

Minutes of the Executive Session  
June 7, 2016 6:30 p.m.  
Village of Tinley Park  
@ Victor J. Andrew High School

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

The purpose of this Executive Session was to discuss:

- a) THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY, INCLUDING MEETINGS HELD FOR THE PURPOSE OF DISCUSSING WHETHER A PARTICULAR PARCEL SHOULD BE ACQUIRED.
- b) 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.
- c) 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.
- d) COLLECTIVE NEGOTIATING MATTERS BETWEEN THE PUBLIC BODY AND ITS EMPLOYEES OR THEIR REPRESENTATIVES, OR DELIBERATIONS CONCERNING SALARY SCHEDULES FOR ONE OR MORE CLASSES OF EMPLOYEES.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Suggs Nays: None. Absent: None. Mayor Seaman declared the motion carried and this meeting was adjourned to Executive Session at 6:31 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, Clerk  
B. Maher, Village Trustee  
T. J. Grady, Village Trustee  
M. Pannitto, Village Trustee  
J. Vandenberg, Village Trustee (Arrived 6:49 p.m.)  
B. Younker, Village Trustee  
K. Suggs, Village Trustee

Staff Present:

D. Niemeyer, Village Manager  
S. Tilton, Assistant Village Manager  
B. Bettenhausen, Village Treasurer  
I. Baker, Director of Economic Development  
P. Carr (Departed 6:49 p.m.)  
P. Wallrich (Arrived 6:49 p.m. Departed 7:29 p.m.)  
P. Connelly, Village Attorney  
C. King, Village Engineer  
L. Godette, Deputy Clerk

Others Present:

Allister McGrath (Arrived 7:29 p.m./Departed 7:37 p.m.)

## MINUTES

### Executive Session

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**Trace Ambulance Litigation** – Village Manager Niemeyer stated that Trace Ambulance is willing to renew its settlement offer of \$150,000 for seven (7) days until June 9, 2016 at 5:00 p.m. The Village offer of \$117,420 was not acceptable to Trace. After discussion it was the consensus of the majority of the Board to offer the settlement offer of \$150,000 and end this case in order to avoid further legal fees on this case. Trustees Maher and Grady stated they felt the Village should not settle the case at \$150,000. Village Attorney Connelly suggested the Board add a no disparagement clause to the settlement.

**Tinley Park Mental Health Center – Sports Complex** – Trustee Vandenberg had asked that the Village Board discuss whether or not they want to further study the proposed Sports Complex that some residents and Southland Convention and Visitors Bureau have been suggesting for the Tinley Park Mental Health Center Property. This project would be difficult to get off the ground without the Village being involved in purchasing the land. Options include commissioning a feasibility study with a consultant that has expertise in mega sports complexes and/or placing an advisory referendum on the ballot.

- Don Schumacher from the National Association of Sports Commissions was initially cynical about the idea and worried about oversaturation. Mr. Schumacher saw strong potential in the area though and would complete a two part feasibility study. Part one would examine the market while part two, given that part one shows a strong market, would examine financial aspects.
- Brandon Dowling with C.H. Johnson consulting offered more details about costs and a possible timeline. If a feasibility study is conducted. The first portion dealing with the market would cost \$30,000 to \$40,000. If the first part provides strong showings, the second part would cost \$25,000 to \$35,000. Mr. Dowling estimated that a project such as this might take anywhere from 18 months to two and a half years. He suggested it appears to be a good site, especially with the Convention Center and hotels nearby.
- Bill Inman with Hitchcock Design Group discussed the idea, but offered limited information. Mr. Inman believes it to be a good area.
- Jim Cline from The Goals Group mentioned strong competition in the Western Suburbs, but the possible need for such a complex in the local area. He would conduct a feasibility study that would take 60 days or less and believes it would take an estimated two years to complete the project.
- Dev Pathik of Sports Facilities Advisory felt it depends on financing capacity and economic development goals and sports tourism based.

After discussion it was the consensus of the Board to recommend staff to draft RFP for a feasibility study for a sports complex at the Tinley Park Mental Health Center property. This study should be brought before the Economic Commercial Commission and the Finance Committee. Mayor Seaman will speak with Senator Mike Hastings to see if the State of Illinois would like to participate in funding this study.

**Update Buckeye Lawsuit** – At this time Alastar McGrath with Kozacky, Weitzel and McGrath provided an update on the case noting that Buckeye filed a motion to dismiss and Buckeye went back to court to attempt to file again. Buckeye is planning on amending the complaint dropping several of the

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counts, they are planning on filing a count for preliminary injunction and also for mandatory preliminary injunction. They may make request that the Plan Commission or Board approve their site plan they will need to file by June 15, 2016. This could take four to ten weeks. Village Manager Niemeyer asked for direction from the Board on what role Mr. McGrath will take in this case now that IRMA has been appointed as the lead attorneys on this case. After discussion it was the consensus of the Board to keep Mr. McGrath on this case at this time.

**Update 191<sup>st</sup> Street ROW Land Acquisition** – Village Manager Niemeyer updated the Board on the 191<sup>st</sup> Street ROW land acquisition issue. The Board last discussed this issue in January. A grant was awarded and the approximately \$400,000 that we will need to reimburse the federal government for expended engineering services if we do not make a decision on this project soon. The Village will need to purchase land from Inter-Continental Real Estate (Halikus). A final real estate sale agreement is accepted to be completed soon. Mayor Seaman noted that he feels a development agreement is necessary with this purchase and had concerns about billboard signs. Trustee Vandenberg noted that Plan Commission wanted the billboards signs for all businesses in Tinley Park. Chris King noted that this project is behind. Manager Niemeyer stated that draft agreement is almost complete and the Board could revisit this at an Executive Session at the Committee of the Whole on June 14, 2016.

**Update Settlement – Officer Michael Brown** – Village Manager Niemeyer presented an update on the Patrol Officer Michael Brown case. Officer Brown was injured on the job. IRMA appointed Attorney Greg Rhode who is handling the settlement negotiations to bring this claim to close. He is recommending beginning with 40% loss of use of a person as a whole (\$147,074) with the possible consideration of final settlement at 50% loss of use (\$183,842). IRMA is agreeable to this and seeks confirmation from the Board that the Village has no issues. Officer Brown is also eligible for PSEBA benefits pursuant to PSEBA (820 ILCS 320) because his injury is “catastrophic”, by virtue of the nature of the injury and that it occurred while he was actively pursuing a suspect. This benefit includes that the full amount of Officer Brown’s premiums for his health insurance plan must be paid by the employer. Approximate Village cost for health insurance coverage for Brown and his dependents until Medicare eligible equals \$216,799.92. After discussion the Board it was the consensus of the Board to settle with Officer Brown up to \$183,842.

**Update Violetto vs Tinley Park** – Village Manager Dave Niemeyer stated that the Village has a strong case and asked direction from the Board to present a settlement of \$10,000 to \$15,000 in court. Attorney Paul O’Grady also feels this is a reasonable amount. It was the consensus of the Board to authorize the attorney to present a settlement of \$10,000 to \$15,000 in court to settle this case.

Motion was made by Trustee Younker, seconded by Trustee Pannitto, to adjourn this Executive Session and return to the Special Committee of the Whole. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Suggs. Nays: None. Absent: None. Motion carried and this Executive Session was adjourned at 7:56 p.m.

Motion was made by Trustee Younker, seconded by Trustee Suggs, to adjourn the Special Committee of the Whole meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Village Board meeting at 8:12 p.m.

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