

Regular Meeting of the Board of Trustees - Minutes

**MINUTES OF THE REGULAR BOARD MEETING OF THE TRUSTEES,
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,
ILLINOIS, HELD JANUARY 3, 2017**

The regular meeting of the Board of Trustees, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, IL on January 3, 2017. Mayor Seaman called this meeting to order at 7:30 p.m. and led the Board and audience in the Pledge of Allegiance.

Present and responding to roll call were the following:

Village Mayor:	David G. Seaman
Village Clerk:	Patrick E. Rea
Trustees:	Brian S. Maher T.J. Grady Michael J. Pannitto Jacob C. Vandenberg Brian H. Younker
Absent:	Kevin L. Suggs
Also Present:	
Village Manager:	David J. Niemeyer
Village Attorney:	Patrick Connelly
Village Engineer:	Jennifer S. Prinz

Motion was made by Trustee Vandenberg, seconded by Trustee Pannitto, to approve the agenda as written or amended for this meeting. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Maher, to approve and place on file, the minutes of the Special Village Board meeting and the Regular Village Board meeting held on December 20, 2016. Vote by voice call. Mayor Seaman declared the motion carried.

Mayor Seaman presented the following consent agenda items.

The following Consent Agenda items were read by the Village Clerk:

- A. CONSIDER REQUEST FROM MISERICORDIA TO CONDUCT A TAG DAY FUNDRAISER ON FRIDAY, APRIL 28 AND SATURDAY APRIL 29, 2017, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.
- B. CONSIDER REQUEST FROM KNIGHTS OF COLUMBUS TO CONDUCT A TAG DAY FUNDRAISER ON FRIDAY, SEPTEMBER 15 AND SATURDAY, SEPTEMBER 16, 2017, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.

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- C. CONSIDER RELEASE OF MINUTES FROM MISCELLANEOUS EXECUTIVE SESSION MEETINGS FROM MARCH 2000 TO MARCH 2016.
- D. PAYMENT OF OURSTANDING BILLS IN THE AMOUNT OF \$ 1,254,042.40 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED DECEMBER 23 AND DECEMBER 30, 2016.

Motion was made by Trustee Vandenberg, seconded by Trustee Grady, to approve the consent agenda items. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried.

At this time, Clerk Rea swore in Police Officer Vincent J. Murmann.

Motion was made by Trustee Vandenberg, seconded by Trustee Maher, to adopt and place on file **ORDINANCE NUMBER 2017-O-001 AUTHORIZING AN AMENDMENT TO A DEED RESTRICTION FOR THE PAWS PROPERTY LOCATED AT 8301 W. 191ST STREET.** The petitioner, Peoples Animal Welfare Society (PAWS), is seeking the release of a restrictive covenant on their property located at 8301 191st Street. In 1997, a deed was recorded transferring the property from the Brookside Glen developer to PAWS. Pursuant to Village Board action, the deed contained a restrictive covenant limiting the use of the property to an animal shelter with a right of entry and repossession in favor of the Village if ceased to be used as an animal shelter. PAWS has outgrown the facility and wishes to sell the property as part of funding the construction of a larger facility in nearby Mokena. The Village has benefited from their relationship with PAWS by receiving impoundment services which will continue as part of the new facility. The Planning Committee considered the request and recommended approving an amendment to the deed restriction allowing for a sale of the property to a non-animal shelter use so long as the property is returned to taxable status. Mayor Seaman noted that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Grady, to adopt and place on file **ORDINANCE NUMBER 2017-O-002 GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE IN THE B-3 (GENERAL BUSINESS AND COMMERCIAL ZONING DISTRICT) LOCATED AT 6787 159TH STREET (MACK COMPANIES).** The petitioner, Kevin McWilliams of MACK Companies, is seeking approval for a Special Use Permit for a residence to be located above a principal commercial use at 6787 159th Street within the B-3 Zoning District. This Special Use Permit would allow the petitioner to utilize existing space on the second floor of the building for an 880 square foot, one-bedroom residential unit above a commercial space. The Plan Commission held a Public Hearing on December 1, 2016, and after consideration of the Findings of Fact, voted unanimously in favor of the requested Special Use with the following conditions:

1. That the outstanding Change of Ownership conditions be completed by the property owner prior to receiving a Certificate of Occupancy;
2. That a Landscape Plan be submitted to Staff by December 15, 2016, and an escrow or bond be provided to guarantee the installation of the landscaping by June 1, 2017; and

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3. That the existing nonconforming freestanding sign be altered to meet the Village's current Sign Regulations or be replaced with a new sign meeting the Village's current Sign Regulations.

Mayor Seaman noted that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker, to adopt and place on file **ORDINANCE NUMBER 2017-O-003 GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A COMMERCIAL INDOOR RECREATION USE GREATER THAN 3,500 SQUARE FEET IN THE B-2 PD (COMMUNITY SHOPPING, BREMENTOWNE MALL PUD) ZONING DISTRICT LOCATED AT 6805 159TH STREET (UNITED ATHLETICS)**. The petitioner, Michael Kociolek of United Athletics, is seeking approval for a Special Use Permit to operate a commercial indoor recreation use greater than 3,500 square feet at 6805 W. 159th Street within the B-2 PD (Community Shopping, Brementowne Mall Planned Unit Development) Zoning District. This Special Use Permit would allow the petitioner to utilize an existing 15,000 square foot tenant space for a gymnastics training facility. The Plan Commission held a Public Hearing on December 1, 2016, and after consideration of the Findings of Fact, voted unanimously in favor of the requested Special Use with the following conditions:

1. That the petitioner provide security cameras;
2. That the petitioner make improvements to the façade, including the erection of an awning on the access door on the east façade and the removal of the opaque covering on all windows; and
3. That crosswalks be implemented on the exterior of the tenant space per Staff recommendations and a stop sign be located on the northeast corner controlling the east/west traffic.

Mayor Seaman noted that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried.

Motion was made by Trustee Grady, seconded by Trustee Maher, to place on first reading **ORDINANCE NUMBER 2017-O-004 AUTHORIZING ENTRY INTO A LEASE WITH THE STATE OF ILLINOIS, DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, CONCERNING PROPERTY LOCATED AT 6825 173RD PLACE**. Since 1998, the Village has leased approximately 2,900 square feet of space in the Dunn Public Safety Building to the State of Illinois for use by the Illinois State Police. The prior lease terms were for a three (3) year period. The new lease would extend the agreement by five (5) additional months, with an expiration date of May 31, 2017. The total lease value is \$8,130.08. This item was discussed at the November 1, 2016, Public Safety Committee meeting and recommended for approval. Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Mayor Seaman declared the motion carried.

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Motion was made by Trustee Maher, seconded by Trustee Grady, to place on first reading **RESOLUTION NUMBER 2017-R-001 ADOPTING A STRATEGIC PLAN FOR THE VILLAGE OF TINLEY PARK**. Over approximately the last 12 months, the Village of Tinley Park has taken the necessary steps to complete a strategic planning process. Benefits of adopting a Strategic Plan for the Village include, but are not limited to, the following:

- Document strategic priorities of the Village Board;
- Provide direction and accountability to staff;
- Communication tool with residents;
- Prioritization of limited resources and funding; and
- Sets future course of action for the Village.

The Strategic Plan is based on a process that included feedback from a community survey, focus groups and a two (2) day Village Board workshop held earlier last year. It is the intent of the Village to discuss the Strategic Plan on a tri-annual basis during the April, August and December Committee of Whole meetings. This item was discussed at the December 13, 2016, Committee of the Whole meeting and recommended for approval. Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Trustee Pannitto understands that Village Staff would like clear direction in what the Board would like them to do, this strategic plan contains elements that he does not necessarily approve of. He feels that by voting for this plan he would be implying that he supports the South Street and Tinley Park Mental Health Center projects. Mayor Seaman declared the motion carried

Motion was made by Trustee Grady, seconded by Trustee Maher, to place on first reading **ORDINANCE 2017-O-005 AMENDING TITLE 11, CHAPTER 112, SECTION 112.22 OF THE TINLEY PARK MUNICIPAL CODE – ADDITION OF ONE (1) CLASS AV LIQUOR/VIDEO LICENSE**. The proposed Ordinance would increase the Class AV Liquor/Video Licenses by one (1). The applicant has an existing liquor license but does not have video gaming. The applicant is proposing to continue their current operations, but add video gaming. The respective license will be for the following business:

- Dragon Palace located at 7122 171st St. Video gaming is proposed at this location.

Upon approval of this Ordinance, the total number of Class AV liquor licenses will be twelve (12). Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Trustee Pannitto voted nay. Trustee Pannitto stated that he has nothing against Dragon Palace his no vote is because he is against the spread of gambling. Mayor Seaman declared the motion carried.

At this time, Mayor Seaman asked if anyone from the Board or Staff would care to address the Board.

Mayor Seaman made the following statement:

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"It is clear that some residents are closely following the legal issues concerning the lawsuits involving the federal government and the developer Buckeye. I am not surprised by the concern as both legal arguments involve the issue of housing, a matter dear to citizen hearts because for most village citizens their homes are the most important asset they own as our home is for my wife and I. Lawsuits can have three outcomes: win, lose or settle. We have skilled counsel representing us in these suits. I intend to listen to counsel advice throughout this legal process and then ask you duly elected trustees to make the decisions that are in the best interest of our entire village.

Legal arguments can lead to feelings of anger or fear among some people. I promise you that I will not let selfish or non-rational emotions cloud my judgement in the matters before this village. You deserve fair and thoughtful decisions by your elected leaders. We will keep you posted as these matters go forward.

Without jeopardizing our plans, I have asked our village's legal representatives to provide an update on this matter."

At this time Village Attorney, Patrick Connelly, presented the following statement:

"On November 23, 2016, the Department of Justice filed a lawsuit against the Village over the Buckeye development. In its complaint, the Department of Justice alleged that the Village engaged in illegal practices under the Fair Housing Act by not allowing Buckeye to build its original proposed development, with the allegations basically mirroring what was said by Buckeye in its complaint. The Village has until the end of January to file a responsive pleading to the Department of Justice's complaint.

With regard to the Buckeye lawsuit, the parties currently are engaged in discovery, which is the exchange of information that may be relevant to the lawsuit. As with most litigation, the parties recently had some informal settlement discussions, but those discussions were very preliminary. To the extent there would be a proposed settlement offer by Buckeye that the Village Board would consider voting on, the public would be informed of the same prior to the Board acting. Currently, the Village is continuing to defend against both Buckeye's and the Department of Justice's lawsuits."

Trustee Younker made the following statement:

"I find it very concerning that every member of this Board whether it's closed session shouldn't be discussing anything, a pending lawsuit, especially of this magnitude, discussing with public or friends whatever. What happens in closed session should stay in closed session until the courts handle it. To discuss this with residents or anyone else is absurd."

Clerk Rea asked for the approval of Trustee Vandenberg, to include in the minutes that PAWS was initially sponsored over a three (3) year struggle by Mrs. Ester Hug in the early 1970's. Mrs. Hug was an advocate for animals in Tinley Park.

At this time, Mayor Seaman asked if anyone from the Public would care to address the Board.

Michael Paus thanked the Village Attorney for his comments on the lawsuits. He noted the Village Clerk and Village Attorney's work on implementing public comment procedures for the Village and also stated his concerns that the amendment to the Legacy Code did not seem to get as much attention.

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Stephen Eberhardt stated his concerns about Mayor Seaman's appointment to his position in 2015 and his compensation and repayment of longevity pay.

Lucas Hawley asked why the Village had an ordinance regarding parking on the public streets from 2:00 a.m. to 5:00 a.m. Mayor Seaman noted that it is a public safety issue to aid in patrolling the streets at night and a public works issue in clearing the streets during snow events.

Michael Stuckley asked if the Village has reviewed Cook County Ordinance No. 16-4229. Village Manager Niemeyer noted that the Budget, Audit and Administration Committee discussed it in the fall of 2016 and will be discussing again before the deadline in the spring of 2017.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, at 8:01 p.m. to adjourn to Executive Session to discuss the following:

- A. 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.
- B. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR HE 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. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to reconvene the regular Board meeting. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: Suggs. Mayor Seaman declared the motion carried and reconvened the regular Board meeting at 9:22 p.m.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker, to adjourn the regular Board meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Board meeting at 9:22 p.m.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item."

APPROVED:



David G. Seaman
Mayor

ATTEST:



Patrick E. Rea
Clerk