

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, December 20, 2010

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 7:20 PM.

Present: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira and Village President McLaughlin

Absent: 1 - Trustee O'Halloran

VILLAGE CLERK'S OFFICE

2010-0655 Approval of the December 6, 2010 Regular Meeting Minutes

The Minutes of the Regular Meeting of December 6, 2010, 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 6, 2010.

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

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0656 Chicago Fury - Raffle License

The Chicago Fury is requesting a license to conduct a raffle during their fundraiser on January 27, 2011, at the Arctic Ice Arena. The purpose for this raffle is to reduce fees.

I move to approve issuing a raffle license to the Chicago Fury so a raffle can be conducted at their fundraiser on Thursday, January 27, 2011.

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

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

CONSENT AGENDA

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: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0659 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 24, 2010 in the amount of \$878,036.89.

This matter was APPROVED on the Consent Agenda.

2010-0675 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 7, 2010 through December 20, 2010 in the amount of \$9,320,288.47.

This matter was APPROVED on the Consent Agenda.

2010-0627 Budget Adjustments 4th Quarter FY2010

A detailed spreadsheet (by fund) of budget adjustments was attached to the Board packet showing an increase in revenues of \$604,011 and an increase in expenditures of \$1,850,288.

The increase in revenues is due to the following:

- Transfer of funds from closed out 2001 General Obligation Bond Fund in the amount of \$249,409.
- Transfer of funds from closed out 2002B General Obligation Bond Fund in the amount of \$126,132.
- Transfer of funds from closed out 2010 General Obligation Bond Project Fund

in the amount of \$36,337.

- Reduction in transfer of funds from Insurance Fund to General Fund due to budget shortfall in the amount of (\$250,000).
- Transfer of funds from General Fund to Insurance Fund to fund shortfall in the amount of \$442,133.

The increase in expenditures is due to the following:

- Accrual and cash option payments for retirees in the amount of \$120,039.
- Transfer of funds from closed out 2001 General Obligation Bond Fund in the amount of \$249,409.
- Transfer of funds from closed out 2002B General Obligation Bond Fund in the amount of \$126,132.
- Transfer of funds from closed out 2010 General Obligation Bond Project Fund in the amount of \$36,337.
- Reduction in transfer of funds from Insurance Fund to General Fund due to budget shortfall in the amount of (\$250,000).
- Transfer of funds from General Fund to Insurance Fund to fund shortfall in the amount of \$442,133.
- Additional funds to cover the remaining of the benefit year for PPO and HMO health insurance in the amount of \$1,126,238.

I move to approve increasing the FY2010 revenue budget by \$604,011 and increasing the FY2010 expenditure budget by \$1,850,288.

This matter was APPROVED on the Consent Agenda.

2010-0636 Anti-Virus Software Annual Maintenance - Expenditure Approval

The MIS Division has included \$5,695 in the FY 2011 budget for Symantec antivirus software maintenance and support. The village uses Symantec's Endpoint Protection software package, which is a centrally managed antivirus protection system for email, servers and workstations. Maintenance includes software support, upgrades and updates.

The maintenance cost per license is \$16.00 and the Village owns 275 licenses. Sixty new licenses were purchased last year for all the police squad cars and funded by Orland Joint Emergency Telephone System Board. OJETSB will be funding the maintenance of these 60 software licenses.

Contact pricing for Symantec products is available through CDW of Vernon Hills, Illinois under Symantec's GSA IT Contract# GS-35F-0240T.

I move to approve the Symantec antivirus software maintenance expenditure in an amount not to exceed \$5,360.00

This matter was APPROVED on the Consent Agenda.

2010-0635 Innoprise Servers - Purchase Approval

The MIS Division has included funds in the FY 2011 budget to purchase the necessary hardware and software components to begin the implementation and migration to the Innoprise ERP system. A new file server and an application server are needed as well as Microsoft software licenses for each server. The Innoprise system will also have a dedicated tape drive for daily backup purposes.

Contact pricing for IBM products is available through CDW of Vernon Hills, Illinois under IBM's GSA IT Contract# GS-35F-4984H. The cost for the two servers and tape drive is \$18,887.54.

Contact pricing for Microsoft products is available through CDW of Vernon Hills, Illinois under Microsoft's GSA IT Contract# GS-35F-0195J. The cost for the Microsoft Server 2008 and SQL Server licenses is \$1,654.69.

I move to approve waiving of bids and purchase two IBM servers, tape drive and Microsoft server licenses at a cost not to exceed \$20,542.23.

This matter was APPROVED on the Consent Agenda.

2010-0634 Travel Expenses - Expenditure Approval

On August 16, 2010 the Village Board approved the replacement of the existing SunGard H.T.E. software system with the suite of software offerings from Innoprise Software, Inc. Included in the Innoprise contract is 436 days at no additional cost for implementation services and training. Per the agreement, the Village would be responsible for travel and lodging expenses while Innoprise personnel are on-site. Each on-site visit will be pre-approved by the Village and Innoprise will not incur any travel expenses without prior approval from the Village. Based on their experience with customers of similar size, Innoprise estimated travel and lodging expenses for the Village of Orland Park in the amount of \$18,000 for fiscal year 2011.

I move to approve the travel and lodging expenses for Innoprise Software, Inc. in an amount not to exceed \$18,000.00.

This matter was APPROVED on the Consent Agenda.

2010-0615 Village Code Amendment - Title 9 Chapter 15 - Ordinance

The Village Board has approved increasing the minimum fine for "General Violations" and "Traffic Compliance" violation fines from \$50.00 to \$60.00.

In addition, recommended to encourage violators to pay their fine(s) in a more timely manner by modifying the current fine and penalty payment (schedule A, 9-15-9-1) and add two new steps (#2 and #4) which are as follows:

Step 1	\$60.00	\$60.00
--------	---------	---------

Step 2	\$100.00	\$100.00
Step 3	\$150.00	\$150.00
Step 4	\$200.00	\$200.00
Step 5	\$250.00	\$250.00

Step 2 If the fine is not paid by or at the first hearing date but before the commencement of the 2nd hearing date, the fine amount due will be \$100.00

Step 4 If the fine is not paid by or at the 2nd hearing date but before the commencement of the 3rd hearing date, the fine amount due will be \$200.00.

I move to pass Ordinance Number 4607, entitled: AN ORDINANCE AMENDING TITLE 9, CHAPTER 15 OF THE ORLAND PARK VILLAGE CODE (ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING AND COMPLIANCE VIOLATIONS)

This matter was PASSED on the Consent Agenda.

2010-0628 2011 PACE Agreement - Ordinance

Approval is being requested for an ordinance to be passed authorizing the Village of Orland Park, Illinois, to execute the 2011 Paratransit Service Provider Agreement with the Suburban Bus Division of the Regional Transportation Authority (PACE).

This agreement has been reviewed by the Village Attorney and found to be acceptable.

I move to pass Ordinance Number 4608, entitled: AN ORDINANCE AUTHORIZING EXECUTION OF 2011 PARATRANSIT SERVICE PROVIDER AGREEMENT (RTA - PACE)

This matter was PASSED on the Consent Agenda.

2010-0630 Gasoline and Diesel Fuel - Bid Award

The Village of Orland Park advertised for bids for the purchase of gasoline and diesel fuel in the SouthtownStar Newspaper on Monday, October 4, 2010. Bids were received from three bidders and opened on October 19, 2010. Bids were received from Al Warren Oil Company Inc. of Summit, Illinois, and Avalon Petroleum Company of Kankakee, Illinois. The third bid was received from Petroleum Traders Corporation of Fort Wayne, Indiana, which was determined to be non-responsive due to the absence of required bid documents.

The estimated gasoline and diesel fuel usage for Fiscal Year 2011 is approximately 167,000 gallons of gasoline and 78,000 gallons of diesel fuel.

Avalon has a markup price of \$.01 per gallon of gasoline and diesel fuel. This price includes tank bottom sampling, water removal, lab analysis of the fuels,

minor equipment repairs and 24/7 service staff. The \$.01 markup is added to the cost per gallon of fuel ordered on the date of delivery. This cost is based upon the Chicago area index published in the OPIS.

Avalon Petroleum Company has supplied fuel to the Village for the past fifteen (15) years. They have maintained an excellent record for promptness in delivery, quality of fuel, billing and have met all our service needs.

Therefore, based upon Avalon Petroleum Company's lower overall mean price and excellent service record, staff is recommending the 2011 fuel bid be awarded to Avalon Petroleum Company of Kankakee, Illinois, with an option for an additional five (5) years to be renewed at the sole discretion of the Village of Orland Park.

I move to approve awarding the bid for gasoline and diesel fuel and related services to Avalon Petroleum Company of Kankakee, Illinois, per the terms and pricing provided within their October 15, 2010, sealed bid opened and read aloud at the Village Hall on October 19, 2010;

And

Approve authorizing the Village Manager to execute the contract.

This matter was APPROVED on the Consent Agenda.

2010-0631 131st Street Lift Station Repairs - Board Approval

In late July, two of three pumps at the 131st Street Sanitary Sewer Lift Station failed. Both pumps were sent to Gasvoda & Associates, Inc. (GAI) of Calumet City, Illinois (the manufacturer's authorized service representative) for evaluation. Both motors were found to be bad. Recent history at this lift station is a series of chronic motor failures. Staff worked in earnest with GAI in an effort to identify a reason for the recent motor failures with no clear cause identified. Following this effort, staff contacted Greeley and Hansen LLC (G&H) of Chicago, Illinois, to review the operation of the station in consultation with GAI and the Utility Division staff. During this review period, interim repairs were made to the motors by GAI at a total cost of \$7,653.54. While the interim repair work was underway, Godwin Pump of Lansing, Illinois, was contracted to provide emergency pumping capability to prevent sanitary sewer backups (capacity was reduced by 2/3). The total cost for this service was \$13,484.60.

After considerable review of the current operating characteristics of the station and discussion with GAI and the Utility Division staff, G&H has made several recommendations:

1. Replace existing motors as a result of excessive heat damage due to current operating conditions. (Existing motors have been rebuilt multiple times but can be

maintained as spares.)

2. Replace existing Variable Frequency Drives (VFDs) due to reaching their expected lifespan. (The existing VFDs are fifteen (15) years old with a normal lifespan of ten (10) years.)

3. Replace existing controller to provide additional control flexibility and avoid operating conditions outside the manufacturer's recommendations.

Item 1: Motor Replacement

GAI has provided a quote to replace three (3) motors. The cost of each motor is \$7,363 for a total of \$22,089. To ensure factory warranty, GAI will complete the installation with assistance from Utility Division staff for a cost not to exceed \$7,119. Total cost of the motors and installation is \$29,208.

Item 2: VFD Replacement

Two quotes have been obtained for the replacement of the three (3) VFDs. Wesco Distribution of Hammond, Indiana, has submitted a price of \$18,000 and Meany, Inc. of East Hazel Crest, Illinois, has submitted a price of \$18,461. Both quotes include installation.

Item 3: Controller Replacement

B&W Control Systems Integration of Crystal Lake, Illinois, has been coordinating and repairing the Village's controls and SCADA (Supervisory Controls and Data Acquisition) system for the past several years. They are thoroughly familiar with the existing configuration and have submitted a proposal totaling \$16,190 for the replacement of the current outdated controller.

I move to approve waiving the bid process;

And

Approve the payment for the interim motor repairs completed by Gasvoda & Associates, Inc. (GAI) of Calumet City, Illinois, at a cost not to exceed \$7,653.54;

And

Approve the transfer of \$7,653.54 from the Contingency Account to the Machinery and Equipment Repair Account;

And

Approve payment for the emergency pump rental from Godwin Pump of Lansing, Illinois, at a cost not to exceed \$13,484.60;

And

Approve the transfer of \$13,484.60 from the Contingency Account to the Rental Account;

And

Approve the purchase of three replacement motors from Gasvoda & Associates, Inc. (GAI) of Calumet City, Illinois, at a cost not to exceed \$29,208;

And

Approve the purchase of three replacement VFDs from Wesco Distribution of Hammond, Indiana, at a cost not to exceed \$18,000;

And

Approve the replacement of the existing controller by B&W Control System Integration of Crystal Lake, Illinois, at a cost not to exceed \$16,190.

And

Approve authorizing the Village Manager to execute the proposals.

This matter was APPROVED on the Consent Agenda.

2010-0645 151st Street Watermain Repair - Board Approval

On November 28, 2010, at approximately 3:00 a.m., a watermain break occurred on 151st Street just west of Tinley Creek (8500 West). Water loss as a result of the break in the 12 inch watermain totaled more than 2,154,000 gallons. Due to the scale of the break, Airy's, Inc. of Tinley Park, Illinois, was contracted to complete the repair. Because of the potential complexity of the repair adjacent to the creek and to minimize the duration of the water shutdown, a new main line valve was installed.

With the new valve installed, the leak was isolated with continuing impact to only two residents. Water service to Silver Lake Country Club and an adjacent condominium building was restored in a timelier manner. Work to repair the leak continued simultaneously to the valve installation and was completed by 7:30 p.m. Follow-up work was completed on Monday, November 29, 2010, by Airy's Inc. including clean up with assistance from Public Works and pavement patching. To ensure timely payment for their services, Airy's was asked to provide an estimate of the total cost. Their estimate for this work is \$55,000. A contract is in place between the Village and Airy's, Inc. to perform this type of work on an emergency basis.

I move to approve payment to Airy's, Inc. of Tinley Park, Illinois, for the November

28 and 29, 2010, emergency watermain repair on 151st Street at Tinley Creek in an amount not to exceed \$55,000;

And

Approve the transfer of \$55,000 from the Contingency Account to Underground Water Lines/Valves.

This matter was APPROVED on the Consent Agenda.

2010-0648 Supplement for Design Engineering McDonough Associates - Southwest Highway Realignment Feasibility Study

Over the past several years, McDonough Associates Inc. of Chicago, Illinois, has been performing Phase I Engineering for the 143rd Street corridor, generally from LaGrange Road west to Will Cook Road. 143rd Street is an IDOT road with the Village having been permitted to advance engineering.

The Project was split into two smaller projects: LaGrange to Wolf Road and Wolf Road to Will Cook Road. The scope of their work for both projects is to develop a Phase I report and preliminary plans, etc., for the proposed reconstruction and expansion of the corridor from two (2) lanes to four (4) lanes with a shared median turn lane or raised median, depending upon location. The Wolf Road to Will Cook project has had the Phase I work completed and a Phase I report has been submitted to IDOT.

The LaGrange to Wolf project was suspended for a number of years due to the uncertainty of construction options. Right-of-way acquisition issues arose during Phase I development regarding the roadway's proposed relocated proximity to residential properties within this section, and the potential need to obtain right-of-way from the Cook County Forest Preserve District (FPDCC). With recent FPDCC discussions, work on this project has resumed in a limited fashion as there appears to be an opportunity to secure the needed right-of-way from the FPDCC.

Since the Phase I work was initiated, a privately owned structure at the intersection of 143rd and Union/Southwest Highway was razed leaving a currently vacant parcel. This parcel does have a current planned use but no construction activity has commenced to date.

With this parcel being vacant, a unique opportunity was discussed among Staff to realign Southwest Highway with Union Ave north of 143rd Street. At the request of a Board Trustee, McDonough was requested by Staff to examine the feasibility of realigning Southwest Highway at 143rd Street. The desire of realignment is to eliminate the current 5-legged intersection at 143rd Street and Union (4-legs) and Southwest Highway (1 leg). Eliminating this extra leg will also eliminate the current "skewed" intersection movement, and will greatly improve intersection

performance and traffic throughput due to eliminating one full cycle in a complicated 5-way traffic control signal.

Over the past month at no charge, McDonough prepared a 2-D exhibit showing that realignment appears to be geometrically possible without impacting nearby FPDCC land to the north and west.

This exhibit was presented to the Village Manager and direction was provided to request a Scope and Fee proposal to develop a more comprehensive set of feasibility plans taking into account elevations, utilities, etc., in order to develop a preliminary Engineer's Estimate for a possible realignment project. It is very important that this effort be undertaken at this time as the Phase I report has not yet been finalized or sent to IDOT for this section of 143rd Street, and the parcel needed for the possible realignment remains undeveloped.

During the time that the 2-D exhibit was being prepared, discussions were held with IDOT regarding this realignment effort specifically related to cost sharing and the disposition of the land upon which the current Southwest Highway is built. If this realignment is feasible and agreed to, IDOT would, at the end of realignment construction, vacate the current right-of-way enabling the Village to assemble the remaining portion of the "vacant parcel" and the "old ROW" into one parcel with good frontage on both 143rd Street and the realigned Southwest Highway. Cost sharing will be determined once further investigation has been completed, but IDOT generally prefers traditional 4-legged intersections and looks favorably at opportunities to improve intersection performance and reduce complexity.

Once the enhanced feasibility work is completed, should the Village desire that this effort be continued, the final plan preparation work-effort will be examined to determine if it is appropriate to roll this into the Phase I report being prepared for this segment of the project, or if it is best to split this segment into two smaller projects for presentation to IDOT. In either scenario, by adding this realignment to the Phase I report, it presents this work as an integral component of the overall project making cost sharing more a certainty.

Staff has reviewed the proposal from McDonough Associates for Pre-Phase I engineering and finds the proposed fee of \$9,938.40 appropriate for the effort to be undertaken.

I move to approve a budget adjustment in the amount of \$9,938.40 to fund 054.

And

Approve authorizing the Village Manager to execute a contract with McDonough Associates Inc. of Chicago, Illinois, for Pre-Phase I Engineering services to develop realignment alternatives for the intersection of 143rd Street and Southwest Highway in an amount not to exceed \$9,938.40.

This matter was APPROVED on the Consent Agenda.

2010-0602 104th Avenue Bike Path Easement - Good Shepherd Cemetery 16201 104th Avenue - Ordinance

Approval is being requested that an ordinance be passed that will accompany the previously Board Approved plat of easement for the bike path fronting the Catholic Cemeteries' subject property along 104th Avenue, from 159th Street to 167th Street.

I move to pass Ordinance Number 4609, entitled: AN ORDINANCE APPROVING EASEMENT FOR BICYCLE AND WALKING PATH (CATHOLIC CEMETERIES)

This matter was PASSED on the Consent Agenda.

2010-0370 2010 Land Development Code Amendments III - Ordinance

On December 6, 2010 the Village Board approved the Land Development Code Amendments for Sections 2-102, 6-205.1, 6-207, 6-208, 6-209, 6-210, 6-211, 6-305.1, 6-306, 6-307, 6-310, 7-102 and 8-101 as written in the attached exhibit titled "Part Three: Attachments" prepared by the Development Services Department and dated November 15, 2010.

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

I move to pass Ordinance Number 4610, entitled: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (Section 2-102, Section 6-205.1.E.4.c, Section 6-207.B, Section 6-207.C.14, Section 6-207.F.4.c, Section 6-208.B, Section 6-208.C, Section 6-208.F.5.c, Section 6-209.A, Section 6-209.B, Section 6-210.B, Section 6-210.C.16, Section 6-210.F.4.c, Section 6-211.B.16, Section 6-211.C, Section 6-211.F.5.c, Section 6-305.1.B.1.d, Section 6-305.1.B.2, Section 6-306 (Table 6-306(B)), Section 6-307.N.1, Section 6-307.P.1.a.5, Section 6-310.C.7, Section 6-310.E.5, Section 7-102.O.2, Section 7-102.O.6.b, Section 7-102.O.6.d, Section 7-102.Q.2.b, Section 8-101.B.7, Section 8-101.C.7, and Section 8-101.F.3.a)

This matter was PASSED on the Consent Agenda.

2010-0638 Veterans Affairs Intergovernmental Agreement

The Illinois Department of Veterans Affairs is currently occupying 325 square feet in the lower level of the Village Hall at 14700 S. Ravinia Avenue, Orland Park, Illinois. The Veterans Affairs office has requested a renewal of their agreement to occupy this space.

The current agreement term was five years. Staff recommends a three year lease term to give the Village appropriate flexibility. The agreement provides space for a term of three years at no cost to the State of Illinois. At any time during the term, the Village may terminate this intergovernmental agreement effective three months following written notice.

The Illinois Department of Veterans Affairs is state office dedicated to assisting veterans and their family members. A local presence of this agency will make sure our local military veterans and their families receive the benefits and care they are entitled to. The Village Attorney is in the process of reviewing the intergovernmental agreement at this time.

I move to approve an intergovernmental agreement with the State of Illinois, acting by its Department of Central Management Services, on behalf of the Department of Veterans Affairs.

And

To authorize the Village Manager to execute the agreement.

This matter was APPROVED on the Consent Agenda.

2010-0670 Class 6B - Resolution

This request is for the Village Board to consider a resolution in support of a Class 6B status for property located at 15657 South 70th Court (former M. Cooper Supply Company) in Orland Park. This property has been vacant for over two years, as a result of the relocation of M. Cooper Supply to Will County. The property is being purchased by Madison Construction, which plans on relocating and expanding their existing business. Madison Construction currently employs 38 people and will add 45 employees. They will also be undertaking substantial improvement to the buildings. Madison Construction specializes in general construction, construction management, design/build projects, geothermal systems and commercial & residential weatherization.

The Class 6B incentive, offered through Cook County, provides for a substantial reduction in assessed valuation resulting in significant tax savings. The incentive term is for a period of 10 years (16% of market value) and then begins to rise in years 11 & 12 (23% and 30% respectively). In the absence of this incentive, real estate would normally be assessed at 36% of its market value.'

The subject property consists of 2 parcels and the existing building is approximately 19,000 square feet.

I move to pass Resolution Number 1016, entitled: A RESOLUTION DETERMINING THE APPROPRIATENESS OF CLASS 6B STATUS PURSUANT TO THE COOK COUNTY REAL PROPERTY CLASSIFICATION ORDINANCE FOR CERTAIN REAL ESTATE LOCATED AT 15657 SOUTH 70TH COURT IN ORLAND PARK, ILLINOIS.

This matter was PASSED on the Consent Agenda.

DEVELOPMENT SERVICES AND PLANNING

2010-0650 Wendy's - Landscape Plan

The Village Board approved the Landscape Plan for the former Boston Market, located at 7360 West 159th Street, in November 1995. The business operated in that location until January 2009. As the trees matured through the years, there was the issue of visibility to the building. The front landscape buffer for Boston Market was 27' wide, rather than the minimum required 10', and the amount of plant material between the street and the building front was more than typical. The building now has been vacant for almost two years.

In addition to changing the building facades, Wendy's also proposes to remove, but not replace, several canopy trees along the front and sides of the building. The canopy trees slated for removal are there in order to meet Land Development Code street tree and bufferyard requirements. Wendy's does not want to replace the trees, citing visibility concerns from 159th Street. The attached photograph that were included in the Board packet confirms that the building is very difficult to see from the street, much more than most other businesses along Orland Park's major commercial corridors. Staff encouraged the petitioner to 'limb up' the canopy trees to increase visibility and/or replace the trees with smaller trees. Wendy's representatives, however, asserted that only tree removal would make the vacant building suitable for occupation of their restaurant. The proposed changes in the Board approved plan for Boston Market require the landscape plan and tree mitigation proposal to be approved by the Village Board.

The landscape plan does not strictly conform to Land Development Codes as related to canopy and evergreen tree quantities. The plan does, however, compensate for the missing trees by providing substantially more shrubs and perennials that would be required by Code, as highlighted in the detailed analysis below. The Petitioner has also agreed to a cash-in-lieu donation to the Village's tree mitigation account in order to meet the Tree Preservation section of the Land Development Code.

The Arbor Day Foundation has recognized Orland Park as a Tree City USA for the past 23 years, more years than most Illinois Communities. The Village's commitment to tree canopy and high quality landscaping in all developments contributes to the high quality sense of place. However, the Village is also committed to the economic health of its businesses and a number of very site specific factors required a creative solution for this project. The wide front buffer previously mentioned, the dense, low-limbed canopies of the existing trees and the closely spaced trees along the access drive all contributed to the very limited visibility of the building. Without addressing this issue, it is unlikely that any tenant would occupy the currently vacant building.

The detailed review of the landscape plan is provided below:

Required Buffers

The Land Development Code requires that specific landscape buffers be met along development borders. Wendy's is proposing to remove much of the existing landscaping and replace it with new material, including the removal, without tree replacement, of twenty four (24) mature shade trees. However a total of two hundred two (202) additional shrubs beyond Code required shrubs have been added to the site buffers, plus perennials. Also, new shrubs will replace old shrubs around the building. The total number of required shade trees for all of the site buffers is met, but the distribution is heaviest to the rear, and the proposed front buffer has only three (3) of a required seven (7) trees. Six (6) existing mature trees will be removed from the front buffer yard. However one hundred twenty-nine (129) new shrubs, beyond the Code required twenty one (21) shrubs, are proposed for this front buffer. The front buffer shrub selection includes many Yews, Burning Bush, and Junipers that should mature into a solid parking lot screen. Small flowering shrubs, ornamental grasses, and perennials are also included in the mix.

Additionally, two (2) street trees will be removed along 159th Street, but two (2) will be preserved, meeting Code street tree requirements.

Under Landscape Code revisions currently under study, when a building is set to the street, shade trees may in some cases be substituted with eight shrubs in place of each required tree to meet buffer requirements. However the Wendy's situation differs because a parking lot is between the building and the street. Another precedent for substituting shrubs for trees is in conservation easements in residential areas, where homeowners have in some cases have been allowed to substitute shrubs for trees.

Tree Mitigation:

Tree mitigation will be required for some of the removed trees. Twenty four (24) trees exceeding 4" in caliper will be removed from the site. No mitigation is required for borer prone Ash Trees, reducing the mitigation to seventeen (17) trees. All of these trees are four (4") to twelve (12") in caliper and the Code requires they be mitigated with two, 2 ½" caliper trees for each removed tree. The Code allows mitigation trees that can not be accommodated on the site to be paid into a tree mitigation account at a rate of \$400 for each 2 ½" caliper tree. Wendy's has elected not to mitigate with tree replacement, therefore, Wendy's mitigation fee in lieu will be \$400 X 34 trees = \$13,600 to be paid to the Village into the tree mitigation account to be planted elsewhere in the Village.

I move to approve the Landscape Plan titled, 'Wendy's Landscape Plan,' and "Wendy's Tree Preservation Plan" prepared by Countryside Landscape Architects and Contractors,, job number 10-028, dated 07-23-10, most recent revision 11-11-10, sheets LS1 and TP1.

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

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

MAYOR'S REPORT

2010-0665 Title 7 Chapter 4, Increase Class D Liquor Licenses - Ordinance

Approval is being requested to Increase the number of Class D liquor licenses from six (6) to seven (7) to accommodate 94 West restaurant's request to also sell packaged Italian wines. Package liquor cannot be sold after 11 p.m.

I move to pass Ordinance Number 4611, entitled: AN ORDINANCE AMENDING TITLE 7 CHAPTER 4 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF CLASS D LIQUOR LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

A motion was made by Trustee Kathleen Fenton, seconded by Trustee Bernard Murphy, that this matter be PASSED. The motion CARRIED by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) setting a price for sale or lease of village property.

A motion was made by Trustee Bernard Murphy, seconded by Trustee Kathleen Fenton, that this matter be RECESS. The motion CARRIED by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

RECONVENE BOARD MEETING

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

Purpose of the Executive Session was for the discussion of a) setting a price for sale or lease of village property.

ADJOURNMENT - 9:20 PM

A motion was made by Trustee Kathleen Fenton, seconded by Trustee Patricia Gira, that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk