

MINUTES OF THE WORK SESSION
CITY COUNCIL OF CREST HILL
WILL COUNTY, ILLINOIS
January 29, 2024

The January 29, 2024 City Council work session was called to order by Mayor Raymond R. Soliman at 7:00 p.m. in the Council Chambers, 20600 City Center Blvd. Crest Hill, Will County, Illinois.

The following Council members were present: Mayor Raymond Soliman, City Clerk Christine Vershay-Hall, City Treasurer Glen Conklin, Alderman Scott Dyke, Alderman John Vershay, Alderman Darrell Jefferson, Alderwoman Claudia Gazal, Alderman Mark Cipiti, Alderman Nate Albert, Alderman Joe Kubal.

Also present were: Building Commissioner Don Seeman, City Attorney Mike Stiff.

Absent were: Alderperson Tina Oberlin, Police Chief Ed Clark, Public Works Director Blaine Kline, City Engineer Ron Wiedeman, Finance Director Lisa Banovetz, Interim City Planner Maura Rigoni, Interim Community Development Director Ron Mentzer.

TOPIC: Class C Liquor License – 2350 Plainfield Road

Mayor Soliman stated that Bhavnababen Patel, the manager and liquor license holder for Crest Hill Grab N Go Gas Station located at 2350 Plainfield Road was requesting a beer and wine Class C package liquor license. He stated on January 10, 2024 there was a meeting, and they went through the process of the liquor application, and everything was in order. This is mayors' choice for beer and wine only.

Ms. Patel approached the podium and introduced herself. She stated that she moved from New York to Crest Hill and she likes Crest Hill. The hours of operation are Monday through Saturday from 6am to 10pm and Sunday from 6am to 9pm.

Mayor Soliman commented that everything is in order except for the Health Department Certificate. Mayor Soliman informed Ms. Patel once she has the official document from the Health Department she may stop in and make payment. The license is all ready to be picked up when this is completed.

TOPIC: Tacos B4 Vatos Places for Eating Tax

Mayor Soliman received a call from Brianna Alcantar regarding the delinquency of the Places for Eating Tax for Tacos B4 Vatos. Mayor Soliman stated that they are delinquent from May 2023 through November 2023. Brianna's husband, Marco Alcantar, would like a payment plan since their business is not doing that good. He explained that they were unaware of the taxes even though the city informed them, but it had slipped their mind.

Alderwoman Gazal commented that we should consider a payment plan since this is the first time and she stated that she has talked to Brianna, as well.

Alderman Albert asked what the amount is that is owed. Treasurer Glen Conklin commented that we do not even know at this point what the amount is that is delinquent

since it is relevant to the sales. He also stated that there have not been any filings since the taxes had started in January of 2023. He explained that this is a consumer tax and not taken from the business, the business would add this as a collected tax in the register. It does not change the price of food. They would then remit to the City of Crest Hill the amount that they had collected in the sale. Treasurer Conklin commented that multiple attempts have been made to advise them on how to collect and make the payments, and there was even an in person visit.

Marco commented that they have only been open seven (7) months and they were not aware of it until they walked in the restaurant and hand delivered the paperwork, but he stated it slipped his mind and had never been charging the customers for the tax. He stated that they will have to pay out of pocket but do not have the funds since the restaurant is not doing well.

Treasurer Conklin asked if they have fixed the register to include the tax and are now collecting the tax. Marco commented that they have been collecting the tax now, about a month ago, since they had gone to court.

Alderman Albert commented that they have registered but they have not paid.

Treasurer Conklin commented that Marco has stated that they do not serve food. Marco commented that they removed the tables and chairs that they had for the customers to sit while waiting for their food. Treasurer Conklin commented that they had tables in December 2023. Marco commented that he removed the tables after the hearing he had to attend. Marco commented that if they are going to charge them then they will have tables for seating. Treasurer Conklin stated that the city is not charging them, that we are asking for you to charge the tax to your customers on behalf of the City of Crest Hill.

Alderman Jefferson asked if there was a way to estimate the tax amount. Treasurer Conklin commented that the city has no information from them regarding their sales. Typically, the business would complete a ST-1 form with the State of Illinois regarding their sales that are collected at the point of sale. If they could submit the ST-1 we would know the amount of tax.

Alderwoman Gazal asked if they are aware of their sales. Marco commented that his accountant has the information, and he would have to talk to her about it.

Alderman Cipiti commented that he never attended the hearing in January, and the business was assessed a fine of \$750.00.

Building Commissioner Don Seeman commented that at the December hearing you were given a continuance to January and at the January hearing date no one had appeared, and you were assessed a \$750.00 fine. Alderwoman Gazal asked if the \$750.00 citation was paid. Commissioner Seeman commented that the order was entered for a \$750.00 fine which will go to Will County Circuit Clerk. Attorney Mike Stiff commented that they have 35 days to appeal the administrative hearing decision, or you can pay the fine.

Alderwoman Gazal commented that how can we help you if you are not helping yourself or following the rules.

Alderman Jefferson asked if the \$750.00 covers the taxes. Attorney Stiff commented that the \$750.00 is the fine for violating the ordinance and is separate from the tax.

Attorney Stiff commented that Marco will need to get the paperwork from his accountant and sit down with the Finance Department and see what tax amount is owed, then go from there. Treasurer Conklin stated that if the accountant shares the information with the Finance Department, then we can find out what is owed and then it could be the Council's decision if they want to have a payment plan.

Alderman Jefferson commented that he cannot be in favor of a payment plan without having numbers.

Treasurer Conklin commented that we would need the actual numbers and determination of a plan, otherwise, the business license would not be renewed and shut down as of January 31, 2024 at midnight.

Alderman Cipiti commented that he would be more open in discussing this if they made more of an attempt since they opened their business, and he does not feel this is fair to other establishments who are paying. Alderman Cipiti asked Marco if he ever considered going to a bank for a loan, Marco commented that he cannot afford a loan at this time and him and his wife work full time and work the restaurant.

Alderman Cipiti asked Marco if he was aware that if this was not paid on time the business license would not be issued. Marco commented that he was not aware of that. He also stated that this is all new to him.

City Clerk Christine Vershay-Hall commented that the license expires at midnight on Wednesday, January 31, 2024 and if they pay after the due date there is a penalty fee of three times the amount of the license.

Alderwoman Gazal commented that she was not aware of all these details and how can they do a payment plan when you do not know what is going on and not even aware that they have a fine of \$750.00.

Alderman Albert commented that this program has been in effect the entire year and according to Director Banovetz attachments they show that you are registered and the ignorance of not knowing is not an excuse.

Marco commented that he wants to pay and comply, but this is all new to him. He commented that he was here in December for the hearing but was not aware of January's court and nothing was received in the mail for the January date. Attorney Stiff commented that if he were here in December, he would have been given an Order with his next date. Marco commented that he did get that paper at the December hearing and must have just forgotten.

Alderwoman Gazal commented that all of this was not made aware to her when she talked to Brianna.

Mayor Soliman suggested for Marco to contact their accountant and make sure he is aware of the situation, give information to you, and make payment for the business license for

2024 by January 31, 2024. Mayor Soliman commented that if you do not, you are subjecting yourself and your business up to a \$750.00 fine per day for operating a business with no license. Mayor Soliman asked if he understood, and he replied that he understood and will have to shut down if not paid.

Marco asked if it had to be full payment. Mayor Soliman stated that it would need to be full payment by Wednesday, January 31, 2024 at 4:30p.m.

TOPIC: Replacement Glazing at Park District Office

Building Commissioner Don Seeman commented that there are cracks in the Park District ballistic glass window. Commissioner Seeman commented that he did have Valley Security Company look at this window. He stated that they asked what kind of cleaning supplies were used. Commissioner Seeman explained they used dish soap and water. They then came back and stated that water could have seeped in around the speaker and got into the polycarbonate, and this could have created the cracks.

Commissioner Seeman explained our warranty date is one year from the shipment date and the shipment date was November 2021 and this was installed in beginning of 2022 which makes the window not under warranty. Alderwoman Gazal asked if it is a structural problem. Commissioner Seeman commented that it is not a structural problem that the cracks come up from the speaker. He was told by the company that the windows were drilled in at the factory and the speakers were installed when they came here. These windows were taken out when the ADA countertops were replaced. The crack is only in one layer of the window, since these windows are ballistic there are multiple layers.

Alderwoman Gazal asked if we replace the window how do we prevent this from happening again. Commissioner Seeman commented that the cleaning crew was told to only use dry cloth. Alderwoman Gazal asked if the new window would have a warranty. Commissioner Seeman said the window will have a one-year factory warranty.

Alderman Dyke asked who would be installing the speaker and would they seal it. Commissioner Seeman commented that the company will install the speaker. Alderman Dyke asked if someone would watch them install the speaker and make sure it is sealed. He also stated that we should not be paying someone if they did not install/seal the window correctly. We should be able to take soap and water and wipe it down.

Attorney Stiff asked if we could negotiate a longer warranty time on the window and the installation.

Alderman Vershay asked if something has hit the glass to make the crack. Commissioner Seeman commented that it is a level four glazing, polycarbonate glass with multiple layers.

Attorney Stiff asked if a one-year warranty is standard. Commissioner Seeman commented that it is standard. Alderwoman Gazal asked if we could find out if there is an extended warranty.

Commissioner Seeman commented that they have a 10-week period to receive the new window and can only go by what they tell him.

Alderman Vershay asked if the windows have gas in between the panes. Commissioner Seeman stated there is no gas between the panes.

Alderman Albert commented that he feels we should shop around for another company since they would not back their product. He also commented that he feels a chemical cleaning product should not ruin bullet proof glass.

Alderman Vershay asked if we could contact Churnovic and see if he can get a window. Commissioner Seeman commented that he is not sure he sells bullet proof glass.

Linda Dyke, a resident, commented that she just googled this, and it said that this is caused by improper installation and over tightening a drilled hole in the window.

Alderman Cipiti commented that he agrees with Alderman Albert and to see if there is another company that is available.

Mayor Soliman asked for an informal vote to table for further information

AYES: Ald. Dyke, Vershay, Jefferson, Gazal, Cipiti, Albert, Kubal.

NAYES: None

ABSENT: Ald. Oberlin

TOPIC: Police Department Sallyport Doors

Building Commissioner Don Seeman explained around September of 2023 Car Care was bringing a car that was entering the sallyport and since there is no safety edges on the doors, the door came down. Commissioner Seeman also explained that when the tow truck was unloading the car, the doors came down on the trailer of the tow truck. There is no safety switch on the door, or the wall and he would suggest this addition be installed to make this code.

Alderman Cipiti commented that he could not believe that no safety was installed with the doors.

Commissioner Seeman commented that it should be on the bottom of the door, and it was not, and he was not there when it was built or bid on and now it needs to be installed. Commissioner Seeman also commented that if it was not on the drawing of the specs the contractor is not responsible.

Commissioner Seeman informed the Council that the total amount is \$3,350.00 that is needed to do this work.

Attorney Stiff asked if this is something that was in the contract from the very beginning. Commissioner Seeman commented that he did not see this in the specs from the architect.

Alderman Jefferson asked if this is something that should have been inspected in the beginning. There was no comment.

Mayor Soliman asked for an informal vote for the safety edges and kill switch.

AYES: Ald. Kubal, Albert, Cipiti, Gazal, Jefferson, Vershay, Scott.

NAYES: None.

ABSENT: Ald. Oberlin.

This will be on the February 5, 2024 agenda.

TOPIC: Police Department Sewer Repair

Building Commissioner Don Seeman explained in the Police Department men's locker room, which is the wall behind the urinal, gives limited water flow and there is not enough pressure to push solid waste through. Commissioner Seeman explained that the new installation will have no decision on which way the solid needs to go. He also stated that per the plumbing code it was installed correctly but is not the right application for the plumbing we have. He also stated that the way it was installed per drawing is a legal connection, and the contractor is not responsible for the way it was built.

Alderman Dyke commented that a plumber should have known that it would not work. Commissioner Seeman commented that back in 2020 a plumber wrote an RFI to the architect suggesting upsizing the waterline to 2.5" and to put wall hung commercial grade toilets with flush valves but the architect came back to him on August 26, 2020 and said to stick to the floor mounted toilet and that the city did not want to do this.

Alderwoman Gazal asked who said this and Commissioner Seeman stated that it was Bob Gable the architect and Kirk Wilkins who were running this project. Alderwoman Gazal commented that here we are again because they were trying to cut corners.

It was said that Omega Plumbing was the original plumber and suggested doing this and our staff said no.

Commissioner Seeman suggested accepting the proposal from Omega Plumbing due to the amount and the fact that they did the original installation of the plumbing. Their proposal was \$8,466.00.

Alderman Cipiti asked what the warranty time would be. Commissioner Seeman will see what can be done, but there is a one-year warranty when they originally were installed.

It was stated that we have had to have this rodded out four times already.

Mayor Soliman asked for an informal vote.

AYES: Ald. Cipiti, Albert, Kubal, Dyke, Vershay, Jefferson, Gazal.

NAYES: None.

ABSENT: Ald. Oberlin.

TOPIC: Police Department Painting and Wallcovering

Building Commissioner Don Seeman explained that the drywall will need repaired, reinstalling the partitions, repairing the epoxy floor after concrete is repaired which is fifty square feet of flooring. This proposal is from Cosgrove Construction and would be for a total of \$8,600.00.

Alderman Dyke commented that this is a lot of money for fifty square feet. He suggested 'Steve' in the audience fixing it for that price. Steve, in the audience commented that he would run the job for the city and do it for nothing and thinks it is a lot of money. He also stated that the architect should be held responsible.

Commissioner Seeman commented that he would get two more bids for this work and bring it back to the Council.

Mayor Soliman asked for an informal vote. It was a straw vote to table the Police Department sewer repair and wallcovering.

AYES: Ald. Gazal, Jefferson, Vershay, Dyke, Kubal, Albert, Cipiti.

NAYES: None.

ABSENT: Ald. Oberlin.

Alderman Gazal thanked Commissioner Seeman for all his hard work.

TOPIC: Alternative Water Source Financial Planning Support Agreement

Mayor Soliman commented that the Public Works Director Blaine Kline has information in their packet since he could not be here. Mayor Soliman commented that this is something that Mark Siefert handled when he was here for Lake Michigan Water. This is something all the communities need to do. He stated that there is money in the Lake Michigan fund for this agreement.

Burns and McDonald will provide financial planning support for the alternative water source funding program. The cost is \$11,637.00.

This will be on the February 5, 2024 agenda.

PUBLIC COMMENTS:

Steve Klementz, a resident, commented that we could get a quote from Moore Glass and there is a special seal that needs to be used. He also commented that he is upset that the contractors are not being held accountable. Attorney Stiff stated that the agreement with the architect protects the architect (limitation of liability). Steve commented that when he builds something he is held liable, and this architect should be held liable. Attorney Stiff commented that the agreement was looked at and the agreement does disclaim the liability of anything which is called the limitation of liability.

Linda Dyke, a resident, questioned the mayor if he would have these guys build his house. Mayor Soliman responded that he is not sure. She also asked if the contract for the building is FOIAable and was told yes.

MAYORS UPDATES:

Mayor Soliman commented that he had contact through email with Megan Diaz from Crusade Burger and she stated that they were told by the landlord they could move forward as a brunch place that will be open from 6am to 3pm and will have a liquor license for a limited bar to serve mimosas and bloody marys. He did state that they could not give a date of their opening and it will be a different name.

Mayor Soliman stated that they do not have a 2024 liquor license since payment was not made for December Places for Eating Tax.

Alderman Albert asked how the liquor license works for a Sunday morning. Mayor Soliman commented that Monday through Saturday is 6am and Sunday mornings are 10am to midnight. Megan was told by the mayor that they could not serve alcohol on Sunday morning until 10am.

COMMITTEE/LIAISON UPDATES:

No committee updates tonight.

Mayor Soliman asked for a motion to go into executive session on personnel 5 ILCS 120/2(c)(1).

(#1) Motion by Alderman Cipiti seconded by Alderman Jefferson, to go into an executive session on Personnel 5 ILCS 120/2(c)(1).

On roll call, the vote was:

AYES: Ald. Dyke, Vershay, Jefferson, Gazal, Cipiti, Albert, Kubal.

NAYES: None.

ABSENT: Ald. Oberlin.

There being seven (7) affirmative votes, the MOTION CARRIED.

Executive Session at 8:14 p.m.

(#2) Motion by Alderwoman Gazal seconded by Alderman Jefferson to reconvene from the executive session on Personnel 5 ILCS 120/2(c)(1).

On roll call, the vote was:

AYES: Ald. Dyke, Vershay, Jefferson, Gazal, Cipiti, Albert, Kubal.

NAYES: None.

ABSENT: Ald. Oberlin.

There being seven (7) affirmative votes, the MOTION CARRIED.

Reconvened at 8:48 p.m.

The meeting was adjourned at 8:48 p.m.

Approved this _____ day of _____, 2024
As presented _____
As amended _____

CHRISTINE VERSHAY-HALL, CITY CLERK

RAYMOND R. SOLIMAN, MAYOR

DRAFT