

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, July 18, 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 7:08 PM.

In the absence of President McLaughlin, Trustee Dodge served as Mayor Pro Tem for this meeting.

Present: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira and Trustee Griffin Ruzich

Absent: 2 - Trustee O'Halloran and President McLaughlin

VILLAGE CLERK'S OFFICE**2011-0461 Approval of the July 5, 2011 Regular Meeting Minutes**

The Minutes of the Regular Meeting of July 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 July 5, 2011.

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

Aye: 4 - Trustee Fenton, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Abstain: 1 - Trustee Dodge

Absent: 2 - Trustee O'Halloran and President McLaughlin

2011-0454 Toy Box Connection - Raffle License Approval

The Toy Box Connection is requesting a license to sell raffle tickets during the Taste of Orland scheduled for August 5th, 6th and 7th. The raffle drawing will be on August 7th. Purpose of this raffle is fundraising for Children's Charity.

I move to approve issuing a raffle license to the Toy Box Connection to sell raffle tickets during the Taste of Orland scheduled for August 5th, 6th and 7th, with the raffle drawing to take place at the end of the Taste of Orland event on August 7, 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: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

2011-0477 First Annual SMA Walk-n-Roll to Cure Tala Event - Raffle License Approval

The First Annual Spinal Muscular Atrophy (SMA) Walk-n-Roll to Cure Tala Event is requesting a license to conduct a raffle at their fundraiser at Centennial Park during their 1.4K walk on July 30, 2011.

I move to approve issuing a raffle license to The First Annual SMA Walk-n-Roll to Cure Tala Event to conduct a raffle at their fundraiser on Saturday, July 30, 2011 at Centennial Park.

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

CONSENT AGENDA**Passed the Consent Agenda**

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

2011-0465 Payroll - Approval

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

I move to approve the Bi-Weekly Payroll for June 24, 2011 in the amount of \$978,427.45.

This matter was APPROVED on the Consent Agenda.

2011-0466 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 July 6, 2011 through July 18, 2011 in the amount of \$1,232,473.20.

This matter was APPROVED on the Consent Agenda.

2011-0432 Property Tax Appeal Board (PTAB) Appeals - Resolution Authorizing PTAB Representation - Resolution

The Village's general legal counsel, Klein, Thorpe & Jenkins, Ltd. (KTJ), has been representing the Village, the Orland Park Public Library and the Orland Fire Protection District as a group for all PTAB appeals involving tax years 2007 and 2008. Passage of this resolution will authorize KTJ to represent the Village for all 2009 and 2010 PTAB appeals.

I move to pass Resolution Number 1123, entitled: RESOLUTION AUTHORIZING INTERVENTION IN ALL 2009 AND 2010 TAX YEAR APPEALS BEFORE THE STATE OF ILLINOIS PROPERTY TAX APPEAL BOARD

This matter was PASSED on the Consent Agenda.

2011-0331 Clock Tower Brick Repair Bid Award

Five bids were received on May 24, 2011 at 11:00 AM for the Clock Tower Brick Repair work for the Village Hall. The low bid was from Berglund Construction Company of Chicago at a cost of \$198,523.00. Budgeted for this project was \$200,000.00. Engineering fees were charged to this account at \$4,500.00, leaving a balance of \$195,500.00. There are funds in the account for overage, (savings on HVAC). It is not anticipated that either alternate will be performed by the contractor.

I move to approve accepting the low bid from Berglund Construction for the amount of \$198,523.00.

And

Authorize the Village Manager to execute the contract.

This matter was APPROVED on the Consent Agenda.

2011-0435 Centennial Pool Pumps Quote Award

Two quotes were received for two pool pumps that serve the zero-depth pool. One of the pumps went out after three weeks of running when it lost the lower bearings and the second pump failed due to electrical problems caused by inclement weather. Both pumps are essential to run the zero depth pool.

Currently, the Village is renting two sump pumps to temporarily maintain the required water flow in order to keep the zero depth pool open to the public. Total for both pumps is \$32,163.54. A fee of \$2,777.78 is included to expedite the shipment and \$663.00 freight. It is anticipated that the new pumps will have been

delivered by Thursday, June 30 and that installation by Village staff will have occurred before the holiday weekend.

I move to approve the low quote from ITT Water & Wastewater Indiana LLC for a cost of \$32,163.54

And

To approve a budget adjustment of \$15,750.27.

This matter was APPROVED on the Consent Agenda.

2011-0375 Air Unit Repairs at 14600 Ravinia

Refrigerant repairs and changes were completed on the air units at the 14600 Ravinia Avenue building due to changes to the occupancy of the building. The repairs were needed due to the heat load generated from the recording booths used by the tenant Learning Ally, formerly Recording for the Blind & Dyslexic. The cost of this work was \$5,221.79 performed by Southwest Town Mechanical Services.

I move to approve the cost of repairs to Southwest Town Mechanical Services at a cost of \$5,221.79.

This matter was APPROVED on the Consent Agenda.

2011-0408 Special Recreation Fundraiser - Product Payment Approval

The Special Recreation program, in cooperation with the Knights of Columbus, is participating in a fundraiser with proceeds going toward Special Recreation programs. The fundraiser consists of selling Tootsie Roll containers filled with miniature Tootsie Rolls. The total cost of the Tootsie Rolls provided to Special Recreation for the fundraiser is \$6,000.00

Special Recreation staff anticipates a profit/donation of approximately \$8,000.00 - \$9,000.00 for sales that will benefit the Special Recreation program.

I move to approve payment for fundraiser product to the Knights of Columbus in the amount of \$6,000.00.

This matter was APPROVED on the Consent Agenda.

2011-0410 Special Recreation Christmas Dinner Dance

The annual Special Recreation Christmas Dinner Dance will be held on December 16, 2011 at Georgio's Banquets. This event has been held for the past 12 years and is very well attended by Orland Park's Special Recreation participants, as well as invited nearby Special Recreation agencies. Based on prior experience, we anticipate 350 - 400 people will be in attendance at this event.

The dinner dance is funded through registration fees of those who attend. The Village does pay for 15 employees to attend. These employees attend the event to assist our participants. Payment to Georgio's consists of a deposit of \$4,000.00 and the remaining cost is based on the number of participants attending. We estimate the total cost will not exceed \$12,500.00 as the maximum capacity of the banquet room is 400.

I move to approve payment to Georgio's Banquets for a deposit of \$4,000.00, and to make the appropriate payment both for staff and registrants dependent upon the actual number of participants who register for the event.

This matter was APPROVED on the Consent Agenda.

2011-0308 Terry's Lincoln/Mercury - Amended Agreement - Ordinance

On June 6, 2011, the Village Board of Trustees approved the revised terms of Terry's Lincoln Mercury agreement. A summary of the proposed new amended agreement include the renovation of the existing dealership, with commencement of construction no later than December 2011. A sales tax rebate in the amount not to exceed \$1,000,000, including specific limits on establishment of the sales tax base and a maximum yearly payment of \$100,000. The agreement has now been drafted and is ready for final approval and execution.

The proposed agreement still allows the dealership to undergo a substantial renovation but with a reduced Village incentive requirement. Terry's must still obtain all site plan and Village approvals, as required by Village Code.

I move to pass Ordinance Number 4661 entitled: ORDINANCE AUTHORIZING SECOND AMENDED AND RESTATED BUSINESS DEVELOPMENT AGREEMENT (TERRY'S LINCOLN MERCURY, INC.)

This matter was PASSED on the Consent Agenda.

DEVELOPMENT SERVICES AND PLANNING

2011-0366 Automatic Amusement Devices - Dave & Busters

Dave & Buster's has submitted an application for an automatic amusement device operator's license. The license is for the facility to be located at 49 Orland Square Drive, Orland Park, IL. The application requests 130 automatic amusement devices.

Presently, Section 7-6-2(B) of the Village Code permits a maximum of 20 automatic amusement device operator's licenses. With the closing of The Original Gino's East in 2010, fourteen of those licenses are currently active. With the addition of Dave & Buster's that will bring the total to fifteen currently active licenses.

I move to approve the issuance of an automatic amusement device operator's license to Dave & Buster's, located at 49 Orland Square Drive, Orland Park.

Amusement devices shall be installed meeting existing Village of Orland Park Codes.

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

2011-0476 Sheffield Square - Authorize Development Agreement - Ordinance

A draft Development Agreement was included in the Board packet which sets forth terms and conditions for development of Sheffield Square located at 10700 W. 153rd Street.

This is now before the Village Board for consideration and to authorize execution of the finalized agreement.

I move to pass Ordinance Number 4662, entitled: AN ORDINANCE AUTHORIZING DEVELOPMENT AGREEMENT (SHEFFIELD SQUARE - 10700 W. 153RD STREET)

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: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

2010-0189 Dave & Busters - Amended Special Use Permit, Site Plan, Elevations

Director of Development Services Karie Friling reported that the petitioner is requesting approval to construct and operate a Dave & Busters entertainment/restaurant venue. The old "Orland Theatre" building, which is located on an out lot outside the Orland Square Drive ring road, is to be demolished. A new building will be constructed on the site to accommodate a full service restaurant with a video game arcade and sports bar. Additional improvements will include a new parking lot with new curbs and new tree islands. An amendment to the existing special use permit for a Planned Development (Orland Square Mall) is requested, including modifications to allow the parking to be located between the building front and 151st Street, lot coverage that exceeds the Code limit of 75%, landscape buffers that are less than Code minimums, and parking spaces that exceed Code requirements by more than 20%.

In addition to replacing the old deteriorating building with a new one, the proposed redevelopment brings the site closer to Land Development Code conformance. Lot coverage (and storm water run-off) is reduced from existing levels and parking lot tree island requirements will be met.

On January 11, 2011, the Plan Commission voted 6-0 to recommend to the Village Board approval to amend a Special Use Permit for a Planned Development (Orland Square Mall, Ordinance 468) subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use Permit include:

1. Parking and drive aisles located between the building and the street.
2. Parking space numbers that exceed Code requirements by more than 20%
3. Lot coverage that exceeds the 75% limit for impervious surface.
4. A reduced eastern landscape buffer from a required 10' to as little as 0'.

And

Voted 6-0 to recommend to the Village Board approval of the Preliminary Site Plan titled "Dave and Buster's Orland Square Mall Site Plan" by Woolpert Design, project 70399, dated 12/7/10, revised 1/4/11, subject to the following conditions.

1. Submit a Final Landscape Plan meeting all Village Codes, for separate review and approval within 60 days of final engineering approval.
2. Submit the Tree Survey prior to building demolition.
3. Meet all final engineering and building code related items.

And

Voted 6-0 to recommend to the Village Board approval of the Elevations titled "Dave & Buster's Orland Park Exterior Elevations Plan Commission Submittal" by Aria Group Architects, Inc. (north, east, south and west elevations) dated 1/3/11, and "Dave & Buster's Orland Park Exterior Perspectives Plan Commission Submittal" by Aria Group Architects, Inc. subject to the following conditions. Any required changes to the drawings should be made prior to the Committee meeting.

1. Work with staff on changes to the east building elevation to add architectural interest.
2. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
3. Meet all engineering and Building Code requirements including masonry.
4. Signage will be approved through a separate permitting process.

On January 17, 2011, the Development Services Committee voted 2-0 to recommend to the Village Board approval to amend a Special Use Permit for a Planned Development (Orland Square Mall, Ordinance 468) subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use Permit include:

1. Parking and drive aisles located between the building and the street.
2. Parking space numbers that exceed Code requirements by more than 20%
3. Lot coverage that exceeds the 75% limit for impervious surface.
4. A reduced eastern landscape buffer from a required 10' to as little as 0'.

And

Moved to recommend to the Village Board approval of the Preliminary Site Plan titled "Dave and Buster's Orland Square Mall Site Plan" by Woolpert Design, project 70399, dated 12/7/10, revised 1/4/11, subject to the following conditions.

1. Submit a Final Landscape Plan meeting all Village Codes, for separate review and approval within 60 days of final engineering approval.
2. Submit the Tree Survey prior to building demolition.
3. Meet all final engineering and building code related items.

And

Moved to recommend to the Village Board approval of the Elevations titled "Dave & Buster's Orland Park Exterior Elevations Plan Commission Submittal" by Aria Group Architects, Inc. (north, east, south and west elevations) dated 1/3/11, and "Dave & Buster's Orland Park Exterior Perspectives Plan Commission Submittal" by Aria Group Architects, Inc., subject to the following conditions. Revised Elevations must be submitted prior to Village Board consideration.

1. Work with staff on changes to the east building elevation to add architectural interest.
2. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
3. Meet all engineering and Building Code requirements including masonry.
4. Signage will be approved through a separate permitting process.

The petition is now before the Village Board for final review and approval. Since the January Committee meeting, the petitioner has made changes to the building elevations and minor changes to the Site Plan. Most of the changes were the result of value engineering to reduce the construction costs of the building. In general, the changes include the use of decorative split face CMU block instead of glazed brick, a squarer and plainer building with fewer windows, a lower building height, less façade articulation, a screened partially outdoor service area rather than an entirely indoor one, and reduced canopy numbers and sizes. The Site Plan was revised to accommodate the more rectangular building footprint.

Changes were also made to the building to respond to the Plan Commission condition to add interest to the east building elevation. A parking lot planting bed was expanded, the service yard enclosure is now colored blue, and an accent panel was added at the northeast corner of the building.

Initial revised elevations included painted CMU block, and little articulation on the

west elevation. Per staff request, the block was changed to a stained or integral colored split face CMU block, the metal screen artwork images were added on the west elevation, and the western building planting bed was increased in size.

Split face CMU block has been used in recent years in the Village on larger buildings such as Target, but typically smaller buildings are primarily brick with some CMU. The petitioner has had discussions with Village Building officials regarding construction requirements, and it is noted that the building must comply with Building Code requirements.

The Site Plan and Elevations for this petition have been amended since the Development Services Committee approval.

I move to approve an amended Special Use Permit for a planned development, and to approve Site Plan and Elevations as recommended at the January 17, 2011 Development Services Committee meeting and as fully referenced below.

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

I move to approve an amended special use permit for a Planned Development (Orland Square Mall, Ordinance 468) subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use Permit include:

1. Parking and drive aisles located between the building and the street.
2. Parking space numbers that exceed Code requirements by more than 20%
3. Lot coverage that exceeds the 75% limit for impervious surface.
4. A reduced eastern landscape buffer from a required 10' to as little as 0'.

And

I move to approve the Preliminary Site Plan titled "Dave and Buster's Orland Park Proposed Site Plan Board of Trustees Review" by Aria Group Architects dated 07/11/11, subject to the following conditions.

1. Submit a Final Landscape Plan meeting all Village Codes, for separate review and approval within 60 days of final engineering approval.
2. Submit a Tree Survey prior to building demolition.
3. Meet all final engineering items and Building Code related items.

And

I move to approve the Elevations titled "Dave & Buster's Orland Park Exterior Elevations Board of Trustees Review" by Aria Group Architects, Inc. (north, east, south and west elevations) dated 07/11/11, and "Dave & Buster's Orland Park Exterior Perspectives Board of Trustees Review" by Aria Group Architects, Inc. (southwest, northwest, southeast, northeast) dated 07/11/11, subject to the following conditions.

1. Construct all white colored accent panels of brick or cast stone. (Currently

- shown on the plans as CMU block)
2. Submit final specific building material type and color for administrative approval.
 3. Meet all Building Code related items including masonry construction.
 4. Meet all final engineering items.
 5. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
 6. Construct trash enclosure gate of solid wood or solid vinyl panels.
 7. Obtain signage approval through a separate Sign Permit process.

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

PARKS AND RECREATION

2011-0458 Sportsplex Maple Floor Replacement Bid Award

Legal notice ran in the Daily SouthtownStar newspaper on Monday, June 6, 2011, to request bids to replace the Sportsplex maple gymnasium floor. In addition, the request for bids was communicated to industry bid sites. Two bids were received for the required work - Floors Inc. of Woodstock, IL and Kiefer Specialty Flooring, Inc. of Lindenhurst, IL. The sealed bids were opened by the Village Clerk's Office on Thursday, July 7, 2011. The low bidder is Floors Inc. of Woodstock, IL at a cost of \$245,890.

As sub-contractor to the Village's Engineer, Christopher B. Burke Engineering Ltd., Testing Service Corporation (TSC) of Carol Stream, IL conducted testing on the gymnasium floor to determine if moisture is the cause of warping and splintering floor boards. Three 2'x3' cuts were made in the floor to expose the underlying concrete slab for testing. Moisture vapor emission rates were measured and core samples were taken of the slab and subgrade. The moisture vapor emission rates were found to be low for slab-on-grade construction in this area. The concrete slab was found to be relatively thin at the test sites. However, it had a high compressive strength and did not contain pea gravel or river stone as aggregate. The underlying base course and subgrade materials are typical of local construction, with the silty clay subgrade being in a hard condition. A visqueen vapor barrier was found underlying the concrete slab in all cases, with no free water noted. Based on the results of the testing, TSC concluded there is no evidence of high levels of moisture in or below the concrete slab in the gymnasium. Christopher B. Burke Engineering observed quite a bit of sheering at the testing locations. Based upon compressive strength of the concrete, they

recommend a longer or different type of anchor to be more effective.

This item is being brought directly to the Board as timing is an issue. Construction will last from August 20, 2011 to September 24, 2011. There is a penalty clause in the contract requiring timely completion of the project. The gymnasium will be closed at all times during construction. However, the rest of the Sportsplex will remain open.

I move to approve accepting the bid from Floors Inc. for the Maple Floor Replacement at Sportsplex as written in the bid specifications at a cost of \$245,890.00.

And

Authorize the Village Manager to execute the contract.

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

NON-SCHEDULED CITIZENS & VISITORS

Arnold Gacki - 18228 Hidden Valley Cove spoke to the Board regarding the poor conditions of the Marley Creek Boulevard median strip located in his subdivision The Marley Creek Preserves. He also presented pictures of this Blvd. and asked when the Village was going to complete this.

Mayor Pro-Tem Dodge asked if staff has investigated if this Boulevard is a Village, Developer, or Homeowners Association problem.

Village Manager Grimes stated that the actual Boulevard is the Villages responsibility, and the Village does maintain that. There has been an issue where the sprinkling system was removed and a dispute on who would pay for the water to water the grass, etc.

Village Manager Grimes stated that he has taken frequent trips out to the Marley Creek Subdivision and like all subdivisions within the Village it is beautiful, however, as time passes things get older.

Mayor Pro-Tem Dodge requested Village Manager Grimes and staff to evaluate this situation and report back to the Board and Mr. Gacki on how this problem will be addressed, by either the Village or the subdivision (Homeowners Association).

Mr. Gacki presented a written statement (**EXHIBIT A**) and requested that this

statement is part of the minutes. Mayor Pro-Tem Dodge agreed.

BOARD COMMENTS

TRUSTEE GIRA - Asked for the media's help to promote public support in the Villages quest to win \$10,000 from PetSafe to construct a dog park in Centennial Park. The PetSafe voting site can be found at www.bark4op.com. People need not live in the Village to Vote for Orland Park which is the only community in the State of Illinois who was nominated to participate in this contest.

ADJOURNMENT - 7:35 PM

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

Aye: 5 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee Griffin Ruzich

Nay: 0

Absent: 2 - Trustee O'Halloran and President McLaughlin

/nm

APPROVED: August 1, 2011

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk