BEFORE THE PLAN COMMISSION OF
VILLAGE OF HODGKINS, ILLINOIS

Public Hearing was held in the Hodgkins
Village Hall, 8990 Lyons Street, Hodgkins, Illinois,
commencing at 6:00 o'clock p.m. on the 7th day of May,
2015.

APPEARANCES:

MR. CLAUDE SEXTON, Chairman
MR. DONALD CUTTILL, Commissioner
MR. PAUL STRUVE, Commissioner
MR. RICK CAMBONI, Commissioner
MR. KEVIN MULLIGAN, Commissioner
MR. RANDY CALDWELL, Commissioner
MR. JOHN O'CONNELL, Attorney for Board

REPORTED BY LYN DOERING, CSR.
CHAIRMAN SEXTON: Good evening, ladies and gentlemen. My name is Claude Sexton, and I am Chair of the Hodgkins Plan Commission.

Pursuant to the Illinois Statutes a municipality which also is in an enterprise zone has the authority to file a quick take action as part of an eminent domain authority. Prior to exercising such quick take authority a public hearing must be held before the village board or a committee or commission designated by the village authority.

This Plan Commission is the body designated by the Village to conduct the hearing.

In accordance with State law, the Village caused to be published notice of this hearing in the Suburban Life and dated April 22, 2015. Anyone in the audience will be given an opportunity to express their views on this matter.

I will now turn it over to the Village Attorney, Mr. John O'Connell.

MR. O'CONNELL: Thank you, Mr. Chairman and members of the Plan Commission and members of the audience.

You may recall in April 17 of 2014 we had a similar hearing for the same purpose of obtaining a
quick take authority for the Village. As the chairman mentioned, in order for a municipality to pursue a quick take action, which means immediate vesting of title, one, you have to be a home rule community and also be in an enterprise zone, of which both Hodgkins is.

We became an enterprise zone in 1986, and we became home ruled in 1994. So a public hearing is required to show that there is a need for the property and a sense of urgency in getting the property.

Last year, in April of 2014, at the hearing that we presented arguments were made by the sellers or the owners of the property that rather than just 1.25 acres, which we had a user for at the time, which continues to want to use the property -- and I will introduce Mr. Jason Roberts later -- the sellers made a compelling argument that the valuation of the property could be diminished, if the frontage were lost to parceling out, and in this case it would have been 1.25 acres along East Avenue. So we backed off on the process of eminent domain.

In fact, we found a party that came to the Village with an interest in acquiring all of the 8 acres, and they had plans to build what we will
describe as a sporting facility. We worked with them for a number of months, and I believe they had conversations with the owners of the property.

That did not come to fruition. It became very clear to the Village that they did not have the wherewithal, nor did they have the financial backing to make that project work. We then were basically giving up on presenting anything, and hoping that the owners of the property could come up with a user.

Approximately a month and a half ago however we met with Mr. Pat Runnion, who presently is the owner of Runnion Crane presently situated in Lyons. We met with Mr. Runnion.

We were impressed by the longevity of his company, selling cranes as well as trucks, and we felt that this would be a perfect fit for the majority of the 8 acres, and that we could once again reach out to the owners and make an offer for all 8 acres; not just 1 1/2, 1.25 acres, but all 8.2 approximate acreage.

We sent an offer, after we did an appraisal by an MIA certified appraiser, which had an offer to it based on comparable properties within the area. That offer was rejected by the owners, indicating that they felt that their valuation was to be 1.3 million more,
and at the lowest level, $900,000 more.

The Village and any potential user is not in a situation where they can make that kind of offer.

I am well-aware of correspondence between the owners and the potential user for the sports facility, but those offers were verbal, and they never proceeded. And those offers were, in our view, much higher than the property is valued at.

So we come here today with the appraisal that we had, with two users for the property that could make it a viable enterprise for the sellers, for the owners of the property, and would find a permanent use that the Village has long sought.

If I may at this juncture ask Jason Roberts to show us the new rendition of what the property would look like on the very south end of the parcel, and again, it includes most of the 1.25 acres that was subject of the hearing a little more than a year ago, on April 17.

MR. ROBERTS: Is there any particular place I should --

MR. O'CONNELL: Yes.

For the record, Jason, could you state your name and position?
MR. ROBERTS: My name is Jason Roberts, Vice-President of Advantage Chevrolet of Hodgkins.

MR. O'CONNELL: Thank you.

If you could show the audience and then show the Plan Commission what the rendering looks like.

MR. ROBERTS: This is the view of East Avenue. This would be the frontage and storage area, and this is closer snapshot of the proposed site and the development for it.

The plan is to utilize the space for used vehicle sales, have a service and truck facility, and a parts store as well for our dealerships, and this would be a separate entity from the Advantage of Hodgkins location.

MR. O'CONNELL: If I might add to Jason's testimony, we have -- the Village has had discussions with Desmond Roberts and Jason about also making a building large enough that it could incorporate the truck repair work that is currently going on, on the property that is owned by the Village, which was the old Pleasantview Fire Station. So that is our understanding.

Is that correct, Jason?

MR. ROBERTS: Yes.
MR. O'CONNELL: That this building would be large enough to incorporate the business that is going there?

MR. ROBERTS: Yes, it is.

As a point of reference, right now we are at a disadvantage because we have more parts and service business than we can handle at both of our facilities. So from a capacity perspective, you know, our competitors are picking up quite a bit of business from us, because we don't have the proper space.

MR. O'CONNELL: So the testimony from last year, which again as I stated never proceeded with, Mr. Roberts was adamant that in order to start their business they needed to start construction in late summer at the earliest -- or the latest, in order to begin selling cars in spring -- at that time it was spring of this year, 2015.

Does that still hold true, as it relates to this new project that we are discussing?

MR. ROBERTS: Absolutely.

As I mentioned before, we are losing opportunities, and our competitors are seizing those opportunities. So everyday that goes by we are losing more and more potential business. So the second we get the green light is when we want to put our plans into
action.

MR. O'CONNELL: Does anyone have any questions of
Mr. Roberts?

MS. KIESSLING: Araceli Kiessling.

So you knew about this last year, and you
didn't approach the owners? Because it's been for
sale.

MR. O'CONNELL: I will repeat --

MS. KIESSLING: I am asking him.

MR. O'CONNELL: He was not here last year.

MS. KIESSLING: Oh, that's interesting, because
you just said that he intended on buying it last year
to have it ready to go for this spring.

MR. O'CONNELL: That question was asked by
Mr. Roberts, his father, at the time, who in 2004,
which is when the discussions occurred, he had this to
say. Can I repeat what he said in his testimony?

MS. KIESSLING: Sure.

MR. O'CONNELL: Okay. Bear with me. Last time it
was Rose Dostal who asked that question.

MS. KIESSLING: I am wondering why they never
approached the owners, if they were so interested in
developing --

MR. O'CONNELL: If you bear with me, I will read
MS. KIESSLING: I am asking him. Why can't he answer? Why do you have to answer?

MR. O'CONNELL: Because there is nothing on the record that he was even here in 2004.

MS. KIESSLING: He doesn't know what his father said?

MR. O'CONNELL: Do you know what your father said in 2004?

MR. ROBERTS: No.

MS. KIESSLING: If it concerns this.

MR. O'CONNELL: How do you know he was even working there in 2004?

MS. KIESSLING: So the question is, were the owners approached, yes or no? Did the business, Advantage Chevrolet of Hodgkins, approach the owners and make a -- "We're interested in buying your property"? That's the question, yes or no. That's it. That's all I want to know.

MR. O'CONNELL: Mr. Roberts, are you aware as to whether your father was approached?

MR. ROBERTS: No.

MR. O'CONNELL: All right. He was not aware.

MS. DOSTAL: My name is Rosemary Dostal.
As I remember, yes, last year Mr. Roberts was asked if he approached us, and at that point we did not remember, but after the fact, after the meeting, we did remember five, ten years ago that his number -- Mr. Roberts' number was given to us, and my husband tried to contact him, left him a couple of voicemail or messages at his office, and also my agent was trying to reach him, and he never did come back to us.

So after that they pretty much disappeared.

So that's what happened to the history of the Chevy.

MR. O'CONNELL: Then I will read the transcript. It was Mr. Dostal -- After Mr. Roberts testified, Mr. Dostal said this:

"MR. DOSTAL: I represent the ownership of the property. Have you approached the ownership about purchasing the property directly from the ownership or just the village?

"MR. ROBERTS: I have just had discussions with the Village. I have not had discussions with you.

"MR. DOSTAL: Why is that?

"MR. ROBERTS: If you recall -- I don't know how long you have been involved with the piece of property, but you recall several
years ago we tried to acquire that piece of property which then had a building on it.

"MR. DOSTAL: That was in 2004.

"MR. ROBERTS: In 2004, and we found that our discussions with whoever was representing you were fruitless. The asking price at the time was what we thought unreasonable, and the asking price and the amount of land that was made available to us would be changed from time to time. So we discontinued our conversations with the people that represent you, and we thought in approaching you, we would run into the same roadblock.

"MR. DOSTAL: As far as I know, you never approached us. It's always been the Village."

MR. O'CONNELL: So that was what was said then.

Any other questions of Mr. Roberts?

Thank you, Mr. Roberts.

MR. ROBERTS: Thank you.

MR. O'CONNELL: The new equation to this -- to the Dostal family, this is new to you -- we have just indicated that we have a user for the 7 acres or thereabouts.
I would like to introduce Mr. Pat Runnion.

If you could come up to the --

MR. RUNNION: My name is Patrick Runnion.

I am president and owner of the Runnion Equipment Company presently located in Lyons, Illinois. We have been in Lyons for roughly 40 years. It's actually our 40th anniversary this year.

We have been looking for probably about a year to expand our facilities. One of the ideas was to find a location, just do some renting.

When this opportunity became available to us we pulled out the plans from a property that we looked at for building on about 2006, dusted those plans off again, and talked to our builder, Carlson Brothers Building, who is here with us tonight, and we are prepared to move forward.

I've got the same similar situation. I don't have enough room in our facilities now. We are landlocked. We could easily double the size of our service facilities.

And I have put moving to a new facility on hold while we were trying to get through this process here. The longer I wait, the more it's costing me as well.
We are looking at tripling the size of our current facility and doubling our service capacities, as well as adding to our storage facility, be able to sell additional equipment with additional property.

It's imperative that I get in there as quickly as we can. Every month that goes by it's costing us money and the opportunity to go out and find other property, should this not work, and I would prefer not to do that.

I have been very impressed with the Village, what they have to offer, and it's close enough for all my employees that I don't feel I would lose any of them in a move. I am looking forward to being able to do this.

MR. O'CONNELL: Would you be able to add employees at this location?

MR. RUNNION: Absolutely.

We currently have 27 employees, and the new facility would allow us to expand a service department from 8 mechanics to 15, which is obviously doubling the size of our service capabilities.

And we have been currently for the last two years working 50 to 55 hours of work overtime with all our mechanics, and we can't keep up with the
workflow that we have, and we don't have any room in
our current facility to add additional mechanics. So
we have mechanics working outside through the
wintertime to keep up with the workflow that we have
now, and we are not even out promoting it further. So
we know this would be a big advantage for us.

MR. O'CONNELL: Have you looked at any other
property?

MR. RUNNION: Absolutely.

We originally started looking outside the
Cook County area due to tax constraints, but with this
option here, with some of the home rule -- not home
rule but your tax incentives that you have here, it
makes it very favorable for us to stay within the Cook
County area.

MR. O'CONNELL: With the tax incentives, if it
took us a long time to get the property, what would
that do to your --

MR. RUNNION: Part of the issue is financing. I
don't think we are going to see a much lower interest
rate. So the longer we wait, the uncertainty for me
increases with what happens for the mortgage on this
property, and quite frankly I am passing on other
buildings that would have suited Runnion Equipment
Company quite nicely outside the Cook County area.

MR. O'CONNELL: Any questions of Mr. Runnion?

Mrs. Dostal, any questions?

MS. DOSTAL: I am fine. Thank you.

CHAIRMAN SEXTON: Thank you.

MR. O'CONNELL: I would open it for any other questions, but I would -- we have been dealing with this property, sometimes on a friendly basis and sometimes on an unfriendly basis.

We give you credit, because I think you had a legitimate argument that all 8 acres should go at once, and having said that, we thought with the combination of Advantage and Runnion that here for once we have -- we have a perfect use for the property.

To date we still have not seen an appraisal from the Dostal family. I know you have an excellent real estate broker, but the real estate broker, with all due respect, is not a certified appraiser.

We are encumbered by the fact that as a municipality, as a public entity, that we have an obligation to our taxpayers to studiously evaluate the pricing of things that we spend money on, and in that regard, that's why we have this appraisal.

We think what our offer is in the appraisal
is a generous offer. Would we entertain a counter or a
counter proposal? Yes. Is it in the realm of what you
have been discussing? No.

To make this outcome finally determined we
feel -- and we don't want to do this, but taking the
matter to the court for an early determination -- and I
will repeat myself, when I did last year.

A motion for immediate vesting of title
doesn't mean that the determination of value is over.
All that does is afford the title to transfer from the
Dostal family trust to -- for lack of better -- either
Runnion or Advantage. It would go to a third party, be
it the Village, be it the parties that want to use the
property.

The judge would provide that, if we show
everything is in place. Then the fight over the value,
then that occurs.

In the meantime these two entities can begin
their process of building their facilities. Title is
transferred. The Dostals still would have an
opportunity to make their case for the valuation that
you see as representative of the fair market value.

So in some cases, if you are satisfied with
the users, if you are satisfied with the fact that you
are selling 8.2, that option is available, if you wish to agree to that, and then fight it out later on.

I don't presume to understand what -- see what you wish to do. That's between you and your attorney and your family, but we want to make an arrangement with the Dostal family. We want to get this over.

I know -- and the gentleman in the back, I know you have been at these hearings, and you indicated last time "the appraisals." Well, all we have is our appraisal. We don't have an appraisal that a court can review and say, "This is legitimate," and let a judge decide.

So again, the purpose of this hearing was for the Plan Commission to listen to what we have, what our circumstances are now, with the desire to acquire all 8.2 acres at the price that's referred in our appraisal, and absent that -- or absent some agreement with the Dostal family on the price, proceed with a closing as quickly as possible.

Then we would have to go to court and show to the judge that we have the right for eminent domain action. We have an argument that we need an expedient handling of the title transfer in order for these
businesses to stay.

We could lose -- based on what Mr. Runnion --
this window of opportunity for everybody, everybody
concerned, the Dostals and the Village and users.

So I would ask the Plan Commission if they
have any questions that need to be answered.

TRUSTEE STRUVE: I think you have covered
everything that I had questions about.

MR. O'CONNELL: Randy?

TRUSTEE CALDWELL: You said the Village has
acquired an appraisal for the property. Was it a
single appraisal or was it multiple?

MR. O'CONNELL: It is a single appraisal, which is
sufficient.

CHAIRMAN SEXTON: I don't have any questions.

Kevin?

TRUSTEE MULLIGAN: No.

CHAIRMAN SEXTON: Don?

TRUSTEE CUTTILL: No.

CHAIRMAN SEXTON: Rick?

TRUSTEE CAMBONI: Not at this time.

MR. O'CONNELL: Anyone from the audience?

MR. LEVITT: My name is Matthew Levitt.

I am an attorney for the Dostal family.
Assuming that this property acquisition does go to court, I will be their attorney for the eminent domain case.

The only thing that I would like to impress on the Board is my client is more than happy for you to use quick take power. If it is granted, and it is appropriately used, that gets them money sooner. Obviously, that acquires the property sooner. So that's sort of a win-win situation for both sides.

I have other questions about the public-private partnership, but those are for another day.

If this is a hearing about quick take, it's in all of our advantages. So if it is properly utilized, I would urge the Village to the use quick take authority, and go ahead and get the process started so that everybody wins on that account.

MR. O'CONNELL: Thank you. Mr. Levitt.

MR. LEVITT: Sure.

MR. O'CONNELL: I would add, the process would be redevelopment agreements between the Village and both users.

MR. LEVITT: Okay.

CHAIRMAN SEXTON: Absent any further discussion,
this meeting is closed.

MR. O'CONNELL: Thank you.

CHAIRMAN SEXTON: Thank you all for coming.

(Proceedings concluded at 6:29 p.m.)
I, LYN DOERING, Certified Shorthand Reporter and Notary Public in and for the State of Illinois do hereby certify that the foregoing proceedings were reported stenographically by me, was thereafter reduced to a printed transcript by me, and constitutes a true record of the testimony given and the proceedings had;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand at Chicago, Illinois, this 24th day of May, 2015.

Lyn Doering
Certified Shorthand Reporter
State of Illinois
CSR License No. 084-003037
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