

**MINUTES
VILLAGE OF LISLE BOARD OF TRUSTEES
COMMITTEE OF THE WHOLE
MONDAY, FEBRUARY 4, 2019**

I. CALL TO ORDER & ROLL CALL

Mayor Pecak called to order the Committee of the Whole meeting at 7:22 p.m. on Monday, February 4, 2019 in the Village Hall Board Room, 925 Burlington Avenue, Lisle, Illinois 60532.

The following minutes constitute a summary of the events and discussions that transpired during the subject meeting, and do not purport to be a transcript of such. Where transcripts exist, they are available for inspection under the Illinois Freedom of Information Act.

Present: Trustees Boyle, Carballo, Cawiezel, Dixit, Hasse, Mandel and Mayor Pecak

Absent: None

Also

Present: Village Manager Ertmoed, Chief of Police Anderson, Assistant Village Manager Knight, Development Services Director Smetana, Public Works Director Elias, Village Planner Rockwell, Village Attorney Elliott, and Deputy Village Clerk Arnold

II. PUBLIC COMMENT

III. PRESENTATIONS

A. Ordinance Amending Title 3, Chapter 16, of the Village of Lisle Code, Comprehensive Regulation of Tobacco Products

Chief Anderson stated the Police Department has seen a rise in the use of alternative nicotine products by those under 18 and the Village code does not currently address the licensing, sale, use and possession of these products. He then reviewed the proposed changes to the code.

Mayor Pecak questioned if CBD is included. Chief Anderson stated it is not, that is a separate category.

Trustee Hasse inquired about Tobacco 21 for all of Illinois. Chief Anderson stated he has not seen anything that would move it to the next level, adding that Lisle is not a home-rule community and is not eligible to bring it to the Board for consideration.

Trustee Dixit stated the fines seem minimal; she questioned what the fine is for repeatedly selling to a minor. Chief Anderson stated that there is a fine and if a business is repeatedly caught selling they would look at revoking the license. He then stated that the fines for this amendment are geared toward use of the products. Chief Anderson stated they do perform compliance checks and that fine would be same as selling a tobacco product.

Trustee Boyle moved to direct staff to prepare an ordinance Amending Title 3, Chapter 16, of the Village of Lisle Code, Comprehensive Regulation of Tobacco Products as presented. Trustee Cawiezel seconded the motion.

AYES APPROVED THE MOTION.

MOTION CARRIED.

B. A Major Change to the Naperville Jeep-Eagle Planned Unit Development, Approval of a Final Planned Unit Development Plat and Final Plat of Subdivision, Approval of a Special

Use Permit for an Automotive and Power Equipment Services Facility, and Associated Departures from Standard, 3300 and 3400 Ogden Avenue and 25W225 Ridgeland Road.

Planner Rockwell stated West Side Tractor Sales is proposing to redevelop the site into their combined headquarters and dealership facility. The change would allow for the display, sale, and storage of tractors and other power equipment, with associated corporate office space. Planner Rockwell then reviewed the changes and departures from standards.

Planner Rockwell stated this request was heard by the Planning and Zoning Commission and a public hearing was held, with approval being recommended. Planner Rockwell then reviewed the conditions outlined by the Planning and Zoning Commission.

Planner Rockwell stated that at the January 16, 2019 meeting the PZC moved rescind the previous approvals granted to West Side Tractor in December and re-approve the request based on the applicant's findings of fact, with conditions requiring that the applicant's sales tax revenue to comply with the financial impact analysis submitted as part of the applicants findings of fact and that the development result in the accrual of positive benefits to the community.

Russ Whitaker, Attorney for West Side Tractor Sales, presented information on West Side Tractor, their history, the site and proposed facility. He pointed out that they will have an expanded office footprint at the location because it will also be their corporate headquarters. Mr. Whitaker displayed slides indicating increased pervious area and the proposed site layout. He also showed renderings of the new facility, with display of equipment on Ogden Avenue, with a wall, trees and landscaping obscuring the view of service bay doors. He indicated that the majority of sales will be new, but there is a used equipment element because of trade-ins occurring. He also indicated where rental equipment will be stored.

Inga Sapalaite, Lisle, feels the company is being dishonest and was not transparent when presenting information to the only the EDC, and not the PZC.

Claire Goldenberg, Lisle, stated that she likes what she's heard and it is good thing for Lisle, she stated that if they do not complete it like they say "hold his feet to the fire".

