

**MINUTES OF THE BOARD OF TRUSTEES,  
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,  
ILLINOIS, HELD FEBRUARY 2, 2016**

The regular meeting of the Board of Trustees, Village of Tinley Park, Illinois, was held in the Municipal Building on February 2, 2016. Mayor Seaman called this meeting to order at 8:00 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 Bernard E. Brady

Also Present:

Village Manager:	David J. Niemeyer
Village Attorney:	Thomas M. Melody
Village Engineer:	Jennifer S. Prinz

Motion was made by Trustee Maher, seconded by Trustee Younker, to approve the agenda as written or amended for this meeting. Trustee Vandenberg added Item Number 13, an Executive Session, to discuss 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. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Pannitto, to approve and place on file the minutes of the regular Village Board meeting held on January 19, 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. REQUEST FROM MERCY HOME FOR BOYS AND GIRLS TO CONDUCT A TAG DAY FUNDRAISER ON SATURDAY, MARCH 5 AND SUNDAY, MARCH 6, 2016, AT CERTAIN INTERSECTIONS IN THE VILLAGE OF TINLEY PARK.
- B. CONSIDER REQUEST FROM RIVERSIDE HEALTHCARE FOUNDATION TO CONDUCT A RAFFLE ON MARCH 12, 2016, AT THE TINLEY PARK CONVENTION CENTER WHERE WINNERS WILL BE DRAWN.

- C. CONSIDER REQUEST FROM TINLEY PARK LIONESS CLUB TO CONDUCT A RAFFLE ON APRIL 24, 2016, AT ZION LUTHERAN CHURCH WHERE WINNERS WILL BE DRAWN.
- D. CONSIDER REQUEST FROM TINLEY PARK CHAMBER OF COMMERCE TO CONDUCT A RAFFLE THROUGH FEBRUARY 25, 2016, WHEN WINNERS WILL BE DRAWN AT THE ODYSSEY COUNTRY CLUB.
- E. PAYMENT OF OUTSTANDING BILLS IN THE AMOUNT OF \$1,924,307.73 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED JANUARY 22 AND JANUARY 29, 2016.

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

Motion was made by Trustee Vandenberg, seconded by Trustee Brady, to adopt and place on file **ORDINANCE 2016-O-003 ANNEXING PROPERTY LOCATED AT 17800 S. HIGHLAND AVENUE WITHIN THE UNINCORPORATED PORTIONS OF COOK COUNTY AND THE ELMORE RIDGELAND AVENUE ESTATES SUBDIVISION (TULEJA)**. Nick Tuleja is the owner of property in unincorporated Cook County and the Elmore Ridgeland Avenue Estates subdivision, addressed as 17800 S. Highland Avenue. The property is located along Highland Avenue between 177th and 179th Streets. The property currently contains a vacant house, a detached garage, and a shed. Mr. Tuleja proposes to demolish the structures on the lot and build a new house. Through annexation, the zoning will be established as R-1 (Single Family Residential) and there is no plan to rezone the property as it will continue to be used as a single family residential property. Mr. Tuleja has paid all annexation and impact fees required for annexation and he also signed a waiver acknowledging that the properties in the area have drainage issues and that current drainage conditions are marginal at best. There are no required notices to be sent for the annexation and no public hearing is required. 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, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Brady, to adopt and place on file **RESOLUTION 2016-R-006 APPROVING A PLAT OF EASEMENT FOR STORMWATER MANAGEMENT AND MAINTENANCE ON PROPERTY LOCATED AT 9500 W. 173RD STREET (SIMBA INVESTMENTS, LLC)**. As part of the establishment of a new parking lot for the Alpha Med property, as well as finalizing the requirements placed on the Alpha Med property by the Illinois Department of Transportation as part of the La Grange Road expansion, a storm water management easement is required to be established on the "Simba Property" located at 9500 W. 173<sup>RD</sup> Street, directly north of the Alpha Med Building (17333 S. LaGrange Road) (PIN: 27-27-300-007-0000). This storm water management easement ensures that the storm water area will be maintained by the private property owner, but the Village will have a right to perform emergency procedures and access the property, as determined necessary by the Village Engineer. The property owner will have the responsibility to pay for any corrections or deficiencies. No

