who had contacted the Village with interest in applying for a license with the state and potentially locating their business in Tinley Park to present at the COW. These three (3) companies were asked to share what the facilities may look like and how they run business operations, while keeping the discussion informational, not promotional.

Jack Killackey, Dispensary GM of Earth Med, presented basic insight on medical, dual use, and recreational dispensaries. Mr. Killackey described the facility area breakdown of the various type's layouts. He spoke to location of dispensaries, as well as, business operations, including day to day operations, inventory of product, consultation with customers, and dispensing of the product. Dispensary security was discussed. Mr. Killackey noted that purchasers must be at least 21 years of age or older.

Trustee Brennan asked how employees are paid and how are their taxes distributed since cannabis is still illegal on the federal level. Mr. Killackey responded that a payroll company is used and employees are not issued 1099 forms.

Trustee Galante asked if there was any issue with banking. Gus Koukoutsakis of Earth Med stated that they have not had any banking issues. Mr. Perez stated that Earth Med has a bank, however not all dispensaries do.

President Pro-Tem Glotz asked if they had been issued an Early Adult Use dispensing license and a Conditional Adult Use dispensing license. Mr. Koukoutsakis responded Earth Med has a dual license and are permitted to sell as of January 1st and it looking for another location.

Trustee Brennan asked where the first location was located. Mr. Koukoutsakis replied Addison.

Trustee Mueller asked if a dispensary is shut down if there is a discrepancy found. Mr. Killackey stated that the dispensary is allowed to stay open. Within a short period of time, the dispensary is allowed to find out where the discrepancy occurred before notifying the state, however any adjustment to the inventory needs to be made through the state and documented.

Trustee Mueller wanted to know if customer information is shared. Medical patient's purchases are tracked. Recreational customers personal identifiers are not allowed to be collected without the customers consent. If the customer consents, Earth Med does not share this information.

Community Development Director Kimberly Clarke asked how dispensaries utilize the storefront and if there are any state laws regarding this. Mr. Killackey responded that this is up to the individual dispensary, but per state law, windows must be tinted. He also noted that most of the product displays are empty packaging.

President Pro-Tem Glotz if there were any other questions from the board or staff for Earth Med. There were none.

At this time Ray Kalinsky, of Pulmonary Exchange stated that his company did not have a presentation but was open to answer questions.

Trustee Glotz asked if he had been issued an Early Adult Use dispensing license and/or a Conditional Adult Use dispensing license. Mr. Kalinsky stated that no licenses have been issued unless they had a previous medical dispensing license issued.

Trustee Brennan asked if he would be applying for a strictly recreational license. Mr. Kalinsky replied yes, as there are no other medical licenses available.

At this time, Judy Taki representing Redemption Botanicals, spoke. She was the owner/operator of a medical dispensary in Champaign, Illinois.

Ms. Taki went over the different types of products and explained that all product received by an Illinois dispensary, medical or recreational, comes prepackaged. It is labeled, lab tested for purity and for the percentage of cannabinoid's and is in a child resistant package. The rules regarding cannabis are the same as alcohol; the package must be sealed when leaving the dispensary, and may not be opened until the purchaser arrives home and it is the responsibility of the agent at the dispensary to educate the purchaser of the Illinois rules.

Attorney Rebecca Wing, representing Redemption Botanicals explained that all cannabis sold in Illinois must be grown and processed in Illinois. She noted the number of States that have legalized medical and/or recreational use and there are 47 licenses available in the Chicago-Naperville-Elgin region which Cook County is included.

Ed Farrell, who provides full service security to dispensaries, went over the states security mandates.

President Pro-Tem Glotz asked if the Illinois State Police have access to the dispensary's security cameras. Ms. Taki explained that they do and before the opening inspection, the IP address must be given to them. President Pro-Tem Glotz also asked if there is security in the dispensary. Mr. Farrell responded that as of January 1st Illinois state law mandates that security is present in the dispensary. President Pro-Tem Glotz asked the number of staff in the dispensary. Ms. Taki replied that the state requires two (2) people, however that would be too few people she would have at least four or five employees.

Mr. Farrell noted that business on a main road has greater exposure and does well. He stated that those stores within a business park can be difficult to find and it can take some time before the business takes off.

President Pro-Tem Glotz noted that Tinley Park is a residential town. He prefers that a dispensary be in a more remote area. President Pro-Tem Glotz asked Mr. Farrell of the dispensaries that he provides security for, has there been any problems at the more remote locations needing police assistance. Mr. Farrell said he has not had any problems at either location.

Trustee Berg stated the dispensaries are non-descript.

Trustee Galante asked about the odor from the cannabis and stated that a recommendation should be made for dispensaries to only be located in standalone buildings. Ms. Taki said that there may be some odor within the vault room, however she did not receive any complaints from the other businesses in the shared building.

Ms. Clarke stated that if the board decided not to opt out the next steps would be zoning.

President Pro-Tem Glotz thanked Donna Framke and her staff for presenting the survey to the citizens. He felt that the survey did not reach as many people as he had hoped and feels that a many of the residents input is missing. He does not feel comfortable on voting on this item at this time.

President Pro-Tem Glotz outlined five (5) options:

1. Place a referendum on the March ballot;
2. Vote on as is and decide if there will be any restrictions;
3. Opt-out;
4. Make it very restrictive so licenses cannot be obtained until results from other towns can be evaluated; and
5. Send a mailer to all residents so that all voices can be heard.

Dave Niemeyer, Village Manager, responded that the board can opt-in, opt-out and revisit this item, go to referendum or do another survey.

Pat Connelly, Village Attorney, recommended that if the goal is to gather more input, he recommends that the Board pass a moratorium on the licenses before the first of the year.

Trustee Brennan is in favor of a referendum. If the Board opts-out with the approach to see how other communities are effected before opting-in with careful and strategic approach to zoning and maximize tax revenues.

Mr. Connelly noted that if a referendum will be used, language will need to be decided on rather quickly and this item would need to be placed on the next Village Board meeting.

Clerk Thirion concurred with Trustee Brennan.

Trustee Mueller is in favor of opting in with restrictive zoning.

Trustee Galante concurs with Trustee Mueller. Her concern is the Village could miss out on one of the 47 licenses offered by the State.

Trustee Berg is in favor of opting in and begin working the zoning.

Trustee Glotz is in favor of putting a referendum on the March 17, 2020 ballot.

Mr. Connelly recommended that a vote on the moratorium should be taken before January 1st if more time is needed to make a decision. He stated that a moratorium is the most efficient next step. A vote on the moratorium should be taken at the next Village Board meeting.

Mr. Niemeyer concurred with the Village Attorney.

After discussion it was the consensus of the Board to place an item for moratorium for allowing dispensaries for recreational cannabis in the Village on the December 17, 2019, Village Board meeting agenda and to direct the Community Development staff to begin working on the zoning for these dispensaries.

President Pro-Tem Glotz opened Public Comment regarding the cannabis item.

A resident inquired about frosted windows, handicap accessible parking and the layout of a dispensary. He also stated that the greatest survey would be a vote of the residents, not an online survey.

A resident asked Ms. Taki if she was representing medical or recreational cannabis. Ms. Taki replied she is applying for an Adult Use license. She also asked if she had any statistics on the accident rates within one hour of cannabis use. Ms. Wing explained that cannabis may not be consumed on the premises or in their vehicle therefore there are no statistics. She also asked if there was a sobriety test. Ms. Wing stated there is not. Police Chief Walsh explained current protocol will be used. If necessary, blood will be drawn. She expressed her opposition to dispensaries in the Village.

A resident stated that there is time for the board to make decision as dispensaries will not be able to open on January 1st. She also commented on banking and financial tracking.

A resident commented on on-site consumption and packaging.

The board thanked the representatives for attending.

Item #4 - DISCUSS AMENDMENTS TO PERSONNEL MANUAL. – Hannah L. presented changes to the personnel manual that were discussed at the September 10th Admin and Legal Committee were the following:

1. Holidays: Continue to recognize 11 holidays. However, beginning in 2020, change Good Friday to a half-day holiday and make Christmas Eve a full day holiday. *Impacts current, eligible staff.*
2. Tuition Reimbursement: Continue practice which requires approval by Department Head & Village Manager. However, for classes beginning after 1/1/20 (that have not already been approved by the Village Manager), the Village will reimburse 80% for ‘A’; 70% for ‘B’; 50% for ‘C’. Must remain employed for two (2) years or employee reimburses the Village 100%. *Impacts current, eligible staff.*
3. Vacation: Only impacting *eligible, new hires* beginning 1/1/20, the schedule would be as follows. Borrow in advance request is eliminated, as staff will accrue time beginning on hire date.
 - a. Executive Level Management: 22 days for 1-6 years of service; 25 days for 15+ years of service
 - b. Civil Service and FT Appointed staff: 10 days for 1-6 years of service; 15 days for 7-10 years of service; 20 days for 11-14 years of service; 25 days for 15+ years of service
4. Sick and Disability: Staff recommended *eligible, new hires* would accrue sick time per pay period, up to 80 hours (10 days) per anniversary year. Accrued time could accrue into a sick bank up to 480 hours (60 days).

Of the four (4) topics, sick and disability warranted further discussion. Staff has suggested the following options:

Option (1): Similar to the current Ordinance practice, but limited to full pay only, eliminating partial compensation. Continue to group by years of service, but reduce time awarded.

- No sick days may be awarded, accrued or carried over from year to year.
- Eligible employees must have completed a minimum of six (6) months uninterrupted service with the Village in order to qualify.

- If any eligible employee shall have received the full benefit provided to him/her based off service years, he or she will then be ineligible for additional sick and disability payments until afforded the benefit by reaching the next anniversary year.
- This option provides eligible employees the opportunity to apply for benefits already afforded them through Illinois Municipal Retirement Fund (IMRF).
- Employees are not eligible if he/she is on layoff, suspension, or approved leave of absence without pay, for thirty (30) days or more.

Option (1a): A variation to option (1) would be to group by years of service, similar to the current Ordinance practice, but cap the benefit schedule at five (5) weeks maximum.

Option (2): Allow eligible employees to accrue (earn) 80 hours per year (10 days), beginning date of hire (accrued per pay period).

- Maximum of eighty (80) hours of paid sick leave per year. This recommendation of hours is consistent with market data.
- Unused sick time at the end of each year carries over into a ‘bank’ for the employee to use as needed.
- The number of banked time may not exceed 480 hours (60 days).
- Upon separation from employment, IMRF members may apply the balance of their sick bank toward IMRF service credit (max of 480 hours or (60) days).

Option (2a): A variation to option (2) would be to award employees 64 hours per year (8 days), and allowing sick leave to be carried over into a bank not to exceed 320 hours (40 days).

By means of comparison, Orland Park credits eligible employees with 64 hours annually (or 8 days). Employees are encouraged to be prudent in using this sick benefit, as they can carry over unused sick leave each year. Upon retirement, Orland Park pays the employee the current hourly rate or equivalent for every hour of sick time in excess of six hundred (600) hours, which the employee has accrued. While adopting a similar system of paying out employees could be an option, it is not recommended.

Option 3: Allow eligible employees up to ten (10) sick days per calendar year. Days are not accrued, and there is no sick bank or carry over.

Based on these parameters, employees with extended illnesses would be required to use personal and vacation days for additional paid time off. Once all personal and vacation time is exhausted, an employee can apply for IMRF temporary disability benefits. IMRF temporary disability benefits become effective after thirty (30) days without pay (on the 31st day) following the date an employee becomes disabled, if that employee is no longer receiving salary, sick, or vacation pay from the Village. This option—which is not in line with other communities—could potentially have a negative impact on recruitment, particularly for mid upper level positions.

Any changes to sick and disability will only impact full time, non-collectively bargained, new hires. With that being said, the current Sick and Disability Ordinance applies to collective bargaining units, and therefore, negotiations would be required in order to make any future changes.

Motion was made by President Pro-Tem Glotz, seconded by Trustee Brennan, to recommend Option 3 above regarding sick days. Also recommended are staff recommendations regarding holidays, tuition reimbursement, and vacation time. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #5 - DISCUSS AMENDMENT TO TITLE III CHAPTER 43 OF THE TINLEY PARK MUNICIPAL CODE ENTITLED “PUBLIC COMMENT”. – P. Connelly presented the proposed amendments to public comment policy. Changes are being proposed to be in line with the most recent decisions from the Attorney General’s office.

1. The purpose of this policy is to ensure that citizens are allowed time to present their views pertaining to issues concerning the Village of Tinley Park while permitting the Board Committee or Commission to conduct their meetings in an effective manner.
2. All public comments are limited to six (6) minutes, and each person shall only be permitted to speak once; however, at Regular and Special Village Board meetings each person shall be allowed to speak once in accordance with this policy, on each agenda item other than consent agenda items that are presented for final adoption. All public comment at special Village Board, Special Commission, or Special Committee Meetings must be germane to items on that particular Special meeting.
3. The Chairperson shall preserve order and decorum. Any person who engages in threatening or disorderly behavior when addressing a Board, Commission, or Committee shall be deemed out-of-order by the Chairperson and their time ceased to address the Board, Commission, or Committee at said meeting.

President Pro-Tem Glotz asked if there was any comments from the Board. There were none.

Motion was made by President Pro-Tem Glotz, seconded by Trustee Brennan to recommend adopting the proposed amendments, to Title III, Chapter 43 of the Tinley Park municipal code entitled “Public Comment” to the board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #6 - DISCUSS SEWER ASSESSMENT CONTRACT. - Dave N. explained that this project was awarded to Sewer Assessment Services of Schaumburg approximately 18 months ago. The work was successfully completed in a timely and accurate manner. However, it was determined that the contract with the recommended contractor had not been submitted for Village Board approval before the work was undertaken.

Motion was made by President Pro-Tem Glotz, and seconded by Trustee Berg, to recommend approval of a contract, to perform sanitary sewer investigations to Sewer Assessment Services, LLC, to the board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #7 - DISCUSS A SUBAWARD AGREEMENT WITH THE COUNTY OF COOK - HOMELAND SECURITY (ALPR TECHNOLOGY SYSTEM PROJECT). – Pat Carr, Assistant Village Manager, provided the next step required to accept the Homeland Security Grant is to pass resolution 2019-R-116 accepting the award from Cook County to the Village. In July of 2019, the Village was notified of the pending award of \$233,000 with a Village match of \$20,000 for the automatic license plate recognition (ALPR) Technology System Project.

President Pro-Tem Glotz asked if there was any comments from the Board. There were none.

Motion was made by Trustee Brennan, and seconded by Trustee Galante, to recommend approval the Cook County Homeland Security (ALPR Technology System Project) to the Village Board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #8 - DISCUSS COOK COUNTY MULTI-JURISDICTIONAL ALL HAZARDS MITIGATION PLAN.

– Pat C., presented the resolution updating the multi-jurisdictional hazards mitigation plan. Beginning in 2011, the Tinley Park Emergency Management department, under the direction of Cook County Emergency Management and Regional Security began the planning and development process for a multi-jurisdictional hazard mitigation program (HMP). Resolution 2019-R-118 is the five (5) year update to this plan which was approved by the Illinois Emergency Management Agency and the Federal Emergency Management Agency, Region V.

President Pro-Tem Glotz asked if there was any comments from the Board. There were none.

