

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, October 5, 2009

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 7:00 PM

Present: 4 - Trustee Fenton, Trustee O'Halloran, Trustee Schussler and Trustee Gira

Absent: 3 - Trustee Murphy, Trustee Dodge and Village President McLaughlin

APPOINT TEMPORARY CHAIRMAN

In the absence of President McLaughlin and Mayor Pro Tem Trustee Murphy, I move to approve appointing Trustee Fenton as Temporary Chairman for this meeting.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 0

Abstain: 1 - Trustee Fenton

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

VILLAGE CLERK'S OFFICE

2009-0449 Approval of the September 19, 2009 Special Meeting Minutes

The Minutes of the Special Meeting of September 19, 2009, 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 Special Meeting of September 19, 2009.

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

Aye: 3 - Trustee Fenton, Trustee Schussler, and Trustee Gira

Nay: 0

Abstain: 1 - Trustee O'Halloran

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

2009-0453 Approval of the September 21, 2009 Regular Meeting Minutes

The Minutes of the Regular Meeting of September 21, 2009, 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 September 21, 2009.

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: 4 - Trustee Fenton, Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

CONSENT AGENDA

Trustees O'Halloran and Schussler asked that Item D. Southmoor Commons Special Use Amendment and Annexation Agreement Amendment be removed from the Consent Agenda for a separate vote.

Trustee O'Halloran asked that Item L. Colette Highlands Park Site - Stockpile Removal and Re-Grading be removed from the Consent Agenda for a separate vote.

Passed the Consent Agenda

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

Aye: 4 - Trustee Fenton, Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

2009-0465 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 October 2, 2009 in the amount of \$900,551.63.

This matter was APPROVED on the Consent Agenda.

2009-0455 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 September 22, 2009 through October 5, 2009 in the amount of \$515,022.32.

This matter was APPROVED on the Consent Agenda.

2009-0425 Disposal of Certain Seized Vehicles at Public Auction - Ordinance

Approval is being requested that the Village declare five forfeited vehicles being processed for titles and two impounded vehicles with a certificate of purchase described herein as excess property and to dispose of at public auction.

The vehicles were seized by the department and forfeited to the Village by the Circuit Court of Cook County from drivers who were driving their vehicle while their license suspended for DUI.

We have applied for the title to these vehicles described as follows:

1993 Mercury Villager	4M2DV11W0PDJ67645
1993 Honda Accord	1HGCB7655PA188183
1991 Pontiac Bonneville	1G2HX54C9M1236425
2001 Chrysler 300	2C3HE66G11H698616
2000 Ford F-150 Pickup	2FTRX07L3YCA43478
1998 Ford Explorer	1FMYU22X3WUC17342
1997 Mercury Cougar	1MELM62W0VH630596

I move to pass Ordinance Number 4510, entitled: ORDINANCE AUTHORIZING DISPOSAL BY PUBLIC AUCTION OF PERSONAL PROPERTY (VEHICLES) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

This matter was PASSED on the Consent Agenda.

2008-0442 Phase II Orland Park Historic Marker Program

Approval is being considered for an additional marker for Phase II of the Orland Park Historic Marker Program via a private donation;

On September 15, 2009 the Historic Preservation Review Commission moved 4-0-1 to recommend approval to the Village Board of Trustees the text and site placement of the Historic Markers for the following building titled "14330 Beacon Avenue" at 14330 Beacon Avenue, prepared by the Development Services Department and dated September 15, 2009, as an additional part of Phase II of the Historic Marker Program, as amended.

This item is now before the Village Board for final review and approval.

I move to approve the text and site placement of the Historic Markers for the following building titled "14330 Beacon Avenue" at 14330 Beacon Avenue, prepared by the Development Services Department and dated September 15, 2009, as an additional part of Phase II of the Historic Marker Program.

This matter was APPROVED on the Consent Agenda.

2009-0327 Shops at 88 Day Care (Children of America Day Care)

The petitioner, David Sosin, proposes to construct a day care center in the proposed Shops at 88th Center, located at the southeast corner of 159th Street and 88th Avenue. The petitioner is requesting a Special Use amendment with modifications, Subdivision, Site Plan and Elevation approval.

I move to approve the Shops at 88 Day Care Site Plan, Building Elevations, Special Use amendment with modifications, and re-subdivision; subject to conditions as fully cited below.

THIS SECTION FOR REFERENCE ONLY (NOT REQUIRED TO BE READ AT MEETING)

I move to approve the site plan titled "The Shops at 88 Orland Park Illinois Final Plan" by Tech 3 Consulting Group job # 09029 and dated September 22, 2009 subject to the following conditions:

1. Revise the Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval. Include another amenity in the main entry road vista, albeit smaller, where the gazebo was removed. Additionally, re-locate landscaping displaced by the new building footprint elsewhere on the site.
2. Meet all final engineering requirements.

And

I move to approve the Elevations titled "Children of America The Shops at 88 proposed Elevations" by Base Ten Architects dated October 1, 2009, subject to the following conditions:

1. Screen all mechanical equipment, either at grade level with landscaping or hidden behind the roofline or a parapet. Minimize visual and noise impact on the abutting 4 story condominium building and other residential establishments through careful selection of the material, color, location and noise levels generated by roof top equipment.

2. Construct trash enclosure of masonry to match the building brick.
3. Tie in at least one brick color with the brick colors approved for the other buildings in the planned development.

And

I move to approve an amendment to Special Use Permit Ordinance number 4130 for a Planned Development for The Shops at 88. The development will now include an 8500 square foot Day Care Center, as shown on the Site Plan, in place of the two story office building that was formerly proposed at the rear of the site. This special use includes a modification for a reduction in the detention pond setback where it abuts the day care playground.

And

I move to approve a four lot subdivision plus a detention pond out-lot, subject to the submission of a Record Plat of Subdivision to the Village for recording and subject to these conditions:

1. The detention out-lot maintenance is the sole responsibility of the other four lots in the subdivision, with this issue addressed through common ownership, deed restrictions and the Development Agreement.
2. The Subdivision meets all final engineering requirements.
3. Provide a notarized, shared parking and cross access agreement between the lots, using Village template, prior to the issuance of Building Permits.

This matter was APPROVED on the Consent Agenda.

2009-0282 Colonial Chapel Funeral Home - Garage Addition - Variance - Ordinance

On September 8, 2009 the Village Board voted 5-0 to approve variations for the Colonial Chapel Funeral Home - Garage Addition located at 15525 S. 73rd Avenue. The variance allows for a reduction in the front yard building setback from 15 feet for mixed-use buildings in the RSB Residential Supporting Business District to 5 feet 7 inches for a proposed attached garage building subject conditions as stated in the ordinance.

I move to pass Ordinance Number 4511, entitled: AN ORDINANCE GRANTING VARIANCES - (COLONIAL CHAPEL FUNERAL HOME, 15525 SOUTH 73RD AVENUE)

This matter was PASSED on the Consent Agenda.

**2008-0724 Commercial Façade Improvement Program
Energy Efficiency Module (EEM)
Auto Mall Module (AMM)**

As part of the 2009 ComEd Community Energy Challenge (CEC), ComEd set aside \$200,000.00 in business incentives for commercial energy efficiency projects in Orland Park. As part of the CEC, ComEd requested that participating municipalities assist in the delivery of these incentives. The Commercial Façade Improvement Program (CFIP) was determined to be the best existing program that could help Orland Park businesses improve their energy efficiency. By taking advantage of ComEd and Village incentives, Orland Park businesses will save money and improve their overall economic competitiveness.

This is also part of the Village's efforts outlined in the Energy Efficiency and Conservation Municipal Action Plan (ECOMAP).

