

Minutes of the Executive Session  
February 2, 2016  
Vogt Conference Room

Motion was made by Trustee Vandenberg, seconded by Trustee Younker to adjourn to Executive Session to discuss:

The purpose of this Executive Session was to discuss:

- 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.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker and Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried and this meeting was adjourned to Executive Session at 10:40 p.m.

The Village Clerk announced that this Executive Session is now being recorded.

A roll call was taken:

In attendance and  
responding to roll call:

D. Seaman, Mayor  
P. Rea, Village Clerk  
B. Maher, Village Trustee  
T. J. Grady, Village Trustee  
M. Pannitto, Village Trustee  
J. Vandenberg, Village Trustee  
B. Younker, Village Trustee  
B. Brady, Village Trustee

Absent: None

Staff Present: D. Niemeyer, Village Manager  
T. Melody, Village Attorney

Others Present: None

Trustee Vandenberg lead a discussion regarding a zoning letter that was sent from the Village of Tinley Park, drafted by Amy Connolly, to David Petroni and Illinois Housing Development Authority (IHDA). Amy states in the letter, her opinion, that the applicant has addressed the requirement in the zoning code that mandates "street lined commercial required". Trustee Vandenberg stated that when the letter was written commercial was required and the commercial qualification presented by Petroni at this evening's Board meeting is not commercial. The time line of events suggests that Amy intended to push through the text amendment so that this specific project would be approved. Trustee Vandenberg stated his focus with the text amendment was packaged liquor and hookah bars. Amy used her own opinion in this letter, not the legal opinion and not the opinion of the Village Board. Trustee Vandenberg was cc'd on the letter and after personal research and with the help of the IT Dept. found that he never received a copy.

Trustee Vandenberg requested the use of resources of the Village staff to investigate Amy Connolly's actions regarding the changing of the text amendments of the Legacy Code in order to get The Reserve project approved.

Mayor Seaman explained that in discussion with Buckeye Foundation the Mayor asked if our Plan

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Commission could delay the vote to approve the project and Buckeye refused. Buckeye Foundation's attorney has stated that they are entitled to a vote because they complied with all requirements of the project. Attorney Melody informed the Board that any action taken by the Board to stop this project will result in a Federal lawsuit.

Trustee Pannitto stated his disappointment in the fact that residents had information that the staff did not provide to the Board. Village Manager Niemeyer responded that the information may have been information that the staff did not have.

Mayor Seaman noted that the project itself was not hidden, the information was sent out in a report that elected officials receive every month and it was discussed on the bus tour that was taken in October.

A discussion was had regarding changing the zoning code so the Village Board has more input on approval of projects.

There was discussion that Amy has had communication issues in the past and has been spoken to during performance evaluations about her interactions with staff, residents, developers and elected officials. She has made vast improvements in those areas, but still is not where she should be.

Trustee Vandenberg stated that conceptual renderings were submitted, April 17<sup>th</sup> - prior to the text amendments- that did not have commercial property included. At that time the code still required street level commercial, they never intended to have commercial. This leads him to believe that the code was manipulated solely for this project.

Trustee Brady pointed out that there is a chance that Trustee Vandenberg received a hard copy of the letter and not an electronic version, making it difficult to track.

Trustee Pannitto requested that staff work on controlling the overwhelming amount of information that is sent to the Trustees.

Mr. Melody summarized what would happen regarding a law suit: 1. Buckeye Foundation will ask for a court order requiring us to issue site plan approval 2. They will file a law suit against the Village for damages 3. They may name individual people as individual defendants 4. They will ask for and get their attorney fees 5. They will ask for and have a good chance of receiving punitive damages.

Trustee Maher asked to see more proof that Amy specifically changed the text for this project before we accuse her of wrong doing. Studies have been done in the past that involved other developers and it was found that the developers were looking to not have commercial property on first floor developments.

Trustee Vandenberg stated that in his discussion with the Plan Commission, he did not direct them in any way on how to vote. He asked them to consider tabling the item.

Trustee Younker asked for information regarding a Kurtz employee that approached him approximately 30 days ago. He has not yet received the information. Village Manager, Niemeyer stated that the issue is scheduled to be discussed at the Committee of the Whole meeting next week.

Motion was made by Trustee Vandenberg, seconded by Trustee Brady, to adjourn this Executive Session.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker and Brady. Nays: None.

Absent: None. Motion carried and this Executive Session was adjourned at 11:49 a.m.

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Motion was made by Trustee Grady, seconded by Trustee Brady to adjourn the regular Village Board meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Village Board meeting at 11:50 p.m.

DN:lv