

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, November 7, 2011

7:00 PM

Village Hall

Board of Trustees

*Village President Daniel J. McLaughlin
Village Clerk David P. Maher
Trustees, Kathleen M. Fenton, Brad S. O'Halloran,
James V. Dodge, Jr., Edward G. Schussler, Patricia Gira and Carole Griffin Ruzich*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:04 PM.

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

VILLAGE CLERK'S OFFICE**2011-0668 Approval of the October 17, 2011 Regular Meeting Minutes**

The Minutes of the Regular Meeting of October 17, 2011, 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. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of October 17, 2011.

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

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

Nay: 0

2011-0677 Approval of the October 24, 2011 Special Meeting Minutes

The Minutes of the Special Meeting of October 24, 2011, 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. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Special Meeting of October 24, 2011.

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

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

Nay: 0

2011-0695 Operation MOMS Cookie Inc., NFD - Raffle License

The Men & Women of Military Services (MOMS) are requesting a license to conduct a raffle during their upcoming SPAtastic SHOPPortunity on Friday, December 2, 2011. The purpose for this raffle is to support both Operation MOMS Cookies and PAWS Animal Shelter.

I move to approve issuing a raffle license to the Operation MOMS Cookie Inc. to conduct a raffle at their SPAtastic SHOPPortunity on Friday, December 2, 2011 at Orland Park Civic Center.

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

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

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2011-0691 Pancreatic Cancer Awareness Month - Proclamation

President McLaughlin proclaimed the month of November, 2011 as Pancreatic Cancer Awareness Month in the Village of Orland Park.

This was a Proclamation, NO ACTION was required.

CONSENT AGENDA

Trustee Ruzich requested that Item M. Irish Patriot Outdoor Seating Area - SP be removed from the Consent Agenda for a separate vote.

Trustee O'Halloran requested that Items P. FY2012 Liability Insurance Renewal Approval and Q. Fifth Third Bank Loan Commitment Approval be removed from the Consent Agenda for a separate vote.

Passed the Consent Agenda

A motion was made by Trustee Schussler, 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 Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

2011-0671 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 October 14, 2011 in the amount of \$868,696.21 and the Monthly Hourly Payroll for October 14, 2011 in the amount of \$31,350.97.

This matter was APPROVED on the Consent Agenda.

2011-0706 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 October 18, 2011 through November 7, 2011 in the amount of \$1,709,675.89.

This matter was APPROVED on the Consent Agenda.

2011-0613 Disposal of Computer Equipment - Ordinance

The Police Department has approximately fifty broken or out of date printers, fax machines, monitor stands, desk top docks and other items that were listed on a list that was attached to the Board Packet. Approval is being requested to dispose of by donating these items to the Infinetec Assistive Technology Programs and Services which is the assistive Technology program of the United Cerebral Palsy Association of Greater Chicago.

I move to pass Ordinance Number 4678, entitled: ORDINANCE AUTHORIZING DISPOSAL OF PERSONAL PROPERTY (COMPUTER EQUIPMENT) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

This matter was PASSED on the Consent Agenda.

2011-0645 Disposal of Certain Seized Vehicles at Public Auction - Ordinance

The Police Department requests approval to declare three vehicles, a 1997 Pontiac Grand Am, 2003 Honda Accord, 2005 Hyundai Sonata, 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 4679, 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.

2011-0596 Basin Best Practices Program 2011

the Village initiated a Basin Best Practices Program with V3 Companies earlier this year for a technical assessment and training/education program for rehabilitation and restoration of village ponds. The first step of the program was to categorize the ponds. Twenty-five (25) ponds were identified as "A" or primary ponds (Imperial Pond was previously completed and was incorporated into the 24 pond study). These ponds were identified as the most in need of rehabilitation and restoration. V3 provided a brief overview of the technical review for the twenty-four (24) ponds at the Committee meeting of October 17th. The staff team

assigned to the review completed a recommendation of highest priority ponds and is seeking the Committee feedback before finalizing the list. As the designs are finalized for the individual ponds, neighborhood meetings will be scheduled where appropriate to give residents an opportunity to review the proposed improvements. The staff will then prepare to bid or design/build recommendations for each individual project. Those recommendations will come to the Board for approval and work will likely advance in early 2012.

Village Center Pond

V3 was also selected to design the plans and perform the needed work for the Village Center pond adjacent to Village Hall. This project is progressing with the rehabilitation completed and the plantings showing significant improved condition and appearance of the pond. Staff is recommending to continue this work with two of the eight additional high visibility primary stormwater facilities included on the list in addition to a chronic problematic pond lacking any piped drainage.

