

MINUTES OF THE SPECIAL BOARD MEETING OF THE TRUSTEES,
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,
ILLINOIS, HELD SEPTEMBER 29, 2020

The special 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 September 29, 2020. President Pro Tem Glotz called this meeting to order at 6:45 p.m.

At this time, President Pro Tem Glotz stated this meeting is being conducted pursuant to Governor Pritzker’s disaster proclamation and Public Act 101-0640, which amends requirements of the Open Meetings Act due to the COVID-19 pandemic. Pursuant to the same, the Village Board finds that it would be impractical to conduct an in-person meeting with all members present. Elected officials confirmed they were able to hear one another.

President Pro Tem Glotz led the Board and audience in the Pledge of Allegiance.

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

- President Pro-Tem: Michael W. Glotz
- Village Clerk: Kristin A. Thirion

- Trustees: Cynthia A. Berg (Participated Electronically)
- William P. Brady
- William A. Brennan
- Michael G. Mueller

- Absent: Jacob C. Vandenberg, Village President
- Diane M. Galante, Trustee

- Also Present:
- Village Manager: David Niemeyer
- Asst. Village Manager: Patrick Carr
- Village Attorney: Patrick Connelly

Motion was made by Trustee Brady, seconded by Trustee Brennan, to approve the agenda as written or amended for this meeting. Vote on roll call. Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Brennan, seconded by Trustee Mueller, to approve and place on file the minutes of the Special Village Board Meeting held on September 15, 2020 as amended. Vote on roll call. Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Brennan, seconded by Trustee Brady, to adopt and place on file, **RESOLUTION 2020-R-093 RECOGNIZING FIRE PREVENTION WEEK IN THE VILLAGE OF TINLEY PARK FROM OCTOBER 4 THROUGH OCTOBER 10, 2020.** Fire Prevention Week is to be held in the Village of Tinley Park beginning October 4, 2020. All citizens are encouraged to do their share to provide a safe place in which to live and work by eliminating those fire hazards which cause the loss of life,

property, and resources. Fire Prevention Week is always scheduled to coincide with the anniversary of the Great Chicago Fire of 1871.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

At this time President Pro Tem Glotz and Clerk Thirion presented the Tinley Park Business Spotlight.

President Pro Tem Glotz presented Bailey's Bar and Grill, located at 17731 S. Oak Park Avenue. Baileys offers a full-service food menu as well as a selection of imported and domestic beers, including more than 50 craft beers on tap. They also have one of the largest outdoor patios in Downtown Tinley. Owner's Ron and Tammy Bailey presented an overview of their restaurant.

Clerk Thirion presented Anytime Fitness located at 17823 S. 80th Avenue. Anytime Fitness offers supportive staff, state-of-the-art equipment plus training and coaching services. Derek Tucker, owner of Anytime Fitness, presented an overview of his business.

At this time David Niemeyer, Village Manager, presented an update on the discussions with the State of Illinois related to the acquisition and clean up of the Tinley Park Mental Health Center (TPMHC). He noted that in June of this year a bill was passed by the Illinois General Assembly to authorize \$15 million for clean-up the TPMHC out of the Build Illinois Bond fund. Mr. Niemeyer stated he is unaware as to when these funds will be released. He also commented that the Village is attempting to meet with the State to discuss the clean-up and the purchase of the property.

Nancy O'Connor made comments on the environmental testing of the water at Oak Hall at the TPMHC property by Illinois Environmental Protection Agency. This test was done approximately a year ago. She has been in contact with State agencies to have the water removed and has not received any results. She asked if the Village could intervene. She stated concerns about the water feeding into properties across from the TPMHC property and the overall neglect of the property over the years.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to consider approving the following Consent Agenda items:

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

- A. CONSIDER REQUEST FROM ST. GEORGE SCHOOL, 6700 176TH STREET, TO CONDUCT A QUEEN OF HEARTS RAFFLE THROUGH OCTOBER 6, 2021, OR UNTIL A WINNER IS DRAWN, WITH THE MAXIMUM VALUE OF THE PRIZE NOT TO EXCEED \$250,000. WINNERS WILL BE DRAWN WEEKLY AT SIP WINE BAR.
- B. CONSIDER PAYMENTS OF OUTSTANDING BILLS IN THE AMOUNT OF \$2,262,429.06 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED SEPTEMBER 18 AND SEPTEMBER 25, 2020.

President Pro Tem Glotz 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, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to waive first reading and adopt **ORDINANCE 2020-O-061 APPROVING A SPECIAL USE FOR A SUBSTANTIAL DEVIATION OF THE PARK PLACE PLANNED UNIT DEVELOPMENT WITH EXCEPTIONS FOR PROPERTY LOCATED AT 16300 S. HARLEM AVENUE (PETE'S FRESH MARKET)**. The granting of this request will allow a warehouse/distribution use as part of Phase 1. Phase 2 will construct a new Pete's Fresh Market Grocery Store, associated retail and renovation of the former K-Mart store. The Phase 1 approval was recommended by the Plan Commission with an exception to allow the overnight storage of five (5) delivery vehicles parked at the loading dock, conditioned upon occupancy of the grocery store by September 1, 2022, prohibition of outdoor storage, and the planting of street trees prior to Phase 1 occupancy.

