

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us



Meeting Minutes

Monday, April 20, 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

The meeting was called to order at 7:00 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 April 6, 2009 Regular Meeting Minutes

The Minutes of the Regular Meeting of April 6, 2009, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes.

Trustee Fenton briefly left the meeting. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of April 6, 2009.

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: 5 - Trustee Murphy, Trustee O'Halloran, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Abstain: 1 - Trustee Dodge

Absent: 1 - Trustee Fenton

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2009-0137 Earth Week/Arbor Day - April 19-25, 2009

President McLaughlin proclaimed April 19-25, 2009, as Earth Week/Arbor Day in the Village of Orland Park.

This matter was for a proclamation, NO ACTION was taken.

2009-0177 Community Design Awards Presentation

Director of Development Services Karie Friling reported that the Village of Orland Park was pleased to announce the winners of the 2008 Community Design Awards. The awards recognize area developers for outstanding design and community appearance.

The winners of the 2008 Community Design Awards as follows:

COMMERCIAL/RETAIL NEW ARCHITECTURE

First Place

Main Street Village
161st & LaGrange Road

Second Place
94 West Restaurant
15410 S. 94th Avenue

COMMERCIAL/RETAIL LANDSCAPE/SITE DESIGN

First Place
Granite City Food & Brewery
Orland Crossing - 143rd & LaGrange

Second Place (TIE)
Mimi's Café
16154 S. LaGrange Road

and

Champps Restaurant
16165 S. LaGrange Road

COMMERCIAL/RETAIL MONUMENT SIGN

First Place
Orland Park Crossing Retail Center
Northeast Corner 143rd & LaGrange

OFFICE - NEW ARCHITECTURE

First Place
Orland Parkway Offices (Horton)
10300 Orland Parkway

Second Place
Orland Grove Office Park
Northeast corner 143rd St. & 108th Ave.

OFFICE - LANDSCAPE SITE DESIGN

First Place
Orland Grove Office Park
Northeast corner 143rd St. & 108th Ave.

Second Place
Orland Parkway Offices (Horton)
10300 Orland Parkway

OFFICE - MONUMENT SIGN

First Place
Orland Grove Office Park
Northeast corner 143rd St. & 108th Ave.

OFFICE - REMODEL

First Place
Marquette Bank Operations Facility
10000 W. 151st Street

TOWNHOME ARCHITECTURE

First Place
Fountain Village
179th Street, just east of Wolf Road

SPECIAL MENTION

(Not to be considered for awards)
Metra 143rd Street Train Station
Orland Park Police Department
Orland Park Public Library

This matter was for presentations only, NO ACTION was taken.

CONSENT AGENDA

Trustee Schussler asked that item C. Lions Club Orland Days and item D. Every Bloomin Thing be removed from the Consent Agenda for a separate vote.

Trustee Dodge asked that item M. Traffic Signal 94th Avenue and Wheeler Drive be removed from the Consent Agenda for a separate vote.

Passed the Consent Agenda

A motion was made, 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 Monthly Hourly Payroll for April 10, 2009 in the amount of \$27,064.88 and the Bi-weekly Payroll for April 17, 2009 in the amount of

\$884,889.23.

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 April 7, 2009 through April 20, 2009 in the amount of \$1,514,096.09.

This matter was APPROVED on the Consent Agenda.

2008-0707 Olympus Trail Subdivision - Annex Property - Ordinance

On October 6, 2008, the Village Board authorized the parties to sign an annexation agreement for the property located at 9201-9205 West 143rd Street (Olympus Trail). The property consists of approximately 5.49 acres and is to be developed by the Owner for 10 single family residential lots under the R-3 Residential zoning classification.

I move to pass Ordinance Number 4474, entitled: AN ORDINANCE ANNEXING PROPERTY (OLYMPUS TRAIL -- 9201-9205 WEST 143RD STREET)

This matter was PASSED on the Consent Agenda.

2009-0097 Land Development Code Amendment - 2009 - Ordinance

On April 6, 2009 the Village Board approved the proposed amendments to the Land Development Code Sections 6-207 BIZ Business District as written in Exhibit "A" dated 3.23.09.

I move to pass Ordinance Number 4475, entitled: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (SECTION 6-207, CONGREGATE ELDERLY HOUSING AS A SPECIAL USE IN THE BIZ DISTRICT)

This matter was PASSED on the Consent Agenda.

