

Minutes of the Executive Session
 Village Board meeting
 December 20, 2016, 6:45 p.m.
 Village Hall of Tinley Park
 16250 S. Oak Park Avenue, Tinley Park, IL

Motion was made by Trustee Pannitto, seconded by Trustee Suggs, to adjourn to Executive Session at 6:51 p.m. to discuss the following:

- A. 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.
- B. 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.
- C. DISCUSSION OF MINUTES OF MEETINGS LAWFULLY CLOSED UNDER THIS ACT, WHETHER FOR PURPOSES OF APPROVAL BY THE BODY OF THE MINUTES OR SEMI-ANNUAL REVIEW OF THE MINUTES AS MANDATED BY SECTION 2.06.

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

Village Staff:

- D. Niemeyer, Village Manager
- S. Tilton, Asst. Village Manager
- L. Godette, Deputy Village Clerk
- P. Connelly, Village Attorney

Others Present:

- B. Lemley (Arrived 6:58 p.m./Departed 7:50 p.m.)
- A. McGrath (Arrived 6:58 p.m./Departed 7:50 p.m.)

Item 1 – Discuss Release of Executive Session Minutes – Clerk Rea presented an overview of the release of Executive Session minutes procedure. He noted that after review by the Village Attorney and himself there were eleven (11) sets of minutes dated from March 7, 2000 to March 15, 2016 to be placed on the January 3, 2017 Village Board agenda for authorization by the Board to release. He noted that these minutes referred to the hiring of the Public Works Director, Orland Hills issues, right-of-way at 191st Street and Harlem Avenue Extension, and the setting of the executive session minutes release procedure. Clerk Rea stated that if any Board member would like to review these minutes before the January 3, 2017 meeting they are available with his office. After discussion by the Board it what their direction to place this on the Village Board meeting agenda for January 3, 2017 for approval.

Item 2 – Discuss Update Buckeye Litigation – Alastar McGrath presented an overview of the meeting between Buckeye Hope Foundation and the Village of Tinley Park which took place on Wednesday, December 14, 2016, regarding a settlement proposal offered by Buckeye. Mr. McGrath provided a letter to summarize which included:

1. Buckeye will amend its site and building plans to provide for the four-story building generally depicted on the conceptual plan. This revised plan contemplates retail use on the first floor, and a retail exterior. No Portion of the first floor will be used for private residential units.
2. The Village will cause all necessary action, including staff review, public meetings and public hearings by all applicable boards and commissions of the Village, if any are necessary to take place and occur, and all necessary and applicable approvals to be officially and lawfully granted, so that the village will be able to issue to Buckeye, not later than February 1, 2017, a building permit authorizing the building of the four-story building, subject only to standard Village building permit conditions.
3. At the time of issuance of the building permit, the village will deliver to Buckeye a cash payment in an amount equivalent to the total additional expense that will be incurred by Buckeye in constructing the four-story building in 2017, as opposed to the building that was originally contemplated by Buckeye that is the subject of Buckeye’s Application to the Village and that is subject of this litigation and scheduled to be building in 2016, as well as the amount of increase in Buckeye’s land acquisition expense (collectively, the “Cash Payment). We recommend that we use Buckeye’s Illinois Housing Development Authority submission as the basis for calculating the Village’s Cash Payment amount. Buckeye’s originally contemplated building is the subject of Buckeye’s application to the Multi family Finance Department of IHDA. The approval has a construction Cost item of \$11,190,000 and a contingency line item of \$489,255. The Village will be responsible for covering the cost of any increases in those two line items that are related to the construction of the four-story building under the Village’s now-existing building codes. The village will also be responsible for the \$100,000 increase in the land acquisition amount.
4. That portion of the first floor of the new four-story building that was previously depicted for private resident units (exact square footage to be determined) will be available to the Village to use as retail use, at no additional cost to the Village (other than the Cash Payment and the Village’s ongoing payment of a portion of the costs to maintain the common area of the building). Buckeye will work with the village to determine the most appropriate way for the Village to take possession of the retail space (subdivided ownership, commercial condominium, lease, licenses, etc). Buckeye will have no responsibility for the use, leasing occupancy, or maintenance of the retail space.
5. Upon issuance of the building permit and payment of the Cash Payment, Buckeye will cause its federal court complaint against the Village and all the other defendants to be dismissed with prejudice, and will not seek any addition costs, fees or expenses from the Village.

Buckeye would like the Village to pay the difference in the cost, as to what it would have cost and what it will know cost. Right now that cost is unknown.

At this point IRMA would like the Village to settle this case and let Buckeye build. IRMA will be meeting at the beginning of February 2017 to discuss this.

After discussion it was the consensus of the Board to have Staff and the Attorney's approach Buckeye for a final full set of plans and the costs for building from Buckeye and explore options for first floor commercial feasibly.

Motion was made by Trustee Vandenberg, seconded by Trustee Pannitto, 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 7:41 p.m.

Motion was made by Trustee Younker, seconded by Trustee Pannitto, to adjourn the Special Village Board Meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned this meeting at 7:48 p.m.

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