

Minutes of the Executive Session
Special Village Board Meeting
June 21, 2016 7:00 p.m.
Village of Tinley Park
@ Tinley Park Convention Center

Motion was made by Trustee Younker, seconded by Trustee Suggs, 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) 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: 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 10:00 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
B. Younker, Village Trustee
K. Suggs, Village Trustee

Staff Present:

D. Niemeyer, Village Manager
P. Connelly, Village Attorney
L. Godette, Deputy Clerk

Others Present:

Allister McGrath (Arrived 10:05 p.m./Departed 10:49 p.m.)

Department of Justice Federal Investigation – Manager Niemeyer stated that Allister McGrath will be presenting the information received from the Department of Justice (DOJ) regarding the federal investigation that will be initiated against the Village. The DOJ will be investigating the Village of Tinley Park's refusal to proceed with the development of The Reserve, a multi-family affordable housing development designed by Bucky Community Hope Foundation. The DOJ will be determining whether the Village of Tinley Park has violated the Fair Housing Act. Mr. McGrath stated that as it stands to this date they DOJ has requested documents and information but they do not have the power to enforce any of this. If the Village does not cooperate they will most likely file another Federal Lawsuit the same as what is already before the courts. Mr. McGrath has contacted the DOJ and has not received a response. He

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would like to go over with the DOJ that this is the same investigation already before the Federal Courts and to address their claim we have denied Buckeye's permit application which is not true. Mr. McGrath will request that the DOJ drop this investigation. If a Federal Judge finds a violation the DOJ will reopen this investigation. If they do not drop this investigation Mr. McGrath suggests we cooperate with the DOJ and let the Village Attorneys work with them.

As to the Buckeye Federal Complaint, both the Mayor Seaman and Trustee Vandenberg have not been dropped from this complaint. Mr. McGrath believes that in the end both Mayor Seaman and Trustee Vandenberg will be dropped. Trustee Younker and Pannitto have been dropped. The claims as to the Website should be dropped if the Judge follows the law. Buckeye is planning on filing a Preliminary Injunction this coming Thursday. Buckeye is seeking their permit to continue their project.

Mr. McGrath is comfortable with the Village's position in this matter. There is sufficient evidence that Buckeye's dealings with Village internal people at the Village caused the Village to act in a certain way in passing the text amendment ordinance without fully understanding the ramifications. Mr. McGrath still needs to see what the Preliminary Injunction contains. He also notes there are three (3) law firms from Buckeye on this case. The Village may be in for a long process with this complaint. The possibly timeframe may be a three (3) month period with a favorable result.

The Board discussed the implementation of IRMA taking over this case. Mr. McGrath stated that the Board should be sure the IRMA attorneys are on the same page as the Board and have a strategy and not just be concerned about cost.

The Village Board discussed the cost of Kozacky, Weitzel, McGrath as counsel in this case.

DeMent Litigation – Manager Niemeyer presented an overview of where we are with this case. Mr. Eberhardt sent a letter to the Mayor stating that the Board should come up with a way to pay the citizens of Tinley Park back the money for recycling and he is planning to refile the complaint. Attorney Connelly stated he has spoken with Mr. Eberhardt on this matter and projects many FOIA requests to come to the Village on this matter.

Tinley Park Mental Health Center – Sports Complex – Manager Niemeyer stated that the Request for Proposal for the feasibility study and master planning for proposed sports complex has been drafted. Thus far there are a list of five (5) potential consultants. These consultants all show interest when they were contacted to provide general information regarding the project and the possibility of conducting a feasibility study. The list includes: The Sports Facilities Advisory, C.H. Johnson Consulting, The National Association of Sports Commissions, Hitchcock Design Group and the Goals Group. Manager Niemeyer stated this is the first step in the decision to acquire the land. The Board also discussed the environmental issues at this site.

Motion was made by Trustee Younker, seconded by Trustee Suggs, 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 11:14 p.m.

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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 11:14 p.m.

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