Trustee Mandel asked if there will be any jobs added within the next 12-18 months. Mr. Whitaker stated that all the employees from the Naperville facility will be moving over and they anticipate growth, but it's not defined in a plan.

Trustees Cawiezel, Carballo and Mandel all remarked on the positive impact this business will have on the Ogden Avenue corridor and Lisle.

Mayor Pecak asked for a motion to approve the change and incorporating the findings of fact from the January 16th Planning and zoning meeting including the financial impact studies from that meeting as well.

Trustee Boyle inquired what the legal impact is with the PZC changing their vote, adding that there are differences between the December and January meeting. Attorney Elliott stated she reviewed the recordings from both meetings and at the December meeting, the motion did not specifically incorporate the findings of fact, which they should have. She stated that at the January meeting they wanted to adopt the findings of fact and also were concerned with abatements and the fiscal impact study not being in financial review, and if that should be considered. She stated that in January they adopted the findings, but procedurally there were mistakes made and that is why the Mayor is suggesting the findings be incorporated as part of the Village Board actions tonight.

Trustee Boyle questioned if the January 16th rescinding was legally done or were their problems. Attorney Elliott stated there were procedure problems with the way the agenda was amended for the January meeting. She explained that at the December meeting they did not adopt the findings of fact which they should have done, and that can be corrected at the Board level, instead of sending it back to the PZC.

Trustee Carballo questioned what procedurally was wrong. Attorney Elliott stated a revised agenda was posed 48 hours prior to the meeting, her concern is regarding notice to the parties, due process and other procedural issues.

Attorney Whitaker stated they were not given notice and his understanding is that the changes to the agenda were hand written, because they were not done with staff and legal counsel. The PZC had no basis and no jurisdiction over the matter, they had already voted on it and it had moved on. Mr. Whitaker stated they have been discussing an incentive with the Village since July. He pointed out they were directed not to include the request for incentive in the zoning application, as the PZC does not have jurisdiction over that matter.

Trustee Cawiezel read a portion of the January 29th staff memo and how the original recommendation from December 19, 2018 is what is being presented for the purposes of discussion. Mr. Whitaker stated they are agreeable to that, he had a modification being presented that included something that was done at the January meeting. Mr. Whitaker stated they are opposed to a condition that imposes any requirement that they comply with the fiscal impact study. Mayor Pecak stated that the motion recognizes the findings of fact by PZC as well as the potential sales generation that the site will have. Mr. Whitaker stated it was discussed improperly at the PZC and respectively asked that it not be incorporated into a motion.

Mayor Pecak asked if the December findings could be included even though they were not at the PZC meeting. Attorney Whitaker stated he would not object to that. He stated that the fiscal impact study is part of the record, but again stated that he is opposed to a condition that references it.

Trustee Hasse questioned why the PZC didn't have the findings of fact. Director Smetana stated the findings were present in December, they just were not referenced when they made their motion.

Planner Rockwell indicated that his memo references the findings from the December meeting.

Trustee Boyle moved to direct staff to prepare an ordinance authorizing a Major Change to the Naperville Jeep - Eagle Planned Unit Development, Approval of a Final Planned Unit Development Plat and Final Plat of Subdivision, Approval of a Special Use Permit for an Automotive and Power Equipment Services Facility, and Associated Departures from Standards for 3300 and 3400 Ogden Avenue and 25W225 Ridgeland Road as presented. Trustee Cawiezel seconded the motion.

**Trustee Boyle amended his motion to include the December 19, 2018 Findings of Fact.
AYES APPROVED THE MOTION. MOTION CARRIED.**

C. Economic Development & Sales Tax Revenue Sharing Agreement for West Side Tractor (WST) Sales Co., 3300 – 3400 Ogden Avenue

Manager Ertmoed presented information on the site and reviewed the terms of the economic development & sales tax sharing agreement for West Side Tractor. Manager Ertmoed stated that the economic incentive application was submitted to the Village in December, it was not incorporated as part of the PZC findings, due to it being reviewed by the EDC. He stated there was no intention to withhold information, and in the future if there is incentive, it will be added as a note.

Manager Ertmoed reviewed the two suggested recommendations, explaining that after West Side meet with the EDC, negotiations continued with staff, the Mayor and counsel.

Economic Development Commission's January 14th recommendation; A \$1.4 million maximum incentive, or lesser amount payable to WST over a fifteen (15) year period based on the annual local sales tax revenue generated by WST as shared by WST and the Village under the below split of the local sales taxes. The split is to occur on all annual sales tax revenue collected that is in excess of the base local tax amount (threshold amount) of \$55,000.00. (Base Local Tax Amount of \$55,000.00 with Local Sales Tax Split of 80% WST / 20% Lisle.)

Post-Economic Development Commission Negotiation; \$1.4 million maximum incentive, or lesser amount payable to WST over a twenty (20) year period based on the annual local sales tax revenue generated by WST as shared by WST and the Village under the below split of the local sales taxes in excess of the base local tax amount or threshold amount of \$100,000.00. (Base Local Tax Amount of \$100,000.00 with Local Sales Tax Split of 70% WST / 30% Lisle.)

Mr. Whitaker remarked that the incentive package has been an essential component of the discussion since WST acquired the Burke properties. Mr. Whitaker stated that there was discussion regarding property tax abatement in lieu of a sales tax agreement, but it's too late due to the purchase and sales agreement definitive deadlines. Mr. Whitaker stated the incentive agreement is giving WST an incentive to grow in Lisle; he then detailed several projected amounts depending on scenarios.

Mayor Pecak stated that a property tax abatement would be more beneficial to WST and the sales tax agreement is a larger risk for the Village as well as WST. Mr. Whitaker responded that is correct, but there is a time constraints and they are unsure if School District #203 will agree to it. He stated they would rather take the risk, using their projections and get a sales tax agreement that everyone on the Board is agreeable to.

Mayor Pecak asked the Board if they would consider holding a special meeting until after the meeting with School District #203 is held. He added that District #203 just wrote a check the Naperville Development Corporation, and Lisle has not seen any funds from them to develop Lisle. He stated he would like all possibilities considered.

Trustee Boyle moved to direct staff to prepare an economic development and sales tax rebate agreement with West Side Tractor in accordance with the term sheet dated January 29, 2019.

Trustee Cawiezel again thanked WST and discussed how communities that are home-rule have the ability to add additional sales tax and Lisle has no added local sales tax. Trustee Carballo agreed with Trustee Cawiezel and stated that he is in favor of the sales tax rebate agreement and that this is a great opportunity for the Village, he added that the Village needs to be more business friendly.

Michael Olson, Lisle, encouraged the Board to take into consideration the significant win that this would be for the west end of the Ogden Avenue corridor and how the retail automotive market is changing, and this type of equipment is a more sustainable sales tax revenue for the Village.

Claire Goldenberg, Lisle, agreed with Mr. Olson and thanked WST for wanting to bringing their business back to Lisle. She urged the Board to vote yes.

Steve Winz, Lisle, commented on how respected WST is in the industry and how this agreement is a good deal for the Village. He also commented on the claw-back portion of the agreement and how it favors the Village.

Inga Sapalaitė stated she now agrees and can welcome WST to the Village.

Sara Sedat, Lisle, remarked she would like to see economic development in Lisle and WST will provide that.

Steve Caten, Plainfield, broker for the seller of the property, remarked that WST was not the first buyer for the property, they had many interested parties, but WST was the perfect match for the property.

Trustee Hasse seconded the motion.

AYES APPROVED THE MOTION.

MOTION CARRIED.

IV. PUBLIC / OFFICIALS / STAFF COMMENTS

V. EXECUTIVE SESSION

VI. RECONVENE OPEN SESSION

VII. ADJOURNMENT

Trustee Boyle moved to adjourn. Trustee Hasse seconded the motion.

ROLL CALL

Ayes: Trustees Boyle, Hasse, Carballo, Cawiezel, Dixit, Mandel and Mayor Pecak

Nays: None

Abstain: None

Absent: None

AYES APPROVED THE MOTION.

MOTION CARRIED.

The February 4, 2019 Village Board Committee of the Whole meeting adjourned at 9:01 p.m.

Respectfully Submitted,




Karen Arnold

Recording Secretary

The minutes of the February 4, 2019 Village of Lisle Committee of the Whole were passed and approved

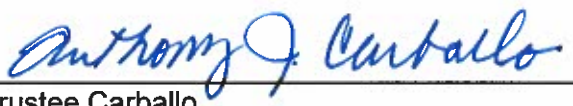
this 18th day of February, 2019.



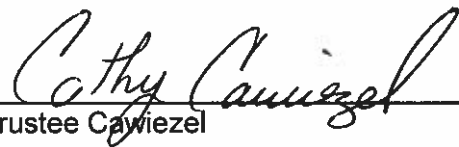
Mayor Pecak



Trustee Boyle



Trustee Carballo



Trustee Cawiezel

Trustee Dixit



Trustee Hasse

Trustee Mandel