

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, July 6, 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 President McLaughlin, Trustee Murphy served as Mayor Pro Tem for this meeting.

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: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler and Trustee Gira

Absent: 1 - Village President McLaughlin

VILLAGE CLERK'S OFFICE

2009-0006 Approval of the June 15, 2009 Regular Meeting Minutes

The Minutes of the Regular Meeting of June 15, 2009, were previously distributed to the members of the Board of Trustees. Mayor Pro Tem Murphy asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Regular Meeting of June 15, 2009.

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 Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2009-0315 Parking and Traffic Advisory Board - Appointment

President McLaughlin appointed Doug Stepansky to the Parking and Traffic Advisory Board.

Mayor Pro Tem Murphy administered the oath.

I move to approve the appointment by President McLaughlin of Doug Stepansky to the Parking and Traffic Advisory Board.

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

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Dodge, 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: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

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 June 26, 2009 in the amount of \$1,050,297.46.

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 June 16, 2009 through July 6, 2009 in the amount of \$2,622,905.79.

This matter was APPROVED on the Consent Agenda.

2009-0320 AN ORDINANCE ADOPTING THE PREVAILING WAGE RATES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED BY THE VILLAGE OF ORLAND PARK

In compliance with the Illinois State Statute, it is the responsibility of the Village of

Orland Park to ascertain that the workers engaged in the construction of public works, under the Village's jurisdiction, are paid the prevailing rate of wages as determined by the Illinois Department of Labor.

I move to pass Ordinance Number 4493, entitled: AN ORDINANCE ADOPTING THE PREVAILING WAGE RATES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED BY THE VILLAGE OF ORLAND PARK

This matter was PASSED on the Consent Agenda.

2009-0186 Home Demolition at 13550 86th Avenue - Asbestos Removal

On May 4, 2009, the Board approved waiving the bid process and accepting the quote from Environmental Protection Industries (EPI) for the home demolition at 13550 86th Avenue in an amount not to exceed \$14,300.00 and the suggested budget adjustment. The Board was informed that if asbestos was found additional cost may occur.

The EPI has found asbestos and has submitted a quote for the removal of approximately 200 square feet of flooring (double layer). This cost estimate is \$3,425.00, which includes the additional sampling and testing that was performed on the drywall and window caulk material.

I move to approve accepting the quote amount of \$3,425.00 from Environmental Protection Industries for asbestos removal from the home that is being demolished at 13550 86th Avenue;

and

To approve the additional budget adjustment in the amount of \$3,425.00.

This matter was APPROVED on the Consent Agenda.

2009-0284 Centennial Park Pool Pump - Quote Approval

One of the 8" pumps for the small white slide at Centennial Park Pool has failed and is in need of repair. Metropolitan Pump from Romeoville, IL removed the pump to inspect for repairs. They provided a quote of \$6,983.00 for repair and installation of the pump.

This repair was not a budgeted item; therefore, a budget transfer will be needed.

I move to approve the quote from Metropolitan Pump of Romeoville, IL for the repair and installation of a pool pump at a cost of \$6,983.00;

And

To approve a budget adjustment to cover the costs of this repair.

This matter was APPROVED on the Consent Agenda.

2009-0310 Consulting Services - Renewal of Water Contract with the Village of Oak Lawn

The Water Supply Service Agreement between the Village of Orland Park and the Village of Oak Lawn is set to expire on October 1, 2011. Other major users of the system, including Tinley Park, Oak Forest, Mokena and New Lenox - users accounting for over 80% of the usage - also have contracts with Oak Lawn expiring on this date. As part of the renewal process, Oak Lawn completed an engineering study that identified a number of long term infrastructure improvements. The total cost of these improvements ranged from approximately \$123,682,000 to \$186,984,000 depending on where the 2nd supply line ends.

The various municipalities previously mentioned met and determined that it would be in our best interest if we collectively approached Oak Lawn when renegotiating our contracts and offered Oak Lawn the following contract renewal options:

- Perform a cost/benefit analysis to determine the viability of converting the system to a Water Commission with group governance
- Enter into a water purchase group/authority separate from Oak Lawn
- Require a variety of changes to the current contract to establish performance standards, oversight of operations and participation in the design and construction of improvements.

If necessary, the Village will request a short extension of its contracts with Oak Lawn to provide additional negotiation time.

To assist with the decision making and negotiations, as well as to provide independent opinions and advice, it was determined by the collective group that an independent consultant should be hired. Each of the municipalities would share in the cost of this consultant on a pro-rata share basis; a municipality's pro rata share would be based on the 2030 water allocation amounts. Orland Park's pro rate share is 33%.

It was recommended that William Balling of WRB, LLC be retained to provide these services. A brief description of WRB, LLC related projects was presented to the Board. Mr. Balling will submit a detailed scope of work outlining the services he will be providing. As Tinley Park is the largest user (when Mokena and New Lenox are included in Tinley Park usage figures), it was agreed that the contract would be administered by Tinley Park.

Upon approval by each municipal Board, a written agreement would be signed by each municipality agreeing to this cost sharing scenario. At this time, and assuming negotiations run smoothly and timely, staff is estimating that that Orland Park's share will not exceed \$20,000 (approximately 33% of \$60,000).

I move to approve entering into a cost sharing agreement with the Villages of Tinley Park, Mokena and New Lenox and the City of Oak Forest, to pay Orland

Park's proportionate share of consulting services fees to WRB, LLC.

And

To authorize the Village Manager to execute the agreement.

This matter was APPROVED on the Consent Agenda.

2009-0304 St. Xavier University - Expiring Development Agreement

The St. Xavier University development agreement is set to expire on November 13, 2009. Due to the fact that there are no outstanding issues or fees, staff recommends this agreement be allowed to expire.

I move to approve authorizing expiration of the St. Xavier University development agreement on the expiration date of November 13, 2009.

This matter was APPROVED on the Consent Agenda.

2009-0305 Orland Office Center - Social Security Office of Hearings and Appeals - Expiring Development Agreement

The Orland Office Center - Social Security Office of Hearings and Appeals' development agreement is set to expire on November 11, 2009. Due to the fact that there are no outstanding issues or fees, staff recommends this agreement be allowed to expire.

I move to approve authorizing expiration of the Orland Office Center - Social Security Office of Hearings and Appeals' development agreement on the expiration date of November 11, 2009.

This matter was APPROVED on the Consent Agenda.

2009-0258 Southmoor Commons Discussion of Potential Uses and Restricted Uses

Southmoor Commons (131st & LaGrange) was approved as an upscale shopping center during the Palos Country Club annexation and plan review process. A list of specific uses was approved, resulting in the prohibition of other uses that might normally be in a shopping center. That list was amended by the Village Board on May 18, 2009 to permit medical offices. Committee Chairman Dodge expressed concern over potential loss of new businesses and requested that a separate discussion of restrictive land uses be added to the May 26 Committee agenda.

Discussion was that normally, the Village relies on the different zoning districts to control land use. There have been some exceptions in the past, including Southmoor Commons. Another exception is some of the older business/industrial parks that had many specific restrictions and requirements. At the time, apparently the Village had a plan for those areas to develop a certain way. Since then, circumstances have changed and exceptions to those restrictions have been sought and given. The MFG District has been amended along the way to reflect

changes in Village goals and in the general environment. Looking ahead, the Main Street Triangle is proposed for restrictive uses rather than simply deferring to the Village Center Zoning District.

Issues to consider include potential lost businesses, additional confusion of numerous exceptions and additional requirements, time and resources needed to research and enforce exceptions and additional requirements, adequacy of zoning district language, level of desired flexibility, and maintenance of an area's desired character.

On June 22, 2009 the Committee recommended eliminating the land use restrictions on Southmoor Commons. It will then be subject to the normal BIZ Zoning District land uses. This will require public hearings to amend the special use and to amend the annexation agreement.

I move to direct staff to proceed with the public hearing process to amend the special use and annexation agreement for Southmoor Commons to delete the land use restrictions.

This matter was APPROVED on the Consent Agenda.

2009-0240 Winterset IV Office Park Revised Plan

The petitioner, Ray Dignan, seeks approval for some Site Plan changes to the office complex located at 10641-10751 West 164th Lane which were approved by the Village Board on October 6, 2008.

I move to approve the final Site Plan titled "Revised Site Plan Winterset IV Office Park" dated 7/09/08 and revised 6/14/09 by Raymond E Derbas and Associates subject to the following conditions:

1. Dedicate to the Village the 50' right of way along 108th Avenue prior to issuance of building permits.
2. Provide a cross access easement agreement with property to south prior to issuance of building permits.
3. Provide a landscape plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval. This is to include a detail for an outdoor sitting area to be located to the rear of building 'A'. Also to be included is a tree survey and Mitigation Plan for all existing trees that will be impacted by construction and that exceed 4" in diameter.
4. All engineering related items are met.

This matter was APPROVED on the Consent Agenda.

2009-0264 Fernway Park Elementary School Parking Lot Expansion

The petitioner, Kirby School District 140, requests Site Plan approval in order to expand an existing parking lot and drop off area at Fernway Elementary school located at 16600 South 88th Avenue.

I move to approve the preliminary site plan titled Final Site Plan Fernway Park Elementary School, prepared by Bohnak Engineering, Inc., Project No. 3366, dated 06/17/09 subject to the following conditions:

1. Existing trees in the parkway adjacent to the expanded lot are protected with fencing around drip lines of trees;
2. A landscape plan, meeting all Village Codes, is submitted for separate review and approval within 60 days of final engineering approval. This is to include at a minimum shade trees around the outside edge of the parking lot, and shade and/or ornamental trees in the tree islands;
3. All final engineering related items are met.

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 Edward Schussler, that this matter be RECESS. The motion CARRIED by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

2009-0241 Mokena Fire Station - Annexation Public Hearing

This request is for a continuance of a public hearing on the annexation agreement for the property located at approximately the southwest corner of 183rd Street and Orland Parkway in the I-80 corridor (Will County - Mokena Fire Station). The property which consists of approximately 2 acres is proposed to be developed by the petitioner with a new 10,700 square foot fire station and rezoned from E-1 Estate Residential to ORI Mixed Use.

The continuance is being requested due to the final plans pending Board approval.

Mayor Pro Tem Murphy asked if anyone in the audience would like to make any

comments. No one requested to speak.

Trustee Dodge stated there seems to be some confusion on where the Village of Orland Park stands on this issue.

Village Manager Grimes agreed that there has been some misunderstanding in respect to this project. It is thought that the Village Board is not supportive of this annexation into the Village of Orland Park. This is based on some statements and comments being made questioning the wisdom of the Mokena Fire Protection District in locating a station that will be very close to the already existing Orland Park Protection District Station.

Village Manager Grimes stated that the Village of Orland Park has nothing to do with interfering with this decision. It is between Mokena and their tax payers. However, if the solution could have been for the Orland Fire Protection District and the Mokena Fire Protection District to arrive at an intergovernmental agreement, whereas, it is a service agreement that effectively states Mokena would contract with Orland to handle all the calls north of I-80, that would be a more efficient allocation with the public's resources.

Village Manager Grimes stated the Village of Orland Park's Board and staff have a narrow scope of what can be done, the Village can either agree to annex this property into the Village or not. Locating a fire house in very close proximity to another is a policy decision that is not for the Village Board or staff to act on.

Village Manager Grimes stated that if Mokena is going to locate a fire station north of I-80, it would be better to have this within the boundaries of Orland Park. The Village then would have some control over the development, design, and building control. Also, this development would have the benefits of having access to the Village's water and sewer system.

Village Manager Grimes stated that today the Mokena Fire District requested to withdraw their petition on this property to annexing into the Village of Orland Park.

Village Manager Grimes stated he believes Mokena Fire District's decision to withdraw their petition was based on wrong information that they have received. In spite of this request, he would encourage the Board to make a statement in support of this annexation into the Village.

Village Manager Grimes stated the issue on the location of their fire station has been settled, and it is Mokena's decision to make.

Village Attorney E. Kenneth Friker stated he received a fax from the attorney for the Mokena Fire Protection District indicating that it was the position of the Mokena Fire Districts Board to withdraw its application for Annexation.

The attorney for Mokena Fire District did indicate to Attorney Friker, in a phone conversation, that they had heard the Village of Orland Park Board was not going to approve the annexation or the site plan.

Attorney Friker stated it was up to the Board at tonight's meeting whether to terminate the public hearing or continue it for further discussion. Attorney Friker indicated to the attorney for the Mokena Fire District, that he did not know what the consensus of the Board was on this issue. He believes the Board may want to continue this public hearing for one more meeting to get a consensus from the Board on what the Board thinks of the annexation and development of this site. If the hearing is terminated the Village loses jurisdiction of the matter and should the fire district change their minds, the Village would have to republish and begin the process all over again.

Mayor Pro Tem Murphy stated he believes it might be in the best interest of the Village to get a consensus from the Board if this property should be annexed into the Village of Orland Park.

Trustee Fenton - Would like to see the property annexed into the Village of Orland Park.

Trustee O'Halloran - Agreed

Trustee Gira - Agreed

Trustee Schussler - Agreed

Trustee Dodge - Agreed

Mayor Pro Tem Murphy - Agreed

The Village of Orland Park Board has considered this in a public hearing for a proposed annexation agreement regarding the Mokena Fire Protection District site at the southwest corner of 183rd Street and Orland Parkway in the I-80 corridor (Will County- Mokena Fire Station).

The Board has reached the conclusion that annexation of the site and approval of the site plan reference in the proposed agreement is in the best interest in the Village, and therefore;

I move that this public hearing be continued to July 20, 2009.

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: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

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: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

RECONVENE BOARD MEETING

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

NON-SCHEDULED CITIZENS & VISITORS

William Sharp - 15717 Orlan Brook Drive spoke before the Board stating that he had visited Charles and Marlene O'Connell's home at 13501 Circle Drive after a large rain fall. He wanted the Board to be aware that there was a lot of water on the O'Connell's property in an area that they once use to picnic on and now instead can fish in.

Paul Cervenka - 14210 South 84th Avenue spoke before the Board on his concerns with the Orland Fire Protection District. He spoke on how he came to his decision to move to Orland Park which at that time only had one fire house. He is very unhappy with the amount of taxes that are paid to the Fire District from his tax bill. He is also unhappy with how many unnecessary stations have been built in the past 32 years and all the unnecessary equipment that is bought. He believes and questioned why the ambulance services has not gone out for bid.

Charles and Marlene O'Connell - 13501 Circle Drive spoke before the Board regarding flooding on their property (not house - but on land).

Mrs. O'Connell stated she had heard that at the last Board meeting it was decided that the Village Board was closing the issues that the O'Connell's had regarding the flooding on their property. The O'Connell's were unable to attend that meeting due to personal reasons.

Mrs. O'Connell stated their response is they would like their land flooding issues corrected.

Mrs. O'Connell stated the breaking of the convent is not the cause of why their land is flooding. The flooding of their land is due to no engineering from the curb to

their property. Mrs. O'Connell stated their home is not flooding; their house has never flooded and has never been an issue. They have lived in this home 35 years and have never had a problem with flooding in their home or on their property. But since the construct of Park Corners their land after a heavy rain is flooding. The O'Connell's believe the Village Engineers are not solving the problem and don't have any idea how to solve the problem (in Mrs. O'Connell's opinion) the engineers state no problem exists.

Mrs. O'Connell questioned if the blue prints were followed 100%, why is the road 1 1/2 feet closer on their side than what the prints show. The grades on the blue print show a 3 to 1 grade, but the grades are all below the 3 to 1. Mrs. O'Connell stated that after the sod was laid, the grades were checked at sixteen different locations and only one met the 3 to 1 grade as shown on the blue print, the other 15 locations were far below grade.

Mr. O'Connell also spoke to the Board regarding the flooding of their land. He believes there are only two ways to solve this problem, either extend the storm sewer or raise their property up higher. If another way can be found to solve this problem that would be fine.

Mr. O'Connell stated their property has flooded six times. Pictures have been provided to prove this flooding has occurred. As stated earlier we have lived on this property for 35 years and never had any flooding problems until after Park Corners was constructed.

Mr. O'Connell stated all he would like is for this flooding problem on his land to be resolved.

BOARD COMMENTS

TRUSTEE GIRA - Congratulated staff on the 4th of July Spectacular Events over this past weekend.

Trustee Gira stated that the marketing brochure was absolutely exceptional.

TRUSTEE DODGE - Congratulated staff on the great job done over the 4th of July and on the marketing brochure.

TRUSTEE FENTON - Congratulated Village Manager Grimes, Deputy Clerk La Margo, and Director Friling for participating in the camp-out over at Centennial Park on July 3rd. This was just one of the many events planned as part of the 4th of July Spectacular.

Trustee Fenton congratulated staff on the great job done on all of the 4th of July events.

Trustee Fenton recommended that the marketing brochure (on Amber's behalf) be

submitted for an award.

MAYOR PRO TEM MURPHY - Congratulated staff on the great job that was done especially with the rainy weather during most of the day on the 4th of July.

Mayor Pro Tem Murphy introduced Mike Gilbert who is now covering the Orland Park area for the Prairie Newspaper.

ADJOURNMENT - 8:05 PM

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

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 1 - Village President McLaughlin

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk

Joseph S. La Margo, Deputy Clerk