Under normal conditions, the Commercial Façade Improvement Program (CFIP) focuses primarily on façade improvements and restoration (with some foundation and rooftop work) in the Central 143rd Street Commercial District. In order to fit CFIP to the energy efficiency initiatives outlined in ECOMAP and CEC, and to serve a larger area, two program extension modules were created. The first program extension module is the Energy Efficiency Module (EEM) and the second is the Auto Mall Module (AMM). EEM will assist in the disbursement of \$100,000.00 in ComEd Smart Ideas for Your Business incentives, while AMM will assist in the disbursement of \$50,000.00 in ComEd incentives. The remaining \$50,000.00 in ComEd incentives will be used by the Smart Energy Improvement Revolving Loan Program, currently under development using Energy Efficiency and Conservation Block Grant (EECBG) funds.

Energy Efficiency Module and Auto Mall Module

The Energy Efficiency Module is designed as a one year program extension to CFIP and will expire on May 31, 2010. EEM is voluntary and is open to commercial buildings and properties located east of La Grange Road in the BIZ General Business Districts along Harlem Avenue, 94th Avenue, 151st Street and 159th Street. These areas have the highest energy demand after the La Grange Road corridor, which has the highest overall demand. (The Smart Energy Improvement Revolving Loan Program will handle energy efficiency incentives for the La Grange Road corridor).

The Auto Mall Module is also designed as a one year program extension to CFIP and will also expire on May 31, 2010. AMM is voluntary and open to all automobile dealerships in Orland Park. The automobile dealerships are targeted to provide lighting and other mechanical energy improvements that will help reduce energy costs.

Program Details

Property owners and /or tenants of eligible commercial buildings install at least \$1,000.00 of energy efficiency improvements qualify to apply for a matching grant from the Village (using Village funds) equal to 20% of the cost of work, up to a maximum \$10,000.00 per project, for eligible improvements that receive funding through ComEd's Smart Ideas for Your Business program incentives. Energy efficiency projects funded through CFIP are required to apply to ComEd's Smart Ideas for Your Business program incentives, which can further subsidize a project up to an additional 30% (using ComEd funds) depending on the improvements.

The Village will not fund projects that do not obtain ComEd Smart Ideas for Your Business incentives. Part of the 2009 ComEd Community Energy Challenge is to leverage ComEd dollars using municipal and other funds. If the Village does not leverage ComEd incentives, the potential exists for ComEd to pull the allocated amount of incentives for Orland Park businesses and re-allocate the funding elsewhere. By providing a matching share, the Village further subsidizes an already subsidized project by ComEd, potentially providing up to a 50% incentive.

The two program extension modules follow the same rules as the original Commercial Façade Improvement Program with regard to funding. If more applications are received than current funding levels will allow the Village will rank the approved applications on a first-come first-serve basis and reimburse applicants according to that order when funding is available again. This can create a situation where the Village will be paying back EEM and AMM costs over a period of time beyond the May 31, 2010 expiration.

Abbreviated Review Process

Because eligible projects applying to the program extension modules will have already undergone an energy analysis and review by ComEd and been awarded ComEd incentives, the Village's review is abbreviated. The eligible project will be reviewed for Code compliance to the Land Development Code and Building Code by the Development Services Department and then sent to the Development Services and Planning Committee of Trustees for review and recommendation to the Village Board. Projects denied by the Village will not receive EEM or AMM assistance, but may still receive ComEd assistance. Building permits will still be required prior to improvement implementation.

All project costs will be borne by the applicant with reimbursement of matching funds pending from the Village only after work is completed per the approved plan and all conditions are met as verified by Village inspections and per the Façade Improvement Program Agreement, which is required per CFIP.

ComEd will deliver Smart Ideas for Your Business program incentives to the eligible applicant separately.

I move to approve the proposed program extension modules to the Commercial Façade Improvement Program titled "Energy Efficiency Module" and "Auto Mall

Module”, prepared by the Development Services Department, dated September 28, 2009.

This matter was APPROVED on the Consent Agenda.

2009-0257 Verizon Wireless Facility - 153rd Street Water Tower 8

The petitioner, Chad Gargrave, Black and Veatch has petitioned to co-locate wireless communication equipment on the premises and on top of Water Tower 8, located at 15501 Park Station Boulevard.

I move to approve the Verizon Wireless Facility - 153rd Street Water Tower 8 Site Plan, Elevations, Special Use and Modifications to the setback and as fully cited below.

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

I move to approve the preliminary site plan titled “15501 Park Station Blvd. Orland Park, Il. 60467 Site Plan”, prepared by Fullerton Engineering Consultants, project number 2008284367, dated 05/15/09, last revised 08/14/09, sheets number Z-1 and Z-2, and the Elevations titled “15501 Park Station Blvd. Orland Park, Il. 60467 Site Elevation”, prepared by the same, same project number, same date and revision date, sheets number Z-3 and Z-4, subject to the following conditions (if applicable):

1. That the elevation drawings indicate that the color of the masonry shall be red brick and the color and material of the rooftop shall be of a metal material with a green or dark green color that matches the Village-owned utility shelter at 153rd Street and 108th Avenue, prior to appearing before the Village Board;
2. That this project is subject to a policy approval by the Village Board that would allow the proposed building on public land;

And

I move to approve a special use for Verizon Wireless that grants authority to construct a wireless communication utility sub-station under the Village’s Water Tower No. 8 that will support wireless communication equipment co-located on top of the water tower, subject to the above conditions;

And

I move to approve a modification to the setback requirement for utility substations per Section 6-208.C.14.a. from 25 feet to 6 feet 6 inches from the east property line.

This matter was APPROVED on the Consent Agenda.

2009-0400 New Residential and Commercial Green Construction

The Village of Orland Park has begun implementation of the Smart Living program. As part of this green initiative, the Smart Neighborhood and Smart Business Programs were also created. The Development Services Department is responsible for developing and implementing programs that encourage green commercial and residential development in Orland Park. As part of this, Village staff recommends adoption of two green programs that will encourage, through limited incentives, green building construction in Orland Park.

1. Green Commercial Buildings - New Construction

This program would apply to commercial, office, industrial and institutional buildings. Green projects would be eligible for a reduction in building permit fees if they obtained LEED certification. The following levels would be available:

- LEED Bronze - Would receive expedited review and permitting. This would typically equate to a 4-8 week schedule savings.
- LEED Silver - Would receive expedited review and permitting plus a 10% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- LEED Gold - Would receive expedited review and permitting plus a 25% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- LEED Platinum - Would receive expedited review and permitting plus a 50% permit fee waiver (does not include impact fees and water fees). Building fees would be deferred until occupancy.

Please note that all projects would require LEED documentation (sign-off from certified architect). Additionally, if LEED designation is not achieved, fees would be adjusted accordingly.

2. Green Homes - New Construction

This program would apply to new residential buildings. Green Homes would be eligible for a reduction in building permit fees if they obtained certain green certifications. The following levels would be available:

- Bronze - Would receive expedited review and permitting. This would typically equate to a 4-8 week schedule savings.
- Silver - Would receive expedited review and permitting plus a 10% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- Gold - Would receive expedited review and permitting plus a 25% permit fee waiver (does not include impact fees or water fees). Building fees would be

deferred until occupancy.

- Emerald - Would receive expedited review and permitting plus a 50% permit fee waiver (does not include impact fees and water fees). Building fees would be deferred until occupancy.

Please note that all projects would require construction documentation (sign-off from certified architect). Additionally, if the designation is not achieved, fees would be adjusted accordingly.

The National Green Building Standard (NGBS) will be used as the baseline for achieving certification. The NGBS is the first national code that resulted from a collaborative effort between the International Code Council (ICC) and the National Association of Home Builders (NAHB). The guidelines include lot design, preparation and development, resource, energy, and water efficiency; indoor environmental quality, and operation, maintenance, and building owner education. The four thresholds levels - Bronze, Silver, Gold, and Emerald provide the builder/developer with a means to achieve basic, entry-level green homes, or achieve the highest level of sustainable "green" that incorporates energy savings of 60% or higher. As additional codes and standards are developed throughout the industry, these standards may change or be supplemented.

I move to approve the Village of Orland Park's Green Building and Green Homes Program as fully referenced in this agenda item.

This matter was APPROVED on the Consent Agenda.

2009-0396 Land Development Code Amendment- R-3 Zoning Lot Coverage for 3+ Vehicle Side Loaded Garages

On April 20, 2009, the Village Board requested additional information regarding lot coverage and storm water detention requirements for swimming pools. Specifically, staff was requested to analyze the issue of allowing a portion of the swimming pool surface area to be considered pervious when calculating lot coverage. This issue was originally discussed in the spring of 2006 and resulted in a code amendment to allow an additional 5% lot coverage to be allowed for residential lot accessory structures.

Further discussion occurred during the June 22, 2009 Development Services Committee regarding swimming pools and lot coverage related to storm water. During this discussion, staff was asked to investigate how a side-loaded three (3) car garage (further abbreviated as "3CSLG") vs. a typical three (3) car front-loaded garage ("3CFLG") affects lot coverage, in terms of driveway lot coverage. This investigation was required due to the fact that existing code states a proposed three car garage in the R-3 zoning district must be side-loaded, unless it faces a public street.

The front-load vs. side-load investigation, summarized again further below, was provided on July 27, 2009 to the Development Services and Planning Committee,

who then moved 3-0 to recommend to the Village Board of Trustees pursuit of a code amendment that will allow an additional 3% lot coverage for three car side-loaded garages. On August 3, 2009 the Board of Trustees moved to approve processing of a code amendment that will allow an additional 3% lot coverage for three car side-loaded garages. This report now specifically identifies the code section to be amended for additional lot coverage related to three car side-load garages in the R-3 zoning district.

Below is the current Land Development Code ("LDC") excerpt which identifies the requirement for a side-loaded garage within R-3 Zoning LDC Section 6-204-B:

B. Permitted Uses. The following uses may be established as permitted uses in the R-3 District, in accordance with the procedures established in Section 5-101 through 5-104:

1. Accessory uses, as provided in Section 6-302;
(Ord. 4374 - 6/2/08)

a. Garages for two (2) vehicles;

b. Accessory three (3) or four (4) vehicle garage if it is side-load and not facing a public street;

As instructed, staff investigated how the code requirement of 3CSLG vs. a typical 3CFLG affects lot coverage, in terms of whether or not there is increased driveway lot coverage when a residence has a side-load garage. Staff performed a basic study of three-car garage driveways which currently exist in Orland Park in the R-3 zoning district.

Staff investigated the actual sizes of constructed driveways for houses with a typical 3CFLG design and a typical 3CSLG design, via the as-built plats of survey for various houses in the Brook Hills, Ishnala, Mallard Landings, Evergreen View, Colette Highlands and Sterling Ridge subdivisions. These plats were used to establish an average driveway square footage for a typical front-loaded driveway and a typical side-loaded driveway. The aforementioned subdivisions were chosen because Brook Hills, Mallard Landings & Ishnala are areas where three (3) car garages first became quite common. Evergreen View, Colette Highlands and Sterling Ridge are three of the Village's most current residential developments where three (3) car garages are the status quo, but side-load garages were not necessarily a code requirement.

The average area of various 3CSLG driveways surveyed from Evergreen View, Sterling Ridge and Colette Highlands was calculated at ~1288 square feet. The average area of some 3CFLG driveways surveyed from Brook Hills, Ishnala and Mallard Landings was calculated to be ~ 950 square feet. Therefore, the average increase in area between a 3CSLG garage and 3CFLG was estimated as 1288 minus 950 = 338 square feet. If one can picture a rectangular area that is

approximately 17 feet wide by 20 feet long, this is a good visual reference of the size increase that occurs when a 3CSLG driveway is constructed.

