

**MINUTES**  
**Special Meeting of the Committee of the Whole**  
**March 11, 2021 – 5:30 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 March 11, 2021, to order at 5:35 p.m.

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

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

Members Present: M. Glotz, Village President Pro Tem  
K. Thirion, Village Clerk  
C. Berg, Village Trustee  
W. Brady, Village Trustee  
W. Brennan, Village Trustee  
D. Galante, Village Trustee  
M. Mueller, Village Trustee  
J. Vandenberg, Village President (Participated electronically. Arrived at 5:45.)

Members Absent:

Staff Present: D. Niemeyer, Village Manager  
L. Godette, Deputy Clerk  
J. Urbanski, Public Works Director  
B. Bettenhausen, Village Treasurer  
A. Brown, Assistant Village Treasurer  
P. Cordero, Business Development Manager  
H. Lipman, Assistant to the Village Manager

Others Present:

**Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON MARCH 2, 2021**– Motion was made by Trustee Glotz, seconded by Trustee Mueller, to approve the minutes of the Committee of the Whole meeting, as amended, held on March 2, 2021. 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 INCENTIVE AGREEMENT FOR BOULEVARD RESTAURANT –**  
Priscilla Cordero, Business Development Manager, presented the agreement. Ed Nemecek proposes to build out approximately 6,900 sq. ft. of space on the lower level of the Boulevard at Central Station for a first-class, upscale casual restaurant. Mr. Nemecek projects the buildout to cost approximately One Million Nine Hundred Fifty-Nine Thousand Eight Hundred Dollars (\$1,959,800) and is seeking financial assistance from the Village.

The proposed restaurant concept is an Italian-inspired tapas-style menu with shareable small plates, along with a full bar, outdoor dining area, and banquet space. The first phase will include a 35-seat restaurant with an outdoor dining area and a carry-out/TOGO area. The second phase includes a 140-seat banquet area. Mr. Nemec has nearly 40 years of restaurant experience including previously owning other entities. His latest venture was with the Dancing Marlin Restaurant.

Ed Nemec has requested \$300,000 in assistance; \$230,000 of the request is upfront to support the build-out with the remaining \$70,000 paid through sales tax sharing over three (3) years. The Village would share part of the 1% State of Illinois Sales Tax collected. The Village's home rule tax is not part of the incentive. For the benefit of the tenant, the Village's economic assistance operates in the following manner. The Village has set a Maximum Reimbursement Amount of \$300,000 or 18% of the Actual Project Costs, whichever is less. That assistance can come from two sources, Tax Increment Financing (TIF) reimbursement (for TIF-eligible costs) and sales tax incentive. The TIF reimbursement is capped at \$230,000, while the sales tax incentive is capped at \$70,000. If the Project Budget goes down, which reduces the TIF-eligible expenses, the sales tax incentive can increase up to \$70,000, and vice versa. However, if TIF-eligible expenses are reduced to \$150,000, the Tenant will only receive a maximum of \$70,000 in sales tax incentives; the funding can slide up or down, but only to caps established in the Agreement.

#### Incentive (part 1):

The initial incentive will be distributed from the capital project fund with reimbursement coming from the New Bremen TIF district. The Village will require proof of paid invoices to be submitted so all eligible TIF expenditures can be identified and reimbursed in accordance with the TIF Act. Any portion of the distribution that is not reimbursed by the TIF district will be reimbursed to the capital projects fund through the sales tax generated from the restaurant. Said portion of the maximum TIF reimbursement amount shall not exceed \$230,000. The reimbursement will be provided after all paid invoices related to the Project have been submitted to Village Staff and the Restaurant is operational.

#### Incentive (part 2):

The Village will retain sales tax generated on the first \$1 million of taxable sales (\$10,000 in sales tax distributed), share 100% of the retailer's occupational sales tax (not eligible for home rule municipal retailer's occupation tax and home rule service occupation tax) with the restaurant up to a cap of \$70,000 of sales tax distributed. Per the projections provided by the restaurant group, the sales tax incentive would be distributed as follows (actual amount distributed will vary based on the actual sales tax generated by the restaurant in the years of operation):

- Year One-\$15,000
- Year Two-\$27,000
- Year Three-\$28,000 (\$70,000 cap achieved)

While the Village's total sales tax rate is 1.75%, the rebate is based upon the 1% state tax and does not include the .75% home rule tax.

Additional language is being discussed in the agreement to provide the Village, first lien position on all business assets.

Other sources of funding include \$150k-\$200k towards build-out costs provided by the developer, as well as private investors.

Benefits to the Village include the potential to attract business to create the desired synergy to attract Millennials, a vital demographic, to the Downtown; serving as an anchor to attract related entertainment, visitor

and tourism businesses, adding an estimated 50 new jobs and; has the potential to generate sales tax for the Village.

