

Minutes of the Executive Session
Village Board meeting
November 15, 2016, 8:00 p.m.
Village Hall of Tinley Park
16250 S. Oak Park Avenue, Tinley Park, IL

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to adjourn to Executive Session at 8:50 p.m. to discuss the following:

- 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.
- C. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC 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.

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

A roll call was taken:

In attendance, responding to roll call:

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

Others Present:

- D. Niemeyer, Village Manager
- S. Tilton, Assistant Village Manager
- L. Godette, Deputy Village Clerk
- P. Connelly, Village Attorney
- P. Wallrich (Depart 10:01 pm)
- A. McGrath, Kozacky, Weitzel & McGrath (Depart 9:46 pm)

Item 1 – Receive Update regarding Buckeye Lawsuit – Alastar McGrath presented an update regarding the Buckeye Foundation litigation. Mr. McGrath referred to the letter received from the Department of Justice (DOJ) on November 4, 2016, stated that they would be filing a lawsuit against the Village Friday, November 18, 2016, with regard to the Buckeye Matter, unless the Village agrees to

1. Allow Buckeye to build its development;
2. Pay monetary damages fro the victims of discrimination; and
3. Pay a civil penalty to vindicate the public interest of past discrimination.

Mr. McGrath and Village Attorney, Paul O’Grady spoke with the DOJ and explained that the Village has been exploring settlement and that discussions could lead to Buckeye building its development

and dismissing its lawsuit. The DOJ stated that settling with Buckeye was only a good first step and the Village would also need to enter into a consent decree with the Federal Government acknowledging that discrimination took place and agreeing to make sure discrimination doesn't happen in the future. The Village would also agree to pay monetary damages. The DOJ stated that if the Village does not agree to this the Federal Government would be filing its own lawsuit. After further discussion with the DOJ, we requested that a supervisor might reconsider the DOJ request for a consent decree if the Village enters into a settlement agreement with Buckeye. The DOJ stated that would look into this. Mr. McGrath noted that the City of New Berlin, Wisconsin, had entered into a similar consent decree with the Federal Government. Mr. McGrath will be speaking with the DOJ on Friday after a Supervisor has looked into this matter.

After discussion, it was the consensus of the not to enter into a consent decree with the Federal Government. The Board also decided not to send a letter to IRMA regarding the Village pursuing a settlement with Buckeye.

Item 2 – Discuss Denler Properties and Music Plaza – David Niemeyer presented an overview regarding discussions with Dave Denler and METRA regarding North Street and the newly proposed site for the plaza based on our branding theme consultant recommendations. The Village has acquired a substantial portion of the North Street block, assembling this property toward a goal of moving redevelopment of the North Street block forward due to the inactivity of the original development group. At this time, there is a single lot gap in the Village's property holdings in the North Street block that remains in the ownership of the original development Limited Liability Corporation (LLC) partnership. The LLC is represented by David Denler. The Village had recently had conversations with Mr. Denler about developing temporary commuter parking on the North Street block as part of relocating the parking displaced by the earlier plaza plan and the South Street redevelopment. While purchase of one or more of the LLC parcels was raised, the meetings had focused more toward concepts for developing the temporary parking. The Village owns much of the property needed for the plaza except for a 9,000 square foot parcel owned by Dave Denler. An appraisal shows his property is worth \$75,000. Based on previous discussions with Denler the Village doesn't anticipate him accepting anywhere near that number. The Village has thoughts that they would like to discuss with the board, including possibly swapping village owned property with Mr. Denler. Before approaching negotiations with Denler, the Village would like to have a concept design for the new plaza site drawn to review with him. The cost of a proposal from Site Design to do this is \$2,910. Also, the Village may want to still continue discussions on acquiring property for relocating commuter parking spaces even if the need no longer exists to replace the METRA spaces for the plaza. As noted, the South Street property proposed for an apartment complex currently has active commuter parking spaces in use. METRA considers these spaces in their counts for the Oak Park Avenue station, and when that apartment project is built, METRA will require us to relocate the lost spaces within a reasonable walking distance of the station. As the commuter parking around the station also doubles as parking for commercial businesses in the area, it is critical that we address both the commuter and community/commercial needs. The Village has identified the 1.84 acre Bechstein Construction property as one possible location that lies within the "walkability" radius of the station and is large enough to accommodate development of the needed parking spaces. The appraisal for this property places a value of \$800,000 on the property.

Mr. Niemeyer provided an update about possibly buying/acquiring the METRA rail siding/spur that lies west of Oak Park Avenue. This siding could potentially be used in connecting the downtown to the Mental Health Center by way of a bike path. METRA owns 100 feet of right of way as the rail line passes through Tinley Park, which includes the referenced rail siding.

After discussion, it was the consensus of the Board to have Site Design Group create a concept design for the potential new plaza on North Street.

Item 3 – Discuss Fire Chief Candidates – Dave Niemeyer provided an update on the Fire Chief Candidate recommendations noting that the Mercer Group has provided a list of 23 potential candidates for the position. Steve Tilton, Gerry Horan, and he reviewed the list and narrowed it down

to (9) candidates. Mr. Niemeyer stated he would like to see background checks on the nine (9) potential candidates. After the background checks are complete he will return to the Board with recommendations for interviews.

Motion was made by Trustee Pannitto, seconded by Trustee Suggs, to adjourn this Executive Session. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Suggs Nays: None. Absent: None. Mayor Seaman declared motion carried and this Executive Session was adjourned at 10:07 p.m.

Motion was made by Trustee Grady, seconded by Trustee Younker, to adjourn the Special Committee of the Whole Meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned this meeting at 10:08 p.m.

lg