The lot size in the R-3 zoning district is anywhere from 10,000 to 12,000 square feet (minimum lot size = 80 ft. wide by 125 ft. deep = 10,000 square feet). 338 square feet of driveway area upon a 10,000 square foot lot would equate to approximately 3.4 percent ($338/10,000 = 3.38\%$, rounded up to 3.4%) additional lot coverage on account of using a 3CSLG garage design. 338 square feet of driveway area upon a 12,000 square foot lot would equate to approximately 2.8 percent ($338/12,000 = 2.81\%$, rounded to 2.8%) additional lot coverage on account of using a 3CSLG garage design. Three percent (3%) was therefore chosen as a suitable round number between 2.8 percent and 3.4 percent to use for the typical increase in lot coverage that can be attributed to the code required side-load driveway for any allowable lot size in the R-3 zoning district.

I move to approve a code amendment of Land Development Code Section 6-204-F- Lot Coverage, which will allow additional 3% lot coverage for required three car side-loaded garages in the R-3 zoning district that do not face a public street.

This matter was APPROVED on the Consent Agenda.

2009-0344 Chick-Fil-A

The petitioner is proposing to construct a new one-story 4,195 s.f. Chick-Fil-A restaurant with drive through service on Lot 4 of the Lowes subdivision (the southeast corner of 156th Street and LaGrange Road).

I move to approve the Chick-Fil-A Site Plan, Building Elevations, Landscape Plan, Special Use, and Variations subject to conditions as fully cited below.

THIS SECTION FOR REFERENCE ONLY (NOT REQUIRED TO BE READ AT MEETING)

I move to approve the site plan and building elevations for the Chick-Fil-A restaurant as shown on the following drawings,

Site plan titled 'Concept Plan - G', prepared by SEC Group, Inc., job number 090105, dated 09-15-09, sheet titled CON-G;

Building elevations titled 'Exterior Elevations', 'Refuse Enclosure', and 'Site Walls' prepared by E & H Architects, store number 2638, dated 07-09-09, sheets A-2.1, A-2.2, A-3.5 and A-3.7;

Menu board elevations titled 'Chick-Fil-A Orland Park FSU', prepared by Clayton Signs, store number 2638, dated April 23, 2009, most recent revision August 5,

2009, Locations H, I and J.

And

Architectural rendering titled 'Chick-Fil-A, Front Entry Perspective' and 'Chick-Fil-A Front Perspective', dated September 15, 2009, subject to the following condition:

1) That all final engineering related items are met.

And

I move to approve the Special Use Permit to allow for a drive through lane, subject to the same conditions as outlined in the site plan motion.

and

I move to approve the variances to reduce the side yard setback along the south property from 15'-12' and to allow the drive through between the building and the street, subject to the same conditions as outlined in the site plan motion.

And

I move to approve the landscape plan titled 'Chick-Fil-A Landscape Plan' prepared by SEC Group Inc., dated July 10, 2009, most recent revision September 18, 2009, project number 090105-CFAI, sheets LD.1 and LP.1, with no conditions.

This matter was APPROVED on the Consent Agenda.

2009-0364 Southmoor Commons Special Use Amendment and Annexation Agreement Amendment

The petitioner, V-Land Orland Park 131st LLC is requesting an amendment to the permitted uses in the Southmoor Commons commercial development, located at the southeast corner of 131st Street and LaGrange Road, to align them with those uses allowed in the current BIZ General Business Zoning District.

Trustee Schussler recommended that this item be continued to the next Board of Trustees meeting.

I move to continue this item to the next Board of Trustees meeting.

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

Aye: 4 - Trustee Fenton, Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

2009-0360 Colette Highlands Park Site - Stockpile Removal and Re-Grading

This is an update to the previous discussion regarding the removal of the earth stockpile on the Colette Highlands townhome park site along Park Station Boulevard. On July 27, 2009, the Development Services and Planning Committee moved to recommend to the Village Board entering into an agreement with Huguelet Construction Co. and T.J. Cachey Builders, Inc. II to share the cost of the stockpile removal, not to exceed \$35,100; and to recommended entering into an agreement with Kimball Hill Homes to utilize the excavated material from Colette Highlands Lot 402 park parcel at the Cherry Ridge South parcel for filling of a large depressional area; and accept Silvestri Paving as the low bidder and waive the bidding process; and amend the budget of the Expenditure Budget line in the amount of \$35,100 and the Revenue Budget line in the amount of \$23,400.