Trustee Berg stated she does not support the distribution of funds to new businesses while long- time Tinley Park businesses are struggling. Trustee Galante concurred.

Trustee Galante asked for clarification on the number of jobs being created. Ms. Cordero stated it is 50. The number specified in the backup was an error. Trustee Galante also asked if the restaurant group will need to come back in front of the Board for any further approvals regarding funding/proof of funding and if there is a timeline to prevent the project from lasting longer than necessary. Ms. Cordero replied, the agreement will contain construction start and completion dates, and to be reimbursed, the project must be completed within the timeframe stated in the agreement, receipts must be submitted, and the restaurant must be functioning. David Niemyer, Village Manager, reiterated that the incentive will not be received by the restaurant group unless the project is complete adding proof of funding is not included in development agreements.

Trustee Glotz asked Brad Bettenhausen, Village Treasurer, and Andrew Brown, Assistant Village Treasurer if they reviewed and support this agreement. Both replied they do. Mr. Brown added the sales tax sharing in the agreement is structured for five (5) years. Based on the projections provided by the restaurant group, the \$70,000 cap will be met in the three (3) year timeline provided. Also, as protection for the Village, a Maximum Reimbursement Amount has been set to prevent the restaurant group from devaluing the project. Ms. Cordero noted the stipulation that the location must remain a restaurant for the entire duration of the five (5) year agreement is included.

Trustee Glotz asked Mr. Bettenhausen if the structure of the agreement is standard practice. Mr. Bettenhausen replied the Village has only entered into one (1) other restaurant incentive agreement, but each request is unique so they will not be stock agreements.

Trustee Mueller feels this is a responsible use of TIF funds. He added the Economic and Commercial Commission (ECC) meeting on this item went very well. Ms. Cordero noted the ECC voted 9-0 to recommend approval.

Trustee Brennan stated that many of the costs are fixed costs that will ensure this space remains a restaurant.

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

#### **Item #4 – DISCUSS MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM**

**UPDATE** – John Urbanski, Public Works Director, presented the MS4 update. The current reporting period for the Village’s General Storm Water Permit for Small Municipal Separate Storm Sewer Systems (MS4) began in April 2020 and extends to March 2021. The Village began this MS4 Program in April 2017 and the current IEPA ILR40 General Permit expired on February 28, 2021. IEPA is working on an updated permit at which time the Village will renew its permit.

The Village Stormwater Management Program has implemented most of the tasks outlined in the current IEPA National Pollutant Discharge Elimination System (NPDES) Permit Program which is designed to reduce the discharge of pollutants from the storm sewer system to the maximum extent possible to rivers and streams. The Village’s Best Management Practices (BMP’s) are requirements set and required to be followed by all new developments and re-development of existing sites. This program requires the Village to outline its BMP control measures, measure and report them annually. These tasks include the following:

- Public Education and Outreach:
  - The Village website provides information/links to articles related to water quality.
- Public Participation and Involvement:
  - Annual Spring Clean-Up Day.
- Illicit Discharge Detection and Elimination:
  - Annual storm Water Management Facility Inspections.
- Construction and Post-Construction Site Runoff Control:
  - Enforcement of the Village’s Erosion and Sediment Control Ordinance.
- Pollution Prevention and Good Housekeeping:
  - Staff Training.
  - Inspection and Maintenance Program.

**Item #5 – DISCUSS SERVICE CONTRACT RENEWAL FOR IRRIGATION MAINTENANCE –**

President Pro Tem Glotz presented the irrigation renewal. This service contract is a renewal to provide start-up, winterization, and repair services to our irrigation systems at three (3) Streets Department locations and four (4) Facilities Department locations.

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| <ul style="list-style-type: none"> <li>• LaGrange Road</li> <li>• Harlem Avenue</li> <li>• 171st Medians</li> <li>• Fire Station #4</li> </ul> | <ul style="list-style-type: none"> <li>• Oak Park Ave. Metra Station</li> <li>• Village Hall</li> <li>• Police Station</li> </ul> |
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Public Works is recommending an extension of the current contract for one (1) additional year for irrigation services on seven (7) locations throughout Tinley Park. The contract has the option of two (2) – one (1) year renewals. This would be the first extension of the contract.

In the past year, Aquamist has proven to be a professional, reliable contractor with reasonable rates.

Funding is requested in the FY22 Budget.

Budget Available	\$49,960.00
Anticipated Costs (3% increase)	<u>\$40,447.20</u>
Difference (under budget)	\$ 9,512.80

Trustee Galante would like to know the total number of zones in the seven (7) areas. Mr. Urbanski will forward this information to her.

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

**Item #6 – DISCUSS SERVICE CONTRACT RENEWAL FOR MOWING –** President Pro Tem Glotz presented the mowing renewal. Public Works recommended an extension of the current contract for one (1) additional year for mowing service on two hundred thirty-four (234) acres of turf in various locations in Tinley Park. The contract has the option of 2 (two) – 1 (one) year renewals. This would be the second and final extension. In the past two (2) years, Ridge Landscape Services has proven to be a professional, reliable contractor with reasonable rates.

Funding in the amount of \$248,896 is requested in the FY22 Budget; Road and Bridge, Facilities, Water and CPL Operating and Maintenance Budget.

Budget Available	\$248,896.00
Costs Lawn Maintenance (24 mowing's with 3% increase)	<u>\$195,004.80</u>
Difference (under budget)	\$ 53,891.20

Trustee Galante asked why this did not go out to bid. Mr. Urbanski stated this is an extensive program that many smaller contractors are not equipped to handle.

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

**Item #7 – DISCUSS SERVICE CONTRACT RENEWAL FOR LANDSCAPE BED MAINTENANCE –**  
President Pro Tem Glotz presented the landscape bed renewal. Public Works is recommending the extension of the current contract for one (1) additional year for landscape bed maintenance at various locations in Tinley Park. The contract has the option of two (2) – one (1) year renewals. This would be the second and final extension.

In 2019 this service contract was advertised and bid in accordance with state bidding laws and provided the Village the potential of extending the contract for two (2) additional years. In the past two (2) years Christy Webber Landscape has proven to be a professional, reliable contractor with reasonable rates.

Funding in the amount of \$160,000 will be available in the FY22 Budget; Road and Bridge.

Budget Available	\$160,000.00
Costs Landscaped Bed Maintenance	<u>\$157,360.25</u>
Difference (Under Budget)	\$ 2,639.75

Trustee Galante asked if the contract is for maintenance only or is planting included. Mr. Urbanski replied, per the contract, shrubbery replacements would be on a flat rate time and material ticket.

Motion was made by Trustee Berg, seconded by Trustee Glotz, to recommend a service contract renewal for landscape bed maintenance with Christy Webber Landscape, 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 SERVICE CONTRACT RENEWAL FOR STORMWATER MAINTENANCE –**  
President Pro Tem Glotz presented the stormwater renewal. Public Works is recommending the extension of the current contract for one (1) additional year for Stormwater maintenance at various locations in Tinley Park. The contract has the option of two (2) – one (1) year renewals. This would be the second and final extension. In the past two (2) years Cardno Inc. has proven to be a professional, reliable contractor with reasonable rates.

Funding in the amount of \$189,500 will be available in the FY22 Budget; Storm Water Management.

Budget Available	\$189,500
Costs Stormwater Area Maintenance	<u>\$189,500</u>

Difference

\$ 0

Motion was made by Trustee Muller, seconded by Trustee Brady, to recommend a service contract renewal for stormwater maintenance with Cardno Inc., 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 SERVICE CONTRACT FOR LAWN TREATMENT** – President Pro Tem Glotz presented the lawn treatment contract. Public Works has recommend awarding a contract for lawn treatments at various locations in Tinley Park. The contract has the option of two (2) – one (1) year renewals.

The service contract was advertised February 9th, 2021 in accordance with state bidding laws; two (2) sealed bids were received. Bids were opened and read publicly on Thursday, February 25th, 2021 at 12:30 p.m. and received as follows:

Contractor	Location	Program 1	Program 2	TOTAL
TruGreen	Crestwood, IL	\$25,484	\$15,623	\$41,107
*Eternally Green Lawn Care	Frankfort, IL	\$29,980	\$29,980	\$59,960
* Did not meet bid specifications (calculation)				

Funding in the amount of \$45,000 is requested in the FY22 Budget; Road and Bridge.

Budget Available	\$45,000
Bid Amount	<u>\$41,107</u>
Difference (Under Budget)	\$ 3,893

Trustee Brennan asked if there were any bids from contractors in Tinley Park. Mr. Urbanski replied no.

Motion was made by Trustee Berg, seconded by Trustee Brennan, to recommend a service contract for lawn treatment with TruGreen, 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 - RECEIVE COMMENTS FROM THE PUBLIC** –

Mr. Urbanski thanked Kelly Mulqueeny for her hard work on the presented contracts.

President Pro Tem Glotz asked if there were any comments from the public. There were none.

Laura Godette, Deputy Village Clerk, stated there was no written comment or request to speak telephonically.

Motion was made by Trustee Brennan, seconded by Trustee Glotz, at 6:09 p.m. to adjourn to Executive Session to discuss the following:

- A. SECURITY PROCEDURES, AND THE USE OF PERSONNEL AND EQUIPMENT TO RESPOND TO AN ACTUAL, A THREATENED, OR A REASONABLY POTENTIAL DANGER TO THE SAFETY OF EMPLOYEES, STUDENTS, STAFF, THE PUBLIC, OR PUBLIC PROPERTY.
- B. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC 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.

Motion was made by Trustee Brady, 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 6:21 p.m.

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