

Special Meeting of the Board of Trustees - Minutes

**MINUTES OF THE SPECIAL BOARD MEETING OF THE TRUSTEES,
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,
ILLINOIS, HELD JULY 17, 2018**

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 July 17, 2018. President Vandenberg called this meeting to order at 6:31 p.m. and led the Board and audience in the Pledge of Allegiance.

Present and responding to roll call were the following:

Village President:	Jacob C. Vandenberg
Deputy Village Clerk:	Laura J. Godette
Trustees:	Brian H. Younker Michael J. Pannitto Cynthia A. Berg William P. Brady Michael W. Glotz (Arrived 6:38 p.m.) John A. Curran
Absent:	
Village Clerk:	Kristin A. Thirion
Also Present:	
Village Manager:	David J. Niemeyer
Assistant Village Manager:	Patrick Carr
Village Attorney:	Patrick Connelly

**A PUBLIC HEARING HELD ON JULY 17, 2018, BEFORE THE CORPORATE
AUTHORITIES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL
COUNTIES, ILLINOIS, TO CONSIDER THE PROPOSED ANNEXATION
AGREEMENT FOR THE PROPERTY LOCATED AT 19420 HARLEM AVENUE
(LENNY'S GAS N WASH)**

At this time, President Vandenberg called the Public Hearing to order at 6:32 p.m. Motion was made by Trustee Berg, seconded by Trustee Brady, to open the Public Hearing to consider the proposed annexation agreement for the property located at 19420 Harlem Avenue (Lenny's Gas N Wash). President Vandenberg declared the Public Hearing open. Vote by voice call.

Village Attorney Connelly stated that in conformance with the State Statutes, he stated this is a Public Hearing for the annexation of Lenny's Gas N Wash, a 4.87 acre parcel located at 19420 S. Harlem Avenue. The property currently operates as a motor fueling facility for autos and trucks, a convenience store with drive-up food service window for Dunkin Donuts along with another food service tenant (Beggars Pizza), a carwash, and outdoor dispensing/filling of propane tanks. The proposed annexation agreement sets forth a schedule for the Petitioner to bring the property

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into compliance with Village Building and Sign Codes. Additionally, the agreement does not provide any commitment from the Village to issue Liquor or Video Gaming Licenses. However, Petitioner has indicated a desire for both licenses and the agreement provides a right to disconnect within sixty (60) days at the Petitioner's option.

At this time, President Vandenberg asked if there were any comments from the petitioner.

Attorney for Petitioner, Cass Wennlund, stated the annexation agreement presented brings the business into the Village and gives the Board more control of over the property with regards signage, liquor and video gaming to name a few matters. Mr. Wennlund spoke to issues with boundary agreements with this property. He presented a timeline of the life of this business.

Trustee Pannitto stated that he has concerns with this business having a liquor and video gaming license in a residential area. He would like the petitioner to agree not to apply for these licenses and would like to see this be part of the agreement.

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

Linda Arnold stated concerns about Lenny's Gas N Wash applying for liquor and video gaming licenses as soon as they are annexed. She also has concerns about this business violating the nuisance ordinance in regards to noise and trucks. She would like to see the nuisance issue addressed in the agreement.

Angela Zaluta stated concerns about the possibility of 24 hour gaming at the business. She feels this will increase traffic and pollution. She would like to see the agreement state no liquor or gaming at this business.

Mr. Bulson state concerns about Lenny's Gas N Wash pursuing liquor and gaming licenses. He is also concerned that the Village the sales tax revenue is not going to be as high as predicted. He would like to see the agreement state no liquor or gaming at this business.

Glen Arnold feels that this annexation agreement will give the Village less control, he feels other businesses within Tinley Park would be looking for preferential treatment. Mr. Arnold the State of Illinois can issue the liquor and video gaming license without approval from the Village.

Village Attorney Connelly if Village Code does not already prohibit the State from permitting sales of liquor or video gaming, he recommends that this be amended. Control should be with the Village. He will review the Municipal Code.

Mr. Arnold asked that the Board agree to the same terms as the annexation agreement for the Speedway Gas Station on 80th Avenue and not allow liquor or video gaming.

Trustee Glotz asked that the Village Attorney review truck stops and gaming within 300 feet residential homes.

Nancy O'Connor inquired as to the petitioner's right to disconnect in the annexation agreement. Village Attorney stated that disconnect is the opposite of annexation. Ms. O'Connor inquired as to the super majority and simple majority vote. Village Attorney Connelly stated annexation is super

majority and liquor is simple majority.

Sandy Rennie stated concerns about liquor and gaming at Lenny's Gas N Wash and would like to see the annexation agreement prohibit this. She also has concerns about this business violating the nuisance ordinance.

Charlotte Harrington has concerns about noise coming from the gas station.

Peter Kroner asked who has precedence in issuing a gaming license. Village Attorney Connelly stated if the local jurisdiction requires a license, the State will not issue a license. Mr. Kroner stated concerns about lawsuits against the Village. He also questioned the amount of revenue received by the Village from this business and the size of the property for this type of business. He asked the Board to reject this annexation agreement unless it includes there will not be liquor or gaming.

A citizen had concerns about the State issuing a gaming license to this business

A citizen state concerns about annexing this property into the Village. He stated other governmental agencies have not approved requests from this business.

Ken Shaw noted that information about the boundary agreements were brought up at Plan Commission workshops. He asked the before any votes are taken on this matter the Board should review this matter. He asked the Board to consider approving this annexation agreement if the property meets the current Village Code and models the annexation agreement for the Speedway Gas Station on 80th Avenue. He also has concerns about control of the property if annexed noting that it might be liability to the Village.

Attorney Cass Wennlund spoke for the Petitioner. Mr. Wennlund spoke to the voting by the Board, noting an annexation agreement requires a super majority vote. He stated gaming license applications would have to go before the Village Board. There will be no physical changes to the gas station upon annexation. The \$300,000 in sales tax revenue for the Village is minus the gaming revenue. As to the noise levels coming from the car wash, he noted that the Village would have more controls over this matter through their code.

Leonard McEnery, Petitioner, spoke to concerns about signage at this business. He also stated that he has ten (10) locations, eight (8) liquor licenses, and five (5) video gaming licenses with not problems at these locations.

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Trustee Glotz asked if the Gas N Wash had video gaming, would it be visible to the public. Mr. McEnery stated it would have walls around it. President Vandenberg stated that this meeting is regarding the annexation agreement not video gaming. Trustee Glotz inquired about the hours of operation for the car wash. Mr. McEnery stated the car wash hours are 6:00 a.m. to 10:00 p.m.

President Vandenberg clarified that the liquor sales would not be twenty-four hours if applied for, the Shell Gas Station at 171st Street and Harlem Avenue sells liquor, and he abstained from voting for the annexation at the Speedway on 80th Avenue.

Trustee Glotz asked Mr. McEnery if he would consider changing hours for fueling trucks to not night fueling. Mr. McEnery stated he would not consider this.

Motion was made by Trustee Glotz, seconded by Trustee Brady, to close the Public Hearing. Vote by voice call. President Vandenberg declared the motion carried and closed the Public Hearing.

Motion was made by Trustee Brady, seconded by Trustee Berg, at 7:43 p.m. to adjourn to Executive Session to discuss the following:

- A. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE 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.
- 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.

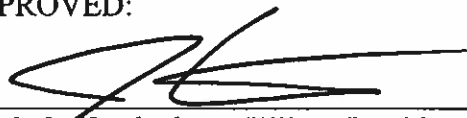
Vote on roll call: Ayes: Younker, Pannitto, Berg, Brady, Glotz, Curran. Nays: None. Absent: None. President Vandenberg declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Brady, to adjourn the Executive Session and reconvene the regular Board meeting. Vote by voice call. President Vandenberg declared the motion carried and reconvened the regular Board meeting at 8:07 p.m.

Motion was made by Trustee Younker, seconded by Trustee Brady, to adjourn the regular Board meeting. Vote by voice call. President Vandenberg declared the motion carried and adjourned the regular Board meeting at 8:07 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:



Jacob C. Vandenberg, Village President

ATTEST:



Kristin A. Thirion, Village Clerk