

CALL TO ORDER

Mayor Lentz called the Executive Session to order at 9:05PM.

ATTENDANCE

Clerk Timmerman took the roll. It indicated the following:

Board Attendance

PRESENT: Trustees Abernathy, Kim, Norton, Rekus, Russell and Semple; Mayor Lentz

ABSENT: None

Village Attendance

PRESENT: Assistant Village Administrator Flynn, Attorney LaLuzerne, Village Administrator Lobaito and Attorney Marino

MUNDELEIN VS. GRAYSLAKE/SAIA LAWSUIT UPDATE

Village Administrator Lobaito provided an update on negotiations, stating that a short meeting with SAIA administrators and their attorney was held at which Mundelein presented the six points required for settlement. Administrator Lobaito reported that there was a very clear "no way" response to SAIA paying Mundelein's litigation fees or compensating homeowners for decreased home values. He added that SAIA offered to alleviate glare in homeowners' windows and replace landscaping that has died.

Attorney Marino described the meeting as "totally unproductive," but stated that at least SAIA now knows that Mundelein is not going to settle or give up. He added that he doesn't expect to hear back until shortly before the trial and then feels there will just be a small monetary offer. Attorney Marino also provided information on the depositions currently taking place.

BELLER VS. MUNDELEIN UPDATE

Administrator Lobaito stated that a meeting was held, which included the Bellers' attorney. He reported that their asking price has now increased from \$190,000 to \$240,000 to include relocation costs and attorney fees. Administrator Lobaito explained that he offered \$175,000 and clarified that the Village is only offering to purchase the property because several trustees feel strongly about helping residents/solving the problem and not because a stormwater project is planned. Administrator Lobaito stated that the meeting concluded with the Bellers making it clear they have no interest in settling.

Trustee Abernathy asked if this issue can go to IRMA and Administrator Lobaito explained that it cannot since the Bellers have not complained about any damages.

Trustee Rekus inquired about a court date and Attorney LaLuzerne replied that a date has not been set.

EMINENT DOMAIN - 4 WEST HAWLEY STREET UPDATE

Administrator Lobaito reminded the Board that Tim Grogan of Equibase Capital Group, LLC has expressed an interest in acquiring the property for \$425,000. He reported that Matt Norton has been consulted regarding a possible Eminent Domain acquisition, which would require an updated appraisal and good faith negotiations.

A discussion followed on how to proceed, with Administrator Lobaito cautioning the Board that Eminent Domain would be complicated since it involves taking an entire property and relocating a business. Trustee Rekus inquired about the reasoning for considering Eminent Domain for the entire property and Administrator Lobaito explained that it would be to force a sale for economic redevelopment within a TIF District.

Administrator Lobaito stated that the question for the Board is: should we go down the path of getting a re-appraisal and making an offer? He explained that if the owner rejects any offer, then the Eminent Domain question would come back. He reminded the Board that the Village has never done Eminent Domain for economic development, which has a different feel than when done for road improvements. He also stressed that this is all conceptual and he is merely looking for direction at this point.

Trustee Russell mentioned the "red face test," stating that he feels acquiring this property would be in the best interest of the overall community, but adding that he doesn't want to see Flowerama be put out of business or not find a better location.

A consensus was reached to pursue a re-appraisal and make an offer on the property.

DILLON VS. MUNDELEIN UPDATE

Administrator Lobaito reported that Mr. Dillon filed a voluntary dismissal.

FOIA REQUEST/ POTENTIAL LITIGATION

Administrator Lobaito detailed a FOIA request received for all personal correspondence of Trustee Abernathy. He explained that 11,000 electronic records were found and a log of those was provided. He stated that print copies of 69 of the records were subsequently requested. In fulfilling this, it was discovered that a few records may have violated the Village's local Ethics Ordinance. He reported that Attorney LaLuzerne reached out to the State's Attorney's office to request a review of the 69 documents, the result of which was that state statute does not apply in this case.

Administrator Lobaito stressed that the Village wants to be transparent and maintain the integrity of the review. To this end, an outside special counsel has been hired and if it is found that there may have been a violation, a complaint will be filed in circuit court. He added that a timeline is unknown.

Trustee Abernathy stated that the FOIA request came from someone in Mike Madigan's office and involved emails about Vernon Township Republican Central Committee meetings sent to her village account. She affirmed that she is a strong proponent of transparency and supports the review.

Trustee Abernathy departed the meeting at 9:53PM.

Administrator Lobaito explained that the situation needs to be reviewed with no conflicts of interest and that there could be penalties since the Ordinance states that elected officials cannot use village email accounts for campaign purposes.

Trustee Semple asked if the Board's involvement will be required and Attorney Marino stated that if the special counsel believes there is evidence of intent to violate, the Board will have to approve the filing of the complaint.

Mayor Lentz inquired about responding if Board members are contacted by the press. Administrator Lobaito instructed the Board to reply that they are aware of it but have no comment as long as it is under review.

Attorney Marino provided background on the Village's Ethics Ordinance, which was required by the State of Illinois in 2004. Administrator Lobaito confirmed that he will send a copy of the Ethics Ordinance to all elected officials and recommended that it be reviewed and taken seriously.

ADJOURNMENT

Motion to adjourn the Executive Session

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dakotah T. Norton, Trustee
SECONDER:	Holly Kim, Trustee
AYES:	Norton, Rekus, Russell, Kim, Semple
ABSENT / NOT VOTING:	Abernathy

The Executive Session was adjourned at 10:03PM.

Katy Timmerman By Peter Vaidopoulos, Deputy Clerk
Village Clerk