

# VILLAGE OF ORLAND PARK

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



## Meeting Minutes

Monday, May 18, 2009

7:00 PM

Village Hall

## Board of Trustees

*Village President Daniel J. McLaughlin*

*Village Clerk David P. Maher*

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

**CALL TO ORDER/ROLL CALL**

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

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.

**Present:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge and Trustee Schussler

**Absent:** 2 - Trustee Gira and Village President McLaughlin

**VILLAGE CLERK'S OFFICE****2009-0006 Approval of the April 27, 2009 Special Meeting Minutes**

The Minutes of the Special Meeting of April 27, 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 Special Meeting of April 27, 2009.

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

**Aye:** 4 - Trustee Murphy, Trustee Fenton, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Abstain:** 1 - Trustee O'Halloran

**Absent:** 2 - Trustee Gira and Village President McLaughlin

**2009-0006 Approval of the May 4, 2009 Regular Meeting Minutes**

The Minutes of the Regular Meeting of MY 4, 2009, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Regular Meeting of May 4, 2009.

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

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

#### **2009-0194 Destruction of Verbatim Recordings of Closed Meetings**

Pursuant to Public Act 93-0523, Section 2.06 of the Open Meetings Act:

4. The verbatim record of a closed meeting may be destroyed eighteen months after the completion of the meeting if the Board of Trustees of the Village of Orland Park approves the destruction of the particular recording and if it approves written minutes for the particular closed meeting that contain the following, as required by Section 2.06 of the Open Meetings Act:

- (1) the date, time and place of meeting;
- (2) the members of the public body recorded as either present or absent; and
- (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

All requirements have been met.

I move to approve destruction of verbatim recording of closed meetings pursuant to Public Act 93-0523 Section 2.06.

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

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

#### **PRE-SCHEDULED CITIZENS & VISITORS**

##### **2009-0242 Cook County Board of Review - Presentation**

Marla Butler who is staff member from Commissioner Brendan Houlihan's office of the Cook County Board of Review spoke before the Board regarding property tax appeals for Orland Township residents.

Ms. Butler informed the Board that the Cook County Board of Review is now open for property tax assessment appeals until June 2, 2009.

The Cook County Board of Review is responsible for making sure the residents

are only paying their fair share of taxes. Ms. Butler encouraged residents to file an appeal if a resident believes they have been over assessed.

**This was informational, NO ACTION was taken.**

## **CONSENT AGENDA**

Trustee Schussler asked that Item I. Potable Water Backflow Prevention and Cross Connection Control Program be removed from the Consent Agenda for a separate vote.

### **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:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and 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 Monthly Hourly Payroll for May 8, 2009 in the amount of \$28,061.23 and the Bi-weekly Payroll for May 15, 2009 in the amount of \$919,479.17.

**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 May 5, 2009 through May 18, 2009 in the amount of \$2,137,555.54.

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

### **2009-0229 Taste of Orland Park - Tent and Equipment Rental Contract**

A request to bid on the Taste of Orland Park tents, tables, chairs and lights was published in the SouthtownStar and Orland Park Prairie. Information to bid on the Taste was sent to three tent companies. Bidders were requested to price items

individually, based on approximate quantities as these may change from year to year.

The Village received two bids, one from Wilson Tent Rental and one from Taylor Rental. The bids were opened on April 9, 2009.

Wilson Rental's total bid was \$12,962.50 and Taylor's bid was \$14,155.00 for rental of tents, tables, chairs and tent lights at the Taste of Orland Park for the years 2009, 2010 and 2011.

I move to approve awarding the contract to Wilson Rental, Inc. for the rental of tents, tables, chairs and tent lights at the Taste of Orland Park for the years 2009, 2010 and 2011 at the per item price listed in their bid, for a total of approximately \$12,962.50, depending on the number of items ordered each year, will not exceed the expense allocated for these items each year;

And

To authorize the Village Manager to sign the contract.

