

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)



## Meeting Minutes

Monday, August 3, 2009

7:00 PM

Village Hall

## Board of Trustees

*Village President Daniel J. McLaughlin*

*Village Clerk David P. Maher*

*Trustees Bernard A. Murphy, Kathleen M. Fenton, Brad S. O'Halloran,  
James V. Dodge, Jr., Edward G. Schussler, and Patricia Gira*

## CALL TO ORDER/ROLL CALL

In the absence of Village Clerk David P. Maher, Deputy Clerk Joseph S. La Margo was present.

The meeting was called to order at 7:01 PM.

**Present:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira and Village President McLaughlin

## VILLAGE CLERK'S OFFICE

### 2009-0006 Approval of the July 20, 2009 Regular Meeting Minutes

I move to approve the minutes of the Board of Trustees Regular Meeting of July 20, 2009.

**A motion was made by Trustee Kathleen Fenton, seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, and Trustee Gira

**Nay:** 0

**Abstain:** 2 - Trustee O'Halloran and Village President McLaughlin

## CONSENT AGENDA

### Passed the Consent Agenda

**A motion was made by Trustee Murphy, seconded by Trustee O'Halloran, 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 Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### 2009-0001 Payroll - 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 July 24, 2009 in the amount of \$1,079,104.16.

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

**2009-0002 Accounts Payable - 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 July 21, 2009 through August 3, 2009 in the amount of \$1,159,197.03.

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

**2009-0047 Building Code Review - Ordinance**

On July 20, 2009 the Village Board approved 5-0 changes in the Building Code for Title 5, Chapter 1.

I move to pass Ordinance Number 4499, entitled: AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE, TITLE 5, BUILDING, CHAPTER 1, BUILDING CODE, SECTION 13, ITEMS 43,46,47,65, 66 AND 95 (AMENDMENTS TO BUILDING CODE)

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

**2009-0321 Seton Place Recapture Agreement Extension**

The 1994 Seton Place subdivision recapture agreement is due to expire September 2009. This agreement has been previously amended/extended in 2004. The original developer of the subdivision, Mr. Theodore J. Cachey of T.J. Cachey Builders is requesting an extension of this agreement for another five years. This agreement is related to the cost of the sanitary sewer pumping station constructed in the mid-1990's which currently provides sewer service for the following Orland Park developments:

Seton Place subdivision  
Midwest Physician Group property  
Shenandoah Meadows townhomes  
Charleton Highlands subdivision  
Tiara Glen subdivision  
Ravinia Point Office Center (165th & LaGrange)

Per the agreement, the service area for the pumping station also includes nearby legally-described undeveloped properties. The aforementioned existing developments have paid their fair share of the recapture costs according to the agreement. Whereas the undeveloped areas described in the agreement which someday could be tributary to the pump station should still be required to pay their fair share of the benefit provided by the pump station, if they do indeed connect to the area served by the pump station. Therefore it would be acceptable for T.J. Cachey Builders to request another extension to the agreement in order to potentially recover the initial pump station construction costs.

It should be noted this pumping station is currently monitored and maintained by our Public Works Department. A \$6,149 pump replacement (of a then-rebuilt in 2001 pump) was approved by the Village Board April 2009 to keep this station in top operating condition.

This is now before the Village Board for consideration of an ordinance authorizing the amendment to the recapture agreement.

I move to pass Ordinance Number 4500, entitled: AN ORDINANCE AUTHORIZING SECOND AMENDMENT TO RECAPTURE AGREEMENT (CACHEY - SETON PLACE)

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

**2009-0358 Terry's Lincoln Mercury, Inc. - Revised Terms of Agreement**

In February of 2009, the Village Board of Trustees approved a revised development agreement with Terry's Lincoln Mercury, Inc. The approved terms included a total incentive package of \$2,550,000 including:

Repayment of Terry's cost of wetlands	\$175,000
Economic Development Loan (10 year balloon, 15 yr. Amortization, 2%)	\$750,000
Sales Tax Rebate (Base set at \$150,000) (Ten year term)	\$1,625,000 (max)
Total Incentive	\$2,550,000

Since the approval of the revised term, staff has been notified by Terry's Lincoln Mercury that additional financial consideration is needed in order for Terry's Lincoln Mercury to be able to complete their expansion plans. After additional discussion and negotiation, staff recommends approval of the following revised terms:

Repayment of Terry's cost of wetlands (The Village may reimburse cost up to \$250,000 provided property appraises up to \$250,000)	\$200,000 - \$250,000
Economic Development Loan (10-year balloon, 15-yr. Amortization, 2% must be fully secured)	\$750,000
Sales Tax Rebate (Base fluctuates - see below) (Ten-year term, with a possible 5-year extension)	\$1,625,000 (max)

Total Incentive \$2,575,000 to \$2,625,000

#### Additional Terms

Since the Subaru Franchise is new to Orland Park, there is no existing sales tax base. As such, staff is recommending allowing 100% of the Subaru sales tax to be rebated back to Terry's beginning in 2010 through 2011. Then, beginning in 2012, a new sales tax base will be established based upon an average of three years (2009-2011). Terry's would then receive 100% of the increment above this newly established Subaru sales tax base.

In regard to the existing Lincoln/Mercury Franchises, staff is recommending sharing 50% of the sales tax generated in 2010 through 2011. Then, beginning in 2012, a new sales tax base will be established based upon an average of three years (2009-2011). Terry's would then receive 100% of the increment above this newly established Lincoln/Mercury sales tax base.

The total sales tax rebated will not exceed \$1,625,000.

Terry's is also requesting the Village to agree to continue to use Apple Towing or its successor - provided the business continues to operate in a manner acceptable to the Village.

#### Storm Water Detention Requirements

As part of the existing agreement, the Village and Terry's would pursue relocation of the existing detention area to the adjacent wetlands, located across the street from John Humphrey Drive. Terry's would then use the existing detention area for his future expansion needs. Terry's was responsible for the acquiring the land (which he did) and the Village would be responsible for constructing the new detention area. The original agreement erroneously estimated the cost of the detention area to be \$170,000. However, after additional analysis, conducted by both Village staff and Christopher Burke Engineering, it has been determined the relocation of the detention area, into the wetlands, is no longer a feasible option. This area has been identified as a High Aquatic Resource, which will require a 3:1 land mitigation by the Corps of Engineering. However, it is extremely doubtful the Corps would agree to any disturbance. Additionally, the cost is now estimated to be \$1.5 - \$2 million.

If the Village Board of Trustees approves the revised terms of the existing agreement, the Village will have no further obligation to pursue additional detention for Terry's. This will result in substantial savings for the Village.

I move to approve the revised terms of agreement for Terry's Lincoln Mercury, Inc.,

as outlined above.

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

#### **2009-0287 Community Honda Sales Tax Sharing Agreement**

The Village has received a request from Community Honda of Orland Park to participate in the Mayor's Business Retention and Expansion program. This program provides for the sharing of incremental sales tax dollars with the expanding business for a period of five years. Community Honda is proposing an expansion that will result in the acquisition of additional property that will allow additional car sales and service.

Community Honda has released their previous sales information to the Village, as required under the conditions of the program. This information is required to be kept confidential but has been reviewed by Village staff. Community Honda is requesting sharing (50/50 split) of any incremental sales tax revenues, up to \$200,000 for a period not to exceed five years. This request is consistent with program requirements. The incentive will be paid quarterly, as incremental revenues are generated.

I move to approve a Sales Tax Sharing Agreement with Community Honda of Orland Park, as outlined above, to assist with their business expansion plans.

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

#### **2009-0246 Lot Coverage - 3+ Car Driveways & Accessory Structures**

This is a follow up to the discussion during the June 22, 2009 Development Services Committee regarding swimming pools and lot coverage related to stormwater. During this discussion, staff was asked to investigate how the requirement of side-loaded three car garages (further abbreviated as "3CSLG") vs. a typical three car front-loaded garage ("3CFLG") affects lot coverage, in terms of driveway lot coverage.

Staff investigated the actual sizes of constructed driveways for houses with a typical 3CFLG design and a typical 3CSLG design via the plats of survey for various houses in the Brook Hills, Ishnala, Evergreen View, Colette Highlands and Sterling Ridge subdivisions. These plats were used to determine an average driveway square footage for a front-loaded driveway and a side-loaded driveway. These subdivisions were chosen because Brook Hills & Ishnala are areas where three car garages became quite common, and Evergreen View, Colette Highlands and Sterling Ridge are three of the more current residential developments where three car garages are the status quo, but side-load garages were not necessarily a requirement.

The average area of the 3CSLG driveways surveyed from Evergreen View, Sterling Ridge and Colette Highlands is ~1288 square feet. The average area of

the 3CFLG driveways surveyed from Brook Hills and Mallard Landings is ~ 950 square feet. Therefore the general average difference between a 3CSLG garage and 3CFLG can be estimated as 338 square feet- quite a large increase when a side-load driveway is required. The lot size in R-3 zoning is 10,000 to 12,000 square feet (minimum = 80 ft. wide by 125 ft. deep = 10,000 square feet) and 338 square feet of driveway area would equate to approximately three percent (3%) additional lot coverage on account of using a 3CSLG garage design.

#### Additional Lot Coverage Options

Stormwater management/lot coverage is a tenuous subject, and therefore staff has reviewed and considered additional options that could be made available to property owners in order to gain additional lot coverage. In summary, if a homeowner were to provide additional types of stormwater management best practices then they could gain additional percentage(s) of lot coverage. Such best practices would include:

- Porous Pavers\* (the true porous brick system similar to the new Police Station parking lot)
- Porous Concrete\*
- Porous Asphalt\*
- Cisterns
- Rain Gardens
- Bio-swales
- Rain Barrels

\*All porous-type systems used for lot coverage crediting would be similar to commercial systems where subsurface stone void storage and an effective underdrain system is used.

Staff feels these extra measures provide an offsetting benefit by offering a storage or treatment of stormwater with their use, and these measures do not place an undue burden on a property like a true detention pond does. Each lot coverage situation and any proposed best management practice system would be reviewed on a case-by-case basis and credit would be given for systems meeting certain design criteria based on known performance and effectiveness. Practicality and reasonable implementation will also be considered. For instance, 14 rain barrels would not be allowed. The maximum allowable lot coverage for any residential property would be capped at 50%, regardless of the number or complexity of the best management systems employed.

Further analysis is required for staff to establish coverage numbers to be associated with the respective management system. For instance, four rain barrels may be equivalent to allowing one percent additional lot coverage; a 10 ft. by 10 ft. (100 square feet) rain garden may allow two percent additional lot coverage; or a 200 gallon cistern serving the property's sprinkling system may

allow three percent additional lot coverage. At this time, more research is needed to establish reasonable equivalencies for the amount of best management practice equating to how much additional percent lot coverage would be granted. It was also noted at the committee meeting that removable items (such as rain barrels or rain gardens) may not be good candidates for credits. Staff plans to return its findings to this committee within a few months.

I move to approve of a code amendment that will allow an additional 3% lot coverage for three car side-loaded garages.

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

#### **2009-0342 Faith United Methodist Church - Commercial Façade Improvement Program**

The petitioner, Bob Wilson, Old Orland Heritage Foundation (OOHF) Board of Directors, proposes to re-paint and repair the west façade and half of the south façade of the Twin Towers Sanctuary, a National Register building, located at 9967 W. 144th Street.

I move to approve the Old Orland Heritage Foundation's Commercial Façade Improvement Program application for \$2,862.00 in matching grant funds to repair the paint on the Twin Towers Church's west elevation and west half of the southern elevation, and the gutter system on the east elevation subject to the following information:

1. That the petitioner understands that the Commercial Façade Improvement Program is currently unfunded by the Village;
2. That the petitioner understands that until funds are made available again this project will remain on a waiting list as a "first come first serve" priority; and
3. Funds in the Commercial Façade Improvement Program related to the ComEd Community Energy Challenge and budgeted for energy efficiency related projects cannot be used for façade work only and do not apply to this project.

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

#### **2009-0359 Bettenhausen Dodge - Sales Tax Sharing Agreement**

With the recent reorganization of the auto industry, the Village is pleased to welcome Bettenhausen Dodge to Orland Park. Bettenhausen has located in the former Thomas Dodge facility on 159th Street. Their expansion plans include the immediate opening of the service garage to accommodate the overflow of customer service needs at their current Tinley Park location. Bettenhausen anticipates opening the Chrysler and Jeep Franchises in Orland Park in the Fall of 2009. Bettenhausen will lease the property for a period of three years with the long-term intent of permanent occupancy. Approval of permanent occupancy must be obtained from the corporate Franchises.

In order to help assist with the costs of their sudden expansion requirements,



Bettenhausen has requested consideration of a sales tax sharing agreement. Staff recommends approval of the following terms:

Sales Tax Increment Abatement Amount - \$150,000 via a 50% sharing of sales tax increment.

Term - over three years - Beginning in 2010.

Security Provision - If the dealership leaves Orland Park - they must pay back funds.

Extension of Agreement - If dealership commits to a permanent location in Orland Park, the agreement can be extended and renegotiated.

Establishment of Sales Tax Base - The Village will attempt to establish a base using sales information from the former Thomas Dodge Dealership. This will require the release from Thomas Dodge.

I move to approve a Sales Tax Sharing Agreement with Bettenhausen Dodge, as outlined above.

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

**2006-0012 151st & LaGrange Retail Center - Variance - Ordinance**

The petitioner, H.S.A. Commercial, has constructed a new 23,406 square foot multi-tenant retail/office/restaurant building at the corner of 151st Street and LaGrange Road.

On April 3, 2006 the Village Board approved a variance. This request is for an ordinance granting the variance with conditions as stated in the ordinance.

I move to pass Ordinance Number 4501, entitled: AN ORDINANCE GRANTING VARIANCES - (SOUTHEAST CORNER 151ST STREET & LAGRANGE ROAD)

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

**2009-0303 Community Honda**

The Village Board approved a 28,000 square foot Community Honda dealership on 4.23 acres of land in 2000. In 2008, the Village Board approved a variance to allow for additional lighting on the site.

The petitioner has recently acquired the .63-acre parcel adjacent to the dealership, previously approved to be a standalone retail store for Orland Park Wine & Spirits. In order to remain competitive with neighboring dealerships, Community Honda is proposing a new lot for vehicular storage and display, an addition to the service area of the building and increased lighting levels along 159th Street.

After the July 14, 2009 Plan Commission meeting, the petitioner revised the site plan to show two relocated parking stalls and an island reserved for a future gateway feature per condition 1 in the Plan Commission motion. The Village will take the lead on designing the gateway feature and anticipates sharing the cost with the dealership by increasing the sales tax incentive amount. The Village anticipates working closely with all of the car dealers along 159th Street to design a unifying feature that highlights the auto corridor and each individual dealership.

After the July 27, 2009 Committee, the petitioner submitted a revised set of plans that included an updated landscape plan (showing the required bike rack) and preliminary site plan (showing detailed dimensions). The motion below has been revised to acknowledge the satisfied conditions.

I move to approve the preliminary site plan titled 'Community Honda Parking Lot and Building Addition,' prepared by Burke Engineering, job number 09-77, dated 05-19-09, most recent revision 07-17-09 and the building elevations titled 'Honda,' prepared by the Linden Group, job number 39-09, dated 06-10-09, subject to the following conditions:

1. That all final engineering related items are met.

and

I move to approve the lot consolidation to combine the .63 acre parcel with the PIN number of 27-14-401-018-0000 with the 4.23 acre parcel with the PIN number of 27-14-401-012-0000, subject to the following condition:

1. That the petitioner returns with a plat of consolidation within 60 days of final engineering approval.

and

I move to approve an amendment to the Special Use Permit number 3340 to allow for the Community Honda expansion and for modifications to reduce the required parking lot landscape islands from 12 to 0, increase the maximum impervious surface from 75% to 81.69% and to increase the allowed internal footcandle levels from 15 to 70, subject to the same conditions as outlined in the preliminary site plan and building elevation motion.

and

I move to approve the landscape plan titled 'Landscape Plan - Community Honda of Orland Park,' prepared by Bergfors Gregory Land Design, dated 05-22-09, most recent revision 07-22-09, job number 2009-05, sheets LP-1 and TP-1, with no conditions.

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

**2009-0369 CITGO Station - Demolition Quote Award**

Quotes were taken for the demolition of the CITGO station on 143rd and LaGrange Road. They were sent to three companies; Environmental Protection Industries (South Holland, IL), Corner Stone Demolition (McHenry IL), and Bechstein Construction Corp. (Tinley Park, IL).

Bechstein has demo may properties for the Village in the past (all buildings in the Metra Triangle, the two homes on Westwood Drive) and have done a great job.

I move to approve waiving the bid process;

And

Approve accepting the proposal from Bechstein Construction Corporation of Tinley Park, for the demolition of the CITGO station on 143rd and LaGrange Road. The cost will not exceed \$18,400.00;

And

Approve to authorize the Village Manager to execute the contract.

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

**2009-0367 Renewal for the Code Red System - Expenditure Approval**

The Code Red Emergency Notification System has been in use by the Village now for four years. The system has been activated on numerous occasions to notify the public of critical watering information and has also been used by the police department for neighborhood meeting notifications. To date the Village has placed approximately 250,000 calls using the system.

The annual renewal of the system is \$10,000 and includes one block of 20,000 minutes. Additional blocks of time are purchased in 20,000 minute increments for \$3,600. Staff is recommending the purchase of two additional blocks of time based on historical usage.

Sungard Public Sector is an authorized reseller of the Code Red system, and offers a discount not available to the village directly from Code Red.

Trustee Schussler commented that at the July 27, 2009 Public Safety Committee meeting he had stated that the Police Department used this system in the past to notify residents of their Beat Meetings. Trustee Schussler questioned how cost effective this is because at some of these Beat Meetings there are only a small group of residents that attend. Because of the expense of this system, using this system to notify residents of routine matters is not a good use of it. This should be

used for emergency purposes only.

I move to approve the renewal of the Code Red Emergency Notification System including a total of 60,000 minutes from Sungard Public Sector at a cost not to exceed \$17,200.

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

## **HEARINGS 7:00 P.M.**

I move to recess for a public hearing at this time.

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Brad O'Halloran, that this matter be RECESS. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### **2009-0250 Persimmon Meadows - Annexation Agreement Extension - Public Hearing**

This request for public hearing is to consider extending the annexation agreement for the Persimmon Meadows subdivision located at the Northwest corner of 142nd Street and 108th Avenue which is due to expire on August 6, 2009. On June 15, 2009 a public hearing was held and adjourned. Since that time, the extended term has been changed from one year to five years. As a result, a new public hearing is required.

Staff recommends extending the annexation agreement for five years as the subdivision is not completed.

President McLaughlin asked if anyone in the audience would like to make any comments.

Steve Targos questioned what the purpose of extending this annexation agreement was.

Village Attorney E. Kenneth Friker stated that there are some incomplete items in terms of the development of this 13 acre parcel. Because of the current economy, subdivisions are not developing as quickly as in the past.

Director of Planning Robert Sullivan explained that there are several vacant lots within Persimmon Meadows that don't have the sidewalks or streets trees in.

Mr. Targos asked who was responsibly or has liability of the detention pond and cul-de-sac. He stated that their homeowners association is to take over the detention and cul-de-sac, but there is no homeowners association. His concern is

if a car goes into the detention pond, and the driver is killed, who will be liable for this.

Attorney Friker stated it would be the current owner.

Attorney Friker stated he would need to run a title search, but pursuant to the annexation agreement the detention pond is to be conveyed to the Village.

President McLaughlin commented that Mr. Targos concerns are that if this extension is granted, that it doesn't extend the responsibilities of the detention pond and cul-de-sac. What Village Attorney Friker is stating is that the Village needs to take-over the detention pond including the responsibilities sooner than this extension is for.

Village Attorney Friker stated that is correct.

David Sosin stated that research has been done and the developer has been maintaining the subdivision. All the lots are sold; some have not been built on. Street trees and sidewalks are needed. A list of all the new owners of the vacant lots in this subdivision has been sent to the Development Services Department. It is Mr. Sosin's understanding that Development Services is going to have these owners put in sidewalks at this time. The street trees will not be planted because once building begins on these lots; the trees would have to be torn out.

Mr. Sosin stated it is thought the pond was conveyed approximately five years ago to the Village. The developer has been maintaining it as a courtesy to the Village and because there are empty lots. Now that the annexation agreement may be extended, the remaining issues will be resolved with Public Works so that the Village will accept the detention pond.

Mr. Targos stated what the homeowners are concerned about is the liability of the detention pond, and he wants to know for sure, in writing, who owns this.

Village Attorney Friker stated we will find this out, but for sure it is either the developer or the Village.

Mr. Targos stated so what has been said is if there is an accident in the detention pond, the homeowners in Persimmon Meadows are not liable for any punitive damages.

Village Attorney stated they should not be, unless they had something to do with the accident. They do not have the responsibility or maintenance of the pond.

Assistant Village Manager Ellen Baer stated an update on this matter can be given at the next Public Works Committee if the Board wishes.

Jerry Dolton complained to the Board regarding the maintenance of pond and also the poor installation of some of the sidewalks that the Village installed.

Ms. Galena - 10825 Doyle Court asked if someone can come and check her storm sewers in the backyard, the water is staying on her property instead of going down the sewers.

I move to adjourn the public hearing on extending the annexation agreement for the property located at the northwest corner of 142nd Street and 108th Avenue (Persimmon Meadows).

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Bernard Murphy, that this matter be ADJOURNED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### **CLOSE PUBLIC HEARING**

I move to approve closing the public hearing.

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### **RECONVENE BOARD MEETING**

The roll was called to reconvene the regular meeting and Trustees Murphy, Fenton, O'Halloran, Dodge, Schussler, Gira, and President McLaughlin were present.

### **DEVELOPMENT SERVICES AND PLANNING**

#### **2009-0345 Persimmon Meadows - Annexation Agreement Extension - Ordinance**

On June 15, 2009 the Village Board adjourned a public hearing and passed an ordinance authorizing an amendment to the annexation agreement. Since that time, the extended term has been changed from one year to five years. As a result, a new public hearing and ordinance are required.

Staff recommends this extension for five (5) years as the subdivision is not yet completed.

This is now before the Village Board for consideration of an ordinance granting

the extension.

I move to pass Ordinance Number 4502, entitled: AN ORDINANCE AUTHORIZING AMENDMENT TO ANNEXATION AGREEMENT (PERSIMMON MEADOWS - NORTHWEST CORNER OF 142ND STREET AND 108TH AVENUE)

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be PASSED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### **2009-0356 Stone Church - Bond vs. Letter of Credit**

On May 18, 2009, the Village Board approved the proposed Stone Church on 183rd St. and Orland Parkway. Stone Church is currently undergoing final engineering review and is nearing approval. Prior to commencement of full construction, they are required to establish a Letter of Security/Credit for the necessary public improvements.

Orland Park Land Development Code ("LDC") Article 5-112, Subdivision and Plan Review Procedures, requires an irrevocable Letter of Credit for the public improvements and landscaping for all proposed projects. However, the LDC does allow for an alternate form of financial security, subject to Village Board approval. Given the nature of how Stone Church manages its financials, a Letter of Credit is apparently difficult for the church to obtain. In the church's case, a site improvement bond is more easily obtainable. The Hartford organization Bond Department has submitted a letter of support/approval to the church's insurance company which supports the provision of a site improvement bond in the amount of \$1,011,299.85 on behalf of Stone Church.

Staff has consulted with the Village Attorney and the Finance Department on this matter and all parties find the use of this site improvement bond for Stone Church to be an acceptable substitute for the normally required Letter of Credit.

I move to approve for Stone Church the use of a site improvement bond in lieu of a letter of credit, in the amount of \$1,011,299.85 from The Hartford financial organization.

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Patricia Gira, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

**RECREATION & PARKS**

**2009-0323 Day Camp Field Trip Bussing - Approval**

Requests for proposals were sent out to four bus companies regarding bussing needs for camp participants during the day camp season (June 15 thru Aug 7, 2009). Transportation is used for all camp groups (Buddies, Voyagers, Adventurers, Explorers and Summer Pals) for field trips and pool shuttles. Three bus companies responded with Illinois School Bus having the lowest cost with the needed specifications. Illinois School Bus Company also was the only one that had 90 passenger buses and a better cancellation policy should the need for such be requested. Therefore, staff is requesting to waive the bid process and accept the proposal from Illinois School Bus Company.

Staff is also requesting approval of a blanket order for \$35,000.00 to draw payment for services to the bus company at time of invoicing.

I move to approve waiving the bid process for transportation services and accept the proposal from Illinois School Bus Company for day camp bussing needs; and

Approve a blanket order for \$35,000.00 to draw payment for services to the bus company at time of invoicing.

**A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

**MAYOR'S REPORT**

**2009-0378 Committee Assignments**

President McLaughlin stated that Committees are changed every two to four years so Board Members can serve as Chairperson on a different committee. The changes below of the committees will be effective September 1, 2009:

**2nd Monday of the Month**

**4th Monday of the Month**

**Community Events & Outreach**

Trustee Fenton, Chair  
Trustee Murphy  
Trustee Schussler

**Public Safety**

Trustee O'Halloran, Chair  
Trustee Dodge  
Trustee Gira

**Public Works & Engineering**

Trustee Murphy, Chair

**Development Services & Planning**

Trustee Dodge, Chair



Trustee Fenton  
Trustee Schussler

Trustee O'Halloran  
Trustee Gira

### Finance

Trustee Schussler, Chair  
Trustee Fenton  
Trustee Murphy

### Parks, Recreation & Environmental Initiatives

Trustee Gira, Chair  
Trustee O'Halloran  
Trustee Dodge

I move to approve the new committee structure as proposed by Mayor McLaughlin effective September 1, 2009.

**A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

### 2009-0378 Village Code Amendment - Board Committees - Ordinance

One Board Committee name has been changed and also several committees will be meeting on different Monday's which requires an amendment to the Village Code Title 1, Chapter 5, Section 7 (14).

The new Committee name and when they all shall meet are as follows:

On the second Monday of each month:

Finance  
Community Events & Outreach  
Public Works and Engineering

On the fourth Monday of each month:

Development Services & Planning  
Parks, Recreation & Environmental Initiatives  
Public Safety

I move to pass Ordinance Number 4503, entitled: AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE (BOARD COMMITTEES) TITLE 1, CHAPTER 5, SECTION 7 (14)

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Patricia Gira, that this matter be PASSED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

## NON-SCHEDULED CITIZENS & VISITORS

Arnold Gacki - 18228 Hidden Valley Cove commented that at the July 20, 2009 Board meeting he reported on a small section of sidewalk that needed to be installed in his subdivision at Lake Shore Drive on Marley Creek Blvd. Mr. Gacki was happy to report that Paul Grimes did meet with him along with Frank Stec and Bob Sullivan. He also reported other areas where sidewalks need to be installed.

Mr. Gacki stated there is a pond behind his property and he had received a letter from the developer four years ago that stated this is a private pond and that anyone that lives on that pond is responsible. He asked who is liable if someone gets hurt in that pond.

Attorney Friker stated the homeowner.

He stated this pond is not on his property.

Attorney Friker suggested Mr. Gacki meet with his attorney regarding this matter.

## BOARD COMMENTS

The Board congratulated staff for all their hard work during the Taste of Orland. This event was well attended and fun was had by all.

PRESIDENT McLAUGHLIN - Thanked and congratulated staff on the great job that was done for the Taste of Orland. He noted that he had spoke to several vendors and they stated the Taste of Orland was far better than they had expected.

## EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) the appointment, employment, compensation, discipline, performances or dismissal of specific village employees; c) the purchase or lease of real property for the use of the village; and d) 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 Bernard Murphy, seconded by Trustee Edward Schussler, that this matter be RECESS. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

**RECONVENE BOARD MEETING**

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) the appointment, employment, compensation, discipline, performances or dismissal of specific village employees; c) the purchase or lease of real property for the use of the village; and d) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

**ADJOURNMENT - 7:45 PM**

**A motion was made by Trustee Bernard Murphy, seconded by Trustee Brad O'Halloran, that this matter be ADJOURNED. The motion CARRIED by the following vote:**

**Aye:** 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

/nm

APPROVED:

Respectfully Submitted,

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**David P. Maher, Village Clerk**

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**Joseph S. La Margo, Deputy Clerk**