The previous approach to take advantage of the local Cherry Ridge South parcel location for disposal of the park stockpile cannot be agreed upon. Staff has been in contact with Kimball Hill Homes on a regular basis to settle on an agreement to proceed with this stockpile disposal. Kimball Hill Homes basically cannot commit to this agreement on account of fearing they will jeopardize their environmentally "clean" site even though we have certified that subject soil is clean. Nor does Kimball Hill Homes want to disrupt negotiations with potential buyers of the property by disclosing an agreement with the Village to accept this stockpile.

Therefore, staff asked the selected excavation contractor, Silvestri Paving Co., to revise their proposal to haul the stockpile elsewhere. No other nearby dump sites are immediately available, and therefore trucking costs must substantially rise for this project due to the expected longer haul times. The revised proposal from Silvestri Paving Co. is now \$70,560. This amount is comparable with other contractors' proposals that did not factor-in the nearby disposal of the stockpile on the Cherry Ridge South site.

The Village Attorney will still establish an agreement between the Village, Huguelet and Cachey to now share in the \$70,560 cost, each reimbursing the Village \$23,520.

Trustee Schussler asked what the possibility is for this dirt to be moved somewhere in the Village rather than trucking it out of the Village.

Village Manager Grimes stated different options have been considered and analyzed by staff. The Village did have an arrangement with the Andrew property on the south side of 153rd Street. This property has a sizeable hole that needs to be filled. Unfortunately, this will not be possible because the owner of that property

is concerned about losing the environmental certification that he currently has. The owner does not want to do anything that may disturb the potential sale of this property.

It has been suggested that this fill could be used to raise Village property that is on the northern end of Centennial Park, unfortunately this property is classified as a certain grade of wetland and it would take several months to receive an answer from the Army Corps.

Village Manager Grimes suggested the Village consult with the Village's engineers, Christopher Burke Engineering, to identify if this land is in the jurisdiction of the United States Army Corps. If this property is not in their jurisdiction and the Village could transfer the stockpile that may save the haulage fees.

Village Manager Grimes stated the residents of Colette Highlands have patiently waited for several years for this pile of dirt to be moved. He urged the Board to move forward on the authorization of the additional funds needed to move this stockpile. If there is an alternative, staff will explore that and have suggestions by the next Board Meeting.

I move to approve the Village Board entering into an agreement with Huguelet Construction and T.J. Cachey Builders, Inc. II to share the cost of the stockpile removal, not to exceed \$70,560.

And

Approve accepting Silvestri Paving as the low bidder and waive the bidding process;

And

Approve amending the budget of the Expenditure Budget line in the amount of \$70,560 and the Revenue Budget line in the amount of \$47,040.

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

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 1 - Trustee Fenton

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

BOARD COMMENTS

TRUSTEE SCHUSSLER - Stated that he along with Trustee Gira and Village Manager Grimes attended the Municipal League Conference. There were two

sessions dedicated to video gaming which will be of interest to the Board. Trustee Schussler plans to distribute his notes that he took at both of these sessions to the Board for their review.

Other sessions that Trustee Schussler attended were finances and budgeting, both were very interesting. While attending these sessions, even though the Village of Orland Park has some challenges in regards to the 2010 budget, he found other municipalities had far greater challenges.

ADJOURNMENT - 7:20 PM

A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 4 - Trustee Fenton, Trustee O'Halloran, Trustee Schussler, and Trustee Gira

Nay: 0

Absent: 3 - Trustee Murphy, Trustee Dodge, and Village President McLaughlin

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk