

MINUTES
Meeting of the Committee of the Whole
March 3, 2020 – 6:00 p.m.
Village Hall - Council Chambers
16250 S Oak Park Ave.
Tinley Park, IL 60477

Members Present: J. Vandenberg, Village President (Arrived at 6:58 p.m.)
M. Glotz, President Pro-Tem (Arrived at 6:12 p.m.)
C. Berg, Village Trustee
W. Brady, Village Trustee
W. Brennan, Village Trustee
D. Galante, Village Trustee
M. Mueller, Village Trustee

Members Absent: K. Thirion, Village Clerk

Staff Present: D. Niemeyer, Village Manager
P. Carr, Assistant Village Manager
M. Walsh, Police Chief
B. Bettenhausen, Finance Director
A. Brown, Assistant Finance Director
K. Clarke, Community Development Director
J. Urbanski, Assistant Public Works Director
D. Framke, Marketing Director
L. Godette, Deputy Village Clerk
D. Spale, Village Attorney

Item #1 - The meeting of the Committee of the Whole was called to order at 6:07 p.m. on March 3, 2020.

At this time Laura Godette, Deputy Village Clerk, requested a motion to appoint an interim President Pro Tem for the Committee of the Whole until the arrival of President Pro Tem Michael Glotz, who will assume the position of President Pro Tem. Motion was made by Trustee Mueller, seconded by Trustee Brady, to appoint Trustee Brennan, President Pro Tem, of the Committee of the Whole meeting held on March 3, 2020, until the arrival of President Pro Tem Glotz. Vote by voice call.

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON FEBRUARY 18, 2020. – Motion was made by Trustee Berg, seconded by Trustee Mueller, to approve the minutes of the Committee of the Whole meeting held on February 18, 2020. Vote by voice call. President Pro-Tem Mueller declared the motion carried.

Item #3 – DISCUSS MARRIOTT/LAGRANGE ROAD ENGINEERING SERVICES ADDENDUM. – The Village plans to provide water and sewer services to the proposed Marriott Development along with the other undeveloped parcels within the 183rd Street/LaGrange Road corridor. The alignment of the water main and sanitary sewer has changed from the original scope of work requiring additional surveying and design services for both utilities. John Urbanski, Assistant Public Works Director, introduced Mike Kenny, Project Manager from Baxter & Woodman to present an overview of the project.

There were two (2) alignments proposed. While Alignment 1 provided the most direct route to the Marriott Property, it limited service to future developments and required easements through undeveloped properties.

Alignment 2 requires a lift station to properly serve the Marriott property and other properties around 183rd Street, White Eagle Drive, and properties to the south. Existing topography near 183rd and White Eagle Drive does not provide enough cover for the sanitary sewer. A lift station will be needed on either the northeast or southeast corner of 183rd Street and White Eagle Drive.

The Village of Tinley selected Alignment 2. The original Alignment 2 was expanded to serve future developments. It requires an amendment for design services for the additional water main, sanitary sewer, force main, and lift station. Construction services also proposed include approximately 3,400 linear feet of water main, 3,100 linear feet of sanitary sewer, and 300 feet of force main. Preliminary construction estimate at \$2.35 million.

Water Main and Sewer Design Services Amendment	\$23,000
Water Main and Sewer Construction Services Proposal	\$79,750
Lift Station Design Services	\$63,750
Lift Station Construction Services)If construction timeline different than the water main and sewer project)	\$60,950

The survey was completed on March 2, 2020. Design is expected to start in the spring 2020 and be completed June 2020. Permitting with the Metropolitan Water Reclamation District (MWRD) and Illinois Environmental Protection Agency (IEPA) can take 3 to 4 months. The goal is to get permits submitted late May for construction August 2020.

If both projects are bid as one, the same contractor will be chosen to be responsible for the entire project which will reduce the costs of construction service fees. This will also reduce on site construction services by approximately \$30,000. The construction timeframe will be from August 2020 to December 2020, with final restoration March 2021.

Trustee Mueller agreed with the selection of Alignment 2.

Trustee Berg inquired about the savings of both project being bid at the same time. Mr. Kenny explained that the savings would result from the man-hours of having Baxter & Woodman on site daily, to work with the contractor. Trustee Berg stated that in the last meeting with Marriot, they may not be doing both of their projects at the same time and asked how this will be affected. Trustee Mueller replied that Marriot’s intent is to complete both projects in one (1) phase, however utilities still need to be run. Kimberly Clarke, Community Development Director, stated that the Community Development department continues discussion with Marriot regarding the phases and the recapture. Trustee Mueller stated that the property is unable to be developed in its current state.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to recommend a Service Agreement between the Village of Tinley Park and Baxter & Woodman, Inc., be forwarded to the Village Board for approval. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #4 – DISCUSS SPECIAL EVENT PERMIT FEES. – Donna Framke, Marketing Director, presented a proposal to increase special event permit fees. In 2014, ordinance 2014-O-032 was created,

defining and regulating the Village's special event permit, a free but required permit issued for any special events held within the corporate limits of the Village.

This permit governs all special events including festivals, outdoor sales, races, farmers markets, concerts, parades, exhibits, carnivals and car shows held on public property and/or open to the public as well as private events open to the public which may exceed space, parking or traffic limitations. The permit acts as a vehicle to coordinate interdepartmental communication and use of Village services including street closures, barricades, trash or recycling receptacles, special parking signs, special electrical services, crowd control, security, special fire/EMS protection and/or use of village vehicles and/or equipment. These services are provided at a reasonable cost in support of community organizations and businesses.

When the ordinance was created, fees for traffic control which were supported by both police and EMA staff, was set at \$18 per hour. An hourly fee for Public Works' staff (minimum of two people) was set at \$35 per hour and police and security fees are provided at \$30 per hour. These fees have remained in effect since the ordinance inception. Any staff persons that provide services at these events are paid their regular hourly or, if warranted, overtime rate.

Staff recommends, effective May 1, 2020, these special event rates be increased to \$20 per hour for traffic control, and \$45 per hour for police and security services. The recommendation is to retain the \$35 per hour rate for public works services. As a frame of reference, the average police hourly is \$48 per hour and the average Public Works hourly rate is \$38 per hour.

President Pro-Tem Glotz asked if there were any questions. There were none. Motion was made by Trustee Berg, seconded by Trustee Brennan, to approve the Special Event Permit Fee increase. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #5 – RECEIVE TAX INCREMENT FINANCE PRESENTATION. – Andrew Brown, Assistant Finance Director, presented an overview of Tax Increment Financing Districts (TIF), including: Comparative Analysis within Cook County, eligibility, legal terms, success of TIF's, and underwater TIF's.

The Oak Park Avenue TIF, which is widely regarded as one of the most successful TIF's in Cook County, was also highlighted. Due to the success of this TIF there were a number of non-taxable projects included a collaborative effort with School District 146, Central Middle School & to offer a full day kindergarten program. In addition infrastructure improvements were made including resurfacing of 183rd Street and the convention center parking lot; and the extension of walking paths and sidewalks within the district. President Pro-Tem Glotz asked Brad Bettenhausen, Finance Director, if these projects would have been possible without the TIF. Mr. Bettenhausen replied they would not.

Open TIF districts in the Village are;

- Main Street North – Total increment generated: \$6.2 million. Incentives provided: \$559,000, (9% of increment to date)
- Mental Health Center – Total increment generated: \$0.77 million. Incentives provided: \$0
- Legacy – Total increment generated: \$1.3 million. Incentives provided: \$0
- New Bremen – Total increment generated: \$0.15 million. Incentives provided: \$0. Mr. Bettenhausen noted that 2018 was the first active year for this TIF.

Overall, the Village has created six (6) TIF districts, with the four (4) above still open. The total TIF Increment generated to date is \$75 million. Incentives provided total \$1.4 million, or 1.9% of the total increment generated to date. TIF districts provided revenue to support infrastructure and public improvement totaling \$73.6 million.

Trustee Brennan asked where the monies from the Oak Park Avenue TIF were spent. Mr. Bettenhausen answered that most were spent within the TIF district. Some residual dollars are held back for tax appeals. The remainder were transferred to the Main Street South and the New Bremen TIF districts.

Trustee Mueller stated that the Board needs to try to be fiscally responsible and look past some of the legal terms used with TIF's, also noting that many projects may not have been possible without the incentives that a TIF affords.

Trustee Galante asked if TIF's go underwater due to money being dispersed upfront. Mr. Brown explained that the underwater designation is due to the current Equalized Assessed Value (EAV) of the property dropping below the frozen EAV, therefore no increment can be generated. Micro TIF's can be created within the TIF.

President Pro-Tem Glotz thanked Mr. Brown, Mr. Bettenhausen, and the Finance Department for the presentation. He noted the success of the 111th Street/Cicero Avenue TIF in Oak Lawn as well as the Orland Park TIF.

Douglas Spale, Village Attorney, stated that while the presentation only used Cook County comparisons, the Oak Park Avenue is considered exemplary with the State.

Item #6 – DISCUSS THE TINLEY PARK MENTAL HEALTH CENTER SENATE BILL AFFECTING POTENTIAL SALE.

– David Niemeyer, Village Manager presented changes proposed in the State Senate. SB 2291 amending the State Property Control Act has been introduced. Some of the changes include the following:

- The requirement that the State include the fair market value in the notice given to local governments offering the property for sale.
- Currently, if the Village wants to buy the property, the Village is given 60 days to notify the State and exercise the Village's option to buy the property. Under the proposed legislation there is no longer an option to buy the property, and the time frame under which a local government has to respond stating their interest in the property, is reduced from 60 days to 14 days.

There is other language in the bill that attempts to streamline the process of selling state surplus land. While these are positive efforts, the changes mentioned above may inhibit the Village's ability to buy the Tinley Park Mental Health Center (TPMHC). The Village is working with the Illinois Municipal League (IML) and lobbyists to make changes to the bill that would eliminate the language that makes it more difficult for cities and villages to buy state surplus property.

Even if the State sells the land to a developer directly, the Village will still have control over the property through its zoning powers, and the decision to award TIF incentives. With the extensive clean-up costs at the site, no developer will be able to fully develop the site without TIF incentives negotiated with the Village.

President Pro-Tem Glotz sent a letter to our State Senator. Mr. Niemeyer has been in contact with Senator Hastings as well as the IML and they are actively working on the Village's concerns and making changes to the bill.

President Pro-Tem Glotz has written letters to State and Federal representatives as well as the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (EPA) regarding the environmental issues at the TPMHC. Meetings have also been held requesting assistance from State and Federal legislators, as well as the EPA and IEPA, with the cleanup of the property. The EPA has contacted the IEPA, asking them to move forward with a plan for cleanup.

Trustee Brady asked for clarification on the Village's opportunity to have the first right of refusal. Mr. Niemeyer stated, that provision was removed in this legislation.

Trustee Brennan asked Mr. Spale if there is any language giving rights of the property to the Village? Mr. Spale stated he was not familiar with the law regarding this.

Item #7 – DISCUSS RED LIGHT CAMERA CONTRACT. – Pat Carr, Assistant Village Manager, stated the Village and SafeSpeed, LLC are under contract until December 2020. Staff and Village Attorneys are reviewing the contract for termination in December 2020 or sooner.

Mr. Spale noted the termination provision in the contract.

President Vandenberg asked, while not advocating for the camera's, if there is a plan in place, to replace the contractor noting the revenue from the fines is in the Village budget. Mr. Spale responded that a State House Bill passed, banning red light camera's in non-home rule municipalities, adding the legislator is looking at this issue seriously and a bill regulating home rule municipalities may also be coming. Mr. Bettenhausen stated revenue from the fines, approximately \$400,000 annually, are allocated the Pavement Management Program (PMP). There are currently about one million dollars in unpaid fines that need to be addressed.

Matt Walsh, Police Chief, stated the cameras were marketed for safety, however there are no studies to support this and there have been more rear ending accidents and the camera's impede traffic, as drivers will not make a legal turn at a red light. President Pro-Tem Glotz concurred with Chief Walsh.

President Pro-Tem Glotz feels that the contract should not be renewed at the end of the term or replaced with a different contractor.

Trustee Mueller asked if there was an equipment change that would need to be done if a new contractor was selected. Mr. Bettenhausen replied there would, in addition to approval from the Illinois Department of Transportation (IDOT). A previous change took approximately two (2) years. Trustee Mueller also noted not needing an officer to review the violations may save the Village money. Chief Walsh clarified that a retired Police Officer, employed by the Village, reviews the violations and his services could be used for other duties if the camera program was discontinued.

Trustee Berg asked if termination of the program will create a hole in the FY 2021 budget. Mr. Bettenhausen replied that the PMP allocation will come from the 2020 revenue, however the revenue stream will need to be addressed. President Vandenberg asked when this will be discussed. Mr. Bettenhausen stated during the budget process.

Motion was made by Trustee Brennan, seconded by Trustee Berg, to direct staff to terminate the contract with SafeSpeed, LLC. at the end of the contract term. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #8 – DISCUSS CANNABIS DISPENSARIES. – Mr. Niemeyer requested direction from the board regarding cannabis dispensaries. On December 17, 2019 the Village Board adopted an ordinance establishing a moratorium on cannabis business establishments. The moratorium lasts until November 1, 2020 or until the Village Board passes other regulations pertaining to recreational cannabis businesses.

The Board then asked that a postcard be sent to all Tinley Park households directing them to a survey concerning cannabis. The survey results indicated that 51.53% of the residents that responded were in favor of legalizing the sale of cannabis within Tinley Park, 48.47% were against this.

Trustee Berg asked if the moratorium needed to be addressed prior to November, 1, 2020. Mr. Niemeyer stated that the moratorium expires on November 1, 2020, after this time if there is no ordinance, there would be no regulation. She is in favor of allowing cannabis dispensaries.

Trustee Galante is in favor of allowing cannabis dispensaries, but would like them to be in standalone buildings at this time. She also asked if there is a specific fund revenue or revenue generated. Mr. Niemeyer replied it would go into the general fund. Mr. Bettenhausen added that the State has imposed a tax, which is shared with municipalities, and there are restrictions on those monies.

President Pro-Tem Glotz at this time, is in favor of allowing cannabis dispensaries only. He would like to limit the number of licenses to one (1) and agrees to standalone buildings.

Trustee Mueller is in favor of allowing cannabis dispensaries, but would like to limit the number of licenses from one (1) to three (3). At this time he is not in favor of lounges.

Trustee Brennan is not in favor of allowing cannabis dispensaries. However, if the Board moves forward with allowing dispensaries, he would like the number of licenses to be limited, and also be housed in standalone buildings. He also asked about the tax collected by the Village. Mr. Bettenhausen clarified that the Village would collect .75% home rule sales tax, 1% State sales tax, and 3% cannabis sales tax, for a total of 4.75%.

Trustee Brady is not in favor of allowing cannabis dispensaries noting that the Federal Government still considers it a felony.

President Vandenberg, is not in favor of allowing cannabis dispensaries, noting that on the Federal level cannabis is still a schedule one (1) narcotic. If the Board is to consider allowing dispensaries, it should be held to the strictest zoning requirements. He asked where the conversation on zoning will be discussed. Kimberly Clarke, Community Development Director, stated it will start in Planning and then move forward at the Board's direction.

Mr. Spale asked Chief Walsh if he has received any requests for expungement. Chief Walsh stated that this is mandated by the State.

Item #9 – DISCUSS VIDEO GAMING TERMINAL OPERATING FEE.– Mr. Spale stated, the Village of Tinley Park is considering certain amendments to §132.23 of its Tinley Park Municipal Code pertaining to Video Gaming. The proposed amendments would create a fee and licensing schedule for

licensed establishments to permit video gaming and for terminal operators that operate video gaming terminals in the Village. Many municipalities across Illinois which permit video gaming have a similar regulatory scheme. Accordingly, this schedule would enhance the Village's ability to monitor and regulate video gaming.

President Pro-Tem Glotz is in favor of imposing a terminal operating fee. He asked if there is a list of terminal operators. Mr. Bettenhausen stated that list is kept by the Gaming Board.

President Vandenberg asked if there is a threshold that is considered over and above a usual request. Mr. Spale responded that State HB5065 would cap the municipal fee at \$100. However after looking at other fees in the State and based on recent Supreme Court decisions on reasonable fees, \$1000 per license would be reasonable and effective.

Trustee Mueller asked if this was an annual fee. Mr. Bettenhausen and Mr. Spale clarified that it is annual and would be collected every year. He also asked how to monitor the terminal operator license and the business license. Mr. Spale noted that gaming is heavily regulated and it would be very difficult for someone to go under the radar and there are heavy penalties associated.

Item #10 – DISCUSS ADDING PUSH TAX FOR VIDEO GAMING TERMINALS. – The Village of Tinley Park pursuant to its home rule authority in conjunction with the applicable sections of the ILCS, is considering an amusement tax on the privilege of participating in the amusement of playing a video gaming terminal, as defined in the Video Gaming Act, at the rate of \$0.01 per play (“Push Tax”). As such, a Push Tax Ordinance would impose and regulate the implementation, collection, and remittance of the Push Tax and also establish certain penalties for the failure to adhere to the Ordinance. In addition, video gaming terminal operators would be required to provide reports to the Village that adequately show the collection and remittance amounts that are to be provided to the Village. Accordingly, the Push Tax will provide revenue for the general health, safety, and welfare of the Village and its residents and may lower incidences of gambling.

Mr Spale noted the House bill that was introduced directly related to this issue.

President Pro-Tem Glotz stated \$126 million was wagered in the last 12 months in the Village. The Village received 5%, \$507,329; the terminal operators receive 33.07435%, \$3,217,967; the business operator receives 33.07435%, \$3,217,967; the state receives 28%, \$2,710,638. Terminal operators are giving back .5% to the state on 6th machines. He will be sending a letter to State Representatives asking them to reconsider. He is in favor of eliminating video gambling, noting that it not worth \$500,000. Trustee Brennan concurred, adding, the tax could be increased for the time being.

Mr. Niemeyer stated the South Suburban Mayors and Managers met on March 2, 2020 and will be providing guidance on this issue and a number of municipalities are considering this option.

Trustee Berg asked if there was a way to quantify and enforce the number of pushes. President Pro-Tem Glotz stated that Scientific Games maintains the central communication system. Mr. Bettenhausen and President Vandenberg reiterated that the gaming industry is highly regulated.

President Vandenberg encouraged everyone to contact their State Representative.

Mr. Bettenhausen added that when video gaming was approved by a previous board the funds were initially earmarked for the capital for Harmony Square. Once constructed the revenue would be for the events and activities. The licensing would go in to the general fund.

Trustee Brady asked how much revenue was earned by food and drink. Mr. Bettenhausen answered that this could be identified through sales tax reporting.

Motion was made by Trustee Mueller, seconded by Trustee Brennan to recommend, the amusement tax on video gaming terminals, be forwarded to the Village Board for approval. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #11 – 11. DISCUSS INTERGOVERNMENTAL AGREEMENT FOR POLICE MULTI-JURISDICTIONAL TASK FORCE. – Chief Walsh presented the Intergovernmental Agreement for Police Multi-Jurisdictional Task Force. The Village of Tinley Park is entering into a Multi-Jurisdictional Crime Enforcement Intergovernmental Agreement (IGA) with surrounding municipalities, Cook County Sheriffs Police and Illinois State Police. The purpose of this agreement is to pool resources together to actively deter and respond to different criminal activities within the Village of Tinley Park and neighboring municipalities.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to recommend approval of this Law Enforcement IGA, be forwarded to the Village Board for approval. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #12 – RECEIVE COMMENTS FROM THE PUBLIC.

A resident commented on TIF's and cannabis.

Motion was made by Trustee Mueller, 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 7:51 p.m.