

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)



## Meeting Minutes

Monday, December 7, 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 7:05 PM.

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

**VILLAGE CLERK'S OFFICE****2009-0561 Approval of the November 16, 2009 Regular Meeting Minutes**

The Minutes of the Regular Meeting of November 16, 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 November 16, 2009.

**A motion was made by Trustee Kathleen Fenton, seconded by Trustee Patricia 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

**2009-0592 Approval of the November 30, 2009 Special Meeting Minutes**

The Minutes of the Special Meeting of November 30, 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 November 30, 2009.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Kathleen 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

**2009-0565 Eagles Hockey Club - Raffle License**

The Eagles Hockey Club is requesting a license to conduct a raffle during their Holiday Party/Annual Alumni Game on December 30, 2009, at the Oak Lawn Ice Arena. Raffle ticket will be sold in the Orland area after the raffle license is approved.

I move to approve issuing a raffle license to the Eagles Hockey Club so raffle tickets may be sold in the Orland area for their raffle which will take place at their Holiday Party/Annual Alumni Game on Wednesday, December 30, 2009.

**A motion was made by Trustee Kathleen Fenton, seconded by Trustee Brad 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

### **2009-0587 The Peoples Church of Chicago - Raffle License**

The Peoples Church of Chicago is requesting a license to conduct a raffle during their 2010 fundraiser on January 23, 2010, at the Riviera Country Club. The purpose for this raffle is to raise money for their Feeding the Homeless Program which hosts a 4-day a week meal program that is projected to serve in 2010 over 75,000 meals.

I move to approve issuing a raffle license to The Peoples Church of Chicago so a raffle can be conducted at their 2010 fundraiser on Saturday, January 23, 2010.

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

**Nay:** 0

## **PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS**

### **2009-0462 Recreation Advisory Board - Appointment**

President McLaughlin appointed Thomas H. McSharry to the Recreation Advisory Board.

I move to consent to the appointment by President McLaughlin of Thomas H. McSharry to the Recreation Advisory Board.

**A motion was made by Trustee Patricia Gira, seconded by Trustee Bernard Murphy, 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

**2009-0576 National Drunk & Drugged Driving (3-D) Prevention Proclamation**

President McLaughlin proclaimed December 2009 as Drunk and Drugged Driving (3-D) Prevention Month in the Village of Orland Park.

**This matter was a proclamation, NO ACTION was taken.**

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

**Nay:** 0

**2009-0568 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 25, 2009 in the amount of \$922,584.01.

**This matter was APPROVED on the Consent Agenda.**

**2009-0591 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 November 17, 2009 through December 7, 2009 in the amount of \$8,072,326.46.

**This matter was APPROVED on the Consent Agenda.**

**2009-0559 Recreation and Parks Department Program Brochure - Spring/Summer Programs**

Lists of the recommended programs to be offered in the Recreation and Parks Department 2010 Spring/Summer brochure were presented to the Recreation Committee for review and recommended approval. Included in the lists were contractual costs (over \$5,000.00) that would need Board approval associated with the spring/summer sessions. 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 as submitted by staff, and payment to the contractual instructors at time of invoicing.

I move to approve the 2010 Spring/Summer programs as presented by staff; and

Approve payment to contractual instructors at time of invoicing.

**This matter was APPROVED on the Consent Agenda.**

**2009-0516 Will-Cook Road Speed Limit Increase - Ordinance**

Residents from the area are requesting that the speed limit for Will-Cook Road from 159th Street to 167th Street be increased from 35 miles per hour to 45 miles per hour and the speed limit raised from 35 to 40 mph from 167th Street to the north curb of Brookshire Drive. This speed limit is also more consistent with the speed limit on Will Cook Road from 131 Street to 151 Street (45 mph).

I move to pass Ordinance Number 4520, entitled: AN ORDINANCE AMENDING TITLE 9 CHAPTER 9 OF THE ORLAND PARK MUNICIPAL CODE, ESTABLISHING A MAXIMUM SPEED FOR TRAFFIC ON WILL-COOK ROAD FROM THE INTERSECTION OF WILL-COOK ROAD AND 159TH STREET SOUTH TO THE NORTH CURB OF BROOKSHIRE DRIVE IN THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

**This matter was PASSED on the Consent Agenda.**

**2009-0562 Speed Limit Reduction on 131 Street - Ordinance**

The Cook County Highway Department contacted us and other communities recently to attempt to make the speed limit on 131st Street more consistent.

The speed limit on 131st Street from 86th Avenue to Southwest Highway (Route 7) is 40 mph. From Southwest Highway (Route 7) to LaGrange Road in Orland Park the speed limit is 45 mph from that short stretch of road and 40 mph west of LaGrange Road.

I move to pass Ordinance Number 4521, entitled: AN ORDINANCE AMENDING TITLE 9 CHAPTER 9 OF THE ORLAND PARK MUNICIPAL CODE, ESTABLISHING A MAXIMUM SPEED FOR TRAFFIC ON 131ST STREET FROM U.S. ROUTE 45 (LAGRANGE ROAD) TO ILLINOIS ROUTE 7 (SOUTHWEST HIGHWAY) IN THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

**This matter was PASSED on the Consent Agenda.**

**2009-0554 Disposal of Certain Seized Vehicles at Public Auction - Ordinance**

The police department requests that the Village declare two forfeited vehicles being processed for titles and one 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:

2002 Buick Rendezvous	3G5DB023E52S516831
2000 Volkswagon Jetta	2VWRC29M6YM043411
1991 Ford Explorer	1FMDU34X3MUC17289

I move to pass Ordinance Number 4522, 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.**

#### **2009-0560 Bullet Trap for Range - Purchase**

On November 17, 2008 the Village Board approved an intergovernmental agreement with the City of Oak Forest that provides access and use of the Police Department firearms range. The significant piece of the agreement was for Oak Forest to provide funding for the purchase and installation of a bullet trap. The bullet trap is considered to be a critical improvement to the firearms facility as it will collect and trap bullets and prevent them from being buried into the soil.

The agreement required an initial payment of \$90,000.00 and reasonable usage fees. The initial payment was specifically intended to cover the costs of the bullet trap and installation. The City of Oak Forest has submitted the initial \$90,000.00 to the Village. Staff would like to move forward with the purchase and installation of the bullet trap.

Staff has researched the various vendors that provide this type of equipment and have found Range Systems is the sole manufacturer/vendor of this particular bullet trap technology. Range Systems provide a product that is of a simplistic design and construction and easily maintained over the years. This system is compact and efficiently design and is suitable for outdoor applications. Staff therefore request that Range Systems be approved as a sole source vendor and the bidding process be waived.

The Range Systems proposal is to provide the bullet trap and installation at a cost of \$71,275.

The proposal also includes a two year maintenance agreement at a cost of \$6,500.

I move to approve that Range Systems be approved as a sole source provider for this bullet trap and the bidding process be waived;

And

I move to approve the purchase of the bullet trap and maintenance agreement from Range Systems for a total costs not to exceed \$77,775.

**This matter was APPROVED on the Consent Agenda.**

**2009-0542 Engineering proposal for Virginia Graeme Baker Act Swimming Pool Main Drain Renovations**

Metro Design Associates, Inc of Elgin, IL submitted a proposal for the Virginia Graeme Baker Act Swimming Pool Main Drain Renovations. In late September, Metro Design conducted a site inspection of the Orland Park Aquatic Center for compliance with the Virginia Graham Baker Act. Certain facility improvements must be made before we open the pool next summer, (Federal and State Law unfunded). The cost for mechanical and structural design services is \$9,875.00 in addition to reimbursable expenses (printing, travel). Estimated cost for the repairs is approximately \$60,000.00, and is proposed in the 2010 CIP program.

I move to approve the proposal of \$9,875.00 plus reimbursable expenses from Metro Design Associates, Inc of Elgin, IL.

And

To have the Village Manager execute a contract.

**This matter was APPROVED on the Consent Agenda.**

**2009-0556 Quote for Smart Living banners**

As part of the Village's Smart Living program, the Village will be purchasing 150 "Smart Living" banners to install on light poles throughout Orland Park. This money will be funded through the administrative allocation of the Village's Energy Efficiency Conservation Block Grant (EECBG).

Folgers Flag	\$40.95 each or \$6,142.50
Western Remac	\$70 each or \$10,500.00
Quality Flag	\$79 each or \$11,850.00

I move to approve the quote from Folgers Flag at a cost of \$6,142.50 for the 150 Smart Living banners.

**This matter was APPROVED on the Consent Agenda.**

**2009-0371 Covenant Orthodox Presbyterian Church Special Use Amendment**

The petitioner is requesting an amendment to the Covenant Orthodox Presbyterian Church Special Use Permit to operate a small K-8 school using church facilities. In cases like this, schools are reviewed and approved via the

Special Use Permit process, considering issues of use intensity, and are generally considered secondary, or accessory, uses to the principle use of the church. Reformation Christian School is actually not affiliated with Covenant Orthodox Presbyterian Church. The Church, however, has authorized the use of space for the school as noted in a permission letter that was received.

The petitioner is proposing no change to the site or the exterior of the building. If the school were renting or leasing space in an office or retail building, it would be the principle use of that space and require a standalone Special Use Permit meeting Code Requirements (as noted below). However, because the school is operating secondary to the principle use of the church, and does not result in a negative increase of use intensity on site, the Village attorney has concluded that Reformation Christian School does not have to meet the R3 space requirements for a school. If the school were to significantly expand (greater than 25 students), either on site or at a different location, it would have to meet the requirements for a principle use school in the corresponding Zoning District.

#