

VILLAGE OF ITASCA
Executive Session
February 12, 2013 – 9:10 p.m.
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Call To Order: The Executive Session was called to order by Mayor Jeff Pruyn at 9:10 p.m. Village Attorney Chuck Hervas stated that the purpose of the Executive Session was to discuss pending litigation – the “*CBS Outdoor vs. Village of Itasca*” case.

Present: Village Attorney Chuck Hervas, Trustee Marty Hower, Trustee Ellen Leahy, Trustee Jeff Aiani, Village Clerk Melody Craven, Mayor Jeff Pruyn, Trustee Frank Madaras, Trustee Mike Latoria, Trustee Lucy Santorsola and Village Administrator Evan Teich.

(CBS Outdoor vs. Village of Itasca) Village Attorney Hervas made reference to a letter he had sent to the Mayor and Village Trustees with an attachment of a letter he had sent to Mr. David’s Carpets in February 2012. On February 14, 2012 the Board met in Executive Session to discuss a proposal made by CBS Outdoor and Mr. David’s Carpets to let the billboard remain for six additional years with no penalty and they would then take it down. The Board at that time declined the proposal. Mr. Hervas was authorized to offer a proposal to remove the billboard no later than August 31, 2012 and the Village would waive the penalty. CBS Outdoor and Mr. David’s declined the offer. CBS appealed to the Illinois Supreme Court. They didn’t take the case, so they refiled in the Federal Court and the Village of Itasca won on a Motion to Dismiss. A final judgment order was scheduled to be entered by the District Court on February 13, 2013 and CBS Outdoor would be given 30 days to appeal from that date. Mr. Hervas stated that the attorney for CBS Outdoor stated that they would not be filing an appeal and would take the billboard sign down by the end of February 2013. Per the direction of the Board, Mr. Hervas sent a letter to Mr. David’s stating that the Village was seeking to collect the whole penalty owed to the Village. Mr. David’s attorney contacted Mr. Hervas via telephone asking if there was any room for negotiation and gave an unofficial offer of \$27,000.00 and the sign would be removed prior to March 1, 2013. Mr. Hervas asked for direction from the Village Board. After some discussion, there was a vote taken: Ayes: Trustee Hower, Trustee Aiani, Trustee Madaras and Mayor Pruyn; Nays: Trustee Leahy, Trustee Latoria and Trustee Santorsola. There was a consensus of the Board and Mr. Hervas was given direction to attempt to negotiate in an attempt to get a larger settlement, but to settle the case.

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(Executive Session
Adjournment)

Mr. Madaras made a motion to adjourn the Executive Session at 9:25 p.m. Mr. Aiani seconded. Voice Vote: Ayes – 6, Nays – 0, Abstain - 0, Absent – 0. Motion Passed.

Minutes by Melody J. Craven, Village Clerk