The Plan Commission held a Public Hearing on September 17, 2020, and voted 8-0 to recommend approval of the Special Use and adopt the Findings of Fact.

Stephanie Dermonas of Pete's Market presented an overview of the company's plan and goals for the Tinley Park store and warehouse property.

President Pro Tem Glotz asked if there were any comments from members of the Board. He asked when the ground breaking for this project would be. Ms. Dermonas stated Pete's deadline is June of 2021 to break ground. Trustee Brennan thanked Ms. Dermonas for her comments and stated that the Village is looking forward to Pete's opening. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. During this item the phone disconnected. Trustee Berg who was participating electronically was unable to participate in the vote. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to adopt and place on file , **ORDINANCE 2020-O-062 GRANTING A FRONT YARD VARIATION FOR A PRINCIPAL STRUCTURE ON CERTAIN PROPERTY LOCATED AT 17549 66TH AVENUE**. The Petitioners, Teva and Holly Majchrzak, are seeking a Variation to permit a residential home addition to be constructed with a front yard setback of 25 feet, instead of the required 30-foot setback. The request allows for a home addition to be constructed along the same front yard setback as the existing home.

The Zoning Board of Appeals held a Public Hearing on September 10, 2020, and voted 4-0 to recommend approval of the amended Variation request.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. During this item the phone disconnected. Trustee Berg who was participating electronically was unable to participate in the vote. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Mueller, seconded by Trustee Glotz, to adopt and place on file, **ORDINANCE 2020-O-063 APPROVING A SPECIAL USE FOR A VOCATIONAL EDUCATIONAL FACILITY (MASSAGE SCHOOL) AT 18440 THOMPSON COURT, TINLEY PARK, ILLINOIS.** The Petitioner, Marilyn Monaco, SAVI Properties, LLC, on behalf of Emmanuel Bistas, New Massage School for Massage is seeking a Special Use for a Vocational Educational Facility to be located at 18440 Thompson Ct., Suite 10, in the Hickory Creek Planned Unit Development (PUD).

The Plan Commission held a Public Hearing on September 17, 2020, and voted 8-0 to recommend approval of the Special Use and adopt the Findings of Fact.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Mueller, seconded by Trustee Brady, to adopt and place on file, **CONSIDER ADOPTING RESOLUTION 2020-R-094 APPROVING AN AMENDMENT TO AN EXISTING CONTRACT FOR PROFESSIONAL BUILDING REVIEW AND INSPECTIONS SERVICES WITH RICK DANDAN (DBA LAKESIDE CONSULTANTS).** Resolution 2020-R-094 modifies an existing professional service contract with Rick DanDan (DBA Lakeside Consultants) to perform building permit review and inspections for the Building Department. The modification will now include plumbing inspections.

This was discussed at the Committee of the Whole meeting prior to this Village Board meeting.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Glotz, seconded by Trustee Mueller, to adopt and place on file, **RESOLUTION 2020-R-095 APPROVING A SETTLEMENT AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND LIBERTY MUTUAL INSURANCE COMPANY REGARDING ISSUES RELATED TO THE CONSTRUCTION OF THE 80TH AVENUE TRAIN STATION.** The Village has had a dispute with the bonding company for the 80th Avenue Train Station about numerous problems that have occurred at the Station which the Village believes was related to the construction. The attached agreement between the Village and Liberty Mutual Insurance Company provides the Village with a \$175,000 settlement as a final resolution of these issues.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

Motion was made by Trustee Mueller, seconded by Trustee Brennan, to adopt and place on file, **ORDINANCE 2020-O-060 AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF TINLEY PARK BY THE ADDITION OF TITLE XI CHAPTER 129L IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX.** Since the Village Board approved an ordinance amending the Tinley Park Zoning Code for the purpose of regulating adult-use cannabis business establishments (2020-O-038), and also established a business license and associated fee for an adult-use cannabis facility (2020-O-040), the final step is to pass an ordinance imposing a Municipal Cannabis Retailers' Occupation Tax (MCROT). This was previously discussed at a Committee of the Whole, and the recommendation was to impose the tax in the full amount of 3%. Following passage, the Village Treasurer will file the appropriate documentation with the Illinois Department of Revenue (IDOR), so the MCROT goes into effect on January 1, 2021.

President Pro Tem Glotz asked if there were any comments from members of the Board. There were none. President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically or in-person. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item. No one came forward. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried.

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

President Pro Tem Glotz asked if there were any comments from members of the Board.

Trustee Brady stated that the month of October is Breast Cancer Awareness Month. He stated that in recognition of this the Tinley Park Police Department is selling special Breast Cancer Awareness patches. The suggested donation for the patches is \$10. The patches can be purchased at the police department.

