

**MINUTES OF THE BOARD OF TRUSTEES,
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,
ILLINOIS, HELD NOVEMBER 18, 2014**

The regular meeting of the Board of Trustees, Village of Tinley Park, Illinois, was held in the Municipal Building on November 18, 2014. President Zabrocki called this meeting to order at 8:00 p.m. and led the Board and audience in the Pledge of Allegiance.

Present and responding to roll call were the following:

Village President:	Edward J. Zabrocki
Village Clerk:	Patrick E. Rea
Trustees:	David G. Seaman Gregory J. Hannon Brian S. Maher Thomas J. Staunton, Jr. Patricia A. Leoni T.J. Grady

Absent:

Also Present:	
Village Manager:	David J. Niemeyer
Village Attorney:	Thomas M. Melody
Village Engineer:	Jennifer S. Prinz

Motion was made by Trustee Seaman, seconded by Trustee Hannon, to approve the agenda as written or amended for this meeting. Vote by voice call. President Zabrocki declared the motion carried.

Motion was made by Trustee Staunton, Jr., seconded by Trustee Hannon, to approve and place on file the minutes of the regular Village Board meeting held on November 4, 2014. Vote by voice call. President Zabrocki declared the motion carried.

President Zabrocki presented the following consent agenda items read by the Village Clerk:

- A. CONSIDER REQUEST FROM ST. GEORGE SCHOOL, 6700 W. 176TH STREET, TO CONDUCT A RAFFLE DECEMBER 1, 2014 TO MARCH 28, 2015. WINNERS WILL BE DRAWN AT THE SCHOOL ON MARCH 28, 2015.
- B. CONSIDER REQUEST FROM FAMILY HARVEST CHURCH TO CONDUCT A FUNDRAISER (TAG DAY) FOR "LOVE INC. OF TINLEY PARK" ON NOVEMBER 20, 21, AND 22, 2014, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.
- C. CONSIDER REQUEST FROM YOU CAN MAKE IT, INC. TO CONDUCT A FUNDRAISER (TAG DAY) ON DECEMBER 11, 12, AND 13, 2014, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.

- D. PAYMENT OF OUTSTANDING BILLS IN THE AMOUNT OF \$1,610,579.06 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED NOVEMBER 7 AND NOVEMBER 14, 2014.

Motion was made by Trustee Grady, seconded by Trustee Seaman, to approve the consent agenda items. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

At this time, President Zabrocki recognized the Youth In Government Program for 2014.

Motion was made by Trustee Hannon, seconded by Trustee Seaman, to remove from the table **ORDINANCE NUMBER 2014-O-033 GRANTING A GARAGE HEIGHT VARIATION FOR 17065 FORESTVIEW DRIVE WITHIN THE R-4 ZONING DISTRICT AND WITHIN THE PARKSIDE SUBDIVISION (WILLIAM & JANET GALLAGHER – PETITIONERS)**. Vote by voice call. President Zabrocki declared the motion carried.

Motion was made by Trustee Hannon, seconded by Trustee Seaman, to table **ORDINANCE NUMBER 2014-O-033 GRANTING A GARAGE HEIGHT VARIATION FOR 17065 FORESTVIEW DRIVE WITHIN THE R-4 ZONING DISTRICT AND WITHIN THE PARKSIDE SUBDIVISION (WILLIAM & JANET GALLAGHER – PETITIONERS)** to the January 6, 2014, Village Board meeting. Vote by voice call. President Zabrocki declared the motion carried.

Motion was made by Trustee Hannon, seconded by Trustee Grady, to waive first reading and adopt **ORDINANCE NUMBER 2014-O-045 GRANTING A SPECIAL USE PERMIT TO ILLINOIS COMPASSIONATE CARE, LLC AT 18504 WEST CREEK DRIVE FOR A MEDICAL CANNABIS CULTIVATION CENTER IN THE OFFICE AND RESTRICTED INDUSTRIAL (ORI) ZONING DISTRICT AND THE NORTH CREEK BUSINESS CENTER PLANNED UNIT DEVELOPMENT**. The petitioner, David Weisser (doing business as AJJA Management, LLC and Illinois Compassionate Care, LLC), requests a Special Use Permit to operate a Medical Cannabis Cultivation Center within an existing building at 18504 West Creek Drive. The applicant's company, AJJA Management, LLC, is in contract to purchase the property at 18504 West Creek Drive and has submitted an application for a medical cannabis cultivation center license with the State of Illinois under the name Illinois Compassionate Care, LLC (ICC). The Plan Commission held a public hearing on November 6, 2014, and noted that the petitioner has satisfied the findings-of-fact as evidenced in the discussion of the project. On a vote of 8-0-1, the Plan Commission recommended approval of the Special Use Permit to the Village Board. Village Staff and the Plan Commission recommend the following conditions:

- 1) Installation of HVAC and scrubber systems designed to control odors emanating from the building;
- 2) Odors will not exceed the performance standards within the Village's Zoning Ordinance (Section V. C.9.c.5) and the Illinois Air Pollution Control Regulations, whichever standard is higher;
- 3) No building or monument signage, other than necessary directional signage, will be provided for this particular use;

- 4) Landscape improvements will be necessary if the property owner expands the parking lot or changes entrances to the property; and
- 5) All necessary State permits, approvals and licenses will be obtained and maintained for the duration of operations at the Subject Property;
- 6) All applicable laws and regulations relating to the operation of a medical cannabis cultivation facility shall at all times be fully complied with, and all representations made by Petitioner to any regulatory agency, and to this Village, shall be honored and enforced for the duration of operations at the Subject Property; and
- 7) The Act shall remain in effect and not be repealed, amended or declared illegal or unconstitutional by a court of competent jurisdiction.

Due to State of Illinois requirements for the licensing of Medical Cannabis Cultivation Centers, all local entitlements must take place within sixty (60) days of application to the State. The petitioner has formally requested waiving of first reading of this Ordinance in order to make the 60 day requirement. If first reading is not waived, the petitioner will not meet their State of Illinois licensing requirement. A copy of the letter received from Illinois Compassionate Care, LLC dated October 30, 2014, is attached to these minutes. President Zabrocki stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

Motion was made by Trustee Hannon, seconded by Trustee Leoni, to place on first reading and direct the Village Attorney to draft an Ordinance **GRANTING VARIATION FOR A FRONT YARD ENCROACHMENT ON A CORNER LOT FOR A FENCE AT 6400 180th PLACE WITHIN THE KENDEN ESTATES SUBDIVISION AND THE R-4 SINGLE FAMILY ZONING DISTRICT (SPISAK)**. The petitioner, Thomas Spisak, requests a variation from Section V. Schedule II (Schedule of District Requirements) of the Village's Zoning Ordinance for a twenty-five feet (25') variation to place a 4 feet high fence within the front yard. This variation would allow the petitioner to place a fence at a zero foot (0') setback on the east (Ridgeland Avenue) side of the property. The variation was requested because the petitioner's house was built approximately eight feet (8') into the required twenty-five feet (25') front yard setback on the east side, meaning the home lies about seventeen feet (17') from the property line on the east side of the lot. The petitioners wish to enclose their yard with a fence for a pet. A public hearing was held at the Zoning Board of Appeals (ZBA) on November 13, 2014, and the ZBA recommended that the Village Board grant the variation on a vote of 5-0-0. Vote by voice call. President Zabrocki declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Seaman, to adopt and place on file **ORDINANCE NUMBER 2014-O-043 AMENDING ORDINANCE NO. 2008-O-011 AND APPROVING AN AUTOMATED TRAFFIC LAW ENFORCEMENT AGREEMENT**. During 2008, the Village of Tinley Park adopted the necessary ordinance to establish a red light camera program in the Village of Tinley Park. Since its inception, the Village has had red light cameras on Harlem Avenue at the intersections of 159th, 171st and 183rd street. During 2009, the Village entered into a five (5) year agreement with RedFlex Traffic Systems to operate the Village's red light camera program. In anticipation of the expiration of that agreement, the Village of Tinley Park issued a Request for Proposal (RFP) to select the next red light camera program vendor. The Village received four (4) responses to the RFP. At the completion of the review process, it was recommended that Safespeed be selected as the Village's red light camera vendor.

Reasons for their recommendation included, but were not limited to:

- 1) Safespeed currently contracts with several Illinois communities, including those in Cook County;
- 2) Familiarity with Illinois and Cook County processes for red light camera permits; and
- 3) Positive reference checks received by the Village from communities currently served by Safespeed.

This item was discussed at the Public Safety Committee meeting on September 2, 2014, and the Committee of the Whole meeting on October 14, 2014, and recommended for approval. President Zabrocki stated that this Ordinance was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to adopt and place on file **ORDINANCE NUMBER 2014-O-044 APPROVING MEMORANDUM OF UNDERSTANDING FOR AUTOMATIC MUTUAL AID**. The Village of Tinley Park has had an automatic aid agreement with the Frankfort Fire Protection District since March 1, 2005. Currently, the Village of Frankfort is going through an ISO review process. ISO has requested the Frankfort Fire Protection District update their agreement with the Village due to the time that has passed since the original agreement was signed. The Village Attorney has reviewed the new agreement and found it to be acceptable. There are several benefits of the automatic aid agreement, including, but not limited to:

- Identification of the automatic aid response areas;
- Identification of apparatus/equipment utilized by each department in an auto aid response;
- Indemnification for each of the responding departments; and
- Agreement to joint training for the benefit of both departments.

President Zabrocki stated that this Ordinance was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

Motion was made by Trustee Staunton, Jr., seconded by Trustee Seaman, to place on first reading **RESOLUTION NUMBER 2014-R-044 AUTHORIZING CHANGE ORDER NO. ONE (1) TO THE CONTRACT WITH BEARY LANDSCAPING FOR THE TREE PLANTING – ASH REPLACEMENT PROGRAM**. Earlier this year, the Village entered into a contract with Beary Landscape, after completion of a competitive bidding process for tree replanting due to the Emerald Ash Borer (EAB) epidemic that has affected the State of Illinois. The original contract amount was for \$1,265,710. The proposed change order would authorize Beary Landscape to replant an additional 1,386 trees at a not to exceed cost of \$489,290. The proposed change order amount matches the Village's budgeted amount in the current fiscal year for this expenditure and represents a 38.66% change to the original contract amount. The Village finds the following related to the proposed change order:

- The circumstances necessitating the change order were not reasonably foreseeable at the time the contract was signed;
- The changes affected by the change order are germane to the original contract as signed; and
- The changes effected by the change order are in the best interests of the Village and are authorized by law.

This item was discussed at the Public Works Committee meeting held on August 27, 2014, and recommended for approval. Consider Resolution Number 2014-R-O44 authorizing Change Order No. 1 to the contract with Beary Landscape for the tree planting-Ash Replacement Program. Vote by voice call. President Zabrocki declared the motion carried.

Motion was made by Trustee Leoni, seconded by Trustee Staunton, Jr., to **APPROVE A ONE YEAR RENEWAL CONTRACT WITH CALL ONE FOR TELEPHONE SERVICES**. In April of 2009, the Village of Tinley Park contracted with Call One and switched telephone circuits from AT&T to Call One. The contract was updated to include additional circuits and plain old telephone service (POTS) lines in 2010. With this extension, the Village will continue to receive approximately a 30% discount over the regular AT&T rates and tariffs for an additional year. Call One's service and performance has been found to be excellent. President Zabrocki stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

Motion was made by Trustee Leoni, seconded by Trustee Hannon, to adopt and place on file **RESOLUTION NUMBER 2014-R-043 APPOINTING AN AUTHORIZED AGENT TO ACT FOR THE VILLAGE OF TINLEY PARK IN ADMINISTRATION OF ILLINOIS MUNICIPAL RETIREMENT FUND**. In accordance with the Illinois Municipal Retirement Fund (IMRF) rules, an authorized agent must be appointed by the Village Board to act for the Village of Tinley Park with regard to its participation in IMRF. The Village records indicated that the Village Clerk has historically performed the IMRF agent duties since the Village initiated participation with the IMRF in 1965. However, upon recent review, it has been determined that it would be more appropriate for the agent function to be more closely aligned with the payroll and accounting functions that are directly associated with the Village's participation in IMRF. With the Village Clerk's concurrence as the current IMRF agent, this resolution names Village Treasurer, Brad L. Bettenhausen, as the authorized agent on behalf of the Village effective with the passage of this resolution. President Zabrocki stated that this Ordinance was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Seaman, Hannon, Maher, Staunton, Jr., Leoni, Grady. Nays: None. Absent: None. President Zabrocki declared the motion carried.

Motion was made by Trustee Leoni, seconded by Trustee Seaman, to **APPROVE THE REGULAR VILLAGE BOARD AND REGULAR COMMITTEE OF THE WHOLE MEETING SCHEDULE FOR 2015**. Consider approving the regular Village Board and regular Committee of the Whole meeting schedule for 2015. Regular Village Board meetings will take place on the first and third Tuesdays of each month of 2015 at 8:00 p.m. at the Village Hall. Regular Committee of the Whole meetings will take place on the second Tuesday of each month of 2015 at 7:30 p.m. at the Village Hall. Appropriate notice shall be given in accordance with the Illinois Open Meetings Act.

Vote by voice call. President Zabrocki declared the motion carried.

At this time, President Zabrocki asked if anyone from the Board or staff would care to address the Board.

President Zabrocki stated that community groups will be decorating holiday trees during the "Trim a Tree" event at Zabrocki Plaza on Saturday, November 22, 2014, at 9:00 a.m.

Clerk Rea noted that the transfer of the IMRF representative from the Village was given to the Village Clerk's Office at a time when the Village had no Village Treasurer. This item was a matter of administrative clean-up and it is now in a more appropriate office.

At this time, President Zabrocki asked if anyone from the Public would care to address the Board.

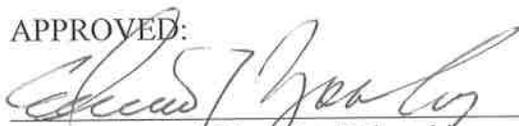
No one came forward.

Motion was made by Trustee Seaman, seconded by Trustee Staunton, Jr., to adjourn the regular Board meeting. Vote by voice call. President Zabrocki declared the motion carried and adjourned the regular Board meeting at 8:20 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."

ATTEST: 

Patrick E. Rea
Village Clerk

APPROVED: 

Edward J. Zabrocki
Village President