

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, September 7, 2010

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 7:05 PM.

Present: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Schussler, Trustee Gira and Village President McLaughlin

Absent: 1 - Trustee Dodge

VILLAGE CLERK'S OFFICE**2010-0421 Approval of the August 16, 2010 Regular Meeting Minutes**

I move to approve the minutes of the Board of Trustees Meeting of August 16, 2010.

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

Nay: 0

Absent: 1 - Trustee Dodge

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS**2010-0422 32nd Annual Orland "Open" Spelling Bee - Presentation**

Spelling Master Bill Smith reported to the Board that this is the 32nd year of the Annual Orland Open Spelling Bee, which will be held at the Presbyterian Church in Orland Park on Sunday, October 3, 2010 beginning at 2:00 PM. The Open Spelling Bee is open to ages 8 years old and older. We encourage all ages to participate. He also thanked the Board for their support and participation with this event.

This matter was a presentation, NO ACTION was required.

ROLL CALL

Trustee Dodge arrived at 7:10 PM.

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

CONSENT AGENDA

Trustee Gira requested that Item C. University of Illinois Extension - Master Gardener Lease Agreement be removed from the Consent Agenda for a separate vote.

Passed the Consent Agenda

A motion was made by Trustee Murphy, seconded by Trustee Fenton, 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

2010-0428 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 August 20, 2010 in the amount of \$1,029,370.47 and the Monthly Hourly Payroll for August 13, 2010 in the amount of \$17,052.91.

This matter was APPROVED on the Consent Agenda.

2010-0443 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 August 17, 2010 through September 7, 2010 in the amount of \$2,507,443.03.

This matter was APPROVED on the Consent Agenda.

2010-0411 Recreation Department Program Brochure - Winter 2011 Programs

A list of the recommended programs was part of the Boards packets to be offered in the Recreation Department 2011 Winter brochure. Included in the lists are contractual costs (over \$5,000) that would need Board approval associated with the winter session. These costs are covered by revenue generated through registration fees and actual costs are dependent on the number of participants registered.

Staff is requesting approval of the recommended programs as submitted by staff, and payment to the contractual instructors at time of invoicing.

I move to approve accepting the 2011 Winter programs as presented by staff; and approve payment to contractual instructors at time of invoicing.

This matter was APPROVED on the Consent Agenda.

2010-0362 All-Terrain Police Vehicle with JAG Funds - Purchase

The police department has identified a need for a new "off road" type vehicle to replace and improve upon our 1996 Kawasaki ATV which is no longer road worthy. This will provide for a more mobile police presence at special events and activities held in the Village, especially in the summer months. During events such as; Orland Days, the 4th of July and the Taste of Orland, it would be very helpful to have a mode of transportation for officers to move throughout the site in an efficient and safe manner. The use of traditional police vehicles is not possible as most of these events are off the roadways. This vehicle would also be used in other off road capacities such as on the bike paths.

Staff has identified the John Deere Gator as a preferred vehicle for this purpose. The Gator also provides the assets required to move officers and some equipment as well. The John Deere Gator is available through a cooperative purchasing contract through the Illinois Association of County Board members, which should provide the most competitive pricing for this vehicle.

Staff is working with the Circle Tractor dealership in Homer Township for pricing and information. The price offered through Circle Tractor for the Gator XUV 825i equipped as prescribed is \$11,928.90.

The Police Department was recently awarded a FFY 2009 Justice Assistance Grant for the purchase of equipment and small amount of officer hire-back for special enforcement activities. This grant award is funded in the amount of \$20,813.00 and is administered through the Judicial Advisory Council of Cook County. The Gator purchased was approved through the Program Coordinator.

I move to approve the purchase of the John Deere XUV 825i from Circle Tractor of Homer Glen, Illinois at a cost not to exceed \$11,928.90 with the use of funds

from the FFY 2009 Justice Assistance Grant Award

And

approve the sale at auction of the 1996 Kawasaki ATV (#1494)

This matter was APPROVED on the Consent Agenda.

2010-0361 Disposal of Certain Seized Vehicles at Public Auction - Ordinance

The police department requests that the Village declare two forfeited vehicles (1996 Chev Geo and a 1999 Ford Taurus) as excess property and to dispose of at public auction. The vehicles were seized by the department and forfeited to the village by the Circuit Court of Cook County from drivers who were driving their vehicle while their license was suspended for DUI.

I move to pass Ordinance Number 4585, 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.

2010-0432 Smith Crossing Phase II - Authorize Development Agreement - Ordinance

A draft Development Agreement was included in the Board packet which sets forth terms and conditions for development of Smith Crossing Phase II, located at Emilie Lane and Orland Parkway.

This is now before the Village Board for consideration and to authorize execution of the finalized agreement.

I move to pass Ordinance Number 4586, entitled: AN ORDINANCE AUTHORIZING DEVELOPMENT AGREEMENT (SMITH CROSSING - PHASE II - EMILIE LANE AND ORLAND PARKWAY)

This matter was PASSED on the Consent Agenda.

2009-0541 Smith Crossing II - Landscape Plan

Requested for approval is a landscape plan for Stone Church, located near 183rd Street and Orland Parkway, specifically at 10501 Emilie Lane. The Village Board approved the site plan for Stone Church in February of 2010 subject to the condition that the petitioner submit a landscape plan for separate review and approval.

Per Code requirements, the petitioner submitted a landscape plan that has been reviewed by the Villages consulting landscape architectural firm. A copy of the final review memo was attached in the Board packet for review.

I move to accept as findings of fact the findings of fact as set forth in this staff report

And

I move to approve the Landscape Plan titled, 'Smith Crossing Phase 2,' prepared by The Lakota Group, project number 09032, dated 7/27/10, most recent revision 08/31/10, sheets L-01 - L-18, with no conditions.

This matter was APPROVED on the Consent Agenda.

2010-0431 Stone Church - Landscape Plan Approval

Requested for approval is a landscape plan for Stone Church, located southwest of the intersection of Orland Parkway and 183rd Street. The Village Board approved the site plan for Stone Church in May of 2009 subject to the condition that the petitioner submit a landscape plan for separate review and approval.

Per Code requirements, the petitioner submitted a landscape plan that has been reviewed by the Villages consulting landscape architectural firm. A copy of the final review memo was attached in the Board packet for review and includes two detention basin related conditions. The petitioner has agreed to the below conditions.

I move to accept as findings of fact the findings of fact as set forth in this staff report

And

I move to approve the Landscape Plan titled, 'Stone Church,' prepared by architectural resource corporation, project number A8230, dated 02/03/10, most recent revision on sheet AL1, 07/28/10, most recent revision on sheet AL2, 06/25/10, subject to the following conditions:

- 1) That, in the north detention basin, the petitioner install erosion protection around the culverts from the invert to the normal water line to prevent sloughing.
- 2) That, in the north detention basin, the petitioner replace the bluegrass turfgrass seed called out on the landscape plan with Clesen's Retention Seed Mix (or approved equal) that contains 70 percent Kentucky, 31 percent tall fescue, 25 percent perennial ryegrass, and 5 percent redtop.

This matter was APPROVED on the Consent Agenda.

2010-0400 The Irish Patriot - Certificate of Appropriateness

The purpose of this petition is to redesign and rehabilitate the north, west and south elevations of the building located at 9875 W. 143rd Street to accommodate a new Irish restaurant. The restaurant will operate per the special use parameters of the previous restaurant, Paddy B's.

According to the 2008 Residential Area Intensive (RAI) Survey, the building at 9875 W 143rd Street is an early 20th Century Commercial building built circa 1920. The building, however, is not a contributing structure or an Orland Park Landmark per Sections 5-110 and 6-209. The survey notes the following alterations currently exist on the building: "hipped roof over the first floor level; windows altered; first floor siding altered; doors altered". In addition to the alterations indicated in the survey, the south elevation includes alterations such as boarded up windows (with siding), exterior stair-cases and exhaust and other kitchen ventilation systems among other non-original appurtenances.

The proposed improvements restore the first floor masonry, the mid-level architecture, and the fenestration of the building. There is no historical evidence to suggest that the proposed façade improvements are true to the original design of the building, however, the existing façade is a known significant non-historic alteration to the building.

I move to approve the Certificate of Appropriateness for façade improvements for 9875 W 143rd Street as indicated in the below fully referenced motion.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to approve the Certificate of Appropriateness for the elevation drawings titled "Irish Patriot", prepared by Phillip J. Riley Architects, dated 6-25-10, job number 10048, sheets A-1 and A-2, subject to the following conditions:

1. That all storefront windows shall be of clear and transparent glass per Code;
2. That the second story window trims must be installed on the building in a manner that does not damage the existing brick and that the original brick is not removed;
3. That all building code related items are met;
4. That building permits are obtained prior to construction.

This matter was APPROVED on the Consent Agenda.

2010-0350 Illinois Elevator Safety Program Agreement

The Village of Orland Park currently utilizes the 2006 edition of the International Building Code as the basis for standards regulating Elevator safety.

Revisions to State of Illinois Elevator regulations have been completed under Public Act 96-0054, (225 ILCS 312/140) by the Office of the State Fire Marshal (OSFM). Standards referenced in the State revisions are updated editions and additional standards for inspector qualifications, have been updated and added under this public act.

The State is requiring the Village to amend its existing Code for compliance and

sign a letter of agreement with the OFSM for the Village to maintain its responsibility for inspection and maintenance of existing elevators located within our jurisdiction.

These Elevator construction and maintenance standards revisions are referenced in the Village Code, Title 5, Chapter 1, Section 13 under items # 187 and 188 of the ordinance.

This agreement is now before the Village Board for consideration.

I move to approve the proposed amendments to Title 5, Chapter 1, in the Orland Park Building Code, and authorization of signatures to the Illinois Elevator Safety Program Agreement.

This matter was APPROVED on the Consent Agenda.

2010-0369 Paddy B's - Smart Energy Fund

A special use permit for Paddy B's restaurant and pub at 11969 W. 143rd Street (Timothy F. McCarthy, petitioner) was approved by the Village Board in April 2010 as an 1,800 square foot, 48 seat restaurant in the 11969 143rd Street unit of the Pinewood Plaza shopping center.

Since the approval, Paddy B's has submitted an application to the Orland Park Smart Energy Fund for \$8,891.59 to install energy efficient commercial restaurant equipment, a new energy efficient cooling motor and energy efficient lighting. The improvements are valued up to \$17,783.18, with the Smart Energy Fund paying 50%.

I move to approve the Paddy B's (11969 W. 143rd Street) Smart Energy Fund application for \$8,891.59 as indicated in the below fully referenced motion.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to approve the Paddy B's (11969 W. 143rd Street) Smart Energy Fund application for \$8,891.59 from EECBG in matching grant funds to install as permanent fixtures for the proposed use the following equipment: one (1) Refrigerator Manufacturer Turbo Air (Reach-In) Refrigerator, one (1) Solid Door Refrigerator, one (1) M Series Strip Curtain, one (1) Pro3 Top Mount Packaged Refrigeration System, one (1) Paddy B's LED storefront sign, all new T-8 fluorescent lighting units, four (4) LED exit signs, sixteen (16) new low voltage track lighting canned lights, eight (8) new dining room lighting with energy saving fixtures, fifteen (15) new LED dimmable recessed lights, five (5) new ceiling fans, per the attached specification sheets and subject to the following conditions:

1. That Paddy B's submits any actual bid prices of each of these items when a contractor is selected and provides bids for the proposed work.
2. That any item priced less than the costs will be marked down accordingly for

SEF assistance and the program will fund the lesser cost.

3. That the program will not fund additional cost increases that result from contractor bidding beyond what is approved by the Village Board for assistance.
4. That a bid is provided for the Solid Door Refrigerator to verify the item cost.

This matter was APPROVED on the Consent Agenda.

2010-0257 Subway - Special Use

On July 27, 2010, the Plan Commission moved 5-0 to recommend to the Village Board to approve the special use permit for a 24 seat, 1,200 square foot Subway Restaurant in the County West Plaza shopping center located at 15860 South Wolf Road, as depicted in the floor plan titled "New Subway Store # 48740 1492 S. Randall Road Geneva, Illinois 60134", prepared by Beron Design Group, project number 3002, dated 1-4-10, sheet number A1-2, subject to the following conditions:

1. That the petitioner constructs a separate garbage enclosure for the Subway restaurant at the rear of the center behind the subject unit;
2. That all utility conduits and equipment are screened from view of the public rights-of-way and neighboring properties;
3. That all building code related items are met;
4. That the correct Orland Park address and municipal name is indicated in the title of the floor plan and in all the references on the plan sheet prior to this project appearing before the Committee of Trustees.

Since the Plan Commission, the petitioner has met Conditions 1 and 4 in the above motion. The other conditions will be fulfilled at a later date. Condition 1 is fulfilled by providing elevation drawings for a garbage enclosure behind the proposed retail unit. The enclosure is made of wood and is completely opaque. Condition 4 is fulfilled by submitting the new drawing set.

A condition was added to the motion that requires the petitioner to obtain building permits prior to construction.

I move to approve the special use permit for Subway Restaurant at 15860 S. Wolf Road as indicated in the attached fully referenced motion.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to approve the special use permit for a 24 seat, 1,200 square foot Subway Restaurant in the County West Plaza shopping center, as depicted in the floor plan titled "Subway Store # 33643 15860 Wolf Road Orland Park, Illinois 60467 Equipment Plan", prepared by Beron Design Group, project number 3014, dated

5/25/10, sheet number A1-2, and the site plan titled "Subway Store # 33643 15860 Wolf Road Orland Park, Illinois 6-467 Site Plan", prepared by the same, same project number, same date, sheet number C1-1, subject to the following conditions:

1. That all utility conduits and equipment are screened from view of the public rights-of-way and neighboring properties;
2. That all building code related items are met;
3. That building permits are obtained prior to construction.

This matter was APPROVED on the Consent Agenda.

2010-0450 Proposed Water Tower Lease Agreement - Approval

ClearWireless, LLC has approached the Village requesting a lease agreement for the water tower located at 14593 S. 88th Ave. ClearWire was asked to sign the standard agreement the Village has used for the other lease agreements the Village has with other companies. However, they have asked for slight modifications to the agreement, and the Village attorney has reviewed and approved their requested language. This lease incorporates the Board's recently adopted General Policy for Co-Locating Wireless Communication Facilities on Village Property.

Annual Increase: ClearWire has agreed to a \$3,000 per month rent with a 3% annual increase.

Term: An initial term of 5 years plus 3 additional 5-year renewal options. Public Works staff has reviewed and approved the details for the proposed location.

I move to approve a tower lease agreement with ClearWireless, LLC for the use of the water tower at 14593 S. 88th Ave. in the amount of \$3,000 per month subject to 3% annual increases and to authorize the Village Manager to execute the agreement.

This matter was APPROVED on the Consent Agenda.

2010-0437 University of Illinois Extension - Master Gardener Lease Agreement

Trustee Gira stated that this item was not brought before a committee for review, therefore should not have been under the consent agenda.

Trustee Gira reported that the University of Illinois Extension Master Gardener Program was offered 618 square feet of space in the Cultural Center building, located at 14750 Park Lane.

The agreement provides for a lease term of one (1) year at an annual rent rate of

twelve dollars (\$12.00). At any time during the Lease Term, the Village may terminate this Lease Agreement effective three (3) months following written notice from Landlord to Tenant.

As a reminder, the Master Gardener program has agreed, in exchange for the space, to partner with the Village as outlined in the Partnership Agreement. At minimum, the agreement will benefit the Village in the following ways:

- Potential Master Gardener workshops for residents
- The Master Gardeners will contribute 2-3 times per year to the Village Newsletter
- Bring additional U of I Extension Programs to the community
- The Master Gardeners will collaborate with the Parks, Recreation, & Environmental Initiatives Committee as needed

I move to approve a lease agreement with the Board of Trustees of the University of Illinois

And

To authorize the Village Manager to execute the agreement.

A motion was made by Trustee Patricia Gira, 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

DEVELOPMENT SERVICES AND PLANNING

2010-0423 10496-10500 W. 163rd Place - Class 6B Resolution

This request is for the Board to consider a resolution in support of the renewal of the Class 6B status for property located at 10496-10500 W. 163rd Place in Orland Park. The subject property was granted a Class 6B renewal in 2000. The Class 6B incentive, offered through Cook County, provides for a substantial reduction in assessed valuation resulting in significant tax savings. The incentive term is for a period of 10 years (16% of market value) and then begins to rise in years 11 & 12 (23% and 30% respectively). In the absence of this incentive, real estate would normally be assessed at 36% of its market value. The County no longer places a limit on the amount of renewals granted per property.

The subject property is currently a 42,000 sq. foot building (three tenant spaces). Two tenant spaces are currently vacant.

I move to pass Resolution Number 1010, entitled: A RESOLUTION DETERMINING THE NECESSITY OF AND BENEFIT FROM INDUSTRIAL USES AND SUPPORTING RENEWAL OF CLASS 6B STATUS PURSUANT TO THE

COOK COUNTY REAL PROPERTY CLASSIFICATION ORDINANCE FOR CERTAIN REAL ESTATE LOCATED AT 10496-10500 W. 163RD PLACE IN ORLAND PARK, ILLINOIS.

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

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) the appointment, employment, compensation, discipline, performances or dismissal of specific village employees; b) the purchase or lease of real property for the use of the village; c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

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.

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

ADJOURNMENT - 7:25 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,

David P. Maher, Village Clerk

Joseph S. La Margo, Deputy Clerk