

VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org*



Meeting Minutes

Monday, July 6, 2020

7:00 PM

Village Hall

Board of Trustees

*Village President Keith Pekau
Village Clerk John C. Mehalek*

*Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,
William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:06 P.M.

Present: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani and Village President Pekau

VILLAGE CLERK'S OFFICE**2020-0462 Approval of the June 15, 2020 Regular Meeting Minutes**

The Minutes of the Regular Meeting of June 15, 2020, were previously distributed to the members of the Board of Trustees. President Pekau 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 June 15, 2020.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0463 In Search of a Cure - Raffle License

In Search of a Cure is requesting a license to sell raffle tickets during their annual golf event on Thursday, July 30, 2020, at Silver Lakes Country Club.

I move to approve issuing a raffle license to In Search of a Cure to sell raffle tickets during their annual golf event on Thursday, July 30, 2020, at Silver Lakes Country Club.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0473 Illinois Security Professionals Association - Raffle License

The Illinois Security Professionals Association is requesting a license to sell raffle tickets beginning July 7, 2020, through August 31, 2020, for a 50/50 Raffle to be held at Silver Lakes Country Club on Friday, August 31, 2020, at 3:00 P.M. Tickets sales will be conducted online.

I move to approve issuing a raffle license to the Illinois Security Professionals Association to sell raffle tickets between July 7, 2020, and August 31, 2020, for

their 50/50 Raffle to be held on Friday, August 31, 2020, at Silver Lakes Country Club.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2020-0182 Proclamation Honoring Miroballi Shoes as Orland Park Business of the Month-July 2020

Mayor Pekau proclaimed July 6, 2020, as Miroballi Shoes' Day in the Village of Orland Park and honor the Miroballi Family with Orland Park Business of the Month July 2020.

Miroballi Shoes has been serving Orland Park since 1976 and we congratulate them for celebrating over 44 years in Orland Park. Miroballi Shoes has made Orland Park their home and services our community with knowledgeable staff and excellent customer service.

This item was for discussion only. NO ACTION was required.

ACCOUNTS PAYABLE

2020-0446 Accounts Payable from June 16, 2020, - July 6, 2020 - 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, 2020, - July 6, 2020, in the amount of \$3,254,805.90

APPROVED

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Dodge, seconded by Trustee Calandriello, 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 Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0445 Payroll for June 26, 2020 - 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, 2020, in the amount of \$1,097,349.93

This matter was APPROVED on the Consent Agenda.

2020-0470 Park Pavilion Installations - RFP 20-019 Award

On March 3, 2020, the Village Board approved the purchase of seven (7) pavilions for Discovery, Ishnala, Ishnala Woods, Village Square, Wedgewood Estates, Parkview, and Wlodarski Parks. The pavilions have since been purchased and delivered to the Public Works Building.

Subsequently, RFP 20-019 for the installation of these seven (7) pavilions was issued on 06/10/2020 and closed on 6/24/2020. Eighteen (18) vendors downloaded the RFP documents and three (3) submitted proposals. The RFP and bid tabulation are attached for reference. The proposal totals were as follows:

Integral Construction

Total Proposal Price = \$93,200.00

Innovation Landscape Inc.

Total Proposal Price = \$104,265.70

GLI Services, Inc.

Total Proposal Price = \$135,786.00

Staff subsequently contacted the three (3) references provided by Integral Construction, Inc. All three (3) references (Naperville, Schaumburg, and Oak Forest Park Districts) related positive experiences in working with Integral and highly recommended their services. As a side note, Integral Construction was recently selected by the Village for the construction of Sterling Ridge Park (see RFP 20-013).

As such, Staff recommends awarding RFP 20-019 to Integral Construction Inc. A 10% (\$9,320.00) contingency is also requested to address change orders made necessary by circumstances not reasonably foreseeable at the time the contract was signed. This contingency amount will be included in the contract for this project.

I move to approve awarding "RFP 20-019 - Park Pavilion Installations" to Integral

Construction Inc. of Romeoville, IL in the amount of \$93,200.00 plus a 10% contingency of \$9,320.00 for a total not to exceed \$102,520.00;

And,

To allow the Village Manager to approve change orders not to exceed the contingency amount;

And,

To approve a budget transfer in the amount of \$29,291.50 from account 283-4003-443250 to account 023-0000-470100.

This matter was APPROVED on the Consent Agenda.

2020-0458 143rd Street at John Humphrey Drive Phase I Engineering Design Services, Patrick Engineering Contract Extension, Supplement #1

On January 4, 2016, Patrick Engineering (Patrick) was awarded a contract to provide Phase I Engineering Services for the intersection improvements at 143rd Street and John Humphrey Drive for a total professional fee of \$314,704.53 of which Southwest Conference of Mayors (SCM) approved to pay 80% of the total fee (\$251,763.62). The remaining 20% (\$62,904.91) was paid by the Village of Orland Park.

As part of the Phase I Study, Patrick evaluated the existing dry-land bridge under the eastbound lanes of 143rd Street, which included an initial geotechnical investigation. Based on the subsequent evaluations, it was determined that the bridge be expanded to support the westbound lanes, as well. The Illinois Department of Transportation (IDOT) requires additional geotechnical investigation to accommodate this expanded scope. It is IDOT's policy to require full Type, Size, and Location (TS&L) drawings, and detailed geotechnical investigations are completed in Phase I before IDOT approves Phase I design study report. The cost of additional tasks is \$19,995.

Therefore, a contract supplement for Patrick in the amount of \$19,995 is required. Patrick's proposal for these additional services is enclosed. This supplement is inclusive of all costs needed for the geotechnical work of the Phase I Project Development Report (PDR) and will allow the Village and Patrick to secure Phase I Design Approval on this project from IDOT barring additional requirements imposed by IDOT.

I move to approve the proposal from Patrick Engineering for the 143rd Street at John Humphrey Drive, Phase I Engineering Design Services for an additional \$19,995 in professional fees to complete Phase I Engineering Services (Supplement #1).

This matter was APPROVED on the Consent Agenda.

2020-0454 Budget Adjustments 3rd Quarter 2020 (#1) - Approval

A detailed spreadsheet (by fund) reflecting budget adjustments is attached showing an increase in expenditures of \$88,177.

At a previous meeting, the Village Board asked for more detail surrounding the budget amendment for Sterling Ridge Park. The original budget for Sterling Ridge Park was \$150,000. To date \$58,740 has been expended on design, benches, the shelter, and sculpture for the park development. Another \$127,386 has been contracted for the construction, asphalt and stone pond outcropping work, with \$5,224 remaining to be expended for construction management and another \$5,000 for landscaping to be installed by Village crews. Collectively, these expenses bring the project total to \$196,350; or \$46,360 over budget. Staff recommends amending the construction contract to remove the stone outcroppings, reducing the contract amount to \$98,236.40, for a project overage of only \$17,210.40.

The increase in expenditures in the Parks Development Fund is for the Sterling Ridge Park Development in the amount of \$24,725, which is being transferred from the Water & Sewer Fund to cover these costs. Legistar Item number 2020-0406 approved reductions in the Parks and Recreation Fund (\$24,725) and Water & Sewer Fund (\$29,150). With the contract amendment regarding removing the stone pond outcropping work, this adjustment is now lower than was considered at a previous Village Board Meeting.

Additionally, an increase in expenditures in the General Fund is requested for expenses related to the removal of grey stone at the Village Hall and Parks in the amount of \$24,000, the purchase of three laptops at Village Hall to replace desktops in the amount of \$6,300, the subscription and implementation fee for grant management software in the amount of \$6,495, the increase in salary and benefit costs of the Assistant Human Resources Director of \$5,664, the increase in salary and benefits costs of the new Seasonal Part Time Property Maintenance Inspector of \$9,151, and the increase in salary and benefits costs of a Part Time Graphic Designer in the Public Information Office of \$11,842.

I move to approve an increase to the FY2020 expenditure budget of the Parks Development Fund in the amount of \$24,725 and an increase in the FY2020 expenditure budget in The General Fund in the amount of \$63,452.

This matter was APPROVED on the Consent Agenda.

2020-0472 Resolution Amending the 401(a) Sick-Time Buy Back Program Adoption Agreement

The original 401(a) Orland Park Sick Time Buy Back Adoption Agreement includes a provision allowing for IMRF employees who retire with an Agreement from one of the Village retirement incentives offered between 6/30/2018 -

6/30/2020 to participate in the 401(a) Program.

The plan is amended to allow for IMRF employees who retire after 6/25/2020 to participate in the 401(a) plan.

I move to pass Resolution Number 2033, entitled: ACTION BY UNANIMOUS CONSENT OF GOVERNMENT ENTITY AMENDMENT OF QUALIFIED RETIREMENT PLAN

This matter was PASSED on the Consent Agenda.

2020-0407 On-Line and Interactive Voice Response (IVR) Credit Card Processing Fees for Development Services

The Village of Orland Park accepts credit cards from customers and patrons for a variety of Village services. For Development Services permits and license fees, the Village accepts credit cards in the Village Hall and absorbs the processing fees. During the COVID-19 response, the Village added permits and licenses fees to our E-Pay web portal, but the online payment portal charges a fee to the customer. In addition to the online portal, we have been accepting credit card payments over the phone by cashiers at Village Hall, with the Village absorbing the fee because the payments are processed in Village Hall.

For other Village services, such as utility bills, the Village absorbs the credit card processing fees for in-person and online transactions. The E-Pay portal accepts a variety of other fees, such as Municipal Violations, Parking Tickets, Administrative Booking, and Impound Fees, with the processing fees paid by the customer. E-Pay also offers over the phone payments using an Interactive Voice Response (IVR) system, with fees mirroring online payments. There is a flat fee for online recreation registration.

In an effort to be more customer service friendly and to continue to provide remote customer service, staff would like to continue to absorb fees including removing the online fees as a disincentive for online payment. Online payments and IVR payments are preferred over cashier accepted phone payments because they are customer-driven, more secure, can be done at any time of day or night, and leave Village staff free to handle other matters.

In 2019, the Village paid approximately \$150,000 in credit card processing fees from an estimated \$21.6 million in total revenue or about 0.71%. If a similar proportion of payments are absorbed for another \$1M in processing fees, the Village would incur an additional \$10,000 in credit card fees.

The Village is able to change the E-Pay portal to absorb fees for certain purposes, but those changes can only be implemented once per month. If the Village Board is supportive of this change, the Village will begin absorbing E-Pay processing fees for Development Services permits and licenses effective August 1 for online and IVR. Staff would continue to accept credit card payments over the

phone until August 1 to save customers from making a trip into Village Hall.

I move to approve the Village Manager execute the necessary documents to absorb credit card processing fees for online payments and Interactive Voice Response (over the phone) for Development Services, including Building Permits, Business/Contractor Licenses, and similar Village programs, but specifically excluding fines, violations, booking fees, and impound fees.

This matter was APPROVED on the Consent Agenda.

2020-0477 ORDINANCE AMENDING APPENDICES A AND B TO ORDINANCE NO. 5523

This Ordinance amends the previous Salary Ordinance presented to the Board at the June 15, 2020, Board meeting. This ordinance makes the following change:

Part Time

Positions Added

- Seasonal Part Time Property Maintenance Inspector (Grade 350)

I move to approve Ordinance Number 5525, entitled: ORDINANCE AMENDING APPENDICES A AND B TO ORDINANCE NO. 5523.

This matter was PASSED on the Consent Agenda.

PUBLIC WORKS

2020-0475 Utility Service and Foundation Preparation for Facilities at Centennial Park and Centennial Park West - Proposal

The Parks Department, prior to its dissolution in May, ordered two Pre-Fabricated buildings from CXT Precast Products of Williamson, West Virginia to house flush toilets in Centennial Park,. The authorization granted by the Village Board and budget covered only the construction and placement of two structures on compacted stone and did not provide for the installation and placement of water sewer and electric service under the building, or the extensions of water and sewer service to each building. When the plans were presented to Development Services for initial plan review and permitting it was discovered that a poured concrete foundation is needed. The following action steps are needed:

- Underbuilding utility service and connections are needed prior to placement of the pre-fabricated buildings. The Village obtained a quotation from Airy's Inc. of Tinley Park, Illinois to install the understructure plumbing and large connect the building lines at a cost for the two buildings of \$16,900 (below maximum Administrative purchase authority). These buildings were originally scheduled for June 26, 2020 delivery but that has been postponed by the Village to allow for utility and foundation installation.

- Water and sewer service extensions are needed. Each building will be served

with a 2" water line and a 6" gravity sewer. Only one contractor to date has submitted a quotation for this work which is again Airy's Inc. in an amount of \$100,375. The sewer and water will be installed using directional drilling to minimize disruption and restoration within the park areas. In addition, a two-inch electrical conduit will also be installed to facilitate wiring of the structures.

· A poured concrete foundation design will be required. The foundation design costs are anticipated to be \$2,500.

Staff contacted two concrete contractors and received only one quotation from Lite construction of Montgomery, IL. That proposal is for \$42,000 which work includes completing the foundation and utility sleeves. Staff is evaluating their proposal to reduce costs by digging the foundation with Village personnel. Authorization to proceed would allow for the work to be performed after July 7th and using high early strength concrete which thereby reduces cure time to fourteen days (from thirty days for regular concrete).

As such, staff recommends including a 3% contingency to both Airy's Inc. and Lite Construction for the proposed work.

Trustee Healy and President Pekau had comments and questions regarding this matter. (refer to audio file)

Assistant Village Manager Greg Summers and Village Manager George Koczwara responded to their comments and questions. (refer to audio file)

Trustee Dodge had comments. (refer to audio file)

I move to approve awarding a sole source contract in the amount of \$100,375.00 plus a 3% contingency of \$3,011.25 for a total not to exceed \$103,386.25 to Airy's Inc. Tinley Park, IL for water and sewer service extension work and plumbing connections. Sole source is required to meet program deadline completion of July 31, 2020;

And,

To approve awarding a sole source contract in the amount of \$42,000 plus a 3% contingency of \$1,260.00 for a total not to exceed \$43,260.00 to Lite Construction, Montgomery, IL for foundation work needed to meet program deadlines to permit the delivery and placement of the flush toilet facilities on July 27th, 2020;

And,

To allow the Village Manager to approve change orders not to exceed the contingency amount;

And,

To approve a budget transfer in the amount of \$146,647.00 from account 023-0000-470700 to account 283-4003-443100.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 1 - Trustee Healy

DEVELOPMENT SERVICES, PLANNING AND ENGINEERING

2019-0282 Megan Nicole Ridge - Development Petition for Site Plan, Landscape Plan, Rezoning, Subdivision, Variance (subject to Annexation)

The petitioner is requesting approval of a Site Plan, Landscape Plan, Subdivision, Variances, and Rezoning from E-1 Estate Residential to R-3 Residential for Megan Nicole Ridge, a proposed residential development on a 3.11 acre site located at 13201 88th Avenue, subject to the approval of annexation by the Village Board of Trustees. The subject property is located at the northeast corner of 88th Avenue and Beverly Lane in unincorporated Cook County.

The site was previously utilized as a large estate lot with one single-family home, which has since been demolished. In 2004, the Village Board approved a Site Plan, Subdivision, and Rezoning to the R-3 Residential District upon Annexation for the Megan Ridge subdivision (formerly referred to as Deanna Ridge) (Legistar File ID 2004-0158). The previous plan proposed to subdivide 3.3 acres into eight (8) lots for seven (7) single-family homes and a detention pond outlot. The existing single-family home at the northwest corner of the site was to remain on site. Annexation into the Village was never finalized and the residential subdivision was not constructed. As a result, the subject property currently remains in unincorporated Cook County.

The original 3.3 acre parcel (PIN 23-35-300-034-0000) was recently subdivided by the petitioner into three (3) lots in unincorporated Cook County. The proposed residential development is located on 3.11 acres of the original 3.3 acre site, on two of the lots with PIN 23-35-300-040-0000 and PIN 23-35-300-041-0000. The 80 foot by 144.9 foot property (PIN 23-35-300-042-0000) located to the east of the proposed Lot 9 and to the west of the existing single-family home at 8700 Adria Court has been sold off by the developer and will remain in unincorporated Cook County.

The project was presented at two public hearings at Plan Commission on

November 5, 2019, and on April 7, 2020. The 10 foot by 144.9 foot property (PIN 23-35-300-041) owned by the petitioner and located directly to the east of the previously proposed Lot 9 was incorporated into the proposed subdivision plans presented at the April 7, 2020, Plan Commission meeting. This strip of land was originally proposed to remain in unincorporated Cook County. The 10 foot by 144.9 foot property was added to the detention pond lot on Outlot A, which slightly increased the overall subdivision size from 3.07 acres to 3.11 acres.

The petitioner also proposed minor changes to the high water line of the pond as a result of the Plan Commission recommendation to include the stormwater volume for the 10 foot by 144.9 foot property (PIN 23-35-300-041) and the 80 foot by 144.9 foot property (PIN 23-35-300-042) into the proposed detention pond. The requested setback variance between the high water line and adjacent property lines was previously proposed at 15.57 feet at the narrowest locations at the November 5, 2019 Plan Commission meeting. At the April 7, 2020, Plan Commission meeting, the high water line setback was changed and proposed to be as little as 15.09 feet in certain locations. The number of lots and overall design of the proposed subdivision remains the same as the original proposal. The 80 foot by 144.9 foot property (PIN 23-35-300-042) located to the east of the proposed subdivision along Adria Court is still planned to remain in unincorporated Cook County and is not included as part of this petition.

For a detailed summary of each public hearing, please refer to the “Plan Commission Discussion” and “Plan Commission Motion” sections below.

The project was presented at the April 20, 2020 Committee of the Whole meeting. By a vote of 5-1, the Committee of the Whole recommended denying the Variances, Rezoning, Preliminary Site Plan, Plat of Subdivision, and Preliminary Landscape Plan for the Megan Nicole Ridge subdivision. For a detailed summary of the Committee of the Whole meeting, please refer to the “Committee of the Whole Discussion” and “Committee of the Whole Motion” sections below.

Since the Committee of the Whole meeting, the petitioner has revised the proposed plans to reduce the size of Lot 7 in order to increase the size of the detention pond lot on Outlot A and accommodate additional space for the required 25 foot pond setbacks from the adjacent property lines on the north side of the pond. The lot width of Lot 7 has been reduced from 120 feet wide to 105 feet wide, and lot area has been reduced from 17,392 square feet to 15,218 square feet. There are no proposed changes in size to the remaining lots within the subdivision.

On the north portion of the Outlot A, the pond now meets the required 25 foot setback. A larger setback of 26 feet to 32 feet is now provided from the north property line. The setbacks around the south leg of the pond are proposed to be 15 feet, which still do not meet code requirements. Increasing the size of the pond lot is restricted as the adjacent proposed residential lots (Lots 3, 4, 5, 6) currently

meet the minimum bulk code requirements for the R-3 Residential District. In the R-3 Residential District, residential lots for single family homes are required to have a lot size of at least 10,000 square feet in area, a lot width of at least 80 feet adding 10% for a corner lot, and a lot depth of at least 125 feet. Any increase in the width of Outlot A around the south leg would result in the need for a variance to the required lot size of lot depth of the adjacent residential lots.

The petitioner still requests a variance to reduce the pond setbacks from 25 feet to 15 feet to accommodate the proposed setbacks along the south portion of the pond, as well as an increase to the side slope of the pond from a 4:1 slope to 3:1 slope.

PROJECT DESCRIPTION

The proposed subdivision consists of a total of ten (10) lots, including nine (9) residential lots for single-family homes and one (1) detention pond outlot. Existing established streets will be utilized. Four (4) of the single-family homes (Lots 1-4) will be accessible from 88th Avenue and five (5) of the single-family homes (Lots 5-9) will have access from Adria Court. As a condition of approval, all single-family homes must conform to all Village codes and ordinances.

The detention pond will be centrally located on Outlot A with an access point provided from Adria Court, between Lot 6 and Lot 7. The petitioner has requested approval of a variance to allow a reduction in the required detention pond setback and landscape area from 25 feet to as little as 15 feet along the southern portion of the pond lot. Additionally, a variance has been requested to allow for an increase in the side slope from a 4:1 slope to a 3:1 slope. Please refer to the detailed discussion in the "Variance(s)" section of this report below for additional information.

No access will be provided to the proposed lots from Beverly Lane due to a 1 foot by 313.7 foot strip of land that extends along the entire length of Beverly Lane and is under separate ownership.

The site was previously heavily wooded with a considerable number of trees, which were removed by the petitioner in 2018. Tree mitigation is required per Section 6-305.F.3 of the Land Development Code. In cases where tree replacement or mitigation cannot be accommodated on-site, the petitioner is required to pay cash in lieu of the tree replacement amount. The petitioner has agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size per Section 6-305.F.3.

The proposed single-family subdivision will be compatible with the R-3 Residential District, the surrounding existing land uses and zoning districts and the Comprehensive Plan designation for this area. Single-family homes in the Barbalic Biljan subdivision and Parkview Highland subdivision are located to the east of the subject property and are zoned R-3 Residential District. Single-family

homes located in unincorporated Cook County are located to the north, to the south across Beverly Lane, and to the west across 88th Avenue. A Place of Worship is also located to the west across 88th Avenue in unincorporated Cook County.

With the exception of the requested variances, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

Variance(s)

When considering an application for variances, the decision making body shall consider the Variance Standards listed in Section 5-109 of the Land Development Code. The petitioner has provided responses to the Variance Standards, which are included in this packet for review.

The petitioner requests the following variances to the Land Development Code:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

The petitioner has noted that the shape of the property, topography, and the existing 1 foot wide strip of land along Beverly Lane has created a hardship for the property.

As noted above, at the April 7, 2020, Plan Commission meeting and the April 20, 2020 Committee of the Whole meeting, the petitioner proposed minor changes to the setback between the high water line of the pond and the adjacent property lines on Outlot A as a result including the 10 foot by 144.9 foot property (PIN 23-35-300-041) into the subdivision plans and because the additional stormwater volume was included in the pond for the 10 foot by 144.9 foot property (PIN 23-35-300-041) as well as the 80 foot by 144.9 foot property (PIN 23-35-300-042), based on the recommendation at the November 5, 2019, Plan Commission meeting.

The proposed changes at each meeting to the pond setbacks and variance are summarized below:

- November 5, 2019, Plan Commission meeting: The petitioner proposed a detention pond setback variance of as little as 15.57 feet along the south leg of the pond. The setbacks along the north side of the pond ranged from 23.43 feet to 28.16 feet. The east side of the north pond area had a proposed setback of 15.57 feet to 20.14 feet, while the west side of the north pond area had a proposed setback of 19.97 feet.
- April 7, 2020, Plan Commission meeting: The petitioner proposed a pond setback of as little as 15.09 feet along the south leg of the pond. The setbacks

along the north side of the pond ranged from 22.52 feet to 27.68 feet. The east side of the north pond area had a proposed setback of 20.09 feet, while the west side of the north pond had a proposed setback of 24.49 feet.

- April 20, 2020 Committee of the Whole meeting: The same plans presented at the April 7, 2020, Plan Commission meeting were presented at the Committee of the Whole meeting.

- July 7, 2020 Board of Trustees meeting: Under the revised plans presented by the petitioner, a pond setback of as little as 15 feet is proposed along the south leg of the pond. The setbacks along the north side of the pond range from 26.7 feet to approximately 32 feet. The east and west sides of the north pond area have a proposed setback of 25 feet. To accommodate these changes to the detention pond, Lot 7 was reduced 120 feet wide to 105 feet wide and lot area was reduced from 17,392 square feet to 15,218 square feet. There are no proposed changes in size to the remaining lots within the subdivision.

Sections 6-409.E.18.o and 6-412.D.1 require a setback of at least 25 feet from the high water line of a detention pond to all development and property lines. Detention ponds are also required to meet Stormwater Management Area Landscape requirements per Section 6-305.D.8. Within the minimum 25 foot setback area around a detention pond, a minimum 15 foot wide naturalized landscape area not exceeding a 5% cross slope is required above the pond high water levels in order to slow runoff, filter pollutants, recharge aquifers and enhance water quality. Within the 15 foot naturalized landscape area, a maintenance vehicle access area measuring at least 8 feet wide and not exceeding a 2% cross slope shall be provided for maintenance purposes, planted with native low-growing plant materials or as a recreational/maintenance trail.

If the pond setback variance is approved, staff recommends that the pond be privately owned and maintained in perpetuity by an established homeowners association as a condition of approval. Typically, detention ponds for single-family residential subdivisions are owned and maintained by the Village after final acceptance of the pond by the Village. Ponds are accepted and deeded to the Village after they are constructed, inspected, and maintained by a property owner in accordance with Village standards for approximately three years and the release of the letter of credit. If the proposed detention pond is privately owned and maintained, the Village would ultimately not be responsible for ownership or maintenance of a pond that does not meet code requirements in the future. The Village is also currently exploring a policy that would require all future detention ponds to be privately maintained.

Staff also recommends as a condition of approval that the petitioner be required to establish a fallback special service area (SSA) to assure that the privately owned pond will be adequately maintained in the future, should the SSA need to be activated. An SSA allows the Village to levy an additional tax to assist with financing costs in the event the pond is not maintained in the future.

Annexation

The proposed plan conforms with the Land Development Code, the general intent of the Comprehensive Plan, the character of the surrounding area, and Village policies for the area, with the exception of the requested variances. The property is currently in unincorporated Cook County, so all approvals will be subject to annexation, which will be addressed separately at the Board level. An Annexation public hearing will be held at the Village Board of Trustees level at a future date.

Approval of this petition is subject to annexation into the Village of Orland Park.

PLAN COMMISSION DISCUSSION - NOVEMBER 5, 2019

A public hearing was held before the Plan Commission on November 5, 2019. The petitioner was present to answer questions at the meeting. Approximately 30-40 members of the public attended the meeting and 15 members of the public spoke in regard to the petition, most of which lived in nearby homes. Commissioner Zomparelli abstained from voting. The issues discussed at the public hearing are summarized below:

1. Existing Traffic and Condition of Streets. Several residents expressed concern over existing traffic on 88th Avenue and the conditions of the adjacent streets. It was noted that vehicles speed on 88th Avenue and there have been accidents in the area, which would create issues for the proposed homes with driveways directly accessing the street. Residents also noted that Beverly Lane is in poor condition and asked if the Village or the petitioner would be repaving the street in the near future. 88th Avenue is under the jurisdiction of Palos Township. The petitioner was not required to submit a traffic study under the Land Development Code for this project.
2. Flooding. Several residents asked questions related to how the project will impact flooding in the area and if the property is included in a flood relief program. Residents expressed concerns with stormwater draining onto adjacent lots, existing flooding in the area, and road closures nearby as a result of flooding. The Village's engineer provided an overview of the proposed stormwater for the site, design of the pond, and confirmed that the pond will need to meet all engineering code requirements by the Village.
3. Types of Homes. Several residents asked about the types of homes to be built, the starting prices, and if any of the lots have been sold already. The petitioner presented a poster board showing a conceptual elevation of one of the single-family homes that may be constructed to the Plan Commission and the members of the public. Building plans for the homes have not been submitted for review to the Development Services Department, but will be required to meet all code requirements.
4. Annexation. Several residents asked about if the property could remain unincorporated and how that would impact the regulations on development. The

property would be subject to the requirements for Cook County if it remained unincorporated.

5. Tree Removal. Residents commented on the previous removal of trees on the site, stating that there was no notification from the petitioner and the loss of trees has negatively impacted the neighborhood creating an eyesore and impacting wildlife in the area. Several residents stated that the tree mitigation amount is not enough to justify the removal of the trees.

Commissioner Paul asked for clarification on if the \$50,000 to be paid by the petitioner was a fee or a fine. Staff noted that the amount is a fee required per the Land Development Code. In cases where tree replacement or mitigation cannot be accommodated on site, the petitioner is required to pay cash in lieu of the tree replacement amount. The petitioner agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size.

Residents also asked for clarification on why dirt was already being moved around on site. Dan Szkirpan, the general contractor for the project, stated that there was a previous dirt pile on the east side of the site and they are regrading some of the property. Mr. Szkirpan stated that the tree removal was done in accordance with Cook County's regulations.

Several of the Commissioners noted that it is unrealistic to expect the site to remain undeveloped forever and the loss of trees would be required for any development project. The petitioner will be required to meet all landscape code requirements for the project.

6. Property along Beverly Lane. The Commission asked if the petitioner has attempted to purchase the 1 foot wide and 313.7 foot long strip of land that extends along the entire length of Beverly Lane to help with access to the site. The petitioner provided an overview of the piece of land, stated it is currently located in the Village, and that the petitioner has attempted to purchase the property in the past, but the current property owner has refused to sell the property. A resident asked how the petitioner will ensure that there will not be an encroachment on the private property in the future.

7. Proposed Lots to Remain in Unincorporated Cook County. There was a discussion on the ownership of the two lots located to the east of the subject property which are proposed to remain in unincorporated Cook County (PIN 23-35-300-041 and PIN 23-35-300-042). Mr. Szkirpan stated that the 80 foot wide lot to the east with the existing trees identified as PIN 23-35-300-042 was purchased by the adjacent property owner at 8700 Adria Court. Mr. Szkirpan stated that the 10 foot strip of land with PIN 23-35-300-041 was currently owned by the petitioner and was needed for grading the entire site and to avoid the need of a retaining wall. There was a discussion on the proposed grade change between the 10 foot strip of land and the proposed Lot 9 (approximately a 4 foot

grade change on the north side of the shared property line).

Mr. Szkirpan stated that the 10 foot strip of land could either be purchased by the adjacent property owner to the east or the owner of the proposed Lot 9 in the future, which will be determined at a later date. Several of the Commissioners expressed concern over the existing 10 foot lot remaining in unincorporated Cook County. The subject property and proposed subdivision is already experiencing issues due to the 1 foot by 313.7 foot strip of land along Beverly Lane that is not owned by the petitioner. There was concern over creating another small lot or spite strip, where the ownership is not currently determined. It was noted that both of the adjacent property owners in the future may not want to buy the 10 foot piece of land. This piece of land could become undevelopable and create challenges for the adjacent development in the future.

At the end of the public hearing, the petitioner confirmed that they will approach the owner of the 80 foot lot with PIN 23-35-300-042 if he would like to purchase the 10 foot wide property. If the property owner does not wish to purchase the property, it will be incorporated into the subdivision and included as part of the proposed annexation into the Village.

8. Detention Pond Setbacks & Proposed Variance. Several Commissioners and residents expressed concern over the proposed detention pond setbacks. Several comments focused on the setbacks specifically along Beverly Lane due to the pond's location near the sidewalk and potential safety concerns for pedestrians and children. One resident also asked about the Village's regulations for mosquito abatement, rodent control, and general maintenance requirements for ponds.

There was a discussion on the previously proposed site plan and the detention pond in 2004. Staff explained the previous proposal and detention pond setbacks, and stated that the site was never formally annexed into the Village. Village codes may have changed since that time.

There was a discussion if Lot 7, which is currently oversized per the R-3 zoning district requirements, could be made smaller to accommodate larger detention pond setbacks or if the additional 10 foot strip of land could help meet the setback requirements. The petitioner did not wish to reduce the size of Lot 7. It was noted that the remainder of the single-family lots adjacent to the pond met the bulk requirements for the R-3 District, therefore any decrease would be a variance for lot size, width, or length.

Commissioner Schussler asked if the 10 foot wide property with PIN 23-35-300-041 and the 80 foot wide property with PIN 23-35-300-042 were factored into the overall stormwater calculations for the pond. The petitioner confirmed that these lots were not included in the detention calculations. There was a discussion if a home is constructed on the 80 foot wide lot in the future how

stormwater would be accommodated. The lot could remain in unincorporated Cook County, where it would be subject to the County's requirements, or could be annexed into the Village in the future and be subject to Orland Park's requirements, which typically would not require detention for an individual single-family lot of this size.

There was a discussion on if the pond would be privately owned and maintained or taken over by the Village in the future. Commissioner Schussler stated that the majority of detention ponds for single-family subdivisions are owned and maintained by the Village; this pond should be treated the same and should meet code requirements. Ponds that are privately owned and maintained can still experience issues with future maintenance. Commissioner Schussler noted that he would like to see the pond owned by the Village to be in line with the existing Village code requirements and policy, and the pond should meet code requirements. Mr. Skirpen noted that the interim Village Manager's office had told them that all ponds should be privately owned in the future moving forward. Commissioner Schussler stated that this policy for ponds would need to be set and approved by the Village Board.

9. Conditions of Approval. The Commission revised the recommended motion to state that the proposed detention pond must meet all Village requirements, the Village considers assuming responsibility for the pond if it meets all code requirements, and that the two properties that are proposed to remain in unincorporated Cook County be included in stormwater calculations. The Commission added and/or revised Condition # 4, 5 and 6 to the Preliminary Site Plan motion, as included below.

PLAN COMMISSION MOTION - NOVEMBER 5, 2019

On November 5, 2019, the Plan Commission moved, by a vote of 5-0, to recommend to the Village Board of Trustees approval (upon annexation) of the Rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised September 30, 2019, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Submit a sign permit application to the Development Services Department for a separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
3. All proposed single-family homes shall conform to all Village codes and ordinances, including the bulk requirements of the R-3 Residential District per

Section 6-204 of the Land Development Code and the Building Code.

4. That the 10 foot by 144.9 foot parcel identified as PIN 23-35-300-041-0000 be incorporated into the subdivision or be incorporated into the parcel identified as PIN 23-35-300-042-0000, and that the detention pond provide detention for the two parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000.

5. That the detention pond meets all Village Code requirements including setback requirements and that it provide detention for the parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000.

6. That the Village considers assuming responsibility for the pond if it meets all code requirements, since typically detention ponds for single-family residential subdivisions are owned and maintained by the Village after final acceptance of the pond by the Village.

7. That if the pond shall be privately owned, it shall be maintained by a homeowners association and a special service area (SSA) shall be established when the Annexation Agreement is finalized to assure that the privately owned detention pond will be maintained to Village standards in the future.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised October 10, 2019, subject to the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.
2. Provide the maximum cash-in-lieu amount required for tree mitigation for projects less than 10 acres in size per Section 6-305.F.3 and as finalized at the time of the Annexation Agreement.
3. Provide cash in lieu of park land donation as finalized at the time of the Annexation Agreement.

PLAN COMMISSION DISCUSSION - APRIL 7, 2020

A public hearing was held before the Plan Commission on April 7, 2020. The Commission, members of the public, the petitioners, and staff attended the public hearing via a Zoom Meeting teleconference. The issues discussed at the public hearing are summarized below:

1. Plan Commission Conditions of Approval. At the November 5, 2019, Plan

Commission meeting, the Commission voted to approve the Megan Nicole Ridge subject to meeting three additional conditions of approval (Condition #4, 5, 6 of the Preliminary Site Plan motion). Since the Plan Commission meeting, the petitioner has met some of the conditions of approval. The 10 foot by 144.9 foot parcel identified as PIN 23-35-300-041-0000 owned by the petitioner was incorporated into the subdivision plans. Stormwater detention has also been provided for the two parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000 (Condition #4). The proposed detention pond still does not meet all Village Code requirements including setback requirements (Condition #5).

The Commission requested that the Village consider assuming responsibility for the pond if it meets all code requirements since typically detention ponds for single-family residential subdivisions are owned and maintained by the Village after final acceptance of the pond by the Village. If the pond is privately owned, it shall be maintained by a homeowners association and a special service area (SSA) shall be established to assure that the privately owned detention pond will be maintained to Village standards in the future. At the April 7, 2020, Plan Commission meeting, staff noted that it was the previous policy by the Village to maintain ponds after they are accepted by the Village. However, the Village is currently exploring a new policy to have all future detention ponds privately owned and maintained in the future. In this case, staff still recommends that the pond be privately owned and maintained by an HOA. If the HOA disbands or does not maintain the pond properly in the future, then the Village has the ability to activate a dormant SSA to pay for maintenance costs.

2. Property along Beverly Lane. James Kirk, an attorney representing George DeVries, stated that there has been some confusion on the ownership of the 1 foot by 313.7 foot strip of land that extends along the length of Beverly Lane. Mr. DeVries was involved with developing the Park View Highlands subdivision, which includes the homes to the east on Beverly Lane.

According to Mr. Kirk, the strip of land previously extended farther to the east along what is now Adria Court. When the homes on Adria Court were developed, Mr. DeVries transferred the title of most of the land to the developer of the homes on Adria Court. However, it appears that Mr. DeVries continues to own the 1 foot by 313.7 foot strip of land directly adjacent to the proposed Megan Nicole Ridge subdivision along Beverly Lane. Mr. Kirk noted that they have recently been in contact with the developer and are discussing if the developer can acquire the land from Mr. DeVries. This piece of land is currently incorporated into the Village of Orland Park and is zoned R-3 Residential District. Dan Szkirpan, the general contractor/developer for the project, stated that further research needs to be done to verify the ownership of the property and they are in discussion with Mr. Kirk.

There was a discussion if the detention pond volume would increase if the 1 foot and 313.7 foot strip of land were included in the gross area of the subdivision. The

petitioner stated that any additional detention pond volume will be provided if they do acquire the property.

3. Tree Removal. One resident that lives nearby the proposed subdivision asked if the Village could require the developer to plant more mature trees on site to help ease the impact of the trees previously removed by the developer. This would be in addition to the \$50,000 tree mitigation fee required by Code. The petitioner agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size.

4. Access to the Pond. A 17 foot wide access strip located between Lot 6 and Lot 7 will provide access to the detention pond on Outlot A. One resident asked how the triangular area located in the Village's right-of-way to the northwest of the curved sidewalk along Adria Court will be maintained. The area is located in the Village right-of-way but will be maintained by the adjacent homeowners, typical of how other parkways are maintained elsewhere in the Village. There was also a discussion on how if the 17 foot wide pond access strip could be removed if the petitioner is able to acquire the 1 foot by 313.7 foot strip of land that extends along the length of Beverly Lane. This can be investigated if the property is acquired by the developer. The petitioner noted that a stormwater pipe is proposed in the 17 foot wide strip of land to tie into the existing storm sewer to the east.

5. Lot 7. Members of the public and several Commissioners asked if the size of Lot 7 could be reduced in size to help reduce the pond setback variances. Lot 7 is larger than the other lots in the proposed subdivision, with a lot width of 120 feet and a lot area of 17,392 square feet.

The petitioner stated that the lot was designed with a side loaded garage on the east side of the future house for safety reasons based on the current street configuration and the existing curve along Adria Court. The petitioner stated that the future house has already been designed. Robert Skik, the future purchaser of Lot 7, attended the meeting and stated he has already purchased plans and has designed the house for the lot. Several Commissioners noted that the size of the lot appears to be based on the design choice for the future house.

Commissioner Zaatar asked if the petitioner explored reducing the size of Lot 7, moving Lot 7 to the east, combining Lot 8 or Lot 9, or exploring other alternatives to reduce the need for the pond setback variance. The petitioner has not proposed any changes to the size of Lot 7 since the November 5, 2019, Plan Commission meeting. Staff also noted that they previously suggested that the size of Lot 7 could be reduced during the staff review process. Mr. Szkirpan stated that the lot meets code requirements and there are two oversized lots at the end of the cul-de-sac on Adria Court. The petitioner did not wish to reduce the size of Lot 7.

6. Detention Pond Design & Proposed Variances. One member of the public that lives nearby the subject property expressed concerns about the steep slope of the

pond, pond depth, and potential safety issues. There was a question about the grading of the pond and the potential overflow of the pond in the future if there is flooding. The petitioner stated that the high water line is typical of a 100-year storm event. The petitioner stated that if they were to build the subdivision in Cook County, the pond requirements would be substantially less because the Village has stricter volume requirements.

Several Commissioners expressed concern over the proposed detention pond setbacks. Mr. Szkirpan noted that they could build the future subdivision in unincorporated Cook County. If Lot 7 was forced to be made smaller, then they would potentially lose the lot buyer and rethink their position. Several lots that were pre-sold to future buyers have pulled out due to the review process time.

Commissioner Schussler noted that the variance standards submitted by the petitioner do not appear to be met. The petitioner appears to have created the problem by pre-selling a lot that does not exist yet. There do not appear to be unique circumstances that warrant a variance or that makes it impossible to comply with the detention pond code requirements.

The Plan Commission moved, by a vote of 7-0 to recommend to the Village Board of Trustees denial of the Variances, Rezoning, Preliminary Site Plan, Preliminary Landscape Plan, and Plat of Subdivision for Megan Nicole Ridge.

PLAN COMMISSION MOTION - APRIL 7, 2020

On November 5, 2019, the Plan Commission moved, by a vote of 7-0, to recommend to the Village Board of Trustees denial of the following Variances:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

And moved, by a vote of 7-0, to recommend to the Village Board denial of the rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised January 15, 2020.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the

Preliminary Landscape Plan, titled “Megan Nicole Ridge Subdivision, Landscape Plan”, prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised January 15, 2020.

COMMITTEE OF THE WHOLE DISCUSSION - APRIL 20, 2020

On April 20, 2020, the project was reviewed by the Committee of the Whole. Dan Szkirpan, representing the petitioner, was present at the Zoom meeting and noted that the required amount of stormwater detention will be provided and the Village has stricter requirements than MWRD. The petitioner was not requesting any variances for lot sizes.

The Committee discussed the recommended denial at the Plan Commission meeting, the requested variances and pond code requirements, potential flooding issues, how the pond would be privately owned and maintained in the future, the approval process, and that the Village Board Trustee would be required to approve the project by majority vote if the Committee voted to recommend denial.

Director of Development Services Ed Lelo responded to comments and questions, noting that the proposed project did not meet detention pond setbacks and slope requirements, but all other code requirements have been met and the project received preliminary engineering approval. Typically, municipalities do not take control of ponds due to future maintenance and cost issues. The Village would be more aligned with other municipalities if it did not accept ownership and maintenance responsibilities for all ponds. Director of Development Services Ed Lelo also noted that the Land Development Code includes standards for variances, which include justifying a unique hardship and that the owner cannot create a hardship. The Plan Commission used these standards to evaluate the variance requests. The size of Lot 7 could have been reduced to eliminate or reduce the pond setback variance, therefore the project did not meet the requirements.

COMMITTEE OF THE WHOLE MOTION - APRIL 20, 2020

On April 20, 2020, the Committee of the Whole moved, by a vote of 5-1, to recommend to the Village Board of Trustees denial of the rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District;

And moved, by a vote of 5-1, to recommend to the Village Board denial of the Preliminary Site Plan titled “Preliminary Site Plan for Megan Nicole Ridge Subdivision”, prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised January 15, 2020;

And moved, by a vote of 5-1, to recommend to the Village Board denial of the Plat of Subdivision titled “Megan Nicole Ridge”, prepared by Landmark Engineering, LLC;

And moved, by a vote of 5-1, to recommend to the Village Board denial of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised January 15, 2020.

And moved, by a vote of 5-1, to recommend to the Village Board denial of the following Variances:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18);

This case is now before the Village Board of Trustees for final consideration.

Two motions are provided below. The first motion moves to approve the Variances, Rezoning, Preliminary Site Plan, Plat of Subdivision, and Preliminary Landscape Plan for the Megan Nicole Ridge subdivision subject to the conditions outlined in the motion.

This motion requires a super majority to override the negative motion by the Plan Commission.

The second motion moves to deny the Variances, Rezoning, Preliminary Site Plan, Plat of Subdivision, and Preliminary Landscape Plan for the Megan Nicole Ridge subdivision based on the recommendation by the Plan Commission at the April 7, 2020 meeting and the April 20, 2020 Committee of the Whole meeting

Only one motion should be read.

President Pekau had comments regarding this matter. (refer to audio file)

Trustees Katsenes, Dodge, and Fenton had questions regarding this matter. (refer to audio file)

Director of Development Services Lelo responded to their questions. (refer to audio file)

I move to approve (upon annexation) of the Rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District;

And,

I move to approve (upon annexation) of the Preliminary Site Plan titled

“Preliminary Site Plan for Megan Nicole Ridge Subdivision”, prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised May 20, 2020, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Submit a sign permit application to the Development Services Department for a separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
3. All proposed single-family homes shall conform to all Village codes and ordinances, including the bulk requirements of the R-3 Residential District per Section 6-204 of the Land Development Code and the Building Code.
4. The detention pond shall be privately owned and maintained by an established homeowners association.
5. A special service area (SSA) shall be established to assure the privately-owned detention pond will be maintained to Village standards in the future, as finalized at the time of the Annexation Agreement.

And,

I move to approve (upon annexation) of the Plat of Subdivision titled “Megan Nicole Ridge”, prepared by Landmark Engineering, LLC, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.

And,

I move to approve (upon annexation) of the Preliminary Landscape Plan, titled “Megan Nicole Ridge Subdivision, Landscape Plan”, prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019 and last revised May 26, 2020, subject to the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.
2. Provide the maximum cash-in-lieu amount required for tree mitigation for projects less than 10 acres in size per Section 6-305.F.3 and as finalized at the time of the Annexation Agreement.
3. Provide cash in lieu of park land donation as finalized at the time of the Annexation Agreement.

And,

I move to approve (upon annexation) of the following Variances, subject to the same conditions outlined in the Preliminary Site Plan motion:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

Approval of this petition is subject to annexation into the Village of Orland Park.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0418 Objecting and Protesting the Rezoning of the Properties (11215 183rd Pl.) from E-1 to I-1 - Resolution

The Village of Orland Park would like to formally file a petition protesting Will County zoning case ZC-20-022, the "Kordas Property Map Amendment." While the Village understands that the existing use has been in operation for some time, the fact that the petition includes a requested map amendment to rezone the vacant lot to the west of the existing property is of concern as it will lead to expansion of the business, possibly including outdoor storage. Per, the Will County Zoning Ordinance, outdoor storage is permitted with a principal use subject to meeting all other requirements, including screening.

The proposed use, and expansion thereof, is inconsistent with the Village's Comprehensive Plan which covers those areas proximate to our boundary and within our legal planning jurisdiction. The approval of the requested map amendment would mean that the property will likely remain under Will County jurisdiction in perpetuity, and therefore be developed in a manner inconsistent with surrounding parcels that will likely annex to the Village of Orland Park.

The project was recommended for approval at the June Plan Commission for Will County Land Use. The attached resolution, stating a formal legal objection, will be filed with Will County in anticipation of the July 14, 2020, Land Use Committee Meeting. The project was continued from the prior June 9, 2020, Land Use Committee in order to permit the Village time to file a formal objection.

The Village will file the objection with the Will County Clerk. If the formal objection is filed before the Will County Board meeting, it will force a supermajority vote in order to approve the Kordas Property Map Amendment by the Will County Board.

Trustee Dodge had questions. (refer to audio file)

Assistant Village Manager Summers responded to Trustee Dodge. (refer to audio file)

I move to pass Resolution Number 2034, entitled: RESOLUTION OBJECTING TO AND PROTESTING THE REZONING OF THE PROPERTIES LOCATED AT 11215 183RD PLACE (PIN NOS. 19-09-06-226-003 AND -004), WILL COUNTY, ILLINOIS, FROM E-1 RESIDENTIAL ZONING DISTRICT TO THE I-1 INDUSTRIAL ZONING DISTRICT BY THE COUNTY BOARD OF WILL COUNTY, ILLINOIS

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

PARKS AND RECREATION

2020-0457 Discontinuation of After School Pals Program

The Recreation & Parks Department, through its After School Pals (ASP) program, hosts an after school program for students enrolled in all District 135 schools, Kruse School, and St. Michaels. ASP is held at the Village's Cultural Arts Center, 2:00 pm - 6:30 pm, 5 days per week. Participants may choose from 2 - 5 days per week registering and paying on a monthly basis. Children, kindergarten through fifth grade, engage in games, crafts, monthly field trips, weekly trips to the Sportsplex, homework time, and gym time at the Franklin Loebe Center. ASP follows the District 135 calendar including makeup days and holidays. ASP is not in session on District 135 early dismissal days or holidays. (see attached for program details).

Staff met with Superintendent John Bryk, and Assistant Director of Buildings and Grounds, Ted Schulz on June 22, 2020, to discuss partnering with District 135 in an after school program. Superintendent Bryk shared that DISTRICT 135 is beginning an after school program known as STARS in all District schools beginning fall 2020. This program will run 5 days a week and will be in session on holidays (see attached for program details).

Staff is seeking approval to discontinue its' After School Pals program, referring participants to District 135's STARS program instead. Now that District 135 is offering an after school program in all of its elementary school buildings, there is a redundancy in services between District 135 and the Village of Orland Park. These overlapping services will likely lead to a decrease in the Village's program enrollment with a subsequent loss in revenue. Additionally, since Village staff transport students from District 135 buildings to the Cultural Arts Center, there is a

liability exposure to the Village that will cease with the termination of this program.

Trustee Calandriello had questions regarding this matter. (refer to audio file)

Village Manager George Koczvara responded to Trustee Calandriello. (refer to audio file)

Trustee Dodge had comments. (refer to audio file)

I move to approve discontinuing After School Pals at the onset of the Fall 2020 season.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0456 John Humphrey Complex Renovations (Design-Build) - Phase II Change Order

The Village of Orland Park awarded V3 Construction Group, LTD. the contract in accordance with their proposal submitted March 24, 2020, for Design Build John Humphrey Complex Renovations phase II to renovate the concession stand and restrooms for a Guaranteed Maximum Price of four hundred forty eight thousand three hundred and no/100 (\$448,300.00) dollars.

The Scope of Work includes:

- Removal and replacement of existing roof;
- Renovation of the women's restroom to meet generally accepted industry standards;
- Renovation and expansion of the men's restroom, the number of stalls and sinks to meet generally accepted industry standards;
- Renovation and conversion of the concession stand area to be an exterior service only stand.

V3 has submitted a change order (attached) for the following items:

- Change from quarry tile floor to non slip epoxy flooring to storage room and entry vestibule (185sf): \$2,220
 - Mop sink and laundry tub in storage space (code requirement): \$3,500
 - Battery operated faucets (2 per restroom): \$2,600
 - Replacement urinals (3): \$2,040
 - Electrical upgrades required to achieve the scope of the project: \$8,250
- Total of Change Order: \$12,610

Staff seeks Board approval for these changes.

- The mop sink and laundry tub are code requirements by the Village.

- Battery operated faucets will allow for touchless use of the faucets, preventing contact from person to person.
- Staff had planned to reuse/relocated urinals, however, the urinals in place are outdated and in need of replacement.
- Electrical work was not included in the original contract. New NPOD key switch (switch to turn the power on/off), demolition and relocations for new restroom configurations (fans, outlets, conduit/wiring) are required as shown in the permit drawings.

I move to approve the John Humphrey Complex Renovations (Design-Build) - Phase II Change Order

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0468 Resolution Regarding 2020 Summer Special Events

In late 2019, an outbreak of novel coronavirus (“COVID-19”) occurred in China and quickly spread across the globe; and the Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of the residents of the Village and visitors to the Village. The Village of Orland Park recognizes that public health adjustments such as social distancing and capacity limits must be implemented in order to keep the residents of the Village safe and healthy during these unprecedented times. The Village of Orland Park also prioritizes the mental and physical health of the residents of the Village; and desires to act for the benefit of the health, safety, and welfare of the residents of the Village, by restoring access to Village resources in a safe and measured way, balancing the public health situation of the Village with the other health needs of Village residents. In furtherance of these goals, the Village intends to host special events for the enjoyment of its residents in the summer of 2020.

These planned events include Concerts in the Park on July 12, 2020, and September 6, 2020; the Taste of Orland Park on July 21, August 1, and August 2, 2020; the Centennial Park West concert Series concerts on August 22, 2020, and September 12, 2020; the Brewfest on September 19, 2020; and the Great Pumpkin Party on September 26, 2020. The Village intends to implement capacity limits and social distancing guidelines, as appropriate, at these events in addition to other public health accommodations. The Village declares that these Summer 2020 Special Events will be held with modifications.

The Village President and Board of Trustees of the Village hereby declares that the July 12 and September 6, 2020 Concerts in the Park; the July 31, August 1 and August 2, 2020 Taste of Orland Park; the August 22 and September 12,

2020, Centennial Park West Concert Series concerts; the September 19, 2020 Brewfest; and the September 26, 2020, Great Pumpkin Party (rain date October 3, 2020) will be held with the following modifications.

- Reduced capacity
- Social distancing guidelines
- Increased handwashing and hand sanitizer stations
- Enhanced cleaning and sanitation
- Social distancing limits around stage areas
- Encouraging attendees to wear masks when in common areas and when the activity allows
- Omitting, altering or limiting some event features
- Possible changing of event locations in order to permit greater social distancing
- Time limits and/or ticketed sessions may be adopted to ensure capacity limits are not exceeded
- Event areas may be fenced to enforce capacity limits

Specific guidelines for each event will be set forth by the Recreation Department of the Village.

This Resolution shall be in effect for these events in the year 2020.

Trustee Calandriello had questions regarding this matter. (refer to audio file)

Village Manager George Koczwara responded to Trustee Calandriello. (refer to audio file)

Trustee Fenton had comments. (refer to audio file)

Village Manager Koczwara responded to Trustee Fenton. (refer to audio file)

Trustee Milani had comments. (refer to audio file)

Trustee Dodge had comments. (refer to audio file)

Trustee Dodge made a motion to amended the motion to add: "At the next Board meeting staff would have the last possible date to cancel each or any of these events, and they will present a detailed review of the best data sources, for example, as referenced in our back to normal plan, to maximize the chances of public safety in Orland Park. It was seconded by Trustee Fenton. (refer to audio file)

President Pekau had comments. (refer to audio file)

Trustees Dodge, Fenton, Calandriello and President Pekau votes AYE. Trustees Healy, Katsenes, and Milani vote NAY. (refer to audio file).

Trustees Calandriello, Healy and President Pekau had comments. (refer to audio file)

I move to approve Resolution Number 2035, entitled: Resolution Regarding 2020 Summer Special Events

and

At the next Board meeting staff will have the last possible date to cancel each or any of these events, and they will present a detailed review of the best data sources, for example, as referenced in our back to normal plan, to maximize the chances of public safety in Orland Park.

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

Aye: 5 - Trustee Dodge, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 2 - Trustee Fenton, and Trustee Calandriello

MAYOR'S REPORT

2020-0465 Resolution Regarding Centennial Park West Concert Series Tickets for First Responders, Medical Healthcare Workers, and Military Members

The Village wishes to show appreciation to the first responders, medical healthcare workers, and military members who put their lives on the line on a daily basis and the Village wishes to honor the service, sacrifice, courage, and strength these exceptional individuals provide to our community. The Village is hosting the Centennial Park West Concert Series in the summer of 2020 and first responders, medical health care workers, and military members are on the front lines of the nation's response to COVID-19. Therefore, the Village desires to show appreciation by providing free tickets to the Centennial Park West Concert Series for the aforementioned first responders, medical health care workers, and military members by providing additional tickets to family members of first responders, medical health care workers, and military members at a discounted rate, as specified below:

1. Free tickets to the Centennial Park West Concert Series (the August 22, 2020, and/or September 12, 2020 concerts) will be available to paid or volunteer Firefighters, Police - including Police Officers, Sheriffs, and Sheriff's Deputies, Correctional Officers, State Troopers and Federal Law Enforcement Officers - EMTs/Paramedics, 911 Dispatchers ("First Responders"), eligible Medical Healthcare Professionals - including all Medical Doctors, Nurses, Physician Assistants, Medical Technicians, and Nurse's Aides ("Medical Health Care

Workers”), and U.S. Military Members - including Active Duty, and Reservist/Guard (“Military Members”) as supplies allow.

2. Additional tickets for family members First Responders, Medical Healthcare Workers, and Military Members may be purchased at the discounted resident rate of \$50 each for the Concert Series.

Trustee Fenton had question regarding this matter. (refer to audio file)

Village Manager George Koczwara responded to Trustee Fenton. (refer to audio file)

Trustee Dodge had comments and questions. (refer to audio file)

President Pekau and Village Attorney Walsh responded to Trustee Dodge (refer to audio file)

Trustee Fenton had comments. (refer to audio file)

Village Attorney Walsh responded to Trustee Fenton. (refer to audio file)

Trustee Milani and President Pekau had comments. (refer to audio file)

I move to approve Resolution Number 2036, entitled: RESOLUTION REGARDING CENTENNIAL PARK WEST CONCERT SERIES TICKETS FOR FIRST RESPONDERS, MEDICAL HEALTHCARE WORKERS, AND MILITARY MEMBERS.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0453 Amend Title 7 Chapter 18 - Increase Number of Video Gaming Licenses - Ordinance

Increase number of Video Game licenses from twenty four (24) to twenty five (25) to accommodate a new request by Square Celt located at 39 Orland Square Drive. Square Celt is set up for five (5) gaming terminals with one (1) redemption terminal.

President Pekau had a comment. (refer to audio file)

I move to pass Ordinance Number 5526, entitled: AN ORDINANCE AMENDING TITLE 7 CHAPTER 18 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF VIDEO GAMING LICENSES

ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0480 Resolution Adopting the Village of Orland Park's Back to Normal Plan

President Pekau and Village Attorney Walsh had comments regarding this matter. (refer to audio file)

Trustee Fenton had questions regarding this matter. (refer to audio file)

Village Attorney Walsh responded to Trustee Fenton. (refer to audio file)

Trustee Milani and Trustee Dodge had comments. (refer to audio file)

Trustee Calandriello had comments and made a motion to table this item until the next Board meeting. It was seconded by Trustee Fenton. (refer to audio file)

Trustee Calandriello and Trustee Fenton voted AYE. Trustees Dodge, Healy, Katsenes, Milani and President Pekau voted NAY. (refer to audio file)

Trustee Fenton had a question. (refer to audio file)

Village Attorney Walsh responded to Trustee Fenton. (refer to audio file)

Trustee Milani had questions. (refer to audio file)

Village Manager Koczwara responded to Trustee Milani. (refer to audio file)

President Pekau had comments. (refer to audio file)

I move to pass Resolution Number 2037, entitled: A RESOLUTION ADOPTING THE VILLAGE OF ORLAND PARK'S BACK TO NORMAL PLAN

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 1 - Trustee Calandriello

VILLAGE MANAGER'S REPORT

2020-0433 Updated Social Media Policy

The Village utilizes a social media policy to give clear guidance to both employees and the public when utilizing the Village's various social media outlets for communication. The Village utilizes social media to effectively communicate on a daily basis with over 27,000 individuals. The Public Information Office has worked in conjunction with Village Department Directors and the Village's legal counsel to update the policy.

I move to approve that the Village Board adopt the revised and updated social media policy as presented.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

NON-SCHEDULED CITIZENS & VISITORS

The following members of the audience addressed the Board. (refer to audio file)

- Suzanna Ibarra
- Tarek Catan
- Mackenzie Blitstein
- Maureen Farrell
- Stephanie Hartman
- Jordan Henderson
- Ellie Keane
- Jeanne Bailey
- Bruce Kordas
- Yvonne Shirley
- Virginia Williams

BOARD COMMENTS

Trustees Fenton, Dodge, Calandriello, Healy, Katsenes, Milani and President Pekau had Board comments. (refer to audio file).

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) 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 Fenton, seconded by Trustee Nelson Katsenes, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

RECONVENE BOARD MEETING

The roll was called to reconvene the Regular Meeting and Trustees Fenton, Dodge, Calandriello, Healy, Katsenes, Milani and President Pekau were present.

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) j) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

Present: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani and Village President Pekau

ADJOURNMENT: 10:40 P.M.

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

Aye: 7 - Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 0

2020-0520 Audio Recording for July 6, 2020 Board of Trustees Meeting

NO ACTION

/AS

APPROVED: July 20, 2020

Respectfully Submitted,

/s/ John C. Mehalek

John C. Mehalek, Village Clerk