

MINUTES
Special Meeting of the Committee of the Whole
November 17, 2020 – 6:30 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

President Pro Tem Glotz called the special meeting of the Committee of the Whole on November 17, 2020, to order at 6:32 p.m.

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

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

Members Present: J. Vandenberg, Village President (Participated electronically)
 K. Thirion, Village Clerk
 C. Berg, Village Trustee
 W. Brady, Village Trustee
 W. Brennan, Village Trustee
 D. Galante, Village Trustee
 M. Mueller, Village Trustee

Members Absent:

Staff Present: D. Niemeyer, Village Manager
 P. Carr, Assistant Village Manager
 J. Urbanski, Public Works Director (Participated electronically)
 K. Clarke, Community Development Director (Participated electronically)
 M. Walsh, Police Chief
 F. Reeder, Fire Chief (Participated electronically)
 D. Framke, Marketing Director (Participated electronically)
 H. Lipman, Management Analyst
 B. Bettenhausen, Village Treasurer
 P. Connelly, Village Attorney

Others Present: Len McEnery, Owner, Lenny’s Gas N’ Wash
 Kim Farbak, Lenny’s Gas N’ Wash

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING HELD ON OCTOBER 20, 2020 – Motion was made by Trustee Mueller, seconded by Trustee Berg, to approve the minutes of the Special Committee of the Whole meeting held on October 20, 2020. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #3 - DISCUSS DETERMINATION OF 2021 TAX LEVY – Brad Bettenhausen, Village Treasurer, presented the tax levy. The State Truth in Taxation Act utilizes the prior year extended levy as the basis for determining an increase for the current levy request. If the increase will be greater than 5%, a published notice (“Black Box”) and public hearing are required. A Village levy request of \$22,230,857 was suggested. The Library Board approved their levy request in the amount of \$6,194,494 at their 28

October meeting, for a total of \$28,425,351. It was noted that while 2020 is a re-assessment year, the impact of those adjustments, were not taken into consideration while determining the levy.

President Pro Tem Glotz asked Mr. Bettenhausen about the increase in the Police Pension Fund. Mr. Bettenhausen stated key factors including; unfavorable plan experience, Tier 2 benefit changes, and an increase in the active membership contributed to the increase. The unfavorable plan experience included an investment return for the past year of 4.7% (Actuarial Asset Basis) which fell short of the 7% actuarial assumption by nearly 2.3%, and a lower than expected inactive mortality.

Trustee Brennan asked what time frame is being used to determine the rate of return. Mr. Bettenhausen stated the actuarial calculation uses approximately the past forty (40) years to amortize the unfunded obligation.

Due to reduced income and employment uncertainty as a result of the Covid-19 pandemic, President Pro Tem Glotz feels the levy should be held at the prior year's request, adding financial reserves could be used. Trustee's Berg, Brady, Brennan, Galante and Mueller concur. Mr. Bettenhausen responded once those reserves are depleted it will take a long time to replenish them.

Item #4 - DISCUSS J.W. HOLSTEIN'S SALOON, 17358 OAK PARK AVENUE – FAÇADE GRANT (AWNING) – Kimberly Clarke, Community Development Director, presented the façade grant. Robert Barker (Applicant) the sole business owner of J.W. Holstein's Saloon has submitted a second façade grant application to install a new awning above the rear entrance to match the existing awnings on the property. The new awning will provide overhead shelter to customers awaiting transportation.

The intent of the Façade Improvement Grant Program is to assist owners and tenants of existing buildings in upgrading their building facades by improving their overall appearance. Under the Façade Grant, the addition of decorative elements such as awnings are eligible expenses. The program provides a matching grant of 50% or a maximum of \$35,000 per tax-paying business. One site can use up to \$70,000 in matching grants every three years. The applicant previously submitted a Façade Grant request in August for the replacement of the patio fence. The grant was recommended for approval by the ECC and approved by the Board in the amount of \$10,900. The current request of \$3,450 will bring the total amount for the year to \$14,350, well under the maximum of \$35,000.

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

Item #5 - DISCUSS COOK COUNTY CLASS 6B -7305 DUVAN DRIVE - JOHN KACZMARSKI – David Niemeyer, Village Manager, presented the Class 6b Incentive. John Kaczmariski (Applicant) proposes to invest \$115,000 to purchase the property located at 7305 Duvan Drive (PIN: 27-36-204-037-0000) and an additional \$92,000 for the renovation of the property. This location has been 100% vacant since December of 2018 and has fallen into disrepair. The applicant had previously applied for a Class 8 reclassification. However, the Duvan Drive Industrial Park Class 8 certification for the area as a whole has expired and staff recommended he pursue a Class 6b instead.

Motion was made by President Pro Tem Glotz, seconded by Trustee Mueller, to recommend the Class 6b Incentive, be forwarded to the Village Board for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #6 - DISCUSS WILL COUNTY 80TH AVENUE WIDENING PROJECT – Mr. Niemeyer presented the 80th Avenue project. Will County has agreed to pay the first \$5.6 million of the expected

\$7.2 million in construction costs, and the Village will pay for anything that exceeds the \$5.6 million. It is expected that the total costs to be substantially less than \$7.2 million. Robinson Engineering will be at a future meeting to explain these figures further.

Staff believes it is beneficial to the Village to have control over the entire roadway with a jurisdictional transfer, to avoid dealings with other governmental entities in the future in regards to potential improvements/issues. In addition to the roadway improvements, the Village would also be receiving the additional improvements requested including street lighting, multi-use path, water main, fiber optic, landscaping, and bridge aesthetics, at a much-reduced upfront cost.

The Village is responsible for obtaining the right of way (ROW)(south) to 191st Street. The Village needs to obtain the additional ROW from Malone and Maloney on both sides of 80th Ave to widen the intersection and build the bike path. Two (2) parcels are being acquired for \$61,786.

There are two (2) pieces of property Will County has asked to purchase adjacent to the Public Works building for the widening project. The county is offering \$192,500 for the larger property. The construction of a fence between the bike path and 80th Avenue is also being discussed.

Trustee Brennan asked if an estimate has been made to determine the Villages portion above the \$5.6 million the County is covering. Mr. Niemeyer stated the costs will not be determined until the job goes out to bid. John Urbanski, Director of Public Works, added when compared to recent actual costs for similar work, engineering estimates exceed those costs.

Item #7 - DISCUSS ILLINOIS CONVENIENCE & SAFETY CORP. (ICSC) AGREEMENT FOR REVENUE BUS SHELTER PROGRAM

Hannah Lipman, Management Analyst, presented the agreement. The Village is approaching the end of a ten (10) year contract with the Illinois Convenience & Safety Corp. (ICSC), which oversees the bus shelter program. ICSC inspects, maintains, repairs, cleans, and services the bus shelters they manage on a weekly basis. There are currently five (5) in Tinley Park. Some benefits of the program include:

- ICSC is privately funded, therefore there is no cost to taxpayers;
- The Village does not need to maintain or manage any of the shelters;
- The Village will receive 20% (up from 15%) in revenue sharing from advertisements on the shelters;
- and
- The Village could seek to use the shelters to advertise for Village sponsored events if desired.

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

Item #8 - DISCUSS COMCAST AGREEMENT - Pat Carr, Assistant Village Manager presented the Comcast agreement. This is a non-exclusive license and does not prevent other vendors or companies to provide cable/internet service. The village will receive a 5% franchise fee which is the maximum amount per federal law.

Minor revisions to the previous agreement include; the 5% franchise fee cap; audit procedures; and PEG Capital Support.

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

Item #9 - DISCUSS GEOGRAPHIC INFORMATION SERVICE (GIS) AGREEMENT – Mr. Carr presented the updated executive board agreement and statement of work with the GIS Consortium service provider, Municipal GIS Partners (MOP). The current statement of work would expire on December 31, 2020. This agreement and Scope of Work (SOW) shall extend the initial term for an additional one (1) year period. This renewal term shall commence on January 1, 2021, and remain in effect until December 31, 2021. Monthly usage reports are provided to the Village Board to confirm the utilization of the GIS data by staff and the public.

In July, the village reduced the GIS contract by 60% as a cost-saving measure. Due to the increase in project activity, we will increase utilization by 20% and still maintain a 40% reduction in cost. The GIS Consortium has frozen the price for the coming fiscal year. Funds for this expenditure were budgeted for in a not to exceed the amount of \$208,514.00 and is included in the current fiscal year budget.

Trustee Brennan asked if any other vendors have approached the Village. Mr. Carr replied no, adding any new vendors will need to provide infrastructure.

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

Item #10 - DISCUSS LIQUOR AND BUSINESS LICENSE FEES FOR 2021 – Mr. Niemeyer presented the fee reductions. As COVID-19 continues to impact bars and restaurants heavily, the Village has been looking for ways to offer some form of relief. Business and liquor license renewals are processed in early December. Staff recommended the Village Board consider waiving the liquor license fee for on-premise sales license holders until June and to re-evaluate at that time if charging 50% for the remainder of the year is appropriate. This will result in a reduction of approximately \$47,200 in revenue. Staff also recommended waiving the business license fee in full for local bars and restaurants which will result in approximately \$11,000 in revenue reduction.

Motion was made by Trustee Brady, seconded by Trustee Brennan, to recommend the liquor and business license fees for 2021, be forwarded to the Village Board for approval. Vote by roll call. Ayes: Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. Abstain: Berg. President Pro Tem Glotz declared the motion carried.

Item #11 - DISCUSS REQUEST FOR A UV LIQUOR LICENSE FOR LENNY'S GAS N WASH 183RD ST., LLC – Ms. Lipman presented the UV Liquor License request. Leonard McEnery of Lenny's Gas N Wash ("Lenny's"), located at 7451 183rd Street, has approached the liquor commissioner about adding a Class UV Truck Stop license to the establishment that allows video gaming. Lenny's is a state-licensed truck stop that was established in August of 2015.

President Vandenberg asked what the wall height requirement has been in the past, and what the proposed wall height for Lenny's is. President Pro-Tem Glotz replied 7-feet and 6-feet respectively, adding he would like Lenny's to have a 7-foot wall. Trustees Brady, Brennan, Galante, and Mueller concurred. President Vandenberg asked the Board to consider adding language to the Liquor License Ordinance requiring the wall to be 7-feet. Trustee Berg abstained from the discussion. Kim Farbak, Lenny's Gas N' Wash, agreed to the 7-foot wall.

President Pro-Tem Glotz stated the hours of operation for gaming were not noted, understanding if allowed by the Village, State law allows 24-hour gaming. Ms. Lipman responded Lenny's will be operating within the hours of the Village Ordinance which prohibits gaming and liquor sales from 2 a.m. to 6 a.m. Monday through Saturday, and on Sunday 2 a.m. to 9 a.m.

Motion was made by Trustee Brennan, seconded by Trustee Brady, to recommend the request for a UV Liquor License for Lenny's Gas N Wash 183rd St., LLC, be forwarded to the Village Board for approval. Vote by roll call. Ayes: Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. Abstain: Berg. President Pro Tem Glotz declared the motion carried.

Item #12 - DISCUSS CANNABIS APPLICATIONS – Ms. Lipman presented the cannabis applications. After receiving Board direction to utilize a merit-based evaluation approach to award the one (1) available business license, Village staff notified approximately twelve (12) different individuals/companies, who had previously expressed interest in opening a dispensary, that the Village would be accepting applications. The Village received applications, from Mike Perez with EarthMed, and Kraig Koester with Midway Dispensary. Both have proven experience (other locations), a security plan, and a local presence however, only Midway Dispensary has a State license.

Four (4) others stated they are still interested in opening a dispensary as well. However, the State has not determined how licenses will be awarded, so no additional applications have been submitted at this time.

Additionally, based on feedback from interested parties and staff review, there are currently no properties available that fit the zoning requirements (stand-alone building, B-2 & B-3 Districts, along Harlem, LaGrange, or 159th). There were previously a few available buildings that fit these requirements which are now under contract and unavailable. Others that are available have stated they will not sell to the adult-use cannabis industry. While there is land available to build on, the State places timelines on the awarded licenses so the recipient is up and running within a specified timeframe, which makes building within this timeframe very challenging.

Pat Connelly, Village Attorney, noted that this is one of the few businesses where revenues are up adding that variances or a change to the code may assist with meeting the zoning requirement.

Trustee Berg asked about the State licensing process. Mr. Connelly stated he does not have the specifics for this applicant. President Pro Tem Glotz suggested that Mr. Connelly and Ms. Lipman contact the applicants and/or the State to obtain more details.

Item #13 - DISCUSS NUISANCE ORDINANCE – Matt Walsh, Police Chief presented the Nuisance ordinance which will allow the Village and the Police Department to better monitor local businesses and properties. A property is considered a Chronic Nuisance Property when three (3) or more nuisance activities (as defined in the ordinance) have occurred within twelve (12) months as defined in the Village code under 98.41.

The Chief of Police must review each occurrence and determine whether they describe nuisance activities. Upon such finding, the Chief shall notify the person in charge, in writing, that the property is becoming a chronic nuisance property. Should the person in charge fail to prevent the property from becoming a chronic nuisance property, the Chief of Police or designee may commence proceedings to abate the nuisance conditions.

A judicial abatement remedy, after the property has been determined to be a chronic nuisance property, can close the property for not less than five (5) consecutive days, but not more than thirty (30) consecutive days. The violator will also be subject to a fine of not less than \$500 nor more than \$750 per day. Each day on which a violation of the chapter continues shall be considered a separate and distinct offense.

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

Item #14 - RECEIVE COMMENTS FROM THE PUBLIC –

A citizen was concerned about the comment procedure during a special meeting.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to adjourn the Committee of the Whole. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None.

Absent: None. President Pro Tem Glotz declared the meeting adjourned at 7:35 p.m.