

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, May 2, 2011

7:00 PM

Village Hall

Board of Trustees

Village President Daniel J. McLaughlin

Village Clerk David P. Maher

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

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:03 PM.

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

VILLAGE CLERK'S OFFICE

2011-0265 Release of Executive Session Minutes - July 6, 2010 - February 21, 2011

Legal Counsel has reviewed the Executive Session Minutes from July 6, 2010 through February 21, 2011 indicating the minutes or portions thereof that may not be made available for public inspection at this time.

Copies of these minutes were sent to the Board for review and comment at the April 18, 2011 Executive Session.

I move to approve releasing for public inspection the July 6, 2010 through February 21, 2011 Executive Session minutes, or portions thereof, that no longer require confidential treatment.

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 Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

2011-0270 Approval of the April 18, 2011 Regular Meeting Minutes

The Minutes of the Regular Meeting of April 18, 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 April 18, 2011.

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

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

Nay: 0

2011-0261 Orland Park Veterans Commission - Raffle License

The Orland Park Veterans Commission is requesting a license to sell raffle tickets at the Orland Park Lions Club Orland Days event June 2-5, 2011. The winning raffle chance will be determined at 9:00 PM on June 5, 2011 at the Orland Days Music Tent. This is for a split the pot raffle.

I move to approve issuing a raffle license to the Orland Park Veterans Commission to sell raffle tickets at the Lions Club Orland Days event on June 2 thru June 5th, 2011 with the drawing at 9 PM on June 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: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

CONSENT AGENDA

Trustee Dodge requested that item cc. Quiet Zone Implementation - Metra Flagger Agreement be removed from the Consent Agenda for a separate vote.

Trustee Schussler requested that items K. 7841 Redondo Lane, Laguna Wood Subdivision - Engle Connection Request and M. Bridge Teen Center Permit Fee Waived be removed from the Consent Agenda for a separate vote.

Passed the Consent Agenda

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

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

Nay: 0

2011-0272 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 April 1, 2011 in the amount of \$846,313.21, the Monthly Hourly Payroll for April 8, 2011 in the amount of \$27,792.16 and the Bi-weekly Payroll for April 15, 2011 in the amount of \$851,181.47.

This matter was APPROVED on the Consent Agenda.

2011-0273 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 April 19, 2011 through May 2, 2011

in the amount of \$1,442,246.90.

This matter was APPROVED on the Consent Agenda.

2011-0230 Copier Purchase - Purchase Approval

The Police Department has budgeted \$10,045.00 for the purchase of a new black and white copier for the Police Department Records Division. This copier would replace the Savin 2055DP which is over 10 years old and is inoperable.

Over the past several months the Police Department has tested and received quotes on several copiers. The Police Department has determined the Konica Minolta bizhub 601 Digital Copier with the tri-fold feature will meet the needs of the Police Department Records Division. The Records Division currently sends out mailings for parking ticket and municipal violations notices which require the use of a tri-fold finisher. The current copier does not have this feature. To purchase this tri-fold as a separate machine would cost in excess of \$5,000.00.

Gateway Business Systems, Inc. 510 Progress Street, Munster, Indiana 46321, has given the best quote for this machine.

The Konica Minolta bizhub 601 is a multifunctional copier which includes a 60 page per minute black and white copy function, automatic-duplex, scan to email, a tri-fold finisher with 2-3 hole punch feature and network hook up.

I move to approve the purchase of one (1) Konica Minolta bizhub 601 Digital Copier from Gateway Business Systems, Inc. 510 Progress Street, Munster Indiana 46321 at a cost not to exceed \$9,987.00.

This matter was APPROVED on the Consent Agenda.

2011-0037 Village Code Amendment - Title 9 Chapter 9 Section 8 - No parking 9700 165th Street - Ordinance

On November 11, 2010 we received a letter from Robert Claybrook, Vice President of the Tiara Glen Board, requesting that No Parking signs be posted on the north side of 165th Street at least two car lengths east and west of the access road to Alden Health Care. Mr. Claybrook said that employees of Alden park their vehicles on 165th Street, which obstructs their view of the vehicles exiting Alden Health Care onto 165th Street. A petition has been submitted.

I move to pass Ordinance Number 4642, entitled: AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE, TITLE 9, CHAPTER 9, SECTION 8, NO PARKING, TO PROHIBIT PARKING ON THE NORTH SIDE OF 165TH STREET FIFTY (50) FEET EAST AND FIFTY (50) WEST OF THE SOUTH ACCESS DRIVE LOCATED AT 16450 SOUTH 97TH AVENUE TO ALDEN HEALTH CARE

This matter was PASSED on the Consent Agenda.

2011-0248 Recreation and Parks Department Program Guide - Fall 2011

Lists of recommended programs to be offered in the Recreation and Parks Department 2011 Fall program guide were presented at the April 18, 2011 Committee meeting. Included in the lists were contractual costs (over \$5,000) that would need Board approval associated with the fall session. These costs are covered by revenue generated through registration fees and actual costs are dependent on the number of participants registered.

Staff is requesting approval of the recommended programs and payment to the contractual instructors at time of invoicing.

I move to approve the 2011 Fall programs as presented by staff;

and

Approve payment to contractual instructors at time of invoicing.

This matter was APPROVED on the Consent Agenda.

2011-0176 Centennial Park Aquatic Center Chemicals State Bid Award

The Illinois Parks and Recreation Association has a statewide bidding program that the Village participates in each year for the purchase of liquid bulk chlorine used at Centennial Park Aquatic Center. This year the vendor that was chosen is Basic Chemical Solutions. We have used this company for the past 9 years and have great service. Awarded costs are: chlorine at a cost of \$2.32 Gallon, and hydrochloric acid at \$3.99 gallon.

I move to approve accepting the Illinois Parks and Recreation Association State bid vendor Basic Chemical Solutions for liquid bulk chlorine and hydrochloric acid at a cost not to exceed \$40,844.00.

This matter was APPROVED on the Consent Agenda.

2011-0233 Centennial Park Aquatic Center Pump Replacement

In preparation for the upcoming 2011 CPAC season routine maintenance was performed on all pumps. Upon pulling the pump in the lazy river at Centennial pool for its routine maintenance, staff found that it was in disrepair. Quotes were obtained for rebuilding the pump as well as for replacing it. It was determined that it was less expensive to purchase a new pump with a stainless steel impeller than it would be to repair our current pump. In addition, the lead time to get the parts for a repair is 6 to 12 weeks which would keep it out of service past the CPAC opening date, while a new pump can be acquired in just three weeks.

I move to approve waiving the bid process and approve accepting the quote from Metropolitan Pump at a cost of \$16,338.00 plus \$700.00 freight.

and

To approve a budget adjustment in the amount of \$17,038.00.

This matter was APPROVED on the Consent Agenda.

2011-0079 2011 Land Development Code Amendments I

This petition considers Land Development Code amendments to sections 2-102, 6-207, 6-212, 6-306, 6-307 and 6-312.

The proposed Land Development Code amendments have been separated into two cases for further deliberation to allow for more detailed review. This case, 2011-0079, discusses all the amendments Plan Commission reviewed except for those sign code amendments related to political campaign signs. All amendments were reviewed by Plan Commission on March 8, 2011 and recommended for approval as noted in the below referenced motion.

Summary of Noteworthy Amendments

Some of the more noteworthy amendments that Plan Commission reviewed and approved include a new definition for adult use retail areas, changes to the sign ordinance, making funeral parlors and crematoria special uses, and removal of the Congregate Elderly Housing section (Section 6-312) of the Land Development Code. More details about the proposed changes are provided below.

Adult Use Retail Area

A definition is proposed for the Land Development Code for adult use retail areas. The new term and definition describes the areas in commercial retail establishments that may sell certain types of adult use related retail merchandise. The intent is to better control the appearance and sales of adult related merchandise in the BIZ and COR zoning districts.

The new definition limits the total area of such sales to 15% of the gross retail floor area of the establishment and provides specific provisions as to how that floor area will be controlled to prevent access and visibility to minors and the surrounding environment. If the floor area is greater than 15% then the use will be considered an adult use and must abide by the zoning regulations of the zoning district in which it is located.

Sign Code Amendments

Amendments in Section 6-307 Signs dealt mostly with non-substantive housekeeping amendments (changing department names, identifying current practice etc.). In addition to these minor amendments some substantive changes include a change in the size of signs for houses of worship. These signs were made consistent with their commercial counterparts to be consistent with time, place and manner restrictions regarding religious institutional signage. Signs for houses of worship may now have 80 square feet in total sign surface area, 40

square feet per sign surface-the same as commercial.

Funeral Parlors and Crematoria

The proposed amendments seek to make funeral parlors a special use and crematoria an accessory use only to funeral parlors and cemeteries. The Illinois Crematory Act permits the construction of crematories “on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.”

Currently in the BIZ and COR zoning districts, the Code permits funeral parlors without crematoria as of right due to the prevalence of existing establishments within these districts. Since the Illinois Crematory Act allows cremation facilities at funeral parlors, the Code is not consistent with state statutes in its prohibition of crematoria. The proposed amendments remove this prohibition and provide a new definition for crematoria that make them accessory uses only. This, in effect, prohibits any stand-alone crematoria in the Village. At the same time, the amendments seek to make funeral parlors special uses in BIZ and COR to better control the establishment of cremation facilities in the Village as well as regulate the traffic impacts of the primary use. The same amendments must be carried out for the Village Center District.

Congregate Elderly Housing

The Congregate Elderly Housing section of the Land Development Code, Section 6-312, sets out project standards, in addition to the special use standards from section 5-105, that should be met in order to develop a congregate elderly housing facility in the Village. The project standards are very detailed and, in the context of the overall Land Development Code, have become over-reaching for the following reasons:

1. This is the only section of the Land Development Code dedicated entirely to one land use.
2. The definition of congregate elderly housing has changed and includes a broader concept of what it used to be. The definition now includes facilities like independent living but age restricted, whereas before it was limited to assisted living, nursery-care etc.
3. The shifting demographics of Orland Park, and the country as a whole, over the past ten years have spurred many new developments and concepts of congregate elderly housing;
4. Most of the project requirements highlighted in this section of the Code are industry standard in new congregate elderly housing facilities and are regulated by state agencies;
5. This section of Code focuses on features for assisted living facilities rather than independent living facilities. This section therefore requires some things that may not be reasonable in every project.

Based on these reasons, the section is proposed for elimination from the Code. It

is important to note that the removal of this section does not change the goal of the Village to provide high quality residential development for seniors, and high quality development throughout Orland Park. Because congregate elderly housing requires a special use permit in every zoning district, the Village will still review each new development carefully to make sure they are meeting the high design and quality standards set forth by the Village. This section will be reformatted as a technical guide for developers that are interested in this land use and for staff to review proposed projects.

Additional Amendments

Additional amendments are proposed to add definitions for front, rear and side yards to help code enforcement and zoning reviews, and change the dimensions of parking spaces from 9 by 18.5 feet to 9 by 18 feet, which is consistent with accepted planning standards. Lastly, the prohibition on on-street parking was modified to allow parking scenarios like those found on 142nd Street, 95th Avenue, Ravinia Avenue, Main Street and Union Avenue (e.g. on-street diagonal pull-out parking).

I move to approve the Land Development Code Amendments for Sections 2-102, 6-207, 6-210, 6-212, 6-306, 6-307 and 6-312 as presented in the attachment titled "Part Three: Attachments", prepared by the Development Services Department and dated March 2, 2011.

This matter was APPROVED on the Consent Agenda.

2011-0234 Pool Paint for Centennial Park Aquatic Center

Under normal circumstances the Parks Department budgets to completely repaint the three pools at CPAC every three years. In the off years, the budget usually includes funds only for general repainting of areas showing wear or chipping. The full repaint was done two years ago, but due to the harsh winter and the modifications needed to attain compliance with the IDPH for the Virginia Graeme Baker Act, we find that the pools are in need of a complete paint application this year. In addition, the cost of this type of paint has increased due to new EPA requirements for transport.

Three quotes were received for the rubberized pool paint needed for this year's application. They are as follows:

Kiefer & Associates	31 5-gallons x \$257.39 = \$7,979.09
Halogen Supply Company	31 5-gallon x \$370.00 = \$11,470.00
Lincoln Equipment, Inc.	31 5-gallon x 295.00 = \$9145.00

I move to approve accepting the quote from Kiefer & Associates for the 155 gallons of rubberized paint at a cost of \$7,979.09 including freight.

And

To approve a budget adjustment in the amount of \$7,979.09.

This matter was APPROVED on the Consent Agenda.

2011-0156 Solar Energy System Installation - ECT Review

The purpose of this petition is to install a 4.9 kW Solar Energy System installation on the rooftop of a single family home in the Veritas subdivision (R-3 zoning) at 7701 W. 157th Place. The petitioner proposes to install a solar energy system (SES) on the southern half of his single family home's rooftop. Section 6-314 Environmental Technology Standards of the Land Development Code enables residents and businesses to propose various renewable energy systems for their properties. This is the first project of its kind in the Village under the new regulations.

The petitioner is proposing to install twenty-one (21) photovoltaic (PV) solar panels as a single array on the south half of his single family home's rooftop. Each Sharp Solar Module solar panel will provide 235 watts of power and they will be positioned on a 30 degree pitched rooftop. No changes are proposed to the actual building elevations. The solar panels will be located on the southern rooftop. Detention areas are located immediately adjacent to the south of the subject site across from which are R-4 multi-family buildings.

Section 6-314 requires that the petitioner seeking a permit for a renewable energy or environmental clean technology system first obtain an Environmental Clean Technology (ECT) review.

I move to approve an Environmental/ Clean Technology, a 4.9 kW solar energy system, for the property at 7701 W. 157th Place as indicated in the attached fully referenced motion.

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

I move to approve the proposed elevation drawings titled "4.9 kW Solar Project", prepared by Good Electric Inc., dated Feb. 16, 2011, sheets A and 1 of 1, for an environmental clean technology at 7701 W. 157th Place, subject to the following conditions:

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

This matter was APPROVED on the Consent Agenda.

2011-0134 Village Code Amendment - Title 6 Chapter 2 Nuisances

Title 6 Chapter 2 of the Village Code, Nuisances, is amended to make

sub-section 6-2-2-12 Smoking Ban - Public Places consistent with Illinois state statutes (Public Act 095-0017) regulating indoor smoking for freestanding buildings.

Changes to 6-2-2-12

Currently, the Village Code prohibits all manner of indoor smoking in all public assembly buildings, leaving one exception for “Bellicoso Cigar Lounge” at 15443 S. 94th Avenue, which was “grandfathered” in the smoking ban ordinance. In Public Act 095-0017, Illinois law similarly prohibits all manner of indoor smoking in public assembly buildings with exception to “freestanding structures [that are] occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited”.

The law enables counties and municipalities to follow stricter regulations than the state’s regulations. It does not enable less restrictive regulations than the state’s regulations. The proposed changes to the smoking ban ordinance would be less restrictive than current Village regulations in that the sum of the amendments would allow indoor smoking in “freestanding structures occupied solely by the business registered for and authorized by a tobacco dealer license and smoke from the business does not migrate into an enclosed area where smoking is prohibited or into outdoor venues or areas where smoking is prohibited...” (proposed 6-2-2-12-3-2).

As a result of the proposed amendment to permit indoor smoking in freestanding buildings only, per the provisions identified above, a new definition was added to the smoking ban section, Retail Tobacco Store. The definition for retail tobacco store identified in the amendments is the same definition outlined in Public Act 095-0017.

The definition for a retail tobacco store is “a commercial retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. This does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.”

Use Analysis

The proposed changes to the Village Code will enable retail tobacco stores to operate in freestanding buildings within the LSPD, BIZ, COR, VC and OOH commercial and mixed-use zoning districts, wherever commercial retail establishments are permitted as of right or by special use. Retail tobacco stores would not be permitted in ORI zoning districts, since retail in those districts are permitted “as an ancillary use”, or accessory use, and the Village Code requires retail tobacco stores to be the primary and only use for a building. It would also not be allowed in MFG districts, since retail is not a permitted use.

It is important to note that the proposed amendments would only allow retail tobacco stores-- as the sole occupants in freestanding buildings--as indoor smoking environments. Businesses such as hookah bars and certain types of cigar lounges in which casual smoking is the primary purpose of the business would not be allowed/ permitted. The definition of retail tobacco store is critical in that it sets the limit to indoor smoking rights to those businesses which meet the 80% gross retail sales threshold of the various tobacco related products. If that threshold is not met, then the store cannot be considered a retail tobacco store and indoor smoking is not permitted.

Financial Impact

There is no immediate financial impact to the Village through these amendments. In the long term, however, changing the smoking ban regulations may attract new businesses such as cigar lounges to the area, which would generate retail sales tax revenues.

Update from Committee Meeting on March 21, 2011

At the March Development Services Committee Meeting, this issue was tabled to the April meeting. Staff was requested to explore the possibility of developing a survey that could be utilized to obtain Orland Park residents' opinion and level of support regarding this proposed local code amendment. Staff has researched the viability of such a survey and have determined that such a survey is more complex than originally anticipated. The Village would want to ensure that any survey conducted would be scientific and unbiased. This cannot be accomplished through typical social survey instruments such as "survey monkey". If the Board still desired to pursue a scientific survey, it would more than likely need to be conducted via scientific phone polling, which would cost approximately \$10,000-\$15,000. Funding for this type of survey initiative is currently not budgeted.

I move to approve the proposed amendments to Title 6 Chapter 2, Nuisances, of the Village Code as indicated in the attached fully referenced motion.

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

I move to approve the proposed amendments to Title 6 Chapter 2, Nuisances, of the Village Code per the attached exhibit title "Title 6 Chapter 2 Nuisances: Smoking Ban - Public Places Exhibit A", prepared by the Development Services Department, dated March 14, 2011.

This matter was APPROVED on the Consent Agenda.

2011-0132 Village of Orland Park Building Code Amendment - Exterior Brick and Residential Fire Partitions - Ordinance

The Village of Orland Park currently utilizes the 2009 edition of the International

Building Code with amendments as a basis for its construction standards. These standards are referenced in Title 5 Chapter 1 of the Village Code.

The revised local amendments are intended to allow code acceptable standards as permitted by the model code, adopted edition (noted above) and to lessen the restrictive masonry standard as noted below.

The amendments shown in the attachment reflect:

1. A revision to our existing masonry ordinance which requires all commercial buildings (within the fire limits) to be of masonry veneer with a minimum thickness shown in Table 1405 for an anchored veneer, to allow the uppermost story of a more than 3-story residential building to be constructed of other code approved exterior materials (i.e. metal, hardy board, EIFS) with conditions. All building elevations will still be required to be approved by the Plan Commission and Village Board of Trustees.
2. Revising the requirement for multi-family tenant wall construction (when not of solid masonry), from a 3-wall system to allow a 2-wall separation between the tenants with conditions as specified in the proposed code section revision attached. This is a local modification to the existing International Building Code and does not change the fire ratings (one hour rating) required for multi-tenant buildings.

At the March 21st Development Services Committee meeting, staff was requested to provide a survey summary of what other communities require as it relates to common tenant walls. This survey is attached for review. In summary, most communities only require the minimum National Code standards, which is a one wall system. The most restrictive requirement is full masonry, which is a higher standard than IBC.

I move to pass Ordinance Number 4643, entitled: AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE, TITLE 5, BUILDING, CHAPTER 1, BUILDING CODE, SECTION 13, ITEM 38 (AMENDMENTS TO BUILDING CODE REGARDING EXTERIOR BRICK AND RESIDENTIAL FIRE PARTITIONS)

This matter was PASSED on the Consent Agenda.

2011-0269 Infiniti of Orland Park Sales Tax Sharing Agreement - Ordinance

The Village of Orland Park has received a request from Orland Park Nissan and Orland Park Infiniti for a Sales Tax Sharing agreement, in anticipation of their future dealership expansion. Additionally, Orland Park Nissan recently received a new commercial truck franchise (Nissan Light Truck line) that will result in the expansion of their dealership, including construction of a new truck facility. The Village Board of Trustees approved a Special Use Permit in the Spring of 2010 for the planned expansion of the Dealership.

The Infinity update and expansion will result in a new upgraded look conforming to the Infinity Image Program and will cost approximately \$650,000. The Nissan Truck expansion will include a facility and garage expansion and the installation of additional service equipment. The Nissan Truck expansion will cost approximately \$850,000. The Dealerships anticipate an immediate increase in sales of 10% (FY2012), 20% (FY 2013) and subsequent annual increases, thereafter. The combined dealership employment is 78 and is anticipated to increase to 90, once the projects are completed.

Under the Mayor's Business Retention program, existing Orland Park businesses are eligible to participate in incremental Sales Tax Sharing (up to 50%) for planned expansions, improvements and renovations.

Proposed Terms of Agreement:

- Maximum Reimbursement for Infiniti Dealership - \$650,000
- Maximum Reimbursement for Nissan Dealership - \$850,000
- Commencement Year - 2012
- Base Sales Tax Year - FY 2010
- Maximum Term - 5 years
- Incremental Sales Tax Sharing - 50% over Base
- No incentive will be realized if expansion/renovations are not completed.

I move to pass Ordinance Number 4644, entitled: ORDINANCE AUTHORIZING INCREMENTAL SALES TAX REBATE AGREEMENT (INFINITI OF ORLAND PARK, INC., 8500 W. 159TH STREET)

This matter was PASSED on the Consent Agenda.

2011-0192 Toy Box Connection - Special Use Permit

Toy Box Connection seeks to locate a non-profit charity organization in a tenant space in Lakeview Plaza that collects, cleans, repairs, packages, and distributes toys to local individuals, organizations and institutions in need. The petitioner proposes to locate in a 7,500 square foot rear tenant space at 15756 Lagrange Road, in the existing Lakeview Plaza Shopping Center. The unit is located behind the existing Golf Galaxy Store. Toy Box will have no frontage in the retail mall, and will be accessible through two rear access points. The proposed use will be compatible with the adjacent loading and storage areas of the neighboring stores, does not compromise prime retail frontage, and has limited delivery and shipping needs. Four regular workers will staff the facility, plus occasional volunteer groups. Donations are received by appointment only, and there will be no 'drop off' areas or boxes at the rear of the store. Typical operating hours will be weekdays 10am-2pm, and occasional Saturdays. Four parking spaces will be striped in the paved rear service area. The charity does not have a delivery truck; products are picked up by the recipient by appointment only. The proposed Floor Plan shows

areas for sorting, storage, cleaning, wrapping and staging, plus an administrative office. No changes are proposed to the building exterior.

On April 12, 2011, Plan Commission held a public hearing for this petition and voted 6-0 to recommend to the Village Board approval of a Special Use Permit for light industry and assembly for Toy Box Connection located at 15756 Lagrange Road in Lakeview Plaza in a 7,500 square foot space located to the rear of the building subject to the following conditions:

1. All Building Code and property maintenance related items are met.
2. Any new signage is approved through a separate permitting process.

No one spoke at the public hearing other than the petitioner. One issue raised by a Plan Commissioner was the posted "No Parking Fire Lane" signs along both sides of the 50' wide rear service drive, where very occasional overflow parking was anticipated. As an alternative, one of the three loading docks in the rear is exclusively Toy Box's and could be used for overflow parking if ingress/egress to the building is not blocked. Another alternative is occasional overflow into the shopping center front or side lots. The most 'overflow' vehicles observed by the petitioner is 4 to 5 cars.

On April 18, 2011, the Development Services Committee voted 3-0 to recommend to the Village Board approval of a Special Use Permit for light industry and assembly for Toy Box Connection located at 15756 Lagrange Road in Lakeview Plaza in a 7,500 square foot space located to the rear of the building subject to the following conditions:

1. All Building Code and property maintenance related items are met.
2. Any new signage is approved through a separate permitting process.

Since Committee, due to Building Code and ADA requirements, minor changes will be required to the rear entrance of the building to improve handicapped accessibility. A condition of approval has been added that the petitioner must submit plans for this change for approval prior to the issuance of building permits. The change is likely to include a handicapped ramp or rising sidewalk.

The case is now before the Village Board of Trustees for final review and approval.

I move to approve a Special Use Permit for light industry and assembly for the Toy Box Connection located at 15756 Lagrange Road in Lakeview Plaza in a 7500 square foot space located to the rear of the building as recommended at the April 18, 2011 Development Services Committee 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 light industry and assembly for Toy

Box Connection located at 15756 Lagrange Road in Lakeview Plaza in a 7500 square foot space located to the rear of the building subject to the following conditions:

1. All Building Code and property maintenance related items are met.
2. Any new signage is approved through a separate permitting process.
3. Plans are submitted for approval, prior to the issuance of building permits, that detail changes to the rear entrance to accommodate handicapped accessibility.

This matter was APPROVED on the Consent Agenda.

2011-0186 Victory Martial Arts - Special Use Permit

The petitioner requests the approval of a special use permit to locate an indoor recreation facility on 70th Court in the manufacturing zoning district for the purpose of operating a 3,000 square foot martial arts instructional center. Indoor recreation users are often attracted to this area because of the low costs per square foot and spacious buildings. Although the primary focus of the Manufacturing District is intended for job generating light manufacturing uses, indoor recreation is allowed on a limited basis with a special use permit. Leasing vacant spaces has been challenging to some property owners, particularly in the current economic climate. No changes are proposed to the exterior of this building under this petition. Although indoor recreation requires more parking than typical manufacturing uses, the peak hours of operation for the martial arts center are in the evenings and on the weekends, whereas peak office and users in the building are typically weekdays. This facilitates shared parking between the businesses.

I move to approve a Special Use Permit to operate Victory Martial Arts, an indoor recreation facility at 15414 70th Court, as recommended for approval at the April 18, 2011 Development Services Committee and as fully referenced below.

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

I move to approve a Special Use Permit to operate Victory Martial Arts, an indoor recreation facility at 15414 70th Court subject to the following conditions:

1. All Building Code related items are met.
2. Any new signage is approved through a separate permitting process.

This matter was APPROVED on the Consent Agenda.

2011-0053 Jewel 3051 - Plat of Resubdivision

This request is for approval of a record plat of resubdivision for Jewel located at 9350 West 159th Street.

On August 19, 2002 the Village Board approved the final plan for Jewel Express located at 159th and 94th Avenue. The proposed plat resubdivides this parcel into lots 1 and 2 so that Jewel and Jewel Express are on separate lots.

Staff has reviewed the Record Plat of Resubdivision and finds it to be substantially in conformance with the approved final plan.

This is now before the Village Board to authorize signature of the plat.

I move to approve the Mylar original Record Plat of Resubdivision for Jewel, prepared by Webster, McGrath & Ahlberg Ltd., Project No. 39530, dated 12/1/2010 with revision on 4/18/2011.

And

I move to approve the signature of the plat by the authorized parties and subsequent recording by the Village attorney

This matter was APPROVED on the Consent Agenda.

2011-0224 9559 151st Street - Record Plat of Consolidation

This request is for approval of a record plat of consolidation for an HSA commercial site located at 9559 151st Street. On April 3, 2006 the Village Board approved the final plan for the redevelopment of this site- formerly Chi Chi's restaurant. This plat is provided to properly remove a property line that separates units of a contiguous building in the Orland Park Place mall development. The specific building in this case is located at the southwestern-most corner of the mall at 151st Street and LaGrange Road, currently occupied most visibly by Fidelity Investments

Staff has reviewed the consolidation plat and finds it to be substantially in conformance with the approved final plan. The surveyor has made the appropriate corrections to the plat for our approval

This is now before the Village Board to authorize signature of the plat.

I move to approve the Mylar original Record Plat of Consolidation for Lot 10 and part of Lot 1 in Orland Court subdivision, titled "HSA Plat of Consolidation" prepared by Webster, McGrath & Ahlberg Ltd. job number 41556 dated March 8, 2011

This matter was APPROVED on the Consent Agenda.

2010-0596 Orland Park Nissan Sales Tax Sharing Agreement - Ordinance

The Village of Orland Park has received a request from Orland Park Nissan and Orland Park Infiniti for a Sales Tax Sharing agreement, in anticipation of their future dealership expansion. Additionally, Orland Park Nissan recently received a new commercial truck franchise (Nissan Light Truck line) that will result in the expansion of their dealership, including construction of a new truck facility. The Village Board of Trustees approved a Special Use Permit in the Spring of 2010 for the planned expansion of the Dealership.

The Infinity update and expansion will result in a new upgraded look conforming to the Infinity Image Program and will cost approximately \$650,000. The Nissan Truck expansion will include a facility and garage expansion and the installation of additional service equipment. The Nissan Truck expansion will cost approximately \$850,000. The Dealerships anticipate an immediate increase in sales of 10% (FY2012), 20% (FY 2013) and subsequent annual increases, thereafter. The combined dealership employment is 78 and is anticipated to increase to 90, once the projects are completed.

Under the Mayor's Business Retention program, existing Orland Park businesses are eligible to participate in incremental Sales Tax Sharing (up to 50%) for planned expansions, improvements and renovations.

Proposed Terms of Agreement:

- Maximum Reimbursement for Infiniti Dealership - \$650,000
- Maximum Reimbursement for Nissan Dealership - \$850,000
- Commencement Year - 2012
- Base Sales Tax Year - FY 2010
- Maximum Term - 5 years
- Incremental Sales Tax Sharing - 50% over Base
- No incentive will be realized if expansion/renovations are not completed.

I move to pass Ordinance Number 4645, entitled: ORDINANCE AUTHORIZING INCREMENTAL SALES TAX REBATE AGREEMENT (ORLAND PARK NISSAN, INC., 8550 W. 159TH STREET)

This matter was PASSED on the Consent Agenda.

2011-0291 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40072 - Resolution

I move to pass Resolution Number 1113, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0290 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40072TE-A - Resolution

I move to pass Resolution Number 1114, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0289 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40072TE-B - Resolution

I move to pass Resolution Number 1115, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0288 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40072TE-C - Resolution

I move to pass Resolution Number 1116, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0287 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40069 - Resolution

I move to pass Resolution Number 1117, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0283 Conveyance of the State of Illinois for the Use of the Department of Transportation - Parcel Number - OH40069 PE - Resolution

I move to pass Resolution Number 1118, entitled: RESOLUTION AUTHORIZING CONVEYANCE TO THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION

This matter was PASSED on the Consent Agenda.

2011-0247 14600 Ravinia Avenue Security System

The Recreation Department will be relocating its administrative staff to the 14600 Ravinia Avenue building (Old Police Station) once remodeling is complete. This facility will need a new office level access and burglar alarm security systems. Access levels to different areas in the facility will be based on "smart" ID cards with computer chips embedded in them that trigger door locks to open. One of the main requirements of this system is that it integrates into the existing Lenel brand system that controls most village facilities.

Request For Proposals (RFP's) were sent to the five Chicago area Lenel dealers. All five Lenel dealers responded and proposed new computerized security equipment, detailed locksmith work, cabling work, as well as installation and integration services. Individual costs were broken down in order to examine the

possibility of any work that could be completed with in-house staff. The following RPF results are based on village staff completing the cabling work portion listed in the RFP's:

Sound Incorporated, Naperville IL	\$25,500
Midco, Burr Ridge IL	\$26,000
Stanley Security, Downers Grove IL	\$34,025
Convergint Technologies LLC, Schaumburg, IL	\$36,906
UTC Fire & Security, Alsip IL	\$42,710

After evaluating both the cost and features from these proposals, staff is recommending Sound Incorporated of Naperville, IL. In addition, Sound Incorporated is offering two options to further integrate the village ID card system and old Lenel panels. Staff is recommending the Lenel ID Card Licensing (\$1725) along with a Lantronix interface board (\$250), for a total of \$27,475.

I move to approve the purchase of the 14600 Ravinia facility security system from Sound Incorporated, Naperville IL in an amount not to exceed \$27,475

And

To approve waiving the bid process.

This matter was APPROVED on the Consent Agenda.

2011-0284 Invoices for 159th & LaGrange Road - Approval

A detailed spreadsheet and invoices were attached to the Board packet, showing the invoices requiring payment due to the 159th & LaGrange Road intersection improvements.

I move to approve payment of invoices for the 159th and LaGrange Road intersection improvement in the amount of \$53,241.94.

This matter was APPROVED on the Consent Agenda.

2011-0191 7841 Redondo Lane, Laguna Woods Subd. - Engel Connection Request

The unincorporated property at 7841 Redondo Lane, Lot 25, is requesting annexation into the Village. This property was recently purchased by Mr. Russ Engel.

Circa 1993, special assessments were established for participating homeowners in Laguna Woods to annex and receive Orland Park sewer and water service. The property owner in 1993 chose not to participate at that time- six properties initially opted out of the assessment. These six non-participating properties prompted the Village to pass ordinances for the required costs to connect to Village sewer and water, should any of them choose to annex in the future.

The proposed costs associated with the utility work were memorialized via the attached ordinances (in the Board packet) in order to recover estimated construction costs per residence for future annexations who did not originally participate in the special assessments. The ordinances establish a cost for water service equal to \$15,768.84 plus inflation adjustment, as specifically defined in the ordinance, and a cost for sewer service equal to \$8,024.89 plus inflation adjustment, for a combined total of \$23,793.73. The Bureau of Labor Statistics data, for Chicago Urban Wage Earners and Clerical Workers (CPI-W), the Chicago CPI-W has risen 49.75% since 1993. Therefore the total amount required by ordinance for utility hook-up in April 2011 would be $\$23,793.73 \times 1.4975 = \$35,631.11$.

However, the property owner is requesting consideration for a reduced amount as follows (a copy of the formal request was attached to the Board packet)

1. Pay connection fees equal to the same principal charged to original participating properties, which equal \$19,844.73. This amount has been confirmed by our Finance Department in Exhibit F. Surprisingly, actual construction costs were less than anticipated and therefore a revised final cost per residence was indeed revised to \$19,844.73. Note again that the ordinances state a combined cost of \$23,793.73, which is NOT the principal amount the original participants actually paid. Correspondence for the revised total cost is within Exhibit F, using the adjoining neighbor at 7851 Redondo Lane as an example.
2. Instead of the ordinance-required CPI-W inflation adjustment, a 12% cost of living increase would be applied to the final amount.
3. Repay the amount in 120 equal installments billed monthly, or alternatively billed quarterly via water billing method, over a period of 10 years.
4. Building Permit costs be waived, as was apparently done for the original participating properties-from Building Dept. Director Bill Crabbe dated March 2, 1993.

Typical current day annexation and water meter fees would still apply. The property would still be required to petition for annexation and comply with all required public hearings, which would occur separately. The payment of terms associated with the water and sewer connections would be outlined in a separate annexation agreement.

It should be noted that the residence in question will also pay accordingly for a licensed plumbing contractor to perform the actual connection of sewer and water service lines to the 7841 Redondo residence. It appears that the service line for the sewer will be somewhat lengthy due to the location at which the Village's sewer main line on Redondo Lane was constructed.

Trustee Schussler requested this item be removed from the Consent Agenda to

add two more conditions to the motion.

Trustee Schussler explained that back in 1993 when Laguna Woods was annexed, lots that were on the perimeters of this subdivision had the option to opt out of the annexation and opt out of paying the special assessment for extending water and sewer lines in that subdivision. This caused all the other homeowners in the subdivision to pay additional costs to cover for the six lots that opted out of that special assessment. At that time there were two ordinances that were passed (2379 & 2380) just in case one of the six lots that opted out of the special assessment would later come back and request to connect to the water and sewer lines without now having to pay an assessment.

Currently, the lot owners that are making this request to connect to the water and sewer and the concessions that are being required of them are because their seller did not fully inform them of what had happened regarding the option to opt out of this connection back in 1993. They are now caught having to pay a large bill.

Trustee Schussler stated that with approval of the Board he believes that two additional conditions need to be added to the motion as follows:

1. For the five lot owners left that opted out of the Special Assessment back in 1993. That the Village record the two ordinances (2379 & 2380) so that in the future if any of those five owners sell their property the purchasers would have knowledge immediately (from a title report) that it will cost the new buyer a significant amount of money if they decided to annex to the Village and connect to water and sewer lines.
2. For the new lot owners that are making this request, regarding the 10 year installment payment plan agreement to the Village. To have the Village Attorney prepare an agreement along with a memorandum of that agreement that would be recorded. This would then have something against the property in the event the individuals elect after making payments for a year or two and decide to stop making payments the Board would have some recourse.

I move to approve the proposed sewer and water main connection fees subject to annexation:

1. Base sewer and water combined connection fees equal to \$19,844.73, which is the same as the original special assessment participants paid.
2. Instead of the CPI inflation adjustment, a 12% cost of living increase shall be applied to the connection fee.
3. Repay the amount in 120 installments billed monthly, or alternatively billed quarterly via water billing method, over a period of 10 years. The interest on the installments shall be determined annual interest paid by original participants.
4. Building Permit costs be waived, current annexation and meter fees shall

apply.

5. The Village Attorney record in the Cook County Recorders Office Ordinances 2379 & 2380.

6. The Village Attorney in conjunction with the Village Manager prepare an agreement memorializing the arrangements with regards to water and sewer service for 7841 Redondo Lane and that a memorandum of that agreement be recorded in the Cook County Recorders Office.

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

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

Nay: 0

2011-0183 Bridge Teen Center Permit Fee Waiver

The Village of Orland Park has received a request from the Bridge Teen Center for a waiver of current building permit fees (\$1,232) for the facility located at 15555 S. 71st Court. They are also asking for a reimbursement of \$300 in fees already paid for their contractor's license. While the Village Administration has reviewed and denied their request based on current Board Policy, the petitioner has still requested to be heard before the Village Board. Please see attached letter from Priscilla & Rob Steinmetz.

The Bridge Teen Center is not the first not-for-profit organization to request permit waivers. In fact, due to repeated requests from many worthy not-for-profits, the Village Board of Trustees adopted a Building Fee Policy in 2009. Please see attached Building Fee Policy adopted on April 6, 2009. The Board Fee Policy only allows for the waiving of certain fees for other governmental entities. However, even in these instances, certain fees (impact, water, etc.) are still not waived.

The authority to waive fees rests with the Board of Trustees. While staff recognizes the benefit that not-for-profits provide to the local community, these permits do generate significant amount of work for Village staff (office and field). Also, consideration needs to be given in regard to revenue impact, as there are a large number of organizations, including churches, in Orland Park. Since 2009, a number of similar organizations have approached the Village regarding fee waivers but have been denied based upon the adopted Village Board Policy.

Based upon these factors, staff does not recommend approval of Bridge Teen Center's request.

I move to continue this item to the June 6, 2011 Board of Trustees meeting.

A motion was made by Trustee Schussler, seconded by Trustee O'Halloran, that this matter be CONTINUED to the Board of Trustees. The motion carried by the following vote:

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

Nay: 0

2011-0292 Quiet Zone Implementation - Metra Flagger Agreement

Since November 2005, the Village has been engaged in the highly structured and regulated process to establish "Quiet Zones" for all at-grade rail crossings of the Metra Railroad Tracks within the Village corporate limits. The establishment of a "Quiet Zone" ends the requirement for passing trains to sound an audible warning when approaching or travelling thru at-grade rail crossings.

The Village has received all necessary permits from the Illinois Department of Transportation and the Cook County Highway Department to install the safety mitigation devices, signs and pavement markings (Safety Improvement) upon their roadways. These Safety Improvements are required by Federal and State regulators prior to establishment of a Quiet Zone.

One component of the Safety Improvements includes the installation of separation devices immediately preceding certain gated rail crossings. In order for the Village to install these devices, the actual work undertaken will occur upon pavements that exist within the railroad right of way. When such work occurs, the operating rules of the railroad require that trained "Flaggers" be present at all times work is occurring to ensure that approaching trains are aware of the presence of workers and the workers performing the work are aware of the approaching trains.

Metra has provided an Agreement to the Village for the required Flagger services. Staff forwarded the Agreement to Counsel for review, whereupon Counsel has advised that there are elements of the Agreement that need further discussion and clarification related to Liability and noted Insurance considerations.

Following discussion and resolution of these issues with Metra, Counsel will provide direction for signing the Agreement in an effort to advance and complete this much desired project. A copy of the proposed Agreement is included herewith.

I move to approve that, following resolution of matters of concern and upon recommendation of the Village Attorney, the Village Manager be authorized to sign an Agreement with Metra to provide Flaggers for the completion of work associated with the installation of safety mitigation improvements required for the establishment of a Quiet Zone for at-grade Metra rail crossings within the Village of Orland Park.

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

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

Nay: 0

Abstain: 1 - Trustee Dodge

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2011-0280 Oaths of Office - Village and Library Officials

The Cook and Will County Canvassing Boards met and declared that the following trustees were elected or re-elected for the following term:

President McLaughlin administered the Oath of Office to the Library Trustee - Full 6 Year Term for each:

- Nancy Wendt Healy (elected)
- Denis P. Ryan (elected)
- Julie Ann Craig (elected)

President McLaughlin administered the Oath of Office to the Village Trustees - Full 4 Year Term for each:

- Patricia A. Gira (re-elected)
- Edward G. Schussler (re-elected)
- Carole Griffin Ruzich (elected)

Oaths of Office were administered, NO ACTION was required.

ADJOURNMENT - 7:28 PM

A motion was made by Trustee Fenton, seconded by Trustee Gira, 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 Village President McLaughlin

Nay: 0

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk