

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orlandpark.org](http://www.orlandpark.org)



## Meeting Minutes

Monday, November 4, 2019

7:00 PM

Village Hall

## Board of Trustees

*Village President Keith Pekau  
Village Clerk John C. Mehalek*

*Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,  
William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani*

**CALL TO ORDER/ROLL CALL**

The meeting was called to order at 7:00 P.M.

**Present:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani and Village President Pekau

**VILLAGE CLERK'S OFFICE**

**2019-0817 Approval of the October 10, 2019, Special Meeting Minutes**

The Minutes of the Special Meeting of October 10, 2019 were previously distributed to the members of the Board of Trustees. President Pekau asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Special Meeting of October 10, 2019.

**A motion was made by Trustee Fenton, seconded by Trustee Calandriello, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

**2019-0818 Approval of the October 15, 2019, Special Meeting Minutes**

The Minutes of the Special Meeting of October 15, 2019 were previously distributed to the members of the Board of Trustees. President Pekau asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Special Meeting of October 15, 2019.

**A motion was made by Trustee Milani, seconded by Trustee Nelson Katsenes, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

**2019-0819 Approval of the October 17, 2019, Special Meeting Minutes**

The Minutes of the Special Meeting of October 17, 2019 were previously distributed to the members of the Board of Trustees. President Pekau asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Special Meeting of October 17, 2019.

**A motion was made by Trustee Dodge, seconded by Trustee Nelson Katsenes, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

### **2019-0820 Approval of the October 21, 2019, Regular Meeting Minutes**

The Minutes of the Regular Meeting of October 21, 2019 were previously distributed to the members of the Board of Trustees. President Pekau asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of October 21, 2019.

**A motion was made by Trustee Nelson Katsenes, seconded by Trustee Healy, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

## **PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS**

### **2019-0831 Landmarks Illinois Award- Presentation**

Landmarks Illinois recognized the Stellwagen Farm by awarding it with a preservation award for the restoration of the 10 outbuildings that are on site. Landmarks Illinois' motto is "people preserving places for people," and it is a great honor that Stellwagen was one of nine recipients to receive this award. This distinction signifies that the farm is viewed as a historic site important to the Orland community and to the state. This award will also help when applying for grants and explaining why the farm is an important piece of history to the Village of Orland Park.

The Landmarks Illinois award, which was awarded to the Village of Orland Park and Stellwagen family on October 18, 2019, was presented by Trustee Kathleen Fenton, Museum Curator Sarah Stasukewicz, and members of the Stellwagen family.

Trustee Fenton, Jim, a member of the Stellwagen family, Museum Curator Sarah Stasukewicz and President Pekau had comments had comments. (refer to audio

file)

**This was a presentation. NO ACTION was required.**

## **CONSENT AGENDA**

President Pekau requested that Item D. FY2020 Liability/Property Insurance Renewal - Approval be removed from the Consent Agenda for a separate vote.

### **Passed the Consent Agenda**

**A motion was made by Trustee Calandriello, seconded by Trustee Nelson Katsenes, to PASS THE CONSENT AGENDA, including all the following items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

### **2019-0796 Payroll for November 1, 2019 - Approval**

The lists of Payroll having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Bi-Weekly Payroll for November 1, 2019, in the amount of \$1,074,949.82.

**This matter was APPROVED on the Consent Agenda.**

### **2019-0795 Accounts Payable from October 22, 2019 - November 4, 2019 - Approval**

The lists of Accounts Payable having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Accounts Payable from October 22, 2019 through November 4, 2019 in the amount of \$2,036,866.59.

**This matter was APPROVED on the Consent Agenda.**

### **2019-0797 159th Street & LaGrange Road - Various Invoices - Acknowledgement**

A detailed report is attached to the Board Packet showing invoices related to the 159th Street & LaGrange Road intersection improvement that have been paid from November 19, 2018, through October 25, 2019.

I move to acknowledge payment of invoices for the 159th Street & LaGrange Road intersection improvements in the amount of \$185,693.68.

**This matter was APPROVED on the Consent Agenda.**

**2019-0759 Budget Adjustments 4th Quarter 2019 - Approval**

A detailed spreadsheet (by fund) of budget adjustments is attached to the Board Packet showing an increase in revenues of \$554,402 and an increase in expenditures of \$605,004.

The increase in revenues is due to the following:

- Transfer of 50% of ARC per 12/31/2018 Actuarial Report from Insurance Fund to Retiree Medical & OPEB Fund in the amount of \$361,726.
- Transfer funds for payment of Retiree HRA Contributions from Insurance Fund to Retiree Medical & OPEB Fund in the amount of \$192,676.

The increase in expenditures is due to the following:

- Transfer of 50% of ARC per 12/31/2018 Actuarial Report from Insurance Fund to Retiree Medical & OPEB Fund in the amount of \$361,726.
- Transfer funds for payment of Retiree HRA Contributions from Insurance Fund to Retiree Medical & OPEB Fund in the amount of \$192,676.
- Increase in Retiree Medical & OPEB Fund for payment of HRA Contributions to Retirees in the amount of \$50,602
- Transfer from General Fund to Recreation & Parks Fund for purchase of new Village signs in the amount of \$101,406.
- Transfer from Recreation & Parks Fund to General Fund for RPZ valve & ice rink chiller repairs in the amount of \$42,449.

I move to approve increasing the FY2019 revenue budget by \$554,402 and increasing the FY2019 expenditure budget by \$605,004.

**This matter was APPROVED on the Consent Agenda.**

**2019-0747 Parking Fare Terminals - Annual Maintenance Approval**

In 2007, the Village of Orland Park purchased 14 Parking Fare Terminals from Total Parking Solutions, Inc. (TPS) for the Village's three Metra commuter parking lots. Upon paying a daily fee, the commuters are provided a printed receipt for their parking fee rather than leaving money in an honor box (prior system). The commuter has the option of paying \$1.50 each day in cash or \$ 1.65 each day with Visa, Mastercard or Discover. The terminals are locked and money is secured; only cashiers can open the currency and coin boxes.

The terminals communicate (via Cale WebOffice 2) by sending emails directly to Village Staff (Finance Department and CSOs) when there is an issue or if maintenance needs to be provided (i.e. change receipt paper, bill jam, etc.). The CSOs are able to log in via WebOffice and check individual spaces for payment using their smartphones. WebOffice also provides CSOs with a listing of paid

spaces making it easier to enforce. Staff is also able to use WebOffice for financial reporting.

The Village also offers commuters the option of paying for their daily parking space using a credit or debit card from their smartphone once they are on the train. This allows the commuter to be worry-free if they are unable to pay their daily fee prior to boarding the train. The free application is offered by Passport who is working in conjunction with Total Parking Solutions. There is a convenience fee of \$0.37 for each transaction that the commuter pays.

In order to have the terminals maintained on a quarterly basis and serviced when needed, TPS currently charges a monthly per terminal maintenance fee of \$115. In addition, TPS currently charges a monthly fee for the terminals to be wirelessly connected to WebOffice in the amount of \$65 per terminal. The monthly maintenance fee is fixed for a one year period ending December 31, 2020; however, the provider of WebOffice (Cale) may pass along a price increase at any time. As the Village's current contract with TPS expires on December 31, 2019, TPS has extended the 2017 pricing of \$115/terminal/month for the next three (3) years (2020, 2021 and 2022).

I move to approve the annual service and maintenance fee for the Parking Fare Terminals provided by Total Parking Solutions, Inc. for a period of 3 years (2020-2022) and authorize the Village Manager to execute the final negotiated maintenance and web office contracts.

**This matter was APPROVED on the Consent Agenda.**

#### **2019-0758 Courier Service Contract - Approval**

The Finance Department currently uses Brinks Armored (Brinks acquired Dunbar) for courier services. We recently requested proposals from Brinks, Garda and Loomis for transportation of bank deposits for a three-year period. The quotes for the three years of courier services are as follows:

Pick up locations: Village Hall 3x per week, Sportsplex 3x per week, OPHFC 1x per week, Centennial Pool 6x per week, Memorial Day-Labor Day

-Brinks - \$9,204 plus fuel surcharge for year 1 and 5% increase per year. Quote good thru November 14, 2019.

-Loomis - \$14,185.08 plus fuel surcharge for year 1 and 15% Living Wage Surcharge of monthly perm rate

-Garda - No response

Based on the price quotes, staff recommends that we continue with Brinks Armored for a three year period.

I move to approve Brinks Armored for a three-year contract, subject to successful negotiation of contract terms.

**This matter was APPROVED on the Consent Agenda.**

#### **2019-0765 Horton Center AIG Amendment 2019-0765**

A grant was awarded to the owner of the Horton Center in 2014 to update the façade. The improvements were approved by Appearance Review 2013-0664. Due to unexpected cost overruns, the project was never completed as approved.

In 2016, the owner re-evaluated the Horton Center appearance improvement project and resubmitted new design and appearance considerations for the shopping center. All three buildings (two (2) retail and one (1) office) had proposed upgrades. The proposed upgrades generally included a metal seam roof, metal cornice and trim, masonry columns and EIFS parapets.

In 2019, the work was completed and inspected. The work has been completed according to the approved appearance review except for the secondary columns. A condition of the original approval included, "Maintain an appropriate scale for the secondary columns under the canopy." The main entrance columns have been refaced with masonry however the secondary columns were not. In addition, as mentioned in the original appearance review, the above was confirmed by the architect for the project and provided as an exhibit to the original approval.

The owner of the center has requested that the funds for the AIG be released although the masonry has not been added to the secondary columns. The owner noted that adding a base to the secondary columns may cause a tripping hazard. Also, the funds saved on the secondary columns could be used for other improvements to the center, such as landscaping.

According to documents provided by the petitioner, the owner of the center has spent over \$200,000 on the improvements at the center. Because improvements were made to all three buildings, the original AIG agreement authorized \$60,000 or \$20,000 per building.

This item is being brought before the Development Services Committee and Village Board of Trustees because the condition regarding the secondary column was added to the original approval and also is included in the AIG agreement.

#### **DEVELOPMENT SERVICES PLANNING AND ENGINEERING COMMITTEE DISCUSSION**

On October 21, 2019, this item was reviewed by the Development Services Planning and Engineering Committee, recommended for approval and referred to the Village Board of Trustees for consideration.

DEVELOPMENT SERVICES PLANNING AND ENGINEERING COMMITTEE  
MOTION

Voted 3-0 to recommend to the Village Board of Trustees to remove the condition from the Appearance Review 2016-0576, "Maintain an appropriate scale for the secondary columns under the canopy," and authorize staff to release funds based on the approved AIG Agreement for the Horton Center.

I move to approve the removal of the condition from the Appearance Review 2016-0576, "Maintain an appropriate scale for the secondary columns under the canopy," and authorize staff to release funds based on the approved AIG Agreement for the Horton Center.

**This matter was APPROVED on the Consent Agenda.**

**2019-0825 MWRD Watershed Management Amendment - Ordinance**

On May 16, 2019, the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Board of Commissioners adopted an amendment to the Watershed Management Ordinance (WMO) will go into effect on January 1, 2020. The Village of Orland Park as an Authorized Municipality under the WMO must adopt this amendment by reference to remain in compliance with the Intergovernmental Agreement (IGA) with MWRDGC.

All communities within Cook County will be subject to the amendments to the ordinance that will continue to regulate stormwater management as MWRDGC. Include in the agenda item are the following:

1. Redline copy of the revised WMO
2. MWRDC Training slide presentation
3. Christopher B. Burke Engineering, Ltd. (CBBEL) summary of the effects of the rainfall and watershed release rate changes
4. Summary of other changes

Staff recommends adopting these amendments as an Authorized Municipality under the MWRDGC.

I move to pass Ordinance Number 5446, entitled: ORDINANCE APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THIS VILLAGE AND THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO (MWRDGC) PROVIDING FOR THE AUTHORITY OF THE VILLAGE TO ADMINISTER THE WATERSHED MANAGEMENT ORDINANCE OF THE MWRDGC AND ADOPTION OF THE SAID WATERSHED MANAGEMENT ORDINANCE AMENDMENTS BY REFERENCE

**This matter was PASSED on the Consent Agenda.**



**2019-0753 FY2020 Liability/Property Insurance Renewal - Approval**

The Horton Group has provided the Village with its renewal premium amounts for the Fiscal Year 2020 for all property and liability insurance policies, including Excess Workers Compensation. A summary renewal packet is attached to this agenda item for reference purposes.

Overall, the Village's FY2020 liability and property premiums, including Horton's annual service fee and CCMSI's claims handling fee, increased \$8,474 or approximately 1.06%, as compared to FY2019 amounts. Decreases to property/auto physical damage, excess worker's compensation, and excess liability were offset by slight increases in the public entity package, drone and umbrella premiums. The decrease in the property/auto physical damage premium is due to our long history with the carrier, excellent loss history, and current market conditions. The increase in the drone premium is due to increased exposure of additional drones and moving to blanket coverage. In addition, pollution coverage was added at a cost of \$2,339 for a two year period.

CCMSI's claims handling fee is \$25,000 for the 2020-2021 policy term. The Horton Group is in year two of a three-year contract and the annual service fee remains at \$44,500 for FY2020. Retention amounts (deductibles) on each of the lines remain the same.

President Pekau had comments. (refer to audio file)

I move to approve the property and liability insurance carriers and premiums, as well as CCMSI's claims handling fee and Horton's annual service fee, in the total amount of \$795,149 as presented by the Horton Group.

**A motion was made by Trustee Dodge, seconded by Trustee Nelson Katsenes, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

**Nay:** 0

**Abstain:** 1 - Village President Pekau

**DEVELOPMENT SERVICES, PLANNING AND ENGINEERING****2019-0611 Robinson Engineering Contract, Interim Staffing Services for Development Services, Revised Date - Resolution**

On August 12, 2019, the Village Board approved interim staffing services for the Development Services Department, from Robinson Engineering for an amount not to exceed \$102,000 through October 31, 2019. During that time period the Village has utilized consultant to supplement existing planning staff to assist with the

review and processing of existing planning cases, preparation for pre-concept meetings for potential development projects, research associated with proposed uses looking to locate in the Village, follow up associated with active development projects and assistance with future updates to the Land Development Code.

As of October 31, 2019, there is approximately \$47,000 remaining on the existing contract. This resolution is to extend the contract through December 31, 2019, however there is no change in the contract amount.

The intent is to continue to utilize the consultant through the end of the year to supplement staff on an as-needed basis to complete planning reviews, continue to take projects through the public hearing process and prepare proposed Land Development Code amendments for review and approval by the Village.

I move to pass Resolution Number 1922, entitled: A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO ROBINSON ENGINEERING, LTD CONTRACT RELATING TO THE DEVELOPMENT SERVICES DEPARTMENT

**A motion was made by Trustee Healy, seconded by Trustee Nelson Katsenes, that this matter be PASSED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

### **2019-0811 151st Street Improvements**

The Village and its engineering consultant, Christopher B. Burke Engineering, Ltd. (CBBEL), have completed the design and construction documents for the widening and reconstruction of 151st Street from Ravinia Avenue to West Avenue. Included in this project is a new roundabout at the intersection of West Avenue and 151st Street as well as new watermain, storm sewers, intersection and roadway improvements at West Avenue, 151st Street, and Ravinia Avenue.

The project design and specifications have been accepted by the Illinois Department of Transportation (IDOT). Project bidding documents and right-of-way (ROW) certifications that meet IDOT's requirements will be submitted so that the project can be started in early 2020. It is anticipated that construction will start in the 2020 construction season. A required step in this process is the purchase and/or acquisition of permanent (warranty deeds) and temporary ROW at Village's expense. This is a typical approach on all locally funded projects. CBBEL's sub-consultant, Santacruz Land Acquisitions, working for the Village has completed the required state and federal land acquisition requirements. The Village is now ready to complete the land acquisition process by paying the professionally assessed or negotiated land values to the property owners.

#### Current Request

Staff is requesting that the Village Board authorize payment of the amounts presented in the attached Exhibit A to the property owners to complete the land acquisition process. There are eight properties where the Village is acquiring temporary and/or permanent (warranty deeds) easements. Three property owners are offering their properties as a donation and at no cost to the Village. The Village is paying for the remaining five properties. The total purchase price for all five properties is \$40,500.

I move to approve the purchase of the ROW required for the 151st Street roadway improvement project for a total purchase price of \$40,500 and pay the land values to the property owners as shown in the attached Exhibit A.

**A motion was made by Trustee Healy, seconded by Trustee Calandriello, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

## PARKS AND RECREATION

### 2019-0810 ITB 19-024 - Centennial Park Aquatic Center (CPAC) Railing Replacement - Reissue

On October 9, 2019, the Village of Orland Park issued Invitation to Bid (ITB) 19-024 for the replacement of the staircase railings leading up to the zero-depth pool waterslide at the Centennial Park Aquatic Center (CPAC).

On the ITB closing date, October 24, 2019, only one (1) bid had been submitted. Staff is seeking approval to reject this bid due to a lack of bidders and to re-issue the invitation to bid. Bid Net categories will be expanded to provide a wider audience.

President Pekau and Trustee Dodge had comments. (refer to audio file)

Director of Parks and Grounds Gary Couch responded to President Pekau's comment. (refer to audio file)

I move to reject the only bid received for ITB 19-024 - Centennial Park Aquatic Center (CPAC) Railing Replacement and re-issuing the invitation to bid.

**A motion was made by Trustee Dodge, seconded by Trustee Nelson Katsenes, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

### 2019-0744 Sterling Ridge Park - Discussion Topic

Director of Parks and Grounds Gary Couch reported that the Village Board approved \$150,000 for the design and construction of a passive park site in the Sterling Ridge subdivision for FY2019. In May 2019, the Parks and Grounds Department engaged Upland Design to complete a topographical survey of the site and assist in the design of Sterling Ridge Park. On July 8, 2019, a neighborhood meeting was held to share design concepts for the park and provide residents an opportunity to help shape the final design. During the meeting, residents were asked to vote on the preferred concept design and provide any feedback about the project.

Soon thereafter, the Parks and Grounds Department received a petition from a resident of Sterling Ridge subdivision requesting a more "active park" (e.g. a playground, tennis courts) as well as an increase in safety features (e.g. a fence along train tracks). Members from eighteen (18) of the eighty-three (83) households in Sterling Ridge signed the petition or 22% of the Sterling Ridge residences. The final design of the park was subsequently put on pause to further explore the project. A decision was then made to move the project to the Recreation Advisory Board for evaluation.

On October 1, 2019, Recreation Advisory Board gathered for a regularly scheduled meeting. The Parks and Grounds Department provided the Recreation Advisory Board all pertinent information related to the Sterling Ridge project prior to the meeting. After a review and discussion of the information provided, the Recreation Advisory Board motioned to recommend to the Village Board to move forward with the Sterling Ridge Park as a passive park and to adhere to Board approved budget for the project.

President Pekau had comments. (refer to audio file)

Director Couch responded to President Pekau's comments. (refer to audio file)

Trustee Dodge and Trustee Calandriello had comments. (refer to audio file)

President Pekau took a consensus to have staff move forward with a passive park. All were in favor except for Trustee Calandriello. (refer to audio file)

**This item was for discussion only. NO ACTION was required.**

**MAYOR'S REPORT**

**2019-0808 Amend Title 7 Chapter 4 - Number of Class H Liquor License - Ordinance**

Decrease the number of Class H liquor licenses from Two (2) to One (1) to account for the closing of Granite City Brewery as of October 2019.

President Pekau had comments. (refer to audio file)

I move to pass Ordinance Number 5447, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF CLASS H LIQUOR LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

**A motion was made by Trustee Calandriello, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

**2019-0816 Amend Title 7 Chapter 4 - Number of Class J Liquor Licenses - Ordinance**

Decrease the number of Class J liquor license from One (1) to Zero (0) to account for the discontinuance of Coopers Hawk making their own wine locally on premises as they sold the wine making portion of their business. The Class A Liquor license that they currently have covers the restaurant, sale of wine to be consumed of premises and the tasting room. Coopers Hawk will be renewing for Class A license for the year 2020.

I move to pass Ordinance Number 5448, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER CLASS J LIQUOR LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

**A motion was made by Trustee Calandriello, seconded by Trustee Fenton, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

## VILLAGE MANAGER'S REPORT

### **2019-0832 Resolution Relating to Termination of Participation by Village President in the Illinois Municipal Retirement Fund**

Per a Village Trustee request, below please find information relative to termination of participation by the Village President in the Illinois Municipal Retirement Fund.

#### Resolution/Ordinance Chronology

Ordinance Number 9321, May 17, 1993 - The Village adopts the 1,000 hour IMRF Standard for employees and officials occupying offices or positions after May 17, 1993.

Resolution Number 0315, May 19, 2003 - IMRF Resolution that confirms that the Village Clerk, Village President and Members of the Board of Trustees work 1,000 hours or more per year.

Ordinance Number 5135, October 17, 2016 - Village President compensation increased to \$150,000 per year (plus \$3,000 per year as liquor commissioner).

Resolution Number 1722, August 21, 2017 - IMRF Resolution that reconfirms that Village Clerk, Village President and Members of the Board of Trustees work 1,000 hours or more per year.

Ordinance Number 5390, March 4, 2019 - Village President compensation reverts back to \$40,000 per year (plus \$3,000 per year as liquor commissioner) as of April, 2021. The recitals of the Ordinance also indicate that it is the expectation of the Village Board of Trustees that the Village President will devote his/her working hours annually equivalent to those of a part-time Village employee, and that the professional staff promote and facilitate economic development.

Resolution Number 1907, 1909, and 1910, May 20, 2019 - IMRF Resolution certifying that Village Trustees and Village Clerk no longer qualify for IMRF participation as a result of the decrease in the number of hours worked per year.

Resolution Number 1908, May 20, 2019 - IMRF Resolution certifying that the Village President will not qualify for IMRF participation effective May 3, 2021 as a result of the decrease in the number of hours that will be worked beginning with the new election term.

October 21, 2019 Village Board Meeting - A new resolution was proposed that would have rescinded Resolution Number 1908 ("PROPOSED RESOLUTION"). The PROPOSED RESOLUTION was not adopted at the October 21st Village Board Meeting.

On the afternoon of October 21, 2019, Village staff requested clarification from the Village's local IMRF representative as to the effect of the PROPOSED RESOLUTION. The purpose of the clarification was to prepare for any questions that staff may receive at the October 21st meeting.

The IMRF representative indicated that since 1908 was not yet effective, Resolution 1722 would govern as it relates to the Village President's eligibility to participate in IMRF. Effectively, as of October 21, 2019, the Village President was eligible to participate in IMRF and would continue to be eligible to participate in IMRF after May 3, 2021 if Resolution 1908 was rescinded per the PROPOSED RESOLUTION. The attached correspondence from the General Counsel of the Illinois Municipal Retirement Fund reconfirms this information.

#### IMRF Form 6.64T

Qualified participation in IMRF is determined by a municipality's adoption of IMRF Form 6.64T. This Resolution Form certifies whether or not certain elected officials meet the annual work requirements in order to qualify for IMRF participation. Future elected boards are not precluded from changing their hourly determination if circumstances change regarding the number of hours worked.

#### Immediate Cessation of Village President IMRF qualification

The attached new IMRF Form 6.64T has the effect of immediately determining (instead of May 3, 2021) that the Village President position works less than 1,000 hours per year and would therefore make the Village President ineligible to qualify for IMRF.

President Pekau, Trustee Dodge, and Trustee Fenton had comments regarding this matter. (refer to audio file)

Trustee Milani had questions. (refer to audio file)

Village Manager George Koczwarra responded to Trustee Milani. (refer to audio file)

Trustee Healy and President Pekau had comments. (refer to audio file)

Trustee Dodge, Trustee Healy and Trustee Milani had additional comments. (refer to audio file)

Trustee Katsenes had comments and questions. (refer to audio file)

Village Attorney Walsh responded to Trustee Katsenes. (refer to audio file)

President Pekau had additional comments. (refer to audio file)

I move to adopt Resolution number 1923, a resolution relating to termination of

participation by elected officials in the Illinois Municipal Retirement Fund.

**A motion was made by Trustee Dodge, seconded by Trustee Fenton, that this matter be APPROVED. The motion failed by the following vote:**

**Aye:** 3 - Trustee Fenton, Trustee Dodge, and Trustee Calandriello

**Nay:** 4 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**2019-0833 Agenda Management and Engagement of Legal Services - Discussion Only Item**

Village Manager Koczwara reported that at the October 21, 2019 Village Board meeting, a Village Trustee requested that a matter be placed on the next agenda regarding agenda management as well as who can authorize the engagement of legal services utilizing Village funds.

To address agenda management and legal engagement concerns, the following provisions can be incorporated into the Village Code.

(1) Board of Trustees Agenda Initiatives - Board of Trustee initiatives could be placed on the Board agenda after a Trustee completes an Agenda Initiative form. Village/Legal staff time would be restricted until after at least three Trustees vote to move it forward.

(2) Previously Deliberated Items - Items previously defeated by the Board of Trustees would not be able to be placed on a Board of Trustees Agenda for a period of one (1) year.

a. Committee Agenda Initiatives - In cases where there is disagreement as to whether an item placed on a committee agenda is pertinent to that particular committee, the committee chairperson or any committee member may object. Objection will be forwarded to the Village President who will: 1) affirm that the matter can be deliberated at said committee, 2) transfer the matter to a more relevant committee, or 3) refer the matter as a Board of Trustees Agenda Initiative request.

b. The above Committee Agenda Initiative process is based on maintaining the current Village Committee structure. As an alternative, the Village Board may opt to replace the current committee structure with a Committee of the Whole process.

**Background**

Although there are no specific provisions in the Illinois Municipal Code or the Open Meetings Act that address who is responsible for setting meeting agendas, the Illinois Municipal Code does state the Village Board shall "determine its own rules of proceeding." See 65 ILCS 5/3.1-40-15. While there are many policy implications for the Village Board to consider when addressing how the agenda is



set and any related agenda management issues, it is ultimately up to the Village Board to determine how the agendas are set for its meetings. A few samples of how other communities codify this process are attached.

Currently, the Orland Park Village Code indicates that:

“The Village Clerk shall prepare an agenda for each meeting. The Village President, any Village Trustee or the Village Manager may direct the Village Clerk to place an item on the agenda for all regular meetings of the Board of Trustees for consideration if the request is timely made and shall communicate with the office of the Village Clerk not later than twelve o'clock (12:00) noon on the Friday preceding said regular meeting indicating what business is to be placed on the agenda.”

To address agenda management concerns, the following provisions can be incorporated into the Village Code.

(i) Board of Trustees Agenda Initiatives

An “Agenda Initiative” process would provide that any individual Trustee could get an “Initiative” on the Board of Trustees agenda by filling out a simple form (see attached sample form). Village/Legal staff time would be restricted until after at least three Trustees vote to move it forward at a Board of Trustees meeting.

Agenda Initiatives would include (1) the expenditure of money not within the Village budget; (2) modifications to the Village Code; (3) formation/modification of Village policies; (4) the introduction of an ordinance or resolution; (5) the formation/modification of committees; and/or (6) the appropriation of Village/Legal staff time. At each Board of Trustees meeting, a portion of the meeting would be dedicated for the consideration of any Agenda Initiatives that have been filed.

(ii) Previously Deliberated Items

A provision similar to the language below could be incorporated for the placement of items on a Board of Trustees or Committee agenda that have been previously defeated.

“No item shall be placed on the regular meeting agenda which, in the opinion of the Village Attorney, is substantially similar to an item or concerns subject matter which is the same as an item that was previously defeated by the Board of Trustees or Committee respectfully, for a period of one (1) year after the item was defeated unless:

- (1) The rules are suspended as provided for herein; or
- (2) A matter is moved to be reconsidered in accordance with the rules.”

(iii) Committee Agenda Initiatives

Currently, a committee chairperson and any committee member or the Village Manager may direct the Village Clerk to place an item on the agenda for all committee meetings. In cases where there is disagreement as to whether an item placed on a committee agenda is pertinent to that particular committee, the committee chairperson or any committee member may object. Objection will be forwarded to the Village President who will: 1) affirm that the matter can be deliberated at said committee, 2) transfer the matter to a more relevant committee, or 3) refer the matter as a Board of Trustees Agenda Initiative request.

The above Committee Agenda Initiative process is based on maintaining the current Village Committee structure. As an alternative, the Village Board may opt to replace the current committee structure with a Committee of the Whole process. As the Village Board may be aware, previously the Village of Orland Park Board of Trustees operated under a Committee of the Whole structure. If the Village Board were to revert to a Committee of the Whole structure, the following would replace the current Committee section of the Village Code.

“One hour prior to each regularly scheduled Board of Trustees meeting, the Village Board shall meet as a Committee of the Whole unless there are no items for the Committee of the Whole to consider. The agenda for such meeting shall be prepared by the Village Manager in consultation with the Village President. A portion of the meeting shall be dedicated to previewing upcoming non-routine agenda items, including a standing item for the consideration of Agenda Initiatives. A time for public comment shall be conducted. No final action, beyond action setting future agenda items and/or Agenda Initiatives, may be taken at a meeting of a Committee of the Whole unless it has been called as a Special Meeting. For purposes of this section, a non-routine agenda item shall include: (1) the expenditure of money over \$250,000; (2) development agreements; (3) amending the City Code; and/or (4) the implementation or modification of policies. The failure to preview a non-routine agenda item at a Committee of the Whole shall not prohibit its consideration and/or action at a future meeting.”

Next Steps

Section 1-5-7-11: AMENDMENT, REPEAL OR SUSPENSION OF RULES of the Village Code allows for the Village Board to amend or repeal its own rules; provided, however, that written notice of such amendments or motions for repeal shall have been presented to the Board of Trustees at a prior meeting of the Board of Trustees. If there is consensus for the Board of Trustees to proceed with any of the above mentioned changes, Village staff will work with legal staff to draft the corresponding ordinance changes and place the matter on the November 18, 2019 Board of Trustees meeting agenda. It would be at the November 18, 2019 meeting that the Board of Trustees would vote on the ordinance changes. This will satisfy the prior notice requirements of the Village Code.

President Pekau had comments and opened the floor to questions pertaining to the agenda initiative form. (refer to audio file)

Trustee Fenton had comments. (refer to audio file)

Trustee Milani had comments and questions. (refer to audio file)

Village Manager Koczwarra responded to Trustee Milani. (refer to audio file)

Trustee Calandriello had comments. (refer to audio file)

Trustee Dodge had questions. (refer to audio file)

Village Manager Koczwarra and Village Attorney Walsh answered Trustee Dodge's questions. (refer to audio file)

President Pekau had comments and opened the floor to questions pertaining to the current committee structure versus committee of the whole. (refer to audio file)

Trustee Fenton had comments. (refer to audio file)

Trustee Calandriello had questions. (refer to audio file)

Village Manager Koczwarra responded to Trustee Calandriello. (refer to audio file)

Trustee Dodge had comments. (refer to audio file)

Trustee Milani had questions. (refer to audio file)

Village Manager Koczwarra responded to Trustee Milani. (refer to audio file)

Trustee Fenton had comments and questions. (refer to audio file)

Village Manager Koczwarra and Village Attorney Walsh responded to Trustee Fenton. (refer to audio file)

Trustee Calandriello had questions. (refer to audio file)

President Pekau and Village Manager Koczwarra responded to Trustee Calandriello. (refer to audio file)

Trustee Katsenes had comments. (refer to audio file)

Trustee Dodge had questions. (refer to audio file)

Village Attorney Walsh responded to Trustee Dodge. (refer to audio file)

Trustee Healy had comments. (refer to audio file)

President Pekau had questions and comments. (refer to audio file)

Village Manager Koczwara responded to President Pekau. (refer to audio file)

Trustee Fenton had comments. (refer to audio file)

Trustee Calandriello had comments and questions. (refer to audio file)

President Pekau responded to Trustee Calandriello. (refer to audio file)

Trustee Dodge had questions and comments. (refer to audio file)

Village Manager Koczwara responded to Trustee Dodge. (refer to audio file)

President Pekau asked for a consensus as to who would be in favor of a committee of the whole structure. Trustees Fenton, Dodge and Calandriello were not in favor. Trustees Healy, Katsenes, Milani and President Pekau were in favor. (refer to audio file)

President Pekau, Trustee Dodge, Trustee Milani, Trustee Katsenes had comments. (refer to audio file)

**This item was for discussion only. NO ACTION was required.**

## **NON-SCHEDULED CITIZENS & VISITORS**

Kevin Nemeh addressed the Board regarding the flooding on Southwest Highway. (refer to audio file)

Herb Zimmermann addressed the Board regarding the flooding on Southwest Highway. (refer to audio file)

Harry Willett addressed the Board regarding the flooding on Southwest Highway. (refer to audio file)

President Pekau and Assistant Manager Greg Summers responded to their concerns. (refer to audio file)

Jack Craven addressed the Board regarding the flooding on Southwest Highway. (refer to audio file)

President Pekau responded to Mr. Craven's concerns. (refer to audio file)

Patrick O'Malley addressed the Board regarding flooding on South Highway. (refer to audio file)

President Pekau, Interim Development Services Director Ed Lelo and Village Manager Koczwarra responded to Mr. O'Malley's concerns. (refer to audio file)

**BOARD COMMENTS**

Trustees Fenton, Dodge, Healy, Katsenes, Milani and President Pekau had Board comments. (refer to audio file)

**EXECUTIVE SESSION**

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) setting a price for sale or lease of village property; c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

**A motion was made by Trustee Fenton, seconded by Trustee Calandriello, that this matter be RECESS. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

**RECONVENE BOARD MEETING**

The roll was called to reconvene the Regular Meeting and Trustees Fenton, Dodge, Calandriello, Healy, Katsenes, Milani and President Pekau were present.

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) setting a price for sale or lease of village property; c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

**Present:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani and Village President Pekau

**ADJOURNMENT: 9:40 P.M.**

**A motion was made by Trustee Calandriello, seconded by Trustee Nelson Katsenes, that this matter be ADJOURNED. The motion carried by the following vote:**

**Aye:** 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

**Nay:** 0

**2019-0854 Audio Recording for November 4, 2019, Board of Trustees Special Meeting**

**NO ACTION**

**/AS**

Respectfully Submitted,

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**John C. Mehalek, Village Clerk**