Trustee Berg stated that she and the petitioners for Pete's Fresh Market were disconnected from the meeting during the following agenda items:

- Ordinance 2020-O-061 approving a special use for a substantial deviation of the Park Place planned unit development with exceptions for the property located at 16300 Harlem Avenue (Pete's Fresh Market); and
- Ordinance 2020-O-062 granting a front yard variation for a principal structure on certain property located at 17549 66th Avenue.

Trustee Berg also suggested that instead of cancelling the October 6, 2020 Village Board meeting the November 3, 2020 Village Board meeting should be postponed due to the Village Hall being used for an Election Day Polling Place. Village Manager Niemeyer noted that November 3, 2020, may be declared a state holiday. If so, we may need to close. After discussion it was the consensus of the Board to cancel the November 3, 2020, Village Board meeting and move it to a future date if needed.

Trustee Brennan stated concerns about Board members sharing confidential information discussed at Executive Session. He questioned if the Board could address allowing Board Members to attend Executive Sessions remotely. Village Attorney Connelly noted that the Village continues to operate meetings under Governor Pritzker's temporary rules established under the declaration of emergency. These temporary rules allow Board members to attend meetings remotely. He stated that he would research if the amended Open Meetings Act addressed executive session specifically. Trustee Brennan stated he would like this to be

reviewed.

Trustee Brady stated his concerns about Board Members violating the sanctity of executive session and noted that it affects the Village and developers negatively.

President Pro Tem Glotz stated that at the Special Village Board meeting held on September 15, 2020, he was unaware that the Village Attorney had issued an email to him regarding public comment. The email stated that the temporary meeting rules used during the Governor's Emergency Declaration allows written comments to be submitted and circulated to the Elected Officials. The temporary rules also provide an option for the public to be called during the meetings public comment item. The Illinois Attorney General's Public Access Counselor has not made a determination regarding a request for review about the reading aloud of public comments at Board meetings. The Village Attorney suggested that public comments received in writing not be read out loud at meetings, because it would be inconsistent with the position the Village has been following on this matter.

President Pro Tem Glotz noted that he has been working with Orland Township and would like to have the township present at a Village Board meeting regarding the grants and programs they offer to assist residents. He then directed the Village Manager to have staff inquire with the other Townships in the Village regarding their assistance programs. President Pro Tem Glotz would like to ask all Townships to present their programs at a Board meeting.

President Pro Tem Glotz stated his concerns about the breach of confidentiality at executive sessions. He commented on the seriousness of keeping recordings of these sessions confidential. He then asked the Village Manager when the Chicago Tribune reporter contacted the Village. Village Manager Niemeyer stated on Wednesday, September 21, 2020, at approximately 3:30 p.m. Mr. Niemeyer stated his concerns about issues that are discussed in Executive Session being discussed outside of the session. This negatively impacts the Village of Tinley Park. President Pro Tem Glotz would like the Village Manager to review the method by which executive session materials are distributed to the Village Board. He would like the Village Attorney and staff to review how the Open Meeting Act views remote participation at executive sessions and end remote participation in executive sessions at the next Board meeting.

President Pro Tem Glotz asked if anyone from the public requested to comment either in writing, telephonically. Deputy Clerk Godette stated there were no written comments or requests to comment via telephone received for this item.

Nancy O'Connor stated her concerns with the environmental clean-up and safety at the Tinley Park Mental Health Center. She feels there is a conflict of interest between the State agencies involved with this property. For the safety of citizens should would also like to see this property fenced. President Pro Tem Glotz asked if either of the Environmental Protection Agencies (EPA) have considered testing the wells of near by properties. She stated the U.S. EPA was surprised these wells had not been tested. President Pro Tem Glotz asked the Village Manager to forward the information from Ms. O'Connor to the Village's environmental attorney and to contact the State about the wells being tested at neighboring properties.

Motion was made by Trustee Brennan, seconded by Trustee Mueller, at 7:58 p.m. to adjourn to Executive Session to discuss the following:

- A. 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.

- B. LITIGATION, WHEN AN ACTION AGAINST, AFFECTING OR ON BEHALF OF THE PARTICULAR PUBLIC BODY HAS BEEN FILED AND IS PENDING BEFORE A COURT OR ADMINISTRATIVE TRIBUNAL, OR WHEN THE PUBLIC BODY FINDS THAT AN ACTION IS PROBABLE OR IMMINENT, IN WHICH CASE THE BASIS FOR THE FINDING SHALL BE RECORDED AND ENTERED INTO THE MINUTES OF THE CLOSED MEETING.

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

Motion was made by President Pro Tem Glotz, seconded by Trustee Brady, to adjourn the regular Board meeting. Vote on roll call: Ayes: Berg, Brady, Brennan, Glotz, Mueller. Nays: None. Absent: Vandenberg, Galante. President Pro Tem Glotz declared the motion carried and adjourned the special Board meeting at 8:23 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.

APPROVED:



Village President

ATTEST:



Village Clerk