buildings or structures can be erected within the storm water management easement. The plat of easement has been reviewed by the Village Engineer and the Village Attorney. 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, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Grady, to adopt and place on file **RESOLUTION 2016-R-002 APROOVING A SIDEWALK AND PUBLIC ACCESS AGREEMENT FOR PROPERTY LOCATED AT 16255 S. HARLEM AVENUE (UNIVERSITY MEDICAL CENTER/163RD PROPERTY, LLC)**. A condition of site plan approval for the University Medical Center project, which involves the rehabilitation and re-use of the former M.B. Bank building as a medical office building, at 16255 S. Harlem Avenue, was the approval of a public sidewalk easement agreement between the Village of Tinley Park and the property owner. During site plan approval, the petitioner wished to keep the public sidewalk on their private property because of the grade differences between the private property and the IDOT right-of-way (where the sidewalk is usually located). The proposed sidewalk location is more beneficial to pedestrians, as well. A public sidewalk easement will allow the public access across the property in the area of the easement and all the requirements of public sidewalks will be placed on the area of the easement. In addition to the sidewalk easement, the property owner is providing the Village with a payment in lieu of providing the public crosswalks at this location, until such time as the Village completes Harlem/Centennial Drive intersection improvements. The sidewalk easement agreement has been reviewed by the Village Engineer and the Village Attorney. 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, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Pannitto, to adopt and place on file **RESOLUTION 2016-R-004 AUTHORIZING A HIGHWAY AUTHORITY AGREEMENT (HAA) WITH EXXON MOBIL CORPORATION**. The Village of Tinley Park has been in discussion with Exxon Mobil Corporation regarding the establishment of a Highway Authority Agreement for the public right-of-way at the southeast corner of 183rd Street & Harlem Avenue. This agreement establishes responsibility and reimbursement guidelines relating to gasoline released from an underground storage tank at the former Exxon Mobil owned gas station at that corner. Under this HAA, the contaminated soil would remain in-place under the rules established by the Illinois Pollution Control Board. The agreement provides for reimbursement criteria should the Village need to perform any work in the right-of-way and encounter contaminated soils. This Resolution was discussed at a Public Works Committee meeting held on January 5, 2016, and recommended for approval. 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, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to adopt and place on file **RESOLUTION 2016-R-005 AUTHORIZING AN ENVIRONMENTAL INDEMNITY AGREEMENT WITH EXXON MOBIL CORPORATION**. The Village of Tinley Park has been in discussion with Exxon Mobil Corporation regarding the establishment of a Highway Authority Agreement for the public right-of-way at the southeast corner of 183rd Street & Harlem

Avenue as referenced in the previous resolution. This companion Environmental Indemnity Agreement provides criteria for Exxon Mobil to indemnify the Village of Tinley Park and releases the Village from any environmental liability related to this issue. This Resolution was discussed at a Public Works Committee meeting held on January 5, 2016, and recommended for approval. 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, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Brady, seconded by Trustee Pannitto, to place on the table **RULES FOR PUBLIC COMMENT AT VILLAGE BOARD MEETINGS**, until the Village Board meeting to be held on February 16, 2016. Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Grady, seconded by Trustee Maher, to adopt and place on file **ORDINANCE 2016-O-004 AMENDING TITLE 11, CHAPTER 112, SECTION 112.22 OF THE TINLEY PARK MUNICIPAL CODE – ADDITION OF TWO (2) CLASS E LIQUOR LICENSES**. Stella's, a restaurant and video gaming facility, has requested two (2) Class E liquor licenses within the Village of Tinley Park. These liquor licenses would be for establishments located at 16205 S. Harlem Avenue, Suite E, within the Tinley Park Plaza and 17123 S. Harlem Avenue, within the "Jewel" Shopping Center. This item was discussed at the December 8, 2015, Committee of the Whole meeting.

This ordinance would increase the number of liquor licenses as follows:

1. Class E liquor licenses by two (2). The total number of Class E liquor licenses would be nine (9).

Consider Ordinance Number 2016-O-004 increasing the Class E liquor licenses to nine (9) for the addition of two (2) Stella's Restaurants located at 16205 S. Harlem, Suite E, and 17123 S. Harlem Avenue. 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, Brady. Nays: None. Absent: None. 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.

Trustee Vandenberg noted that this will be the first televised meeting of the Village Board. He also stated his concerns with the development at 183<sup>rd</sup> Street and Oak Park Avenue, "The Reserve", and the Legacy Code, feeling that the Village Board has been cut out of the process. He also stated that since the roundabout has been voted down he would like the Legacy Plan and Code to be reviewed and appropriate changes should be made. Based on the points addressed he called for a moratorium on any development within the Legacy District until the Legacy Plan and Code can be modified. He noted that this project at 183<sup>rd</sup> and Oak Park Avenue should not be stalled simply because it is affordable housing but because there is a legitimate zoning consideration to make prior to the approval of this plan.

Trustee Pannitto stated his concerns about the Legacy Code and development at 183<sup>rd</sup> Street and Oak Park Avenue, "The Reserve", noting that there is a mechanism in the Code which allows building to take place without any vote from Elected Officials. Trustee Pannitto called for any development under the Legacy Code to stop and asked that it be placed on an agenda to look at the legality of it by an independent lawyer.

Trustee Grady stated that last week the Village was given a check for \$168,000 from the owner of Kurtz Ambulance. This is an amount over of the annual cap set by Kurtz.

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

Tom Melody, Village Attorney, presented an overview of the Legacy Code and the Plan Commission's authority to grant or deny site plan approval.

Mayor Seaman stated that the citizens' concerns are the Village Boards concerns.

Matt Coughlin stated his concerns about the development and developer at 183<sup>rd</sup> Street and Oak Park Avenue, "The Reserve." Mr. Coughlin speaks on behalf of the group "Citizens for Tinley Park." He believes there was a lack of government transparency on this project. He also stated his concerns about whether the project is in compliance with the Legacy Code and the roll the Village Board played in the decision process. Mr. Coughlin asked that the project not go to a vote this week at the Plan Commission meeting. He asked for a work in session and a referendum to our existing Legacy Code be established.

David Petroni, Buckeye Community Hope Foundation, stated that Buckeye Community Hope Foundation has followed the Village's codes and followed the Village process. He presented an overview of the project including how it is funded. He requested that the Village not implement a moratorium and pass this project.

Matt Coughlin voiced his concerns about the text amendment ordinance adopted in the summer of 2015 which amended the Legacy Code from commercial required vs. commercial preferred. He also stated concerns about the timeline of the project.

Amy Connolly - Text Amendment to the Legacy Code was adopted this summer changing the terminology from commercial required to commercial allowed. This amendment was to clarify the Code.

Corey Olderdorf stated her concerns about the developer and text amendment to the Code. Trustee Vandenberg noted this amended ordinance was bundled together with other amendments, one of which included the change from commercial required to commercial permitted.

Leslie Vaicik stated her concerns about the traffic and development project at 183<sup>rd</sup> Street and Oak Park Avenue. She also asked who is responsible for the project. Mayor Seaman presented a brief overview of how the development process occurs, noting that this project had to seek approval from the Illinois Housing Development Authority (IHDA).

Matt Coughlin asked if at the time the development went before the IHDA, did the application state commercial required or commercial allowed. Amy Connolly stated that in July of 2015 she wrote a zoning letter which was part of the application, that in her opinion they complied with the Code at the time, commercial required. The development had a commercial leasing office on the first floor.

Ed Barta questioned why the developer did not need to seek a variance for parking. The Board noted that they did not need a variance. The plan complied with the Code.

Matt Coughlin asked if the text amendment from commercial required to commercial permitted should have gone before the Zoning Board of Appeals. Village Attorney Tom Melody stated that this process goes before the Plan Commission and a Public Hearing was held.

Mike Fitzgerald stated his concerns with the developer and the Legacy Code.