2009-0152 Intergovernmental Agreement - Orland Fire Protection District - Ordinance

On April 6, 2009 the Village Board approved the revised Intergovernmental Agreement with the Orland Fire District, and changes to the Building Code for the commercial plan review, inspection and enforcement of the Village of Orland Park Village Code.

I move to pass Ordinance Number 4476, entitled: AN ORDINANCE AUTHORIZING AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF ORLAND PARK, ILLINOIS, AND THE ORLAND FIRE PROTECTION DISTRICT, ORLAND PARK, ILLINOIS, PROVIDING FOR

RESPONSIBILITY FOR BUILDING AND FIRE PREVENTION CODES
INSPECTION AND ENFORCEMENT.

This matter was PASSED on the Consent Agenda.

2009-0201 Bobak - Expiration of Annexation Agreement

The annexation agreement for Bobak located west of 108th Avenue and Oakland Drive is set to expire on September 19, 2009. Due to the fact that there are no outstanding issues or fees, staff recommends to allow this agreement to expire on that date.

I move to approve authorizing expiration of the Bobak's annexation agreement.

This matter was APPROVED on the Consent Agenda.

2009-0168 Replacement Vehicle for Unit #1422 - Approval

On March 9, 2009 Unit #1422 was involved in a vehicular accident. The vehicle was a total loss. We were not the at fault party in this incident. The police car was hit from the rear by a person who was charged with driving under the influence (DUI).

The Police Department would like to replace this vehicle as soon as possible. The Police Department is requesting to replace this vehicle with funds from the Village's Insurance Fund Account. This vehicle is a 2006 Chevrolet Impala Police Interceptor and would be replaced with one new 2009 Chevrolet Impala Police Interceptor.

The purchase price for this vehicle would be approximately \$20,163.06 plus approximately \$2,937.00 for the cost of the change-over, lettering and striping for a total cost not to exceed \$23,100.06. The money has not been received from the striking vehicles insurance company as of this date. CHUBB, the Village insurance carrier will continue to work to subrogate this claim, if necessary.

This vehicle would be purchased from Bill Jacobs Chevrolet in Joliet, IL. They are the Chevrolet Dealership with the State of Illinois purchase contract, TX # 708-444-2124.

I move to approve the transfer of funds from the Village Insurance Fund in the amount of \$23,100.06 to cover the cost to purchase one 2009 Chevrolet Impala Police Interceptor vehicle to replace Unit #1422 from Jacobs Chevrolet of Joliet, Illinois.

This matter was APPROVED on the Consent Agenda.

2009-0190 South Suburban Emergency Response Team - Approval

The police department has operated their Special Response Team (SRT) for over twenty-five years and during that time, the team has operated efficiently and effectively whenever called upon.

The cost of maintaining the team of over twenty officers has increased dramatically due to enhanced nationally recommended training standards, which will cause a severe strain on our resources and our ability to train at this level and at the same time not adversely affect day-to-day operations.

These considerations have caused a review of other options for SRT support. After thorough analysis and investigation, the recommendation is to disband the police departments team and join the South Suburban Emergency Response Team (SSERT) a regional team in the south suburbs representing over thirty communities with close to 100 officers assigned to it.

The South Suburban Emergency Response Team (SSERT) will provide the Village with excellent response to high risk natural or man made occurrences. They are well trained, well equipped and highly motivated. We are confident that SSERT will provide the same high level of protection that we have been accustomed to with our own team.

Assign will be a minimum of two of the Villages trained SRT members to the team who will train a minimum of two days per month and be fully integrated into the team.

Workman's compensation insurance and liability insurance is the responsibility of each municipality for its members just like the South Suburban Major Crimes Task Force.

I move to approve that the police department be allowed to join the South Suburban Emergency Response Team (SSERT)

and

To approve the intergovernmental agreement between the Village of Orland Park and the South Suburban Emergency Response Team (SSERT)

and

To authorize the Village President to execute the Indemnification Agreement upon approval by the Board

This matter was APPROVED on the Consent Agenda.

2009-0195 Grant Application for the DOJ COPS Hiring Recovery Program - Approval

The U. S. Department of Justice announced several grant opportunities that are available under the American Recovery and Reinvestment Act. One of these programs the COPS Hiring Recovery Program allows for the hiring of police officers. The grant will pay for salary and benefits for the police officers for three years with the condition that the officer (s) must be kept for at least one additional year after the grant conclusion at the expense of the municipality.

The police department has not been authorized any new positions since the FY 05/06 budget. These two officers will be used to enhance our summer bike patrol and to allow us to enhance our Targeted Response Unit (TRU) during the rest of the year

I move to approve that the police department be allowed to apply for a grant for two police officers via the department of Justice COPS Hiring Recovery Program available under the American Recovery and Reinvestment Act.

This matter was APPROVED on the Consent Agenda.

2009-0163 Disposal of Certain Seized Vehicles at Public Auction - Ordinance

The Police Department requests approval to declare three vehicles, a 1995 Ford Escort, 1993 Chevrolet C1500 Pickup, and a 1995 Oldsmobile Achieva S as excess property and to dispose of at public auction. These vehicles were seized by the department and forfeited to the Village by the Circuit Court of Cook County from a driver who was driving their vehicle while their license was suspended for DUI.

I move to pass Ordinance Number 4477, entitled: ORDINANCE AUTHORIZING DISPOSAL BY PUBLIC AUCTION OF PERSONAL PROPERTY (VEHICLES) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

This matter was PASSED on the Consent Agenda.

2009-0181 Marley Creek Boulevard South Pond Storm Sewer Repair - Proposal/Contract

As a result of the development of a sinkhole at Marley Creek Park, the asphalt bike path washed away adjacent to the 36" storm sewer discharge pipe from Marley Creek Boulevard South Pond. Upon investigation, it was found that the pond was artificially draining through voids in the ground and stone pipe bedding. To rectify this problem, a concrete dam will be placed in the ground around the pipe. In addition, a spillway will be poured to further protect the pond outlet structure.

Due to the safety concerns of this highly used bike path, Airy's Inc. of Tinley Park, Illinois, was asked to complete this work in a timely manner. They submitted a proposal totaling \$6,990 for this work.

I move to approve accepting the proposal/contract from Airy's, Inc. of Tinley Park, Illinois, for the repair of the Marley Creek Boulevard South Pond Storm Sewer for an amount not to exceed \$6,990;

And

Approve authorizing the Village Manager to execute the proposal/contract.

This matter was APPROVED on the Consent Agenda.

2009-0182 Seton Place Lift Station Pump #1 Replacement - Board Approval

On March 11, 2009, Pump #1 of the two pumps at the Seton Place Lift Station failed. This 15 horsepower submersible pump was sent to Gasvoda & Associates, Inc., of Calumet City, Illinois (the authorized service representative), for evaluation. Upon the inspection of Pump #1, which was previously rebuilt in 2001, it was found not to be cost effective to repair. The cost of a new pump is \$6,149.

Due to the time delay in obtaining a new pump and the importance of having two functional pumps at the station, the replacement was ordered immediately.

I move to approve the transfer of \$6,149 from the Contingency Account to the Machinery and Equipment Parts Account;

And

Approve payment to Gasvoda & Associates, Inc., of Calumet City, Illinois, for the purchase of a 15 horsepower replacement pump for the Seton Place Lift Station in an amount not to exceed \$6,149.

This matter was APPROVED on the Consent Agenda.

2009-0185 Emergency Sanitary Sewer Repair - Board Approval

On March 26, 2009, a Utility Division crew responded to an emergency request of a sewer blockage on Tamarack Lane. The blockage was temporarily relieved and follow-up investigation identified two problem spots on 88th Avenue requiring point repairs. Both excavations are deeper than the Utility Division crews can safely accomplish.

Proposals for the emergency work were solicited from Airy's, Inc. of Tinley Park, Illinois, and DiPaolo Construction Company of Calumet Park, Illinois. Airy's submitted a proposal not to exceed \$22,119.92 and DiPaolo submitted a proposal for \$37,910.00.

Because the resident has very limited sanitary service, the work was completed on an emergency basis during the week of April 6, 2009, by Airy's, Inc. - the low

bidder.

I move to approve accepting the proposal from Airy's, Inc. of Tinley Park, Illinois, for the emergency repair of the sanitary service line on Tamarack Lane for an amount not to exceed \$22,119.92;

And

Approve authorizing the Village Manager to execute the contract/proposal.

This matter was APPROVED on the Consent Agenda.

2009-0191 2008-2009 Road Salt - Board Approval

The Village of Orland Park has contracted with the State of Illinois Department of Central Management Services for the purchase of road salt at \$55.65 per ton. Under this annual contract, the Village is obligated to purchase 80% of the 6,000 ton order or 4,800 tons. Due to the severe winter we experienced in December, January and February, the Village exceeded the minimum amount that was budgeted by approximately 1,000 tons resulting in a shortfall of \$49,881.87 in line item 010-5002-431.62-60.

I move to approve a budget adjustment in the amount of \$49,881.87 for the additional road salt purchases.

This matter was APPROVED on the Consent Agenda.

2009-0192 2009 Maintenance of Streets and Highways - Resolution

The Illinois Department of Transportation (IDOT) requires the Village Board to pass a resolution each year for the appropriation of the Motor Fuel Tax funds for the maintenance of Village streets within the upcoming year. The Board has not passed the resolution for this current calendar year of 2009. The following Resolution and Municipal Estimate of Maintenance Costs are for the funds estimated for the 2009 calendar year.

I move to pass Resolution Number 0904, entitled: RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

This matter was PASSED on the Consent Agenda.

2009-0202 159th & LaGrange Road - Various Invoices

The following invoices require payment due to the 159th & LaGrange Road intersection improvement:

\$13,518.75 LCT Design Group OFZ0004 (LaRocco), OFZ0034, OFZ0035
(Kattos)

TOTAL INVOICES: \$13,518.75

I move to approve payment of invoices for the 159th Street and LaGrange Road intersection improvements in the amount of \$13,518.75.

This matter was APPROVED on the Consent Agenda.

2009-0203 Summer Entertainment Guide - Quotes for Publication

The Village has budgeted for the printing of a Summer Entertainment Guide. Guides to be printed will be 32,000 with 28,500 of them being mailed to residents.

The urgency to take this directly to the Board for approval is due to the timeline for printing and mailing. To have these in residents' homes as quickly as possible, the members of the Community Events and Outreach Committee have agreed (informally) to allow staff to go directly to the Village Board for approval.

Quotes are as follows:

Hagg Press: \$5,666.74

Minute Man Press: \$9,025.00

Sir Speedy \$13,383.00

I move to approve accepting the quote from Hagg Press to print the Summer Entertainment Guide at a cost not to exceed \$5,666.74.

This matter was APPROVED on the Consent Agenda.

2009-0187 Lions Club Orland Days -- Approve Permit

The Lions Club has submitted a Special Events Permit Application to hold Orland Days at the 153rd Street Metra Station, May 27 - 31, 2009. The parade takes place at 1 p.m. on Sunday, May 31 on West Avenue. Set up begins May 26 and teardown is June 1.

The Special Events Permit Committee met with Dave Neubauer and Steve Anton on April 2, 2009 regarding the event.

The village received a complaint from residents in the Orland Hills Gardens area regarding noise levels after the LionDaze fall event. Residents submitted a petition requesting several changes to the event. A copy is attached. It should also be noted that noise levels were taken at several locations during the event and none exceeded code.

The committee made the following recommendations to the Lions Club:

1. Turn down carnival ride noise earlier in the evening
2. Post signs in Metra parking lot earlier than last year
3. Notify residents and Palos Immediate Care facility

The Lions Club is reducing the number of speakers for the music. They have also

changed the staging for buses on Special People Day to improve the flow of attendees and buses arriving and departing.

Carnival workers will not have overnight parking at the park.

Trustee Schussler commented because there has been some concern from the neighbors in the 153rd Street Metra area regarding the noise was there any discussion about this event being held in the Triangle.

Village Manager Grimes stated he is not aware of any discussion of moving this event to the Triangle this season. The concerns regarding noise have been discussed at the Community Events and Outreach committee. This committee has made several recommendations to the Lions Club to decrease the noise levels.

Trustee Fenton stated at the Community Events and Outreach committee last week, Mr. Dalloz who initiated the petition regarding the residents noise concerns was present. He was told of the concessions the Lions Club will be making, based on staff recommendations this year regarding noise. After explaining the discussion between staff and the Lions Club Mr. Dalloz was happy with the changes.

I move to approve the Special Events Permit application for the Lions Club Orland Days and Parade May 27 - 31, 2009 at the 153rd Street Metra Station, providing that all necessary paperwork is completed.

A motion was made by Trustee Kathleen Fenton, 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

2008-0094 Every Bloomin' Thing - Special Use Amendment - Ordinance

On May 5, 2008 the Village Board approved a Special Use Amendment for the Every Bloomin' Thing property at 7646-7648 W. 159th Street to include an agricultural canopy at the southwest portion of the Subject property with setback variations as stated in the ordinance.

Trustee Schussler asked where the Village was in regards to the sidewalk.

Director Friling stated Director of Public Works Pete Casey has requested the permit for the sidewalk. Before the Village could get the permit from IDOT, the Village had to notify the owners of Every Bloomin' Thing that they needed to enter into a lease agreement to use the existing right-of-way. The owners are in the final phase of negotiating that lease agreement with IDOT. The Village is waiting to

receive the IDOT permit and this sidewalk should be installed this year.

I move to pass Ordinance Number 4478, entitled: ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT - EVERY BLOOMIN' THING

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Brad O'Halloran, 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

2009-0180 Traffic Signal 94th Avenue and Wheeler Drive - Contract Extension

On January 15, 2007, the Board of Trustees approved staff entering into an Agreement with Smith Engineering Consultants (SEC) of New Lenox, Illinois, for professional engineering services and construction oversight for the installation of a traffic signal at Wheeler Drive and 94th Avenue. This project was eligible for funding under the Southwest Council of Mayors Surface Transportation Program (STP) and, after the engineering is completed, the Village will be reimbursed 70% of the construction costs from the state. The original contract with SEC called for part-time construction oversight and inspection. However, now that the Village has been approved for federal funding, full-time construction engineering is required for a federally funded project. Therefore, staff recommends increasing SEC's contract for full-time construction oversight by \$23,180.

Trustee Dodge stated that he does not have an issue on what is being done with Smith Engineering. Recently he met with several of the residents on Wheeler in that area who are against this traffic signal being installed.

Trustee Dodge stated the residents concerns were that there is enough traffic on Wheeler; the traffic is moving at a higher rate of speed, which is hard to control; and most residents have already figured a way to find that traffic break to get onto 94th Avenue.

Trustee Dodge asked for further public input before the Village spends this money on a traffic light on Wheeler and 94th Avenue.

President McLaughlin agreed with Trustee Dodge and stated that if Trustee Dodge found that many residents with concerns, then before the Village spends this amount of money the residents should be brought into the Public Safety committee and have the engineers show the residents what the changes will be.

Trustee Fenton requested that staff provide Board members with a report of the number of accidents that have occurred at that intersection.

After discussion it was the Board's decision to refer this item back to the Public Safety Committee on May 11, 2009.

I move to approve referring this item to the May 11, 2009 Public Work and/or Public Safety Committee meeting.

A motion was made by Trustee Bernard Murphy, seconded by Trustee Patricia Gira, that this matter be REFERRED TO the Public Safety Committee. 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

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

2009-0198 Stone Church - Annexation Agreement - Public Hearing

Notice of the public hearing for the Stone Church Annexation Agreement was given to the Southtown/Star and the Orland Park Prairie newspapers as required by law. Notice was also posted on the Village Hall bulletin board and given to the news media and Comcast Cable Services. The property is located at 10731-10737 West 183rd Street and consists of approximately 15.35 acres to be developed by the Owner for a place of worship under the E-1 Estate Residential zoning classification, with a Special Use.

President McLaughlin asked if anyone in the audience would like to make any comments. No one requested to speak.

Stone Church Attorney George Schoenbeck and the petitioner Robert Conrath, Stone Church Business manager were present to answer any questions the Board may have.

Trustee Murphy asked when the church plans to open.

Attorney Schoenbeck stated the church plans to open in the spring of 2010.

Trustee Murphy stated that there is a need for a traffic signal at the intersection of

183rd and Wolf Road. This traffic signal is not expected to be constructed until 2012. Trustee Murphy asked the petitioner's attorney if they have any influence with IDOT to move this traffic signal along, it would be greatly appreciated by the Village.

I move to continue the public hearing on the annexation agreement for the property located at 10731-10737 W. 183rd Street (Stone Church).

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Patricia Gira, that this matter be CONTINUED to the Board of Trustees. 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

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

2008-0553 Stone Church

The petitioner, Robert Conrath, Stone Church Business manager, is seeking approval to construct a new church upon annexation. The proposed church is located southwest of the intersection of Orland Parkway and 183rd Street, on undeveloped land that is currently unincorporated Will County.

This item will be continued until the next Board of Trustees meeting.

I move to approve continuing this item to the next Board of Trustees meeting.

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be CONTINUED to the Board of Trustees. 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

2009-0157 Dudek Residence - Variances

Mr. Dudek petitioned for four variances in order to build a new house at 14430 Raneys Lane, after the prior house had been demolished. The February 10, 2009 zoning hearing was continued until March 10, after Mr. Dudek and his architect were asked to return with revisions to his drawings. The neighbors in attendance were concerned about the number and nature of the four variances, and the hearing officers recommended the hearing be continued. Mr. Dudek and his architect returned on March 10. Two of the four variances were not modified from the original February 10 hearing. After much discussion, the two side yard setback variances (reducing the side yards from the required 9 ft. on each side to 6 ft. 9 in.) were approved by the hearing officers. The third variance originally requested for the front yard, was modified, revising the original request from placing the house at 11 ft. 9 in. from the property line, to placing the house at 22 ½ ft. This variance was also granted at the March 10 zoning hearing.

The fourth variance being requested is for lot coverage. Required lot coverage for R-3 zoning is 35% plus an additional 5% for accessory structures. Mr. Dudek is asking for an increase in lot coverage from the required 40% to 54%, a 36% variance requiring Board approval because of limitations placed on the hearing officers as to the type of variance they can grant. The petitioner is asking to increase the lot coverage from 4921 to 6677.

Over the course of all of the zoning hearings, the footprint of the house has remained unchanged. The petitioner has shifted the house farther back on the lot and has agreed to remove selected areas of patio and driveway. To summarize, the petitioner, Mr. Dudek, initially requested four variances, three of which were granted at the March 10 zoning hearing. The fourth variance for lot coverage is before the Village Board because of the nature of the variance being requested. The hearing officers recommended denial of the fourth variance for lot coverage. In order for a variance to be granted, a hardship must exist per the Land Development Code requirements. This hardship must exist due to the petitioner's unique circumstances, such as irregular lot size, unusual sections of the lot because of easements, topography, trees, etc., or a hardship due to changes in present living arrangements. Through the ten variance standard responses, the petitioner must testify that the variances will not be detrimental to public welfare or alter the essential character of the neighborhood.

The requested variance for lot coverage could negatively impact the storm water runoff as it relates to neighboring residences. An increase in lot coverage would also decrease the amount of green space typically prevalent in older, more established areas such as this one. Because this involves new construction, the petitioner has every opportunity to design the house to fit within the lot coverage parameters established for the R-3 zoning district. The lot size of 12,303 sq. ft. is

an above average lot size for this zoning district, and similar sized lots in the area were developed in conformance with the setbacks and lot coverage of the R-3 zoning district, and no variances were requested.

Trustee Dodge gave a brief summary on this variance request. The house and driveway are fine; there are open issues with the pool and lot coverage which could impact the storm water runoff.

The petitioner is proposing pervious, pavers or concrete as well as a pool. There has been debate for over a year on how much, if any, credit would be given for porous surfaces for storm water management.

With the pool, there is no credit because it is treated as an impervious surface.

Director of Development Services Karie Friling gave a brief summary. She stated Mr. & Mrs. Dudek were before the Zoning Board of Appeals last month. The Zoning Board did grant 3 of the 4 variances which were setback requests, side yards as well as the front yard setback. They did make adjustments to the site plan and they have worked with many of the neighbors to try to address the concerns of the neighbors.

Director Friling stated the one remaining issue that is outstanding tonight before the Village Board is the issue of the lot coverage. From the R-3 zoning district that this piece of property currently sits in the lot coverage is a 35% and we give an additional 5% for assess restructures that included the pools, the deck around the pools.

Director Friling reminded the Board that three years ago there was discussion before this the Board whether the lot coverage requirement could be increased to allow for flexibility of assessed restructures. At that time it was a flat 35% and that was the maximum lot coverage for individual lots. After the Village worked with Christopher Burke and the Village's stormwater engineers the Village increased that to an extra 5% to allow the additional flexibility for swimming pools, decks, etc.

Director Friling explained this is before the Board tonight because the Zoning Board does not have authority to approve a variance for lot coverage that is outside the code. Also, the Dudek's are over the 40%, they are at 54% which has come down where they originally began at.

President McLaughlin questioned if the house and the driveway together meet or is under the 40%. He asked how the driveway is counted, as a regular driveway or as an impervious area.

Director Friling stated the Village did grant the petitioner a 50% credit for porous pavers and that is something that is set by code. The petitioner did take that credit and is still at 54%.

President McLaughlin stated the issue for this type of code requirement, is so that the neighbors or down stream are not affected by adding too much runoff to the over-land flow. Would it make any difference that the neighborhood stormsewer is in the Dudek's backyard, would this give them any additional flexibility.

Director Friling stated according to the code, no it will not. Director Friling stated that staff does believe this particular lot, if built on today, would not flood the neighbors. Staff will make sure if this is approved by the Board that the lot coverage will be designed the correct way and does not impact the adjacent neighbors.

Trustee Schussler stated he does have concern with the lot coverage. The Zoning Board of Appeals approved three setback variances, which are not before the Board tonight. The issue for tonight is the lot coverage.

Director Friling stated that was correct.

Trustee Dodge stated that he did not want the Dudek's to be held up in their plans for the house and driveway because they meet the standards on those two issues. If the lot coverage issues are not approved tonight can they go ahead and begin the planning for the house and driveway.

Director Friling stated yes, she believes the Dudek's can begin construction on their home excluding the pool. If the Board wanted to approve the Dudek's to begin construction on the house, staff is fine with that.

Trustee Dodge stated this is a stormwater management issues and he believes this should go back to the committee so this can be thought through.

Director Friling agreed with Trustee Dodge that additional conversations are needed with the expertise to see if this is the policy direction that the Board wants to go.

Attorney Matt Walsh Attorney for the Dudek's spoke before the Board to say he has worked with Village staff from the driveway to the back patio and have agreed to use porous materials to address the water concerns. The pool itself will have its own drainage system and Mr. Walsh has spoken to the Village staff asking if there are special drainage tiles that would be needed to be installed.

Attorney Matt Walsh stated they are willing to work with the Board and regarding any drainage concerns they are open to any suggestions.

Trustee Schussler asked if the petitioner is aware that a certain type of paver-stone must be used.

The Dudek's Architect, George Madaras stated what will be used on the driveway is strictly brick pavers and these are not the pervious type pavers. No additional credit was taken.

Trustee Murphy stated there is a lot of concern of several residents that live by the Dudek's who are depending on the Board to make the correct decision on this issue.

Trustee Murphy stated the Dudek's home will be running east and west and homes to the south are running north and south. There is only 6 foot 9 inches to the property line from the house to the backyards to at least two of the other houses; all of the water will be running onto their property. These residents believe there will be flooding on their lot and that the Dudek's are trying to put too much on their lot.

Director Friling stated she was present at the Zoning Board Hearing and this was discussed in detail.

Trustee Dodge stated that 5004 square feet of lot coverage for the house and driveway be approved only. For all the additional issues on this property, this item will be referred back to the Development Services and Planning Committee for further discussion on stormwater management, credits and policies. Staff will present additional information at the committee for the Boards review.

I move to approve 5004 square feet lot coverage for house and driveway only.

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

and

To approve referring this item to the Development Services and Planning Committee for further discussion on the issues of stormwater management, credits, and policies/guidelines.

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be REFERRED TO the Development Services & Planning Committee. The motion CARRIED by the following votes below:

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

Nay: 0

2009-0101 Five Guys Burgers & Fries

Trustee Dodge reported that the petitioner, Gregg Elstro has requested to amend the Special Use Ordinance 3009 for the shopping center at 15837 S La Grange Road in order to locate Five Guys Burgers and Fries in the southern most tenant space of the building.

Special Use Ordinance 3009 limits the southernmost unit at 15837 S La Grange Road to 30 seats. The special use amendment would increase the seating capacity in the restaurant to 57 seats. This translates to an increase from 12 currently allocated parking spaces to 25 spaces as required per the Land Development Code. Five Guys will have 6 employees during peak time.

To mitigate the parking conditions currently present at the center, Five Guys is establishing a safe and convenient pedestrian walkway from the Target parking fields, where a shared parking agreement allows the center to have overflow parking, to the subject building. The shared parking agreement with the Target property is pre-existing and does not specify a certain amount of parking spaces, nor does it designate where these spaces are-although, the parking field just north and east of the subject building is the targeted area for both Five Guys and Potbelly's. With the shared parking, overflow parking is maintained and Five Guys meets the Land Development Code requirements.

I move to approve the amendment to special use ordinance 3009 to allow the southern-most restaurant unit to increase the seating from 30 seats to 57 seats, subject to the below conditions;

and

I move to approve the site plan for Five Guys Burgers and Fries titled, "Suggested Site Plan Alterations", prepared by Soos and Associates Inc., stamped received April 8, 2009 and the proposed sign renderings for Five Guys titled "Channel Letter Sign Specifications", prepared by JNB Signs, dated 1/09/09, drawing number 03776-01 and stamped received April 8, 2009 subject to the following conditions:

1. That the petitioner installs the proposed pedestrian walkway connections, stripes and signage, as depicted on the site plan, prior to issuance of a certificate of occupancy.

****Note:** The whole point of the public hearing (including notices, and signage) for Five Guys was to amend Special Use Ordinance 3009 to allow 57 seats in the southern most restaurant tenant space at 15837 S La Grange Road. Due to human oversight, the actual motion for the amendment was missed in the overall motion for both Plan Commission and the Village Board. All public officials,

however, recognized the substantive nature of the petition as a special use amendment.

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

MAYOR'S REPORT

2009-0199 Com Ed Challenge -- Approve

President McLaughlin reported that ComEd announced its first Community Energy Challenge in November, one of the first of its kind in the nation. A dozen local municipalities have been chosen to participate, including Orland Park.

The Challenge will run through May 2010 and is designed to help municipalities in the ComEd service territory develop and implement cost-effective energy efficiency pilot projects to support municipal sustainability objectives. Environmental sustainability refers to balancing the use of natural resources to meet the needs of the present while ensuring natural resources are available for future generations.

Along with Orland Park, Com Ed working in conjunction with the Metropolitan Mayor's Caucus, selected the participating communities based on their commitment to sustainability. These communities include Aurora, Carol Stream, Elgin, Evanston, Highland Park, Hoffman Estates, Northbrook, Oak Park, Orland Park, Palatine, Schaumburg and Wilmette.

Project plans will be judged on their potential to meet energy and sustainability requirements including reducing municipal building energy consumption; reducing community energy consumption; addressing community education surrounding energy efficiency and sustainability; meeting regulatory cost effectiveness requirements, and leveraging resources to meet a sustainability objective.

Project plans for each community will vary in size and scope due to needs. Plans are due to ComEd for review by the judging committee on April 30th.

Village staff have worked with the Mayor in establishing a number of initiatives for the Village to launch or investigate throughout the coming year. Due to the confidentiality of the draft plan, more information will be discussed at the meeting.

I move to approve advancing the Village plan to compete in the Com Ed Community Energy Challenge.

A motion was made by Trustee Kathleen Fenton, 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

BOARD COMMENTS

TRUSTEES GIRA, SCHUSSLER, AND MURPHY - Congratulated the candidates on their re-election.

TRUSTEE FENTON - Reminded everyone that the Farmer's Market will begin on Friday, May 29, 2009 through October 2, 2009 - 7:30 AM to 1:00 PM.

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; and c) setting a price for sale or lease of village property.

This matter was RECESS

RECONVENE BOARD MEETING

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

Report on Executive Session

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; and c) setting a price for sale or lease of village property.

2009-0214 Salary Increase for Non-Union Employees and Directors

Attorney Ken Friker reported that the Board discussed in Executive Session salary increases for non-union employees and directors effective May 1, 2009.

I move to approve a salary increase of 3 percent for non-union employees and 2 percent for Directors.

A motion was made by Trustee Patricia Gira, seconded by Trustee Kathleen Fenton, 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

ADJOURNMENT - 9:00 PM

A motion was made by Trustee Kathleen Fenton, seconded by Trustee Patricia Gira, 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,

/s/ David P. Maher

David P. Maher, Village Clerk

DRAFT