Motion was made by Trustee Brennan, and seconded by Trustee Berg, to recommend approval of the Cook County Multi-Jurisdictional All Hazards Mitigation Plan, to the Village Board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #9- DISCUSS PARATRANSIT AGREEMENT WITH PACE. – Motion was made by Trustee Mueller, seconded by Trustee Brennan, to postpone this item to the December 17, 2019 Committee of the Whole meeting. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #10 - DISCUSS ETHICS CODE REVISIONS. – Dave N., presented an overview of the duplicative nature of the Village’s economic disclosure statement with the Cook County disclosure statement. He also made note of the costs involved with the Village’s disclosure statement. Mr. Niemeyer recommended that the Village officials continue to adhere to the Cook County system with nothing beyond those requirements. Mr. Connelly concurred with Mr. Niemeyer and presented Ordinance 2019-O-080, amending Title III, Chapter 39, Sections 14-20 pertaining to Annual Ethics Disclosure.

- A. For purpose of this Section 14, each elected official of the Village, and certain appointees and employees are required by 5 ILCS 420/4A-101 to file a statement of economic interest.
- B. By May 1 of each year, each such elected official, appointee and employee shall file a photocopy of the Statement of Economic Interest as required by 5 ILCS 420/4A-101 that is required to be filed with the County Clerk. Such statement shall be filed with the Village Clerk. If a person required to file such statement fails to file by May 1 of any year, the Village Clerk shall notify such person with seven days after May 1 of his or her failure to file and such person shall not be considered in violation of this Article until May 15 of any year for failure to file such statement.

Trustee Mueller asked if the Village’s current disclosure statement went above and beyond the Cook County’s disclosure statement. Mr. Niemeyer and Mr. Connelly stated that it does.

President Pro-Tem Glotz asked if there was any comments from the Board. There were none.

Motion was made by President Pro-Tem Glotz, seconded by Trustee Brennan, to recommend approval of the revisions to Title III Chapter 39, Sections 14-20 Pertaining to the Annual Ethics Disclosures, to the Village Board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #11 - RECEIVE UPDATE ON RESPONSIBLE BIDDER ORDINANCE. – Mr. Connelly presented an update on the responsible bidder ordinance that will clarify certain aspects of what a responsible bidder is for Public Works contracts, including but not limited to bid submission requirements, incomplete bids and low bids.

President Pro-Tem Glotz asked if there was any comments from the Board. There were none.

Motion was made by Trustee Brennan, seconded by Trustee Glotz to recommend approval, of the amendments to Title V of the Tinley Park Municipal Code and Establishing Chapter 54 Entitled "Responsible Bidder Requirements on Public Works Projects, to the Village Board. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #12 – RECEIVE COMMENTS FROM THE PUBLIC – A retired public works employee expressed concern regarding possible changes to retiree's spousal medical coverage.

Steven Eberhardt expressed concerns with the Ethics Disclosure and why the proposed Ordinance was not included in the committee packet. Mr. Connelly explained that the while the agenda was released on time, the attorney's office was working on the ordinance up until the day of the December 3, 2019 Committee of the Whole meeting.

Maury Lapin, an employee asked Mr. Niemeyer to clarify the proposed retirement insurance. Mr. Niemeyer responded that they are still working on the details and should be completed soon.

A resident presented concerns he has with construction dirt and spoils that have been near his property. President Pro-Tem Glotz replied the Community Development Director has been addressing this issue. Mr. Connelly also commented on the complicated nature of the ownership of the property.

Chris Halper, a resident, is producing a documentary on the Tinley Park Mental Health Center and expressed his concerns with the security at the property.

Nancy O'Connor noted that the situation between the Tinley Park Mental Health Center and the Illinois Environmental Protection Agency is in process. She also asked what the differences between the current and the proposed Ethics ordinances are. Mr. Connelly explained the changes.

A resident commented that she would like a referendum regarding the cannabis decision.

President Pro-Tem Glotz asked if there was any one else wished to address the Board. There were none.

Motion was made by Trustee Brennan, seconded by Trustee Berg, to adjourn the Committee of the Whole. Vote by voice call. President Pro-Tem Glotz declared the motion carried and adjourned the meeting at 8:45 p.m.