Don Cuba voiced his concern with other buildings at the project site and the cost to the citizens of the Village that may be incurred. Mayor Seaman noted that this is a taxable property.

Jackie Daugerty, while recognizing the need for developments such as this, stated her concerns about the amount of rental development and gambling establishments in the area.

Ken Shaw shared his concerns with the overall development in Downtown Tinley. He also noted he would like to see more transparency in local government.

Trent Ridgeway presented his trepidations with the income qualifications for residents at this property. He noted that a housing unit would not bring in as much tax income to the community as another business might.

William Koehler addressed the Village Board and developer stating that he is not opposed to the project because of the people that it would bring to the community.

Steve Eberhardt voiced his concerns about the Legacy Code and the input of the Village Board in decisions. He also presented his distresses with the developer. Mr. Eberhardt presented a report presented to IHDA by the developer.

Karen Nicholson, a realtor in Tinley Park, feels this development will bring down property values in the area.

Susan Wyma voiced her concerns about the property values of the homes in the area and the effect on area schools.

Karen Katchen asked how many properties are in the Legacy Code. Mayor Seaman noted that the Legacy District is from 167th Street to 183rd Street on Oak Park Avenue. She also noted her concerns with the developer.

Mike Carpenter stated that he does not want low income housing near his home and asked the Village Board to review the Legacy Code and make changes.

Megan Herzic voiced her concerns about the amount of taxes the proposed development will pay and when they will pay them. Mr. Petroni stated the organization is a not-for-profit. He noted that Buckeye looked at similar apartment properties in the area and through this analysis came up with their assumption that the taxes would be approximately \$80,000. Trustee Vandenberg asked Mr. Petroni to explain the stabilization of the proposed development. Mr. Petroni presented an overview of their process to reach stabilization of the property stating that stabilization should be approximately six months. Mr. Petroni also noted that when the Legacy Code was adopted it must have been a detailed process.

Peter Kroner asked who oversees the Plan Commission. Trustee Vandenberg noted that it was he. Mr. Kroner stated his concerns with the text amendment adopted in the summer of 2015.

Matt Coughlin reiterated his concerns with the timeline of the project and the adoption of the text amendment.

Lucas Hawley noted his concerns with the effect this development would have on the sale of homes in the area.

Neil Gonzales stated that he and his wife work hard to be able to live in this community.

Charley Smith addressed the Board with his concerns about the Legacy Code and feels it takes the Elected Officials out of the process. Mr. Smith believes the Tinley Park community meets the needs of our citizens who are in need.

Joe Shourek stated his concerns about the proposed development.

Beth McKernan asked the Village Board how they would vote on this proposed project if they had to vote today.

Tony Castillo stated his concerns about the Legacy Code and the Plan Commission.

Kristin Thirion stated her concerns about the amount of property taxes and the Legacy Code process.

John Devalk stated his concerns about the Village Board.

Carol Ernest stated her concerns that the citizens have been uninformed of this proposed development and the Legacy Code process.

Mayor Seaman directed Village Staff to identify independent counsel for a legal review of the Legacy Code and process as suggested by Trustee Pannitto. Trustee Vandenberg will ask the Plan Commissioners before Thursday's meeting, to table the proposed development to allow the Village Board and Staff time to have a legal review of the Legacy Code by an independent counsel. Trustee Vandenberg also asked the Village Board to create a community committee with a designated spokesperson to continue this conversation along with Elected Officials. Mayor Seaman agreed that a community forum is necessary.

David Petroni addressed his concerns with any deviation of the Village's prescribed process. He requested that the Village process remain intact.

Matt Coughlin voiced his concerns with the Civil Servants.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker, at 10:40 p.m. to adjourn to Executive Session to discuss the following:

- A. 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.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Brady, to reconvene the regular Board meeting. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried and reconvened the regular Board meeting at 11:50 p.m.

Motion was made by Trustee Grady, seconded by Trustee Brady, to adjourn the regular Board meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Board meeting at 11:50 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:

  
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David G. Seaman  
Mayor

ATTEST:

  
\_\_\_\_\_  
Patrick E. Rea  
Clerk