

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, December 19, 2011

7:00 PM

Village Hall

Board of Trustees

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

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:05 PM.

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

VILLAGE CLERK'S OFFICE

2011-0780 Approval of the December 5, 2011 Regular Meeting Minutes

The Minutes of the Regular Meeting of December 5, 2011, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of December 5, 2011.

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

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

Nay: 0

Abstain: 1 - Trustee O'Halloran

2011-0796 NightBlue Performing Arts Company - Raffle License

NightBlue Performing Arts Company is requesting a license to conduct a raffle at their Candlelight Bowl scheduled for Saturday, January 21, 2012 at the Orland Bowl.

I move to approve issuing a raffle license to NightBlue Performing Arts Company to conduct a raffle at their Candlelight Bowl at Orland Bowl on January 21, 2012.

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

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

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2011-0792 Orland Park Knights Pee Wee Football Team - Presentation

The 2011 Orland Park Knights Pee Wee Football Team are the Second Place Champions of the Metro Youth Football League Super Bowl XXVII (27).

President McLaughlin presented the Community Pride Awards to the players and their head coach, Tony Pietro and assistant coaches Bill Kay, Joe Dempsey, and Kevin Smyth.

This was a presentation, NO ACTION was required.

2011-0791 Appointment of Mayor Pro Tem

President McLaughlin has nominated Trustee James Dodge as Mayor Pro Tem for the period through December 2012. The election of a Mayor Pro Tem is to be accomplished each December.

I move to approve the appointment of Trustee James Dodge as Mayor Pro Tem to serve through December 2012.

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

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

Nay: 0

Abstain: 1 - Trustee Dodge

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Fenton, seconded by Trustee O'Halloran, to PASS THE CONSENT AGENDA, including all the following items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

Nay: 0

2011-0781 Payroll - Approval

The lists of Payroll having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Bi-Weekly Payroll for November 23, 2011 in the amount of \$866,710.46.

This matter was APPROVED on the Consent Agenda.

2011-0782 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 December 6, 2011 through December 19, 2011 in the amount of \$11,529,078.29.

This matter was APPROVED on the Consent Agenda.

2011-0763 Select Survey Software - Approval

To establish an effective line of communication, it was recommended that staff research an avenue to create smaller surveys in addition to the community wide survey.

The Recreation Department is currently utilizing software called "Select Survey," which provides participant feedback. This system enables staff to determine resource allocation and ways to improve department services, programs and events.

In 2010 the Recreation Department researched on-line registration software with other municipalities and park districts, staff identified Select Survey software being used by Naperville Park District. The software provided a wide range of survey variables that can be adapted including statistical feedback, graphical capability & analysis. In addition there are many security features that can be utilized within the survey software. The Recreation Department is in the process of preparing to launch its first official survey to Turkey Trot participants.

After meeting with staff, it has been determined that it would be beneficial to work with the Recreation Department in a team effort to communicate with Village residents. The team would create a survey that would follow the Recreation Department's format, making it consistent for recipients and therefore a successful survey.

The software allows for the design of custom surveys by creating a template to fully define the look of all surveys. It enables staff to create unlimited libraries of questions for re-use and offers an array of different questions, including open ended, matrix, constant sum, ranking, multiple answers, number, true/false and yes/no questions.

Reporting Features. The software offers a number of report features which include the ability to filter results based on date ranges, answers to questions, user attributes, scored surveys, graphical reporting, pie graph selection/display options, summary report of all responses and compare response counts between surveys. It can also create, save and email custom reports in PDF format with

selected questions and graphs.

Security Features. Features include but are not limited to being able to limit respondents to specific IP address ranges, allow for single or multiple responses per user, require log in before completing survey and restricting log in to only authenticated users.

The Recreation Department is currently using the "Standard Hosting" option from Select Survey at a cost of \$99.99 per month and includes the following:

- 1 admin user, 5 create level users
- Unlimited surveys, reports, exports, email lists, templates
- Unlimited page condition logic, piping logic, hidden field logic, text replacement tokens
- 5,000 responses per month
- 5,000 emails per month (max 500 per day)
- SelectSurvey.NET
- ActiveLogic Completion Workflow
- Email Support, Help desk, Knowledge base
- Database size up to 100MB (\$30/mo additional for every 100MB over limit)
- Optional daily db backup FTP (\$100/mo) or \$20 per request.

If the Recreation Department Select Survey software is shared with the Clerk's Office, the program would be upgraded to "Professional Hosting" at a cost of \$199.99 per month and would include the following:

- 5 admin users, 50 create level users
- Unlimited surveys, reports, exports, email lists, templates
- Unlimited page condition logic, piping logic, hidden field logic, text replacement tokens
- 30,000 responses per month
- 30,000 emails per month (max 1000 per day)
- SelectSurvey.NET
- ActiveLogic Completion Workflow
- Email Support, Help desk, Knowledge base
- Database size up to 200MB (\$30/mo additional for every 100MB over limit)
- Optional daily db backup FTP (\$100/mo) or \$20 per request.

I move to approve upgrading Select Survey to the "Professional Hosting" package at an additional cost of \$199.99 per month not to exceed \$2,399.88 for the term of the agreement.

This matter was APPROVED on the Consent Agenda.

2011-0766 Coffee and Snack Vending Service 2011 - Approval

In September 2011, the Village of Orland Park sent Requests for Proposal (RFP)

to numerous vendors for coffee and snack machine vending service for Village facilities. A legal notice was also placed in the local paper advertising the RFP, and the RFP was listed on the Village's website. The Village received two responses; one from Antique Coffee & Vending Services, Inc., and one from Fox Vending. The Village's current vendor, Commercial Coffee, notified the Village that it would not be submitting a proposal.

After review of the proposals submitted by Antique Coffee and Fox Vending, references were contacted. Based upon the proposal review and the results of the reference checks, staff recommends that the Village award the contract to Antique Coffee & Vending Services, Inc. Antique Coffee & Vending Services, Inc. offered the lowest overall prices for the various coffee and snack products customarily ordered by the Village when factoring in the delivery charge and will stock the snack vending machines with a minimum of 25% healthy snacks such as granola bars, baked chips, non-salted cashew/peanuts, and a variety of other items.

I move to approve Antique Coffee & Vending Services, Inc. as the Village of Orland Park's coffee and snack machine provider for a one-year term with automatic renewal on its annual anniversary date for each of three (3) successive years unless the Village notifies the Vendor in writing thirty (30) days prior to said anniversary date that it does not wish to renew the contract.

And

Authorize the Village Manager to execute the agreement.

This matter was APPROVED on the Consent Agenda.

2011-0771 Extension of Banking Services - Approval

Fifth Third Bank has been providing treasury management and merchant services to the Village since November 2006. The Village maintains twelve (12) operating accounts at the bank; each of these accounts is set up on an earnings credit basis, meaning that interest earnings are credited against banking service fees and the net amount is charged or credited to the Village's accounts. The Village maintains balances within these accounts that provides an earnings credit rate that is higher than the interest rate on an interest bearing checking account, thereby reducing the overall banking service fees paid by the Village. The Village currently utilizes many of the technologies provided by the bank, including Fifth Third Direct, electronic check deposit, ACH and wire transfers, payroll and accounts payable direct deposit, and ACH and check positive pay. The Village also utilizes Fifth Third's retail and wholesale lock box services, merchant processing services and participates in the bank's purchasing card program. In addition, Fifth Third reviews and recommends approval or denial of loans made by the Village through any of its economic development incentive programs. Fifth Third's Institutional Services acts as a third party trustee for the Village,

maintaining custody of all investments made and managed thru the Village's external investment managers, PMA Financial Network, Inc. and Hammond Investments, LLC.

The Board recently approved entering into a Line of Credit/Term Loan Agreement with Fifth Third Bank in order to provide financing for the Ninety 7 Fifty on the Park project. One of the terms of this Line of Credit/Term Loan Agreement is that the Village continues to utilize the non-credit banking services provided by Fifth Third for a period of at least three (3) years (the term of the Line of Credit). Staff recommends approval of the three year extension given that Fifth Third provides satisfactory services with industry standard pricing. During this three-year term, banking service fees will increase 3% in year one, with no additional increases in years two or three. Fifth Third will also increase our earnings credit rate from .25% to .50%. This rate will stay in effect through the duration of three year extension unless the Federal Funds rate increases. If this occurs, the Village will have the ability to negotiate a higher earnings credit rate. In addition, if the Village requests Fifth Third to provide a new service, the Village will not be charged fees related to this service for a period of 90 days from the date the service is put in place. Fifth Third must also continue to enhance the services and technologies it provides in order to keep with industry standards; if this does not occur, the Village has the right to terminate our contract with Fifth Third. A draft of the treasury management and commercial card extension agreements are attached to the Board packet. This agreements will be finalized with in the next two weeks and executed upon formal Board approval of the extension.

I move to approve an extension of the Fifth Third Bank Banking Services Agreement for a period not to exceed three (3) years and to authorize appropriate Village staff to execute the extension documents.

This matter was APPROVED on the Consent Agenda.

2011-0768 Franklin Loebe Center Renovation - Architecture Services

In 2008, the Village conducted a Space Needs Assessment completed by Gilfillan Callahan Nelson Architects (now Studio GCN) that focused on the efficient use of some Village-owned facilities. The study determined there were significant inefficiencies that the Village faces in the Parks/Facilities and Recreation operations due to the facility and space limitations. A discussion of the future long-term goals for Village facilities determined utilization and the next steps in completing facility projects.

In summary, the completed Space Needs;

- documented the present operation and facilities (including a clear understanding of the building types and physical characteristics of each space)
- defined the current and future activities of the Recreation and Parks/Facilities Departments meeting with key stakeholders
- identified activity relationships to see where efficiencies could be maximized

- determined square footage requirements for programming, office, work space, etc.
- inventoried square footage requirements for equipment and vehicles
- modeled the existing plan layouts and provided recommendations for future plan layout

Since the study, several phases of recommendations were adopted by the Village Board and have already been completed. The first phase of renovation in the facility located at 14600 Ravinia - Recreation Administration - has been completed. The required exterior repairs and the upper level of the interior were completed with a build-out of the south wing by the tenant, Recording for the Blind & Dyslexic (now called Learning Ally), and the remainder by Village staff using Parks and Building Maintenance skilled staff to save the Village significant cost.

14600 Ravinia (former Police Station)

Phase I - Renovation of the Exterior - COMPLETED FY2010 Project Budget: \$ 518,093

Actual Final Exterior Rehab Project Expenditure: \$333,605

Additional Expense: Security System for building \$22,362

Remaining Funds - rolled-over to FY11 for Phase II \$ 162,125 (see below)

Phase II - Renovation of the Interior - COMPLETED Winter 2010/11

- The Recording for the Blind and Dyslexic - (¾ south side of upper level) Renovation work was fully provided and funded by the RFBD.
- Renovation of the offices, bathrooms, hallway, lobby and exterior landscaping Completed largely in-house with remaining funds from prior work. \$100,912 (north side of upper level and ¼ of south side of upper level)
 - Security alarms and swipe cards \$ 27,475
 - New fire alarm panel to serve the entire facility \$ 8,868
 - Window replacement on the south side of the building \$ 21,670
 - Facility signage \$ 3,200

The lower level of the Recreation Administration facility (14600 Ravinia) includes concrete-block walls and a great deal of unnecessary plumbing associated with the former use as jail cells. Reconfiguration of this area will be more labor intensive and thus more expensive to renovate. The Space Needs Plan also suggests an option to create a new enhanced public entryway on the south side of the building and cross-connection of the parking lots thus creating a more connected campus feel. Cross-connection of the parking lot was also completed this year to further that connection. The Space Needs plan recommends that the Recreation registration group be re-located to a portion of the lower level at a new south-facing entrance. The ESDA group also plans to relocate to half of the north side of the lower level. Details on the lower level are still to be determined. The renovation of the lower level is tentatively programmed for FY2013.

FOR DISCUSSION

FY2012 - Franklin Loebe Center - 14650 Ravinia Avenue
Renovation of the interior space. As you may recall, the Space Needs Study recommended consolidation of the pre-school program into the FLC facility. The Board confirmed that desire when the move to relocate Recreation Administration to make room for additional classrooms at FLC was approved last year.

During the 2012 budget planning process, staff recommended scaling back the plans identified in the Space Needs to include the additional classroom space to accommodate the entire Preschool Program, but to keep as much within the existing footprint of this facility as possible. Besides the classes currently held at the Robert Davidson Center, the programming and storage currently at the Old Village Hall would also be relocated to FLC.

Parks and Building Maintenance Director, Frank Stec, has indicated that his staff will work to renovate the interior classroom space during the winter months when possible and during inclement weather days in the early part of the year. The budget recommendation also included the study's reconfiguring of the entrance to the FLC building to create a small lobby entrance. With the increased number of patrons, this additional space will allow for a more appropriate access point.

The item before you recommends the additional work required by Studio GC to review the pre-school operation needs including parking and entryways and to prepare required construction drawings for the renovation and lobby addition. The addition work will be bid out to a contractor early next year. The proposal for additional architectural services is attached to the Board packet. Staff is requesting to waive the Bid process for these professional services because the architect has completed all of the prior work on the village's Space Needs Analysis project and already has the building plans and measurements, which will provide for cost savings and efficiencies.

I move to approve to waive the Bid process for the Franklin Loebe Center renovation architecture services

and

I move to approve a contract with Studio GC in the amount of \$13,125 plus reimbursables to prepare revise the existing plan for the Franklin Loebe Center located at 14650 Ravinia Avenue renovation and to prepare basic construction plans for the same.

This matter was APPROVED on the Consent Agenda.

2011-0775 Village Code Amendment Short-Term Disability Benefits for Full-Time Employees - Ordinance

Before the Board are recommendations to modify Ordinance 1189 regarding Short-Term Disability Benefits for full-time employees, which originated in 1982.

Recommended modifications include:

1. Increasing the number of days an employee must work for the village from 30 to 180 consecutive days to be eligible for benefits.
2. Adding the following “the Employer reserves the right to contract with any insurance carrier to provide part or all of the short-term disability benefits describe herein.”
3. Added the underlined language “An employee is considered disabled if medical documentation supports that determination and said employee is unable to perform the duties of any position which might reasonably be assigned by the department director of the employee or by the Village Manager.”
4. Changed the language regarding Comptroller of the Village to the Human Resources Office and or Short-term disability administrator.
5. Reduced the number of weeks of disability payment from 52 to 26.
6. Included language demonstrating that an employee can also use other accrued paid time at 100% in lieu of disability payments of 75%.
8. Updated the statute reference of Illinois Revised Statues, 1979, Chapter 70, Paragraph 91 to Public Employee disability Act, Chapter 5, Act 345, Section 0.01 et seq.
7. Deleted the language about the Short-Term Disability Fund as this program a payments have been made from general funds of the Village.

The recommended changes have been proposed during collective bargaining as each collective bargaining agreement includes either the ordinance or a separate section regarding short-term disability. Both IUOE and IBEW have accepted the terms referenced above and a reduction in benefit payments of 52 weeks per disability to 26 weeks per disability.

I move to pass Ordinance Number 4690, entitled: AN ORDINANCE AMENDING ORDINANCE NUMBER 1189 (SHORT TERM DISABILITY)

This matter was APPROVED on the Consent Agenda.

2011-0735 Electrical Aggregation Program - Ordinance

A municipal electrical aggregation program seeks to aggregate, or bundle, the retail electric loads of eligible residential and small commercial retail electricity customers located within a community in order to negotiate the best rates for the generation of electric power. The program has the potential to combine residential accounts and small commercial retail accounts into a buying group that will be attractive to an alternate retail electric supplier.

On December 16, 1997, the State of Illinois implemented a plan to deregulate Commonwealth Edison (“ComEd”). Under this plan, ComEd no longer generates electricity for its customers but continues to provide power through its distribution system. Power may be purchased through any of the twenty-three (23) Illinois Commerce Commission-approved alternative retail electric suppliers.

Illinois Public Act 096-0176, Section 1-92, titled "Aggregation of electrical load by municipalities and counties," amends the original Illinois electric deregulation legislation. This new law, effective January 1, 2010, allows municipalities to aggregate and transfer their residents' and small commercial retail customers' electric accounts to alternative electric suppliers. Under this scenario, while electrical power is produced by a company other than ComEd, ComEd will continue to supply electricity to residents over ComEd's electricity grid. In addition, ComEd customers whose accounts have been aggregated will continue to be billed by ComEd, and customers will continue to contact ComEd for service disruptions.

Municipalities who have successfully implemented aggregation programs have done so in order to secure a lower electric rate for their residents and small commercial retail customers who are part of the aggregation program.

Listed below are actions that will be required by the Village, should the Village Board wish to move forward with an aggregation program.

1. Adopt resolution to conduct a referendum.
2. Referendum question placed on ballot to establish an "opt-out" aggregation program (see description below). The Village would need to place the referendum question on both the Will and Cook County ballots.
3. Request electrical load data from ComEd. This is not required as part of the legislation, but necessary for conducting a bid process.
4. Adopt ordinance authorizing an electricity aggregation program.
5. First public hearing regarding the Village's Plan of Governance (rules governing the bid process).
6. Second public hearing regarding the Village's Plan of Governance (rules governing the bid process).
7. Approval of Plan of Operations and Governance.
8. Approval of resolution authorizing the Village Manager to sign supplier agreement and adopt an intergovernmental agreement (if partnering with other communities).
9. Bid process and bid acceptance
10. Report to Village Board on outcome
11. Residents provided time to opt-out
12. New supplier cut-over
13. First electrical bills issues from new supplier

Per state statute, the referendum question shall be as follows: "Shall the Village of Orland Park have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program."

There are two ways for local governments to aggregate their communities for the

purchase of energy - "opt-in" and "opt-out" programs. Opt-in aggregation requires electricity customers to proactively enroll in the program before being included in the aggregation pool of customers. Opt-out aggregation automatically includes each household in the aggregated pool unless the individual affirmatively "opts-out" by notifying the Village that it will not participate in the aggregation program.

Review of Communities Already Aggregating:

During April 2011, twenty-four (24) communities served by ComEd placed referendums on their respective ballots for consideration by their residents. Of the twenty-four (24) communities, twenty-one (21) approved the referendum. Area communities that have already adopted referendum include New Lenox, Oak Brook, Oak Park, Glenwood, and Lincolnwood. The communities that successfully implemented an aggregation program will see annual savings for their residents of approximately 15% to 20% (\$175-\$200 per year per household) on the average ComEd bill. During discussions with those communities that have successfully implemented an aggregation program, active citizen communication has proven to be a key component. Examples of active citizen communication include, but are not limited to public hearings (two are required by state statute), open houses, newsletters, email blasts, media releases, and website information.

Aggregation Options:

Should the Village Board determine that it wishes to move forward with an aggregation program, there are several options for consideration:

- 1 - Stand Alone - Under this option, the Village would service a third party bid for electrical supply on our own or with the assistance of a consultant.
- 2 - Join with Surrounding Communities - Under this option, the Village would attempt to partner with surrounding communities who are considering aggregation and collectively those communities would service a third party bid for electricity.
- 3 - Joint Council of Government - Both the South Suburban Mayors and Managers (SSMMA) and the Will County Governmental League have held workshops on aggregation and are finalizing some aggregation options for their members to consider.
- 4 -The Village may determine not to enter into a power supply agreement with any supplier and in such event eligible customers shall continue to purchase electric power through ComEd

I move to pass Ordinance Number 4691, entitled: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, THE QUESTION OF WHETHER THE VILLAGE SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND

SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

This matter was PASSED on the Consent Agenda.

2011-0751 Sportsplex Scoreboard - Bid Award

The current scoreboards at the Sportsplex are in need of replacement. Both are nearly ten years old and have undergone multiple repairs with mixed success. Staff has been seeking sponsorships for the two scoreboards and has secured one \$5,000 sponsorship check from Athletex Sports and Occupational Physical Therapy toward replacing one scoreboard at the Sportsplex. With this donation Athletex Sports and Occupational Physical Therapy will hold a five year sponsorship which will include an 18" x 8' sponsor panel that will be affixed to the scoreboard. The department is pleased to secure this first sponsorship and will continue to work with local businesses to encourage future sponsorship opportunities to offset the cost of replacing a scoreboard to be replaced in FY12.

Attached to the Board packet are three quotes for Daktronics BB-2101-13 scoreboard. The lowest quote is from Sievert Electric at an installed cost of \$6,305. The purchase includes (1) sponsor panel, (2) corner logo panels, border striping, wireless controller, shipping and installation by union electricians.

I move to approve accepting the quote from Sievert Electric at an installed cost not to exceed \$6,305.00.

This matter was APPROVED on the Consent Agenda.

2011-0770 Fitness Equipment Purchase for 2012

In an effort to continually replace aging fitness equipment at the Sportsplex, staff is requesting approval to purchase 3 new Precor Ellipticals, 2 Life Fitness Integrity Treadmills and 4 Life Fitness Integrity Ellipticals. This replacement equipment will increase member satisfaction/retention, assist in attracting new members and reduce the frequency of out-of-service equipment.

This purchase is part of an annual replacement plan to help avoid the need to replace a large volume of equipment at a much higher cost at any one time. At this time staff is requesting approval to waive the bid process and accept the proposals to purchase the equipment directly from the manufacturers.

The first purposed purchase will include (3) Precor EFX 825 P20 Console Ellipticals from Direct Fitness Solutions at a cost of \$16,188.00 plus \$681.47 for installation, freight and delivery. Additionally this company will accept a trade-in of three Ellipticals and credit us with \$1,800.00 bringing the total cost to \$15,069.47.

The second purposed purchase will include (2) Life Fitness Integrity Treadmills at a cost of \$7,950.00 and (4) Life Fitness Integrity Ellipticals at a cost of \$12,900.00

plus \$1,824.48 freight and installation bringing a total cost to \$22,674.48.

I move to approve waiving the bid process for the purchase of three Precor EFX P20 Console Ellipticals, two Life Fitness Integrity Treadmills and four Life Fitness Integrity Ellipticals;

and

I move to approve the purchase of three Precor EFX 825 P20 Console Ellipticals from Direct Fitness Solutions at a cost not to exceed \$15,069.47;

and

I move to approve the purchase of two Life Fitness Integrity Treadmills and four Life Fitness Integrity Ellipticals at a cost not to exceed \$22,674.48.

This matter was APPROVED on the Consent Agenda.

2011-0644 Village Code Amendment - Electrical Code Update - Title 5, Chapter 3 - Ordinance

The Development Services Department has reviewed the latest edition of the 2011 National Electrical Code (NEC) for code updates. The existing local ordinance (revisions) have been inserted in the appropriate code sections of the new 2009/NEC revisions to Title 5, Chapter 3 of the Village Code and are attached to this the Board packet.

The Village of Orland Park currently utilizes the 2005 edition of the National Electrical Code (NEC) as the basis for its Electrical construction regulations. This is a national model code written by the National Fire Protection Association (3 year cycles). The Illinois Building Commission has been notified of Orland Park's intention to adopt a new Electrical code with amendments as required by a recent act of the 92nd General Assembly.

One of the reasons for our updating to this latest Electrical Code edition is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect building insurance premiums. In regards to the new Electrical code edition, the Village has inserted revisions to existing modifications with a limited amount of local changes. They are intended to clarify existing rules and to remove outdated amended electrical standards. Building Division staff has highlighted the changes for your review and will provide answers to questions as requested.

This agenda item was introduced to the Development Services Board Committee on October 17, 2011 and was continued to the November 21, 2011 Committee. Trustee Schussler requested information regarding where in the code does it prohibit the use of Romex or other similar materials. Section 5-3-6 of the Village Code specifies deleted Articles from the 2011 National Electrical Code including: 320, 330, 334, 338, 362 and 604. Romex is a term not referenced by the Electrical Code but is a trade name by a cable manufacturer using wiring sheathed in a plastic coating. This product was originally manufactured by the "Rome Cable Company" in the State of New York. Without the deletion of Article

334, Romex type "Nonmetallic-Sheathed Cable" would be permitted without being installed in a metal conduit.

I move to pass Ordinance Number 4692, entitled: AN ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE ORLAND PARK VILLAGE CODE TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE WITH AMENDMENTS AS THE ELECTRICAL CODE OF THE VILLAGE OF ORLAND PARK

This matter was PASSED on the Consent Agenda.

2011-0607 Blissful Banana Café - Ordinance

On December 5, 2011 the Village Board approved a special use permit for Blissful Banana Café, located at 15447 94th Avenue. The special use permit allows for a restaurant to locate within 330 feet of residential land uses to the east and is subject to conditions as stated in the ordinance.

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

I move to pass Ordinance Number 4693, entitled: ORDINANCE GRANTING A SPECIAL USE PERMIT - BLISSFUL BANANA CAFE (15447 S. 94TH AVENUE)

This matter was PASSED on the Consent Agenda.

2011-0789 BMW Amendment

The Village of Orland Park has an existing inducement agreement with Evergreen Motors, dba BMW of Orland Park dated December 21, 2009. This existing agreement provides for sales tax sharing for a period of ten years provided the dealership facility opened no later than September 30, 2011.

Due to a number of unforeseen economic circumstances, the opening of the new dealership at the corner of 159th/Wolf Rd. was delayed. The Village has received a request from BMW to amend the existing agreement to provide for the dealership facility to be opened to the public on or before May 30, 2012. All other terms of the agreement will remain the same.

I move to approve the Amendment to the Inducement Agreement - Evergreen Motors, Inc., doing business as BMW of Orland Park to extend the opening of the dealership to on or before May 30, 2012. All other terms of the Agreement will remain the same.

This matter was APPROVED on the Consent Agenda.

2011-0576 Village Code Amendment - Mechanical Code Update - Title 5, Chapter 6 - Ordinance

The Development Services Department has reviewed the latest edition of the International Mechanical Code (IMC) for code updates and has inserted our existing local ordinances (revisions) in the appropriate code sections of the new 2009/IMC. Revisions to Title 5, Chapter 6 of the Village Code were attached to the Board Packet.

The Village of Orland Park currently utilizes the 2006 edition of the International Mechanical Code (IMC) as the basis for its Mechanical construction regulations. This is a national model code written by experts in 3 year cycles that is used for reference.

The Illinois Building Commission has been notified of Orland Park's intention to adopt a new mechanical code with amendments as required by a recent act of the 92nd General Assembly.

A major reason to update to a more recent edition of the Mechanical Code is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect insurance premiums.

The local changes to this new code have inserted model code revisions and are limited as much as possible. The local revisions are intended to clarify existing rules and to remove outdated amended construction standards. Building Division staff has highlighted the code changes for your review and will provide answers to any questions.

I move to pass Ordinance Number 4694, entitled: AN ORDINANCE AMENDING TITLE 5, CHAPTER 6 OF THE VILLAGE CODE TO ADOPT THE 2009 INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS, AS THE MECHANICAL CODE OF THE VILLAGE OF ORLAND PARK.

This matter was PASSED on the Consent Agenda.

2011-0773 Land Development Code Amendments (Correction) - Ordinance

On July 6, 2010 the Village Board approved Land Development Code amendments for Section 6-304 Temporary Uses (among other sections). While amendments were made to Section 6-304, Ordinance 4574 deleted provisions b. through g. of Subsection 6-304.C.10 (Temporary Sales) that should not have been deleted. The public hearings did not consider such amendments. Staff reports and attached exhibits also did not consider or intend the amendments.

The ordinance before the Village Board will reinstate provisions b. through g. (below) back into the Land Development Code in their original format and language.

10. Temporary Sales.

- a. For existing onsite businesses, temporary sales of items including flowers, food, novelties, sidewalk sales, tent sales and special promotions shall be permitted in any district, provided that all sales are conducted at least thirty (30) feet from the right-of-way of any street or highway, and do not interfere with traffic.
- b. A drawing of the event location must accompany request for outdoor sales.

- c. Permit application is required.
- d. The maximum length of a permit will be three (3) days.
- e. Permits are limited to one (1) per month.
In the event food is prepared for outside consumption, an inspection is required by the Village health inspector.
- g. Not more than ten (10) percent of the required parking spaces may be used for outdoor sales structure.

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

I move to pass Ordinance Number 4695, entitled: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Section 6-304).

This matter was PASSED on the Consent Agenda.

2011-0802 IUOE Health and Welfare Trust

The Collective Bargaining Agreement between the Village of Orland Park and the International Union of Operating Engineers, Local 399 (IUOE) Board approved on November 7, 2011 named IUOE as the exclusive administrator of medical, dental, and vision insurance for its bargaining unit members.

As outlined in the approved Collective Bargaining Agreement, IUOE Local 399 Health and Welfare Trust Fund will invoice the Village of Orland Park on a monthly basis for covered members based on the following rate schedule. Rates are effective from May 1 - April 30 of each year. The rate for January 1, 2012 - April 30, 2012 is \$806.00 per employee per month. The rate for May 1, 2012 -April 30, 2013 is expected not to exceed \$850.00 per employee per month. There are typically 33 employees in the IUOE bargaining unit.

Future expenses were negotiated not to exceed the following annual caps:

Effective May 1, 2012 the annual contribution by the Village will be capped at \$10,192.00.

Effective May 1, 2013 the annual contribution by the Village will be capped at \$10,712.00.

Effective May 1, 2014 the annual contribution by the Village will be capped at \$11,232.00.

I move to approve the IUOE Health and Welfare Trust as vendor of medical, dental, and vision insurance for IUOE bargaining unit employees and associated expenses effective January 1, 2012.

This matter was APPROVED on the Consent Agenda.

2011-0752 South Suburban Mayors and Managers Association GIS Agreement - Resolution

The Village of Orland Park has developed certain digital map information concerning certain real property located within the Village. The SSMMA has requested this information as part of an effort to create a regional mapping database.

The digital map information is being provided to the SSMMA per the terms of the attached agreement in the Board packet.

On December 5, 2011 the Board of Trustees approved the Village entering into an intergovernmental agreement with the South Suburban Mayors and Managers Association to provide the SSMMA with certain digital map information concerning certain real property located within the Village, property that is the subject of the SSMMA's work for the Village.

I move to pass Resolution Number 1132, entitled: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE SOUTH SUBURBAN MAYORS AND MANAGERS ASSOCIATION TO PROVIDE THE SSMMA WITH CERTAIN DIGITAL MAP INFORMATION CONCERNING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE, PROPERTY THAT IS THE SUBJECT OF THE SSMMA'S WORK FOR THE VILLAGE.

This matter was PASSED on the Consent Agenda.

HEARINGS 7:00 P.M.

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

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

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

Nay: 0

2011-0803 Appeal of Business License Revocation Decision - Belicoso Cigar Lounge

Village Attorney E. Kenneth Friker reported on the appeal that was filed on behalf of the current owner of the Belicoso Cigar Lounge. This is an appeal of the decision of Village Manager Paul Grimes to revoke the business license of the Belicoso Cigar Lounge and pursuant to the Village's ordinance any person aggrieved by the decision of the Village Manager in connection with the suspension or revocation of a license, shall have the right to appeal to the Village Board of Trustees. The owner has taken the opportunity to appeal the decision.

Village Attorney Friker stated that the first order of business would be for the

Board to adopt certain orders of proceeding for continuing and conducting the hearing this evening.

President McLaughlin read The Village of Orland Parks Board of Trustees Business License Revocations Appeal Hearing – Rules of Procedure (EXHIBIT A)

Attorney Nabih Ayad, Chairman of Arab-American Civil Rights League spoke before the Board for the petitioner Abbas Ghadder regarding the revocation of the Belicoso Cigar Lounge located at 15443 South 94th Avenue. Attorney Ayad stated that even though Ghadder was in prison, his wife, Asma Saad, has maintained the business and paid taxes since 2009, and should be allowed to continue.

Mr. Ghadder pleaded guilty to tax evasion and mail fraud in 2009, and is serving 76 months in prison and owes \$4 Million in fines. When Mr. Ghadder attempted to transfer the business license over to his wife, Asma Saad, he was in violation of the Village ordinance, according the Village Attorneys.

Attorney Ayad stated that revocation is not the only option. The Village could fine the business instead.

Attorney Ayad stated that there are four different locations, and Belicoso is one of those locations. There is no way to know if Belicoso is the one that did not pay their 1% sales tax. The IRS has not shut down the lounge.

Attorney Ayad stated that Belicoso has been a successful business in the Village of Orland for 7 years. He requested that the Village Board reverse the decision of the Village Manager from back in October.

Village Attorney Margaret O'Sullivan is the Prosecutor for the Village of Orland Park, along with Mike Huguelet.

Attorney O'Sullivan reported that the evidence is clear that Mr. Ghadder's conduct violated Village code and also violated the smoking ban exemption, which resulted in the revoking of his business license.

At the hearing in October, Karie Friling the Director of Development Services testified that Mr. Ghadder applied and was granted a general business license and a tobacco license on March 9, 2006. This licensee (Abbas Ghadder) was the owner on record of Belicoso Cigar Lounge.

On October 2, 2006 the Village of Orland Park passed a smoking ban. Director Friling testified that Belicoso Cigar Lounge was already an existing business in Orland and for them to remain in business the Village Grandfathered this business in. The smoking ban exemption was enacted by the Village Board to benefit Belicoso Cigar Lounge not to punish them.

Attorney O'Sullivan stated that if not for this exception Mr. Ghadder would not have been able to operate his business from the initial time the smoking ban was passed by the Village in October, 2006.

The Village Code clearly states in section 6-2-2-12 (3) two conditions must be maintained by Belicoso Cigar Lounge to maintain their existing business as a cigar lounge where they now reside. Those conditions are: The current owner or other person in control of such business must maintain the business in good standings and the ownership must not change hands.

Village Attorney O'Sullivan stated that Abbas Ghadder violated the smoking ban exemptions on two accounts.

On September 1, 2011 Abbas Ghadder plead guilty to tax evasion and mail fraud. Specifically, the plea agreement that was read into the record at the hearing stated that Abbas Ghadder admitted that from 2002 to 2009 that he had filed false State of Illinois sales and used tax returns with the Illinois Department of Revenue and he substantially under-reported the sales of his merchandise of the tobacco business specifically in regards to the cash receipts. The defendant was sentenced to 36 months for tax evasion and 76 months for mail fraud. He was also ordered to pay over \$4.8 Million in restitution to the Illinois Department of Revenue. His conviction for tax evasion demonstrates his inability to operate a safe, honest, and legitimate business operation. The fact that he under-reported his gross receipt, this we argue would result in additional monies that would have been paid to the Village, if Mr. Ghadder would have properly reported those sale tax returns.

At the hearing, Village Manager Paul Grimes asked defense counsel who had control of the business. Council clearly stated in the transcripts that Asma Saad had control of the business since Ghadder went into custody in 2009. Council indicated on the record that the new business license wasn't filed until September 27, 2011, which was almost 2 years later. The transfer of the business ownership actually occurred on August 30, 2011. Even if Mrs. Saad had submitted the proper business license application and applied for the required tobacco business license application their business would have not been eligible for the Grandfather clause because Mr. Ghadder was no longer the owner of the business.

Without a valid business license, in fact Ms. Saad was operating the business without a license.

Attorney O'Sullivan noted that in council's appeal it was indicated because there is a Federal Lawsuit pending, the Village and Asma Saad have a conflict of interest.

Attorney O'Sullivan argues that the fact there is presently a lawsuit pending between the Village and Asma Saad that the revocation hearing concern the revocation of Mr. Abbas Ghadder business license. It does not concern the granting or denying of an application to Asma Saad.

The hearing did not involve the rights of the current owner, in fact, the hearing involve the revocation of Abbas Ghadder business and tobacco license. The fact that Ghadder has been convicted of tax evasion and he admitted in the plea agreement to unreporting his sale tax returns, is what lead to the revocation of his business licenses. This demonstrated his inability to operate a safe, honest, and legitimate business operation.

Council also stated on the record that when Asma Saad came into taking control of the business in 2009 that Mr. Abbas Ghadder was no longer involved in the business. Right there Belicoso Cigar Lounge violated their business and tobacco house license agreement with the Village because Mr. Ghadder was no longer in control and they were no longer eligible for running the business under the benefit of the Grandfather clause of the smoking tax exemption. Their license could have been revoked in 2009 because Abbas Ghadder was no longer running the business after he went to prison.

Council argued in his appeal that there should be a less restrictive means applied by the Village rather than revoking Belicoso Cigar Lounge's tobacco and business license. However, even if the Village were to grant Asma Saad the general business and tobacco license, she would not be eligible for this because of the location where she is at, because it is not a free standing business. She would not be eligible to meet the conditions required under the smoking ban exemption.

The fact is that Abbas Ghadder on the business application that is before the Board for revocation, he is listed as the owner of Belicoso Cigar Lounge. He is responsible for company's actions; as the company owner he violated the Village Code by filing false Illinois Tax Returns and depriving the Village of Orland Park of their fair share of the Illinois Sales Tax Revenue. For these reasons and the fact that ownership clearly changed hands, we argue that in fact it was proper that the license was revoked at the hearing.

Attorney O'Sullivan stated that allowing Belicoso Cigar Lounge to continue running the business after a history of violations deprives the Village of the right to serve the best interest of this community. We ask that the Board upholds Village Manager Grimes ruling to revoke the license.

Attorney Nabih Ayad stated that the burden is on the Village to establish that there has been a clear violation. The record transcripts are before the Board. The simple fact that someone has been convicted of a felony without the government coming forward and establishing clear and convincing evidence that indeed Mr.

Ghadder did not pay those taxes, the government does not know this. In fact Mr. Ghadder could have paid the Belicoso Cigar Lounge's taxes because that was the smallest of the 4 businesses and just did not pay on the huge cigarette taxes, as oppose to the cigar lounge tax. Could an audit have been established of the 1% sales that they get back to see if Belicoso had paid part of the 1%. The government did not do any of that.

Attorney Ayad stated that there are two approaches to this. The first approach was Mr. Ghadder has a conviction the second basically is the Village does not want to issue a license.

Attorney Ayad stated that let's assume that Mr. Ghadder did have violations and has a felony. The license needs to be issued because it clearly states in the statutes "or other person in control". Asma Saad did apply for all the licenses and paid the fees, the Village refuse to issue the licenses.

There are different avenues to take, the Village can fine Belicoso. In the rules and regulations of Village ordinance it says that there are a number of fines first and then the Village can revocation the license. Revocation of the license is not the only option, but the Village chose the extreme.

The issue of control of the business, Ghadder had been in custody since December, 2009 and could not have physical control of the business; obviously he was still the owner. The only way to establish ownership is through papers and corporate papers and license and so Ghadder was still the owner up until the transfer before September 1st.

Attorney Ayad stated that this honorable Board could still maybe hold off on making a decision until the Federal Judge makes the decision.

President McLaughlin asked if Board had any questions.

Trustee Schussler asked Attorney Ayad who the license was issued to.

Attorney Ayad stated the license was issued to Abbas Ghadder.

Trustee Schussler asked if Mr. Ghadder operate the business as a sole proprietorship or corporation.

Attorney Ayad stated as a corporation.

Trustee Schussler questioned that the license was issued to an individual but was operated as a corporation.

Attorney Ayad stated that was correct.

This portion of this item was discussion only, **NO ACTION** was required.

EXECUTIVE SESSION - 7:45 PM

I move to recess to a Closed Executive Session for the purpose to deliberate the pending administrative proceedings before the Board.

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

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

Nay: 0

RECONVENE HEARING - 8:04 PM

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

2012-0006 Appeal of Business License Revocation Decision - Belicoso Cigar Lounge

President McLaughlin reported that after discussion and numerous questions on procedures with Village Attorney E. Kenneth Friker, Trustee Schussler has a statement to read and motion to make that represents the entire Board.

Trustee Schussler stated that the Board has reviewed the record in this case including the transcript of the hearing held on October 25, 2011. That transcript includes the testimony of all witnesses and all exhibits that were presented at that hearing.

The Board believes the decision of the Village Manager is supported by the manifest weight of the evidence.

I move to affirm the decision of Village Manager Paul Grimes to revoke the business license issued to Abbas Ghaddar.

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

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

Nay: 0

CLOSED PUBLIC HEARING

I move to approve closing the public hearing.

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

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

Nay: 0

RECONVENE BOARD MEETING

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

TECHNOLOGY, COMMUNICATION & COMMUNITY ENGAGEMENT

2011-0680 Community-Wide Survey

On September 19, 2011, the Board of Trustees approved staff proceeding with making preparations to conduct a community-wide survey.

As was previously discussed, the survey will enable the village to actively seek the input of residents and businesses in the community. Information being sought includes but is not limited to the following areas: community quality, community design, recreation & wellness, civic engagement, environmental sustainability, community inclusiveness, public safety, and public trust. This is the proposed first phase of a community-wide survey effort. The second phase will utilize the findings of the Phase-I survey findings to further evaluate specific community attitudes or concerns across service lines.

Option 1:

During the preparation for this project, staff began researching what groups are used for this type of survey. Orland Park's "sister government," the City of Novi, Michigan, recommended the National Citizen Survey (NCS), as offered by the National Research Center of Boulder, Colorado. Novi staff stated that they chose to utilize the NCS as their survey tool given the national credibility of the instrument.

The NCS has been conducted in nearly 500 cities nationwide in nearly every state. The survey is specifically tailored to the needs of communities in gaining valid, statistically significant data pertaining to an array of public services and attitudes.

Orland Park staff have contacted a number of National Research Center (NRS) clients and received a consistently positive response. Other municipalities that have used NRS stated the company brings much credibility and was one of the most qualified agencies for studies of this type.

The NCS is the premier citizen survey instrument and was collaboratively developed between the International City and County Management Association (ICMA) and the National Research Center, Inc. (NRC).

The NCS can analyze and report results beginning with a standard citizen survey to a customized citizen survey. The research firm will also generate a report that compares Orland Park's results with those of municipalities of similar size across the country.

NCS would mail approximately 3,000 surveys to residents that would produce a margin of error of +/- 3%. These residents would be divided into different demographic and geographic subgroups. The surveys would also be available to those selected on the village's website. Once the surveys are returned, NRS will analyze the data collected, presenting its findings in a Village Board presentation.

Once analysis of the first survey is complete, the next step (Phase II) would be to develop a "drilled down" survey or focus groups, enabling the village to focus on areas of concern expressed in the survey.

Option 2:

A second option is for the Village to issue an RFP for survey methodologies and costs in order to achieve the Village's stated objectives. Staff anticipates that a recommendation from the RFP process can be made within six weeks. Once a firm is selected, some time will be needed to develop and finalize the survey questions.

With either option, Village staff will promote the survey to the community and emphasize the importance of providing important feedback to the community. This is akin in some respects to the extended version of the 2010 Census.

The total time from inception to results is approximately twelve weeks.

At the November 7, 2011 Technology, Communication & Community Engagement Committee Meeting the Committee recommended approval of Option 1 to the Board in an amount not to exceed \$23,900. In preparing the survey questionnaire, there were additional options for questions that the Village selected which brings the cost to \$30,000.

I move to approve accepting the proposal from National Research Center to conduct a community-wide survey utilizing the National Citizen Survey (NCS);

And

Approve a budget adjustment in the amount of \$5,900;

And

Approve the Village Manager to execute an agreement with the National Research Center to conduct the survey in an amount not to exceed \$30,000.

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

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

Nay: 0

PUBLIC WORKS AND ENGINEERING

2011-0798 Project Agreement - IDOT -Harlem Avenue Traffic Control Signal Modernization - Agreement

The Illinois Department of Transportation (IDOT) has advised the Village that new traffic control signals at the Harlem Avenue and Wheeler Drive, and Harlem Avenue and 157th Street intersections will be installed in 2012.

The Village has a master signal Agreement with IDOT for all signals that are the joint responsibility of both Agencies covering maintenance and operations. IDOT has advised that the signals at these two intersections have reached the end of their service life, requiring replacement. Due to new standards being implemented since these signals were originally installed, both locations will be upgraded to include among other things, Pedestrian Countdown signal heads. At both intersections, the Village has responsibility for two legs, or 50% of costs associated with the signals.

IDOT has secured Federal Funds for this work that will pay ninety percent (90%) of the costs, with IDOT and the Village sharing equally the remaining ten percent (10%). The Village's share is estimated at \$28,875 including costs for construction management.

The traffic control signals at both intersections also currently have Emergency Vehicle Pre-emption (EVP) equipment that has permitted to be installed at the request of the Orland Fire Protection District (OFPD). IDOT requires that the Municipality coordinate EVP equipment added as a part of these projects, and that IDOT will bill Municipality for the EVP equipment at the end of the project. OFPD has confirmed the desire that the new traffic signals include EVP and has provided written commitment to fully reimburse the Village for all EVP costs, estimated at \$11,896.75.

IDOT requires that the Project Agreement be executed prior to award of the project. Staff has reviewed the plans, costs and Agreement for the proposed work and finds all acceptable as presented. By coordinating this project through this

cooperative agreement, the Village is able to realize substantial savings.

I move to approve authorizing the Mayor (Village President) sign an Intergovernmental Agreement with the Illinois Department of Transportation for the modernization of traffic control signals at the intersections of Harlem Avenue and Wheeler Drive, and Harlem Avenue and 157th Street, including Orland Fire Protection District EVP equipment at both locations;

And

Approve authorizing reimbursement to the State of Illinois for Village and Fire District costs as outlined in Exhibit A of the Agreement in an amount not to exceed \$45,525;

And

Approve billing the Orland Fire Protection District to provide full Village reimbursement for all costs related to the installation of the Orland Fire Protection District EVP equipment.

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

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

Nay: 0

DEVELOPMENT SERVICES AND PLANNING

2011-0619 Chicago Fine Motors

The petitioner seeks to operate a 2,600 square foot car repair and detailing business (motor vehicle services) in an approximately 36,400 square foot existing single story building at 15650 S. 70th Court.

Many of the issues that come with new development, including lot coverage, setbacks and height, do not apply because the petitioner is proposing to occupy an existing building. The primary purpose of this petition is to consider the allowance of the Special Use Permit for a motor vehicle service use. Section 6-207.C.11 of the Land Development Code requires a special use permit for motor vehicle services in a BIZ Business District. Potential issues include adjacency to residential (Ordinance 4574), compatibility with surrounding uses, and the noise/fumes that the use might create.

The Land Development Code was recently revised to place additional restrictions on motor vehicle service uses including:

Motor Vehicle Services means any building, structure, or lot used for one (1) or more of the following:

1. Dispensing, selling or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of motor vehicles.
2. The business of maintaining motor vehicles including lubrication, tire and battery installation.
3. The business of repairing motor vehicles including minor and major repairs, auto body work, welding and painting.
4. Car washes, both automatic and self service.
5. Marine equipment sales, service or rental.

Such establishment shall not include facilities only selling or offering for retail sale, automotive parts or accessories provided that such establishment does not provide any service repair or installation. In addition to meeting Village Code requirements including Title 6 Chapter 2 Nuisances and Title 6 Chapter 4 Noise Control, Motor Vehicle Services must abide by the following performance standards:

1. All work is conducted indoors.
2. Garage doors facing residential areas remain closed at all times except for the exchange of vehicles.
3. Vehicles parked more than five (5) days are considered outdoor storage.

The petitioner would be moving into previously vacant space. The petitioner is not proposing any changes to the exterior building or property. Because the proposed use will not have any negative impact on surroundings land uses, no incremental improvements are requested.

I move to approve a Special Use Permit for a motor vehicle services for Chicago Fine Motors, to be located at 15650 S 70th Court in a 2,600 square foot space, as recommended at the November 22, 2011 Plan Commission meeting and as fully referenced below.

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

I move to approve a Special Use Permit for a motor vehicle services for Chicago Fine Motors, to be located at 15650 S 70th Court in a 2,600 square foot space, subject to the following conditions:

1. That all Building Code and property maintenance related items are met.

And

2. That any new signage is approved through a separate permitting process.

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

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

Nay: 0

MAYOR'S REPORT

2011-0793 Commissioners Dinner - Board Approval

For many years, the Village has hosted an appreciation dinner for all of the residents who volunteer their time to serve on boards and commissions. This item is being submitted to cover the cost of the annual Commissioners Dinner to be held on Friday, February 17, 2012. The Board approved \$5,000 in the 2012 budget to cover costs for this event.

I move to approve total payments of up to \$5,000 to cover the costs of the 2012 Commissioners Dinner.

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

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

Nay: 0

BOARD COMMENTS

TRUSTEE GIRA - Reported that she had gone over to the Township Office and they were gathering up the supplies for the Christmas Families that had been adopted. The Village, Fire District, Chamber of Commerce, and local Businesses had participated. It was amazing how generous everyone was.

TRUSTEE SCHUSSLER - Noted that the 143rd and LaGrange Road intersection is at about 95% completion. Traffic signals and street lights will be installed in January. Landscaping and sidewalks will be completed in the spring. The intersection is a tremendous improvement for the Village.

Trustee Schussler publicly thanked Assistant Village Manager Baer for going above and beyond in helping a very elderly woman who needed a birth certificate in order to get a state id from the Secretary of States Office. Ellen stayed and helped this lady by the information booth for over 45 minutes. The Village has a program for its employees called above and beyond; however, management can not participate in this program. Trustee Schussler wanted to give Ellen public recognition for truly going above and beyond!

TRUSTEE RUZICH - Reminder everyone of the Safe Ride Home program on New Years Eve, beginning at 11 PM if any resident is unable to drive they can call and be picked up and brought home. For additional information please go on the Village's website.

TRUSTEE FENTON - Thanked staff for the great job done in monitoring situations at the mall, it looks to be a great shopping season with no incidences.

PRESIDENT McLAUGHLIN – Extended congratulations to Chief McCarthy who served as the head of the task force in solving a very brutal crime that happened not to long ago. The Community felt a lot safer when the crime was solved quickly.

President McLaughlin and the entire Board ~ Wishes everyone a safe and Merry Christmas.

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) security procedures to respond to a danger to the safety of the public or village staff or property; c) setting a price for sale or lease of village property; d) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

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

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

Nay: 0

RECONVENE BOARD MEETING

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

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) security procedures to respond to a danger to the safety of the public or village staff or property; c) setting a price for sale or lease of village property; d) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

ADJOURNMENT - 9:15 PM

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

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

Nay: 0

/nm

APPROVED: January 3, 2012

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk

VILLAGE OF ORLAND PARK BOARD OF TRUSTEES
BUSINESS LICENSE REVOCATION APPEAL HEARING – RULES OF PROCEDURE

1. Pursuant to Title 7, Chapter 1, Section 7-1-16(D) of the Village Code, any person aggrieved by a decision of the Village Manager in connection with the suspension or revocation of a business license, has the right to file an appeal of said decision to the Village Board of Trustees (hereinafter “Board of Trustees”). The decision of a majority of the Board of Trustees present at the hearing of such appeal shall be required to reverse the decision of the Village Manager.
2. The person appealing the decision (hereinafter “Petitioner”) of the Village Manager to revoke or suspend a business license may appear individually and/or by counsel.
3. The Village Prosecutor shall defend the decision of the Village Manager at the hearing.
4. The appeal of a decision of the Village Manager to suspend or revoke a business license shall be based solely “on the record.” This means that no new evidence, witnesses or testimony may be presented by the Petitioner or the Village Prosecutor at the hearing before the Board of Trustees. Further, no new evidence may be considered by the Board of Trustees in rendering its decision. The Petitioner and the Village Prosecutor shall be confined to making arguments to the Board of Trustees based upon the evidence presented at the hearing before the Village Manager conducted pursuant to Title 7, Chapter 1, Section 7-1-16(C) of the Village Code. The official record of the hearing before the Village Manager has been made available to the Petitioner and the Village Prosecutor.
5. The Petitioner shall present its arguments first to the Board of Trustees. The Petitioner shall have twenty (20) minutes to present oral arguments to the Board of Trustees regarding the purported basis for overturning the decision of the Village Manager to revoke or suspend the business license. Thereafter, the Village Prosecutor shall have twenty (20) minutes to orally present the purported basis for upholding the decision of the Village Manager to suspend or revoke the business license. The Petitioner shall then have five (5) minutes for oral rebuttal.
6. The standard of review to be employed by the Board of Trustees in deciding whether to uphold or overturn the decision of the Village Manager to suspend or revoke the business license shall be the standard used in the review of administrative decisions under Illinois Law.
7. At the conclusion of oral arguments, the Board of Trustees may immediately issue a decision or take the matter under advisement. Further, the Board of Trustees may engage in deliberations over the decision in closed session, to the extent permitted by the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*