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

**2009-0247 159th & LaGrange Road - Various Invoices**

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

\$11,786.41 Conklin & Conklin OFZ0006 (Rafacz), OFZ0008 (Target),  
OFZ0021 (Palos Bank)

TOTAL INVOICES: \$11,786.41

I move to approve payment of invoices for the 159th Street and LaGrange Road intersection improvements in the amount of \$11,786.41.

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

**2009-0118 TGI Friday's - Amendment to Development Agreement - Ordinance**

The TGI Friday's Development Agreement is set to expire on June 24, 2009. Due to some outstanding issues that the Village Attorney is attempting to work out, staff is recommending extending the Development Agreement.

I move to pass Ordinance Number 4485, entitled: ORDINANCE AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT (TGI FRIDAY'S RESTAURANT, LA GRANGE ROAD NEAR 15400 SOUTH)

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

**2008-0553 Stone Church**

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

Following the question of Orland Parkway sewer system capacity by Patrick O'Malley at the Plan Commission meeting, the Village Engineer consulted with the Public Works Dept. on the service area for the Orland Parkway sanitary sewer lift station. The lift station design is based on projected/assumed gallons per day sewer flows for typical corporate office, hotel, retail, residential development for the various parcels surrounding Orland Parkway, including all of the Lauffer farm property (proposed Three Bridges subdivision yet to be developed).

The Stone Church parcel and potential Mokena Fire Protection facility parcel are on the fringe of the areas included in the service area for the lift station and the sewer system has been constructed immediately adjacent to these properties, therefore their connection was anticipated. It should also be noted the projected flows from these two types of uses are typically low and the Village does not feel they have the potential to negatively affect the design capacity of the Orland Parkway sewer pumping station. Concerns of system capacity, be they unfounded or not, by vacant properties can of course be alleviated by development- first come, first served.

Additionally, a condition has been added to the Elevation approval motion to address the Committee condition that required building material colors.

I move to approve the site plan titled "Site Plan- Phase 1 and Phase 2", Prepared by ARC Architectural Resource Corporation, Project No. A823A, Sheets No. AC1 & AC2, originally dated 1/23/09 and revised 03/16/2009; a Special Use Permit for a place of worship with modifications that include a reduction in required detention setbacks, and parking and drives that are located between the building and the street; a lot consolidation of two existing parcels into one prior to issuance of building permits, subject to annexation into the Village and to the submission of a Record Plat of Subdivision to the Village for recording; the annexation of approximately 15.35 acres located generally at 10731-10737 W. 183rd Street; and the elevations titled "Exterior Elevations", Prepared by ARC Architectural Resource Corporation, Project No. A823A, Sheet A2, originally dated 1/23/09 and last revised 03/16/2009.

All approvals are subject to the conditions recommended for approval by the Development Services Committee March 23, 2009, with the following additional conditions:

1. Building material colors are to generally match submitted 11 X 17 color

elevations by Architectural Resources Corporation titled "A823A Stone Church", dated 03-16-09 and as presented at the Plan Commission public hearing: Brick to be Sioux City brick in the color range of cranberry to cinnamon or similar, aluminum trim to be silver or champagne color or similar, stone accents to be Northfield Block prairie stone alabaster or similar;

and

2. With the addition of this revised Special Use Permit cross-access condition (#3 at Committee), the petitioner will pursue a cross-access agreement when the property to the east develops, including: a) a cross-access easement along the eastern property line so that a second entry drive can be accommodated in the future, and b) a cross-access easement through the proposed stub and parking lot.

**THIS SECTION FOR REFERENCE ONLY (NOT REQUIRED TO BE READ AT MEETING)**

The site plan titled "Site Plan- Phase 1 and Phase 2", Prepared by ARC Architectural Resource Corporation, Project No. A823A, Sheets No. AC1 & AC2, originally dated 1/23/09 and revised 03/16/2009, subject to the following conditions:

1. The petitioner pays for the cost to reconstruct the median as required to accommodate left turn lane and stacking.
2. The rear dry detention area either meets a 2% slope minimum or under-drains will be installed.
3. A landscape plan, meeting all Village Codes, is submitted for separate review and approval within 60 days of final engineering approval. Care should be taken not to block parkway views for cars pulling out of the church drive onto Orland Parkway.
4. An attempt is made to stagger church service release times with Parkview Christian Church.
5. All final engineering related items are met.

and

The elevations titled "Exterior Elevations", Prepared by ARC Architectural

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Resource Corporation, Project No. A823A, Sheet A2, originally dated 1/23/09 and last revised 03/16/2009, subject to the following conditions:

1. All mechanical equipment is required to be screened, either at grade level with landscaping or hidden behind the roofline.
2. The petitioner must return to the Plan Commission for approval of Phase II Building Elevations, and to the Village Board for final approval;
3. Building material colors are to generally match submitted 11 X 17 color elevations by Architectural Resources Corporation titled "A823A Stone Church", dated 03-16-09 and as presented at the Plan Commission public hearing: Brick to be Sioux City brick in the color range of cranberry to cinnamon or similar, aluminum trim to be silver or champagne color or similar, stone accents to be Northfield Block prairie stone alabaster or similar.

and

A Special Use Permit for a place of worship with modifications that include a reduction in required detention setbacks, and parking and drives that are located between the building and the street, subject to the same conditions as outlined in the preliminary site plan motion plus the following conditions:

1. A timing plan for construction of the church phases is addressed in the Annexation Agreement.
2. The petitioner must amend the Special Use Permit before a K-8 School can operate in the building.
3. With the addition of this revised Special Use Permit cross-access condition (#3 at Committee), the petitioner will pursue a cross-access agreement when the property to the east develops, including:
  - a) a cross-access easement along the eastern property line so that a second entry drive can be accommodated in the future, and
  - b) a cross-access easement through the proposed stub and parking lot.

and

A lot consolidation of two existing parcels into one prior to issuance of building permits, subject to annexation into the Village and to the submission of a Record Plat of Subdivision to the Village for recording.

And



The annexation of approximately 15.35 acres located generally at 10731-10737 W. 183rd Street.

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

**2009-0227 Disposal of Certain Seized Vehicles at Public Auction - Ordinance**

The police department requests that the Village declare eleven (11) forfeited vehicles described herein 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. We have applied for title to these vehicles.

The vehicles are as follows:

1998 GMC Safari	1GKDM19W9WB526356
1989 Oldsmobile Cutless	2G3AM51W7K2332611
1996 Chevrolet Monte Carlo	2G1WW12M1T9298267
1997 GMC Suburban	3GKFK16R8VG501614
2002 Dodge Neon	1B3ES26C12D553671
2005 Toyota Sienna	5TDZA23C65S338870
1995 Dodge Intrepid	1B3HD46F6SF553957
2000 Hyundai Elantra	KMHJF35F0YU904951
1994 Cadillac DeVille	1G6KF52Y7RU320349
1995 Jeep Wrangler	1J4FY19P8SP228549
1991 Chevrolet Corsica 1	G1LT53T6MY101454

I move to pass Ordinance Number 4486, entitled: ORDINANCE AUTHORIZING DISPOSAL BY PUBLIC AUCTION OF PERSONAL PROPERTY (VEHICLES) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

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

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

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

Between January 1, 2007 and April 16, 2009, there have been fourteen accidents

reported at this location.

I move to approve increasing Smith Engineering Consultants of New Lenox, Illinois, Purchase Order Number 044832 for full-time construction oversight for the installation of a traffic signal at Wheeler Drive and 94th Avenue in the amount of \$23,180;

And

Approve a budget adjustment in the amount of \$23,180;

And

Approve authorizing the Village Manager to amend the agreement with Smith Engineering Consultants (SEC).

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

**2009-0230 Tinley Creek Improvement Project - Additional Engineering Services - Board Approval**

On May 15, 2006, the Village Board approved the proposal from Christopher B. Burke Engineering Ltd. (CBBEL) of Rosemont, Illinois, totaling \$58,500 for the Tinley Creek and Midlothian Creek (Phase II and Phase III) engineering. Midway through the engineering, it became apparent that the construction cost would require the project to be bid as two separate projects for budget purposes. Village staff directed CBBEL to prepare two separate engineering plans. As a result, the number of plan pages increased from the proposed twenty-three pages up to fifty-five pages. CBBEL also assisted in two bidding periods including answering contractor questions, issuing addendums and attending meetings as needed. Additionally, the Illinois Department of Natural Resources - Office of Water Resources unexpectedly imposed additional requirements for individual permits at five of the culvert crossings in Phase II and the Creek reshaping in Phase III. This has resulted in CBBEL incurring additional costs above the estimated fee.

Both Tinley Creek and Midlothian Creek Phase II and Tinley Creek Phase III have been successfully bid. Phase II is 95% done with only restoration left to complete. Phase III is just underway at about 20% completion. As part of each project, CBBEL is performing construction oversight services for the Village. Phase II construction services have an expected cost savings of \$15,500 due to the ease in which the construction was completed.

Based on the additional services provided by CBBEL for the engineering phase of the project, staff recommends the Phase II construction services cost savings of \$15,500 be used as reimbursement.

I move to approve authorizing payment to Christopher B. Burke Engineering Ltd.

(CBBEL) of Rosemont, Illinois, for additional Tinley and Midlothian Creek (Phase II and Phase III) engineering services in an amount not to exceed \$15,500.

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

**2009-0232 Main Pump Station - Engine-Generator Replacement - Proposal for Engineering and Bid Services**

On March 16, 2009, the Village Board approved accepting the proposal from Greeley and Hansen LLC (G&H) of Chicago, Illinois, to evaluate the replacement options for the generator at the Main Pump Station that failed on January 26, 2009. After significant investigation, the generator sizing, necessary ancillary equipment changes and required building and fire code upgrades have been identified.

To ensure this work is accomplished appropriately, G&H has submitted a proposal of \$25,000 to provide engineering and bid specification services. The expected replacement cost for the generator is approximately \$250,000.

I move to approve accepting the proposal from Greeley and Hansen LLC of Chicago, Illinois, to provide professional engineering and bid services for replacement of the Main Pump Station Generator for an amount not to exceed \$25,000;

And

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

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

**2009-0233 Ecological Planning Services - Stewardship Planning for Multiple Natural Areas - Board Approval**

The Public Works Department and Pizzo & Associates, Ltd. of Leland, Illinois, have been in negotiations to have Pizzo gather data that will provide an evaluation of the existing natural areas and establish a baseline for future stewardship of the natural areas throughout the Village for a fee of \$4,760.

Four individual sites will receive detailed stewardship plans: Main Street Triangle Detention Pond, Equestrian/Somerglen Detention and Wetland Area, Buck Drive Natural Area and Long Run Creek Natural Area.

In addition, general stewardship plans shall be developed for the following ecotypes throughout the Village: Naturalized Wetlands, Detention/Retention Facilities, Dry Prairie and Woodland ecosystems. These general stewardship plans shall serve as a basis for management of any additional natural areas within the Village.

Pizzo has also been retained by the Army Corps of Engineers to provide

ecological services for the Grasslands Project in the Cook County Forest Preserve at 167th Street and 104th Avenue.

In lieu of a cash payment, Pizzo has offered the above services if the Village, in return, would allow Pizzo access to our bulk water system at the Public Works Facility for use on the Orland Tract Grassland Restoration Project for a period from April 21, 2009, through November 30, 2013.

The Public Works Department feels that this is a more than fair exchange of services and in the long run will highly benefit the Village.

I move to approve accepting the proposal from Pizzo and Associates, Ltd. of Leland, Illinois, to provide ecological services to the Village;

And

Approve allowing Pizzo and Associates, Ltd. the free use of the Village of Orland Park municipal water supply retrieved at the Public Works Facility Watering Station for use on the Orland Tract Grassland Restoration Project in lieu of any cash payment for a period beginning on April 21, 2009, through November 30, 2013;

And

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

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

**2009-0183 Potable Water Backflow Prevention and Cross Connection Control Program - Board Approval**

This item came before the Public Works and Engineering Committee for consideration on April 13, 2009. At that time, the Committee directed that more information be brought forth regarding the number of communities that were already enrolled in this program, the population of those communities and the status of House Bill 0974 mandating the compliance to the existing program. Backflow Solutions Inc. (BSI) of Alsip, Illinois, is currently supplying similar services to the following communities: South Elgin, Illinois (21,000), Park Ridge, Illinois (37,000), El Paso, Texas (607,000), Huntley, Illinois (22,000), Lincolnwood, Illinois (11,800), Aurora, Illinois (170,000) and Oak Brook, Illinois (8,700). House Bill 0974 was sent back to committee effectively tabling the bill indefinitely.

Compliance procedures with Village Ordinance 1519, which provides for protecting the public water supply system from contamination due to backflow or cross connection to another source of water, have been in place since 1985 albeit that it is done manually. Accounting for the approximately 3,000+ commercial backflow devices in the Village has become overbearing with the limited amount of staff to effectively administer the program. BSI is offering an opportunity to not

only customize our program but also upgrade our program so that the Village is automatically kept in present and future compliance with State and IEPA laws and mandates.

Therefore, it is staff's recommendation to adopt the automated Potable Water Backflow Prevention and Cross Connection Program to be administered by Backflow Solutions Inc. of Alsip, Illinois.

Trustee Schussler questioned if the adoption of the automated Potable Water Backflow Prevention and Cross Connection Program will apply only to commercial or will it also apply to residential.

Village Manager Paul Grimes stated eventually this will apply to everyone in the Village. Currently, it is being administrator to multi-family homes and commercial businesses.

Trustee Schussler stated there are a lot of residential homes within the Village that have sprinkler systems. Does this mean that every home that has a sprinkler system will be monitored?

Village Manager Grimes stated that every home at this point will not have to be monitored. Ultimately, there have been state statues (that have not been passed) requiring enforcement at the residential level.

I move to approve adopting the automated Potable Water Backflow Prevention and Cross Connection Program to be administered by Backflow Solutions Inc. of Alsip, Illinois, for an initial subscription fee not to exceed \$495;

And

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

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

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

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

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

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

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

### **2009-0241 Mokena Fire Station - Annexation Public Hearing**

This request is for 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.

I move to continue the 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) to June 15, 2009.

**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:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and 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:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

### **RECONVENE BOARD MEETING**

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

## DEVELOPMENT SERVICES AND PLANNING

### 2009-0223 Southmoor Commons - Amendment to Permitted Uses

The Village Board approved the annexation agreement Southmoor Commons shopping center in December of 2002. The annexation agreement included an 'Exhibit D' that listed 42 permitted uses for the commercial center. The uses approved are more limited than uses currently allowed in the BIZ business district in order to preserve the design intent of the area. A recent review of the list indicates that medical offices and clinics, which may have been presumed under 'offices,' permitted use number 30, is not specifically called out. Due to the list's specificity, this exclusion of wording may cause problems with future tenants of the shopping center.

Because the permitted use list also includes number 42 'all other uses as approved by the Village,' changes to the list only need to be heard before the Village Board without a public hearing. The Village's attorney has confirmed this course of action.

The definitions section of the Village Code defines medical offices, clinics and rehabilitation centers as 'any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, psychologists, physical, occupation and recreational therapists or the like for the examination and treatment of persons on an out-patient basis only'. These uses are closely related to professional and business offices and are considered low intensity. Medical offices generate slightly higher parking demands than professional offices, but much smaller demands than retail or restaurant uses.

The purpose of the below motion is to clarify the list of Southmoor Commons permitted to include medical offices, clinics and rehabilitation centers as defined by the Land Development Code.

I move to add Medical Office, Medical Clinics and Medical Rehabilitation Centers to the list of permitted uses in the Southmoor Commons shopping center.

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

**Aye:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

**2009-0245 Lake Sedgewick 319 Grant**

The purpose of this project is to install Best Management Practices (BMPs) for a wetland polishing system to reduce run-off pollutants from the new 153rd Street Metra Lot in order to help protect the water quality of Lake Sedgewick in Centennial Park.

In April 2009 the Village Board approved the selection of Lee Werner Excavating to construct Phase One BMPS for Lake Sedgewick. (Phase Two is not being constructed at this time because of costs that significantly exceed the project budget) Since that time, Werner has withdrawn from the project based on his inability to complete the required tasks in the project. A notice of default was sent to Mr. Werner via Ken Friker on May 6, 2009. Werner's attorney replied with a waiver of the ten day notice. The Village is ready to proceed with the selection of a new contractor.

Staff contacted the next lowest bidder, Encap, Inc, who is still interested in the project and ready to move forward with construction at the end of May. The sooner the project is completed, the better for plant survival and establishment.

The second bid is higher than the first by a total of \$18,826. The EPA has committed by email to apply an additional \$11,000 to the grant, for a total EPA commitment of \$108,614, but leaving a \$7,826 unaccounted for balance. Lee Werner's bid bond in the amount of \$13,000 is another potential source of Village revenue. The Village Attorney and Werner's Attorney are currently negotiating this issue. If the bid bond money is collected, it will completely compensate for increased cost to the Village for the second bidder. A 10% contingency is included in the bid number, and could be a possible source of funding if not used for other unexpected expenses.

In addition to Encap's higher price, there was another important difference in Encap's originally submitted bid. A separate line item was added by Encap in Phase II for possible path repair of \$60,000 based on the worst case scenario of total path replacement. The existing path may be damaged during construction when the equipment is brought to the site to complete the work. The path is not in pristine condition, and expectation of total path replacement is not a reasonable burden on this project, and would make the project infeasible. However the contractor should be obligated to repair any damage that occurs to the path during construction. Encap has agreed to add a line item to Phase One in the amount of \$3,343 to cover path repair costs. (included in the \$18,826 total) Photographs will be taken to document current path condition and language will be added to the contract that states:

"Damaged path will be restored, at a minimum, to the general condition of the path prior to the start of construction. Cutting and patching of the asphalt is acceptable when the sub-grade has not been damaged and where a smooth



durable surface suitable for walking and cycling results.”

In addition to \$11,000 in additional funding, the Illinois EPA has offered to extend the grant deadline to as late as December 2009 so the project can be completed. It is noted that the Village has already invested approximately \$26,524 in the project design costs that would be lost if the project is abandoned. The EPA contribution to the project construction and the water quality benefits for Lake Sedgewick will also be lost if the project is not constructed.

The sign cost has increased by \$148 (from \$815 to \$963) because the price quote has expired and the new order will be only one sign rather than the originally quoted three signs for both phases of the project.

I move to approve the selection of Encap Inc. for the construction of Phase One Metra Parking lot BMPs in the amount of \$153,383.

I move to approve the selection of Pannier Graphics for the construction and delivery of Phase One signage (one sign) at a cost of \$963.00.

**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:** 5 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, and Trustee Schussler

**Nay:** 0

**Absent:** 2 - Trustee Gira and Village President McLaughlin

## **NON-SCHEDULED CITIZENS & VISITORS**

Terrence Camodeca spoke before the Board on general observations.

Charles and Marlene O'Connell spoke before the Board regarding flooding issues and their property not being put back in its original state.

Mayor Pro Tem Murphy asked Mr. O'Connell if his house was flooding or was it just on the property.

Mr. O'Connell stated that his front yard is flooding and it is causing his property value to go down.

Mrs. O'Connell read two statements (Exhibit A and Exhibit B - attached)

## **BOARD COMMENTS**

TRUSTEE FENTON - Reminded everyone that the Farmers Market opens on Friday, May 29, 2009 at 7:30 AM.