Village Center North Pond and Orland Square Pond

Staff is recommending the Village Board waive the bids and utilize V3 to begin restoration of the Village Hall North Pond (Recreation Administration Pond (Former Police Pond) including a small connecting ditch) and the Village-owned pond south of Orland Square. These projects will provide additional opportunities for Village staff to work with V3 for skills transfer, and to better understand the process that is required for the enhancement/restoration work before undertaking similar work on ponds in residential communities. Cost for the work on these two ponds as proposed is \$83,070 for the Village Center North Pond (former Police Pond) and \$96,980 for the Orland Square Pond. Both proposals include two years of stewardship.

Imperial West Pond

One of the higher priority ponds for which work is recommended, the Imperial West Pond (Breckenridge) is a "pocket pond" in that it is a very small dysfunctional pond due to unconventional design and lack of outfall. There are four residential lots surrounding three sides of this pond; the fourth side is Village right-of-way allowing good access for the work proposed to install a pond outfall which will allow water to properly drain, thereby providing a true shoreline that will be able to be better maintained by the residents. The water quality in the pond will also greatly improve as the heavy algae will lessen every year as water in the pond is allowed to freely enter and leave. Residents in this area will be engaged through a neighborhood meeting; however feedback already received indicates support for this work. The cost proposed by V3 to complete the work as outlined in the technical review is \$15,000 including two years of stewardship.

All work, by design, is intended to improve the aesthetics of the ponds, reduce the maintenance needs and improve the overall functionality of each pond restored. Costs associated with each pond provide the improvement plus stewardship for two years following the completion of the improvement plus staff education

regarding proper care and maintenance of native plantings.

I move to approve waiving the bid process;

And

I move to approve accepting the proposal from, V3 Companies of Illinois, Ltd., for pond restoration work for the Village Hall North Pond and interconnecting ditch in an amount not to exceed \$83,070, the Orland Square Pond in an amount not to exceed \$96,980 and the Imperial West Pond in an amount not to exceed \$15,000 including two years of stewardship for each project.

This matter was APPROVED on the Consent Agenda.

2011-0597 2011 Pavement Marking Services - Addition

In March 2011, the Village Board authorized staff to contract Marking Specialists of Arlington Heights, Illinois, to perform pavement markings throughout the Village. Public Works decided to use a more durable paint material in the hopes of having the marking last longer through the winter and remain in tact next year.

Since undertaking the work, staff has determined that additional streets need marking and would like to take advantage of 2011 prices and add an additional \$25,000 to Purchase Order 060837. The additional streets include: 157th Street, 86th Avenue, Orland Brook Drive and Wheeler Drive.

On October 17, 2011, this item was reviewed and approved by the Public Works and Engineering Committee and referred to the Board for approval in an amount not to exceed \$40,000. However, due to budgetary constraints, this amount is being reduced to \$25,000.

I move to approve increasing Purchase Order 060837 to Marking Specialists Corporation of Arlington Heights, Illinois, in an amount not to exceed the available funds of \$25,000.

This matter was APPROVED on the Consent Agenda.

2011-0518 4 Tech Auto - Ordinance

On October 17, 2011, the Village Board approved a special use permit for a motor vehicle services facility located at 15641 S. 71st Court in Orland Park. The special use permit allows the operation of a motor vehicle services repair facility and is subject to conditions as stated in the ordinance.

This is now before the Village Board for consideration of the ordinance.

I move to pass Ordinance Number 4680, entitled: AN ORDINANCE GRANTING A SPECIAL USE PERMIT - 4 TECH AUTO (15641 S. 71ST COURT)

This matter was PASSED on the Consent Agenda.

2011-0658 ComEd Overhead Facility Burial Design - LaGrange Road - 144th Place to 147th Street

When the utility burial work was initially reviewed for the 143rd Street and LaGrange Road Intersection Improvement project in 2009, a budget was developed that included utility burial for 143rd Street and along LaGrange Road from the Metra overpass south to 147th Street. When the 2010 project was brought forward for Board consideration and approval, the project limits on LaGrange Road had been shortened, thereby stopping overhead line burial north of 144th Place to reduce right-of-way (ROW) acquisition time and costs.

At the August 2010 Board meeting, authorization was provided to the Village Manager to sign the ComEd Electrical Utility Relocation proposal dated July 19, 2010, in an amount not to exceed \$2,457,057. Also approved was an additional payment to ComEd of \$421,700 for added project costs. This would be paid upon providing proof of incurring the expense related to the future expansion that the Village had requested be included in the project. Thus far, the Village has paid ComEd the required \$1,200,000 for ComEd to begin construction of the project. ComEd substantially completed their work in late 2010, and has sent notice that their work is nearing full completion. Staff has requested a final bill as well as As-Built Drawings for Phase I work. We have been advised that both will be provided during October 2011, with costs projected to be as anticipated.

The Phase I work provided the undergrounding of overhead utility wires along 143rd Street from Southwest Highway to John Humphrey Drive, and along LaGrange Road from the Metra overpass south to 144th Place.

The Village still desires that the remaining overhead utility wires along LaGrange Road be buried (Phase II). By delaying Phase II, the Village was able to avoid substantial right-of-way acquisition costs, as IDOT is currently acquiring ROW for the reconstruction and widening of LaGrange Road from 131st Street south to 179th Street. This new ROW will accommodate most utility relocations required along LaGrange Road. Despite the need for ComEd to relocate their current facilities to accommodate the upcoming IDOT work, the Village is responsible for costs associated with the burial of the overhead wires.

An updated estimate dated May 24, 2011, was provided by Com Ed for the undergrounding of the remaining overhead utility lines on LaGrange Road from 144th Place to 147th Street. Costs are estimated at \$975,000, less than originally estimated due to lower than anticipated costs associated with the Phase I project.

In order to continue the relocation/burial process, and meet the schedule established by IDOT for utility relocation in advance of road construction, the Village must provide authorization for ComEd to design their relocation plans. It is therefore staff's recommendation that the ComEd proposal dated May 24, 2011, be accepted and, as outlined in their proposal, an advance payment in the amount

of \$50,000 be provided to begin Design Engineering.

I move to approve authorizing the Village Manager to execute the ComEd Relocation of Overhead Facilities proposal dated May 24, 2011;

And

Approve the payment of \$50,000 to ComEd as required to commence Design Engineering for the relocation of existing overhead ComEd facilities from 144th Place to 147th Street and LaGrange Road to an underground location within right-of-way acquired by IDOT for utility purposes.

This matter was APPROVED on the Consent Agenda.

2011-0656 License Agreement Permitting Use of Village Property - Copenhagen Construction, Inc.

At the Board of Trustees Meeting on September 6, 2011, authority was provided to the Village Manager to finalize and execute a License Agreement prepared by the Village Attorney permitting Copenhagen Construction, Inc. of Gilberts, Illinois, use of two areas of the Triangle property (south area and north area) to stage equipment and store imported embankment materials required for their IDOT Metra/Pedestrian Bridge construction work (IDOT Contract 60N09). The Agreement was signed and returned by Copenhagen on September 16, 2011, and finalized by the Village Manager on September 22, 2011.

Copenhagen is not using the south area and has satisfactorily cleared all material as requested by the Village during September 2011 to allow anticipated use by the Village for forthcoming development activity.

Due to electrical utility conflicts requiring ComEd switchgear relocation, Copenhagen is unable to fully place embankment material north of the Metra station. Due to this delay, they have requested permission to use the north area into 2012. Copenhagen anticipates that the embankment stored on the Village's site will be removed and placed before May 1, 2012.

Copenhagen has requested an additional License Agreement permitting use of the north site through August 30, 2012, as their work also includes restoration work following Metra's force account work that replaces the 143rd Street grade crossing and installs new tracks to north of 143rd Street.

Material remains on the north parcel and additional material may be imported for their remaining embankment work. Copenhagen properly installed silt fence and drainage protection and has followed access routes permitted by the Village.

Staff recommends that the License Agreement permitting Copenhagen Construction of Gilberts, Illinois, use of the north area of the Triangle site as outlined above be approved.

I move to approve authorizing the Village Manager to finalize and sign a License Agreement extension as prepared by the Village Attorney governing the use of Village property for work associated with the Pedestrian Bridge construction contract awarded by IDOT to Copenhaver Construction, Inc. of Gilberts, Illinois.

This matter was APPROVED on the Consent Agenda.

2011-0661 143rd Street and LaGrange Road Intersection Improvement Project - Contract Value Increase

At the February 7, 2011, Public Works and Engineering Committee meeting, the bid submitted by F.H. Paschen, S.N. Nielsen & Associates, LLC (Paschen) for the reconstruction and widening of 143rd Street and LaGrange Road was recommended for Board approval. The Village Board of Trustees concurred with the Committee's recommendation and on February 21, 2011, authorized the Village Manager to enter into a contract with F.H. Paschen, S.N. Nielsen & Associates, LLC in an amount not to exceed \$10,513,202.74 as provided in their January 14, 2011, bid including Alternates 1, 3, 5 and 6, and that a Contingency Fund in an amount not to exceed \$511,556.19 be included in the funding authorization thereby providing that an authorized construction budget for this project be set at a not-to-exceed value of \$11,024,758.93.

At the time the Village awarded the contract to Paschen, the State permit allowing the Village to construct the U.S. 45 (LaGrange Road) portion of the improvement was still being reviewed by the Illinois Department of Transportation (IDOT). Prior to recommending that the contract be awarded, despite not having the permit from IDOT, staff and engineers closely reviewed outstanding items awaiting IDOT's approval. Roadway plans had been reviewed and comments provided. A collective decision was reached to request a partial permit from IDOT so work could begin in order for the contractor to be able to meet the November 11, 2011, substantial completion date and to recommend awarding the Paschen contract.

Following award, staff and engineers worked diligently, quickly and resourcefully to provide answers to IDOT's review comments. IDOT issued partial permits to the Village allowing specific work to be undertaken while issues delaying the final permit continued to be addressed.

We are now very near to both the substantial completion date called out in the contract and actual substantial completion. Throughout the project, IDOT has been providing permission to continue work as technical issues internal at IDOT were worked through as the issues applied to the entire LaGrange Road Corridor, not just our current project.

Remembering that in 2010, as the Village was finalizing design so our intersection improvement project could be bid, we were advised that IDOT was advancing the reconstruction of LaGrange Road from 131st Street to 179th Street. As a result of this, issues beyond what had arisen during IDOT's pre-bid plan review arose.

Due in part to the advancement of the IDOT work, IDOT directed that changes be made to accommodate IDOT needs identified during their active Phase II Design both north and south of our project. As the coordination evolved between the three projects, details and project limits were modified several times so future projects would build upon what the Village is building with minimal removal of our work, and to allow use of temporary pavement and retaining walls. Some of the changes saved the Village cost, others added to the cost of the Village's project. Overall, changes totaling approximately \$783,887.16 were added to the work being performed by Paschen. Of this value, \$360,664.63 was initiated by the Village and \$423,222.53 was required by IDOT. Of the changes initiated by the Village, approximately \$98,640 was to build omitted or "gapped" areas that were not included in the plan quantities that were bid. These additions were added once the Village received permission to construct improvements on property that was a part of Orland Plaza, eliminating gaps, thereby delivering a more complete corridor along 143rd Street. Every change order was carefully reviewed by the Project Manager and required justification from the Contractor, with concurrence by the Project Management team before they were presented to the Village for consideration. Regarding the IDOT required changes, it is the intent of the Village to seek reimbursement from IDOT for changes due to adjacent project details not provided to the Village during Design review. The IDOT corridor design continues to advance allowing us to fully coordinate limits for the three separate projects, thereby reducing or totally eliminating "throw-away work" as we now know where and when IDOT will work in 2012. This close coordination has allowed us to reduce quantities and costs to the Village for this project.

As with every project that has unknown elements, contract quantities are closely reviewed during design, and pay Item adjustments are made in attempt to provide for unknowns by conservatively adding pay items and/or quantities into the contract to avoid costly extras. Now near completion of the project, we are able to estimate the project's cost at completion with a good level of confidence as work has been completed that had unknowns connected to it, such as soil excavation where there was an unknown quantity of potentially contaminated soils.

The October 17, 2011, Committee Action included a detailed Change Order/Potential Change Order Log for the project. Upon inspection, you will see that the Project Management Team has been tracking the project financials closely, identifying change orders resulting from IDOT requirements, changes desired by the Village, changes requested by the contractor and potential change orders. Changes authorized thus far have not increased the project cost beyond the Board authorized funding as the Project Management Team is also tracking pay Items that have excess quantity or will not be used. A deductive change order is currently being prepared to reduce these items.

It is projected that at project completion, the Board authorized contract value of \$10,513,202.74 will be exceeded, but will be below the Authorized funding as shown on the Engineer's Opinion of Probable Construction Cost (Cost at

Completion). As of September 8, 2011, when this summary report was prepared, the cost at completion was estimated at \$10,999,002.97. This is a conservative value and includes all change orders that had or were expected to be presented through completion, and includes the deduction of excess quantities for work that we know will not be built.

Based upon the completion percentage of the project and the detailed line item review, Staff is recommending and requesting that the Paschen's contract value be increased to the value shown on the Engineer's Opinion of Probable Construction Cost at completion: \$10,999,002.97. This value is \$485,800.23 above the Bid value and \$25,755.96 below the awarded not-to-exceed funding authorized for the project, despite accommodating \$783,887.16 in change orders.

I move to approve increasing the F.H. Paschen, S.N. Nielsen & Associates, LLC 143rd Street and LaGrange Road Improvement project contract value from the currently authorized value of \$10,513,202.74 as provided in their bid of January 14, 2011, including Alternated 1, 3, 5 and 6, to the September 8, 2011, estimated Cost at Completion value of \$10,999,002.97.

This matter was APPROVED on the Consent Agenda.

2011-0514 BMW Special Use Permit Amendment and Variance - Ordinance

On October 17, 2011 the Village Board approved a Special Use Permit Amendment and Variance and for BMW of Orland Park, located in the Wolf Point Plaza Development at the northeast corner of 159th Street and Wolf Road. The Special Use Permit Amendment and Variance allows for additional parking, increased lighting levels and a 40' flag pole, and is subject to conditions as stated in the ordinance.

This is now before the Village Board for consideration of the ordinance.

I move to pass Ordinance Number 4681, entitled: AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT AND VARIANCES - BMW OF ORLAND PARK.

This matter was PASSED on the Consent Agenda.

2010-0189 Dave and Buster's - Landscape Plan

Approval is being requested for a landscape plan for the proposed Dave and Buster's, to be located at 49 Orland Square Drive. The Village Board approved the Site Plan and Elevations on July 18, 2011 with the condition that the petitioner submits a landscape plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval subject to the following landscape related conditions:

That the petitioner submit the tree survey prior to demolition

That the petitioner screens all mechanical equipment either at grade level with landscaping or hidden behind the roofline

That the petitioner submits a landscape plan within 60 days of final engineering;

Per Code requirements, the petitioner submitted a landscape plan that has been reviewed and approved by the Village's Landscape Architect consulting firm.

I move to accept as findings of fact the findings of fact as set forth in this staff report dated November 7, 2011.

and

I move to approve the landscape plan titled, 'Dave and Buster's Landscape Plan', prepared by Woolpert, project no. 70399, dated 12-07-10, sheet L-100.

This matter was APPROVED on the Consent Agenda.

2011-0616 Pytel Solar Energy System Installation - Appearance Review

The purpose of this petition is to install a 4.8 kW Solar Energy System on the rooftop of a single family home at 18233 Lake Shore Drive in the Breckenridge subdivision.

In October 2010, the Village Board of Trustees approved amendments to the Land Development Code that created Section 6-314 Environmental Technology Standards. The new section included development information and regulations regarding the appropriate implementation of renewable energy systems in the Village. These include wind energy conversion systems, solar energy systems and geothermal energy systems.

As a result of these regulations now making renewable energy accessible to Orland Park residents and businesses, the petitioner proposes a solar energy system (SES) to locate on two southwestern facing gabled rooftops of his single family home. This is only the second project of its kind in the Village, the first being the Raman Residence at 7701 W. 157th Street.

The petitioner is proposing to install twenty photovoltaic (PV) solar panels as a single array on two southwestern facing gabled rooftops of his single family home. Each Sharp Solar Module solar panel will provide 240 watts of power and they will be positioned on a 50 degree pitched rooftop.

The proposed system will provide approximately 5,400 kWh of electricity per year, or close to 40% of their annual electrical usage. This is a significant improvement toward energy efficiency and conservation.

I move to approve the proposed solar energy system environmental clean technology project for 18233 Lake Shore Drive, a single family home, as indicated

in the attached fully referenced motion.

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

I move to approve the proposed elevation drawings titled "4.8 KW Solar Project", prepared by Good Electric Inc., dated September 14, 2011, sheets 1 of 2 and 2 of 2, for an environmental clean technology at 18233 Lake Shore Drive, subject to the following conditions:

1. That all building code related items are met;
2. That all building permits are obtained prior to construction;
3. That all utility conduits and systems related to the solar energy system not be visible from the street and from neighboring residential properties;

This matter was APPROVED on the Consent Agenda.

2011-0665 Southmoor Commons Lot 2 - Landscape Plan

Approval is being requested for a landscape plan for the proposed Southmoor Commons Lot 2, to be located at 13155 LaGrange Road. The Village Board approved the Site Plan and Elevations for the overall Southmoor Commons Development on August 15, 2005 with the condition that each individual outlot submits a landscape plan at the time of development, meeting all Village Codes, for separate review and approval.

Per Code requirements, the petitioner submitted a landscape plan that has been reviewed and approved by the Village's Landscape Architect consulting firm.

I move to accept as findings of fact the findings of fact as set forth in this staff report dated November 7, 2011.

and

I move to approve the landscape plan titled, 'Retail Plaza Building #2 Landscape Plan', prepared by Brusseau Design Group, LLC, project no. B10024, dated 10-17-11, sheet L-1.

This matter was APPROVED on the Consent Agenda.

2011-0648 Irish Patriot Outdoor Seating Area - SP

The Irish Patriot, 9875 W. 143rd Street, is seeking to establish and maintain an outdoor seating area for the restaurant use with the goal of using, programming and cleaning up the space adjacent to Union Avenue and the railroad right-of-way.

The petitioner is proposing to use a triangular portion of the Union Avenue right-of-way that extends beyond the road and sidewalk system and is wedged between the private property of the Irish Patriot and the Norfolk Southern Railroad

right-of-way. This area amounts to 742 square feet, as indicated in the site plan. The actual outdoor seating patio will extend into 153 square feet of the north corner of the triangular area (where there is currently an encroachment with a stop work order). The remainder of the triangle will be landscaped as a small activity space for outdoor games with new brick paving, bufferyard plantings and grass areas. The petitioner proposes to surround the area with fences to provide a sense of enclosure and security for patrons.

For much of the last century, the area behind the subject building has remained un-programmed and unkempt. While the space has acted as de facto dirt parking for previous restaurant uses, it has long been identified as a muddy eye-sore by Union Avenue businesses. The divided land ownerships between that portion of Union Avenue, the railroad property and the private property contributed to the lack of programming for the space. In addition, the irregular lot shapes and sizes along with the designated land uses of the same properties contributed to the lack of maintenance and improvement.

As previously discussed with the Board of Trustees, the Village has agreed to sell the property to the petitioner for \$750 plus all closing, legal and surveying fees. The sale price is consistent with appraisals for the property. The petitioner will also be required to complete a lot consolidation.

Upon right-of-way vacation and subsequent sale of the property, the petitioner must consolidate the triangular portion of the Union Avenue right-of-way, which is considered obsolete to the public function of the actual road and sidewalk system, with his private property to gain usable space, improve conditions along the street and increase the value of his and neighboring properties in the district. Lot consolidation will make the property conform to OOH zoning regulations.

I move to approve the site plan for the Irish Patriot outdoor seating area at 9875 W. 143rd Street as indicated in the attached fully referenced motion; and

I move to approve the sale of 742 square feet of Union Avenue right-of-way, as depicted on the attached site plan, to the petitioner in the amount of \$750, subject to the following conditions:

1. That the petitioner agrees to pay for all the related closing, legal and surveying fees; and
2. That the petitioner completes a lot consolidation that adds this property to the property at 9875 W. 143rd Street.

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

I move to recommend to the Village Board of Trustees to approve the site plan for the Irish Patriot outdoor seating area titled "Proposed Land Lease Area For: Irish Patriot from Village of Orland Park 9875 143rd Street, Orland Park", prepared by

ABD & Associates, Ltd., dated 9/6/11, job number 211087, sheet L-1, subject to the following conditions:

1. That a final sale of the land to the petitioner is approved by the Village Board of Trustees before any improvements are made;
2. That the petitioner submits an application for a plat of subdivision to the Village to consolidate the vacated right-of-way with the private property;
3. That all building code related items are met;
4. That building permits are obtained prior to construction;
5. That the south corner of the triangular right-of-way to be vacated be pulled back six (6) feet;

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

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

Nay: 0

Abstain: 1 - Trustee Griffin Ruzich

2011-0662 FY2012 Liability Insurance Renewal - Approval

The Horton Group has provided the Village with its renewal premium amounts for Fiscal Year 2012 for all property and liability insurance policies, including Excess Worker's Compensation. A summary renewal packet is attached to this agenda item for reference purposes.

Overall, the Village's FY2012 liability and property premiums increased approximately \$3,400 (0.39%) as compared to FY2011 premiums. All premiums remained constant with the exception of Excess Worker's Compensation. Although premium increases in the market are running at approximately 3%, the Village's premium increases were substantially less based on our good loss history, high deductible format and the years of continuity with our current carriers. The increase in the Village's Excess Worker's Compensation premium is applicable to NCCI base rate increases and medical inflation in Illinois (2nd highest in nation). The Village's deductible/retention amounts have remained constant, with the exception of Excess Worker's Compensation, which increased from \$400,000 to \$425,000, a requirement of our carrier, Safety National.

I move to approve the property and liability insurance carriers and premiums, in the amount of \$867,079, as presented by the Horton Group.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Abstain: 1 - Trustee O'Halloran

2011-0664 Fifth Third Bank Loan Commitment - Approval

As previously approved by the Board, Fifth Third Bank will be providing financing of the Ninety 7 Fifty on the Park project in the form of a three (3) year adjustable rate Revolving Line of Credit, converting to a seven (7) year adjustable rate Term Loan.

The Loan Commitment, and Summary of Terms and Conditions, formalized the Village's agreement with Fifth Third Bank and outlines the details of our agreement. This summary was attached to the Board packet stating the major terms and conditions:

Credit Facility - Three (3) Year Taxable General Obligation Revolving Line of Credit (RLOC), converting to a seven (7) year Term Loan, up to a maximum amount of \$30M. Interest Rate applicable to RLOC is 30-day LIBOR plus 90bps; interest rate applicable to Term Loan is 30-day LIBOR plus 100bps or 10-year Treasury plus 175bps. The Term Loan will be amortized mortgage style with level debt service payments required. If at conversion to Term Loan, LIBOR exceeds 1%, Village must utilize an interest rate management agreement to synthetically fix the rate.

Security - General Obligation of the Village, secured by its Full Faith and Credit. Village to reserve a portion (the lesser of \$30M or \$65M minus the amount of bonds issued against the Master Bond Ordinance) of the issuance capacity provided by the Master Bond Ordinance adopted on September 19, 2011, providing for the issuance of up to \$65,000,000 in General Obligation Bonds.

Reserve Fund - The Village will establish a Reserve Fund at Fifth Third Bank, utilizing general cash balances of the Village, in the amount of \$1.5M. In addition, the Village will make monthly deposits into this fund for the payment of debt service on the outstanding RLOC or Term Loan. If at any time the reserve falls below the \$1.5M balance, the Village has sixty (60) days to replenish the reserve. Interest earned on the Reserve Fund balance will be maintained within the Fund and can be utilized to offset required monthly deposit amounts.

Fees - Commitment Fee in the total amount of \$50K, \$10K due upon acceptance and signing of Commitment, \$15K due within one week of signing RDA, \$25K due at closing. Payment of all expenses related to document drafting and closing. Exit Fee of \$20K if the RLOC is not converted to a Term Loan.

Extension of Banking Services - Village agrees to extend banking services for three (3) years, provided that Fifth Third continues to offer industry standard

technologies and services.

Other - Opinion of Bond Counsel that Credit Facility is secured on a parity basis with other Village general obligation debt. Evidence that the Village has not received notice of any adverse change in its credit rating.

I move to approve execution of the Fifth Third Loan Commitment and to grant authority to the Mayor, Village Clerk and applicable Village staff to execute any and all loan documents necessary to finalize the execution of this Commitment, including but not limited to, a Note and Loan Agreement

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 1 - Trustee O'Halloran

PUBLIC WORKS AND ENGINEERING

2011-0707 Annual Road Salt and Liquid De-icing Material Purchases for 2011-2012 Winter Season

In March, the Public Works Department went to Board and received approval to renew our agreement with the Illinois Department of Central Management Services for our annual State Joint Purchasing Program purchase of road salt. Since that time, we have been advised of the vendor and cost of salt for this year. The vendor this year will be North American Salt Company of Overland Park, Kansas. The cost per ton has gone down from last year's cost of \$63.15 per ton to \$62.83 per ton. Once again, we are required to purchase a minimum of 5,000 tons for the year.

Additionally, Road Solutions, Inc. of Indianapolis, Indiana, has given us the best overall cost (\$1.29 per gallon) for our specified de-icing products. Incorporated as part of the purchase of the material, free training for our staff on the proper use of the de-icing materials is provided on site at Public Works.

On October 3, 2011, the purchase of road salt for the 2011-2012 winter season was approved by the Board. However, staff neglected to state the purchase of the de-icing material and the intention of utilizing the remaining funds in the 2011 fiscal year budget to replenish our salt and liquid de-icing material supplies for the remainder of 2011.

I move to approve North American Salt Company of Overland Park, Kansas, for the purchase of road salt at a cost not to exceed \$62.83 per ton for the remainder of the 2011 winter season in an amount not to exceed the total FY2011 budget and the 2012 winter season for an amount not to exceed the Board approved FY2012 budgeted amount;

And

Approve the purchase of de-icing materials from Road Solutions, Inc. of Indianapolis, Indiana, at a cost not to exceed \$1.29 per gallon for the remainder of the 2011 winter season in an amount not to exceed the total FY2011 budget and the 2012 winter season for an amount not to exceed the Board approved FY2012 budgeted amount.

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

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

Nay: 0

PARKS AND RECREATION

2011-0710 Commonwealth Edison - 151st Property Lease - Resolution

The Village has received a lease for the Commonwealth Edison property under the power lines from 151st Street to north of Wheeler Avenue. This property is used for recreational purposes (baseball fields east of Veterans Park and has been leased from Com Ed for years.

I move to pass Resolution Number 1126, entitled: RESOLUTION AUTHORIZING LEASE OF COMMONWEALTH EDISON COMPANY PROPERTY FOR AN OPEN GRASSWAY RECREATIONAL AREA SOUTH OF 151ST STREET AND BOTH EAST AND NORTH OF WHEELER DRIVE

A motion was made by Trustee Gira, seconded by Trustee Schussler, that this matter be PASSED. The motion carried by the following vote:

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

Nay: 0

MAYOR'S REPORT

2011-0712 Support Litigation and Legislation Relating to the Collection of Sales Tax Receipts - Resolution

It recently has come to light that at least two municipalities, the City of Kankakee and the Village of Channahon, have entered into sales tax rebate agreements with private tax consultants representing businesses located in Cook County and in certain municipalities such as the Village of Orland Park.

Because sales tax is assessed at the acceptance location in Illinois, the tax

consultants have established sham sales offices that allow their business clients to record the sales transactions as having occurred in those two municipalities when the actual sales are taking place in a Cook County municipality.

The proper accounting and collection of sales tax receipts is critical to the fiscal health of the Village and its ability to provide necessary services to its residents, taxpayers and the local businesses, their employees and customers.

This scheme is intended to unlawfully divert the municipal share of the statewide sales tax to the City of Kankakee and the Village of Channahon, denying it to the municipalities where the participating businesses actually conduct business and receive government services and depriving these communities of legitimate tax revenues under its own locally-imposed retailers' occupation tax.

The City of Kankakee and the Village of Channahon benefit by taking a percentage of the tax on each sale, leaving a small portion of the collected tax for the tax consultants and giving most of what is collected back to the businesses, thus depriving municipalities, where the sales transactions are actually occurring, of their rightful sales tax revenue.

I move to pass Resolution Number 1127, entitled: A RESOLUTION TO SUPPORT LITIGATION AND LEGISLATION TO ADDRESS CURRENT ISSUES RELATING TO THE COLLECTION OF SALES TAX RECEIPTS

A motion was made by Trustee Dodge, seconded by Trustee Schussler, that this matter be PASSED. . The motion carried by the following vote:

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

Nay: 0

BOARD COMMENTS

TRUSTEE DODGE - Stated that in regards to Resolution 1127 that was just passed tonight, it is unfortunate that one local government has to go after another with regards to the collection of sales tax receipts. He was very pleased that this Resolution was adopted which states that the Village of Orland Park supports and encourages state and federal legislative and other efforts to ensure state and local governments to receive their fair and full amount of sales tax revenue based on current sales without imposing new taxes on residents.

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) collective negotiating matters between the village and its employees, or their representatives, or deliberations concerning salary schedules for one or more classes of employees; c) the purchase or lease of real property for the use of the village; and d) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or

imminent.

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

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

Nay: 0

RECONVENE BOARD MEETING

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

Report on Executive Session and Action as a Result of, if any.

Village Attorney E. Kenneth Friker reported the purpose of the Executive Session was for the discussion of a) approval of minutes; b) collective negotiating matters between the village and its employees, or their representatives, or deliberations concerning salary schedules for one or more classes of employees; c) the purchase or lease of real property for the use of the village; and d) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

2011-0717 IUOE Local 399 Agreement - Approval

Village Manager Paul Grimes gave the Board an update on a four year agreement with the Village's clerical Union, IUOE Local 399. This Agreement will be retro from May 1, 2011 to April 30, 2015.

I move to approve the collective bargaining agreement with IUOE Local 399.

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

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

Nay: 0

ADJOURNMENT - 7:51 PM

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

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

Nay: 0

/nm

APPROVED: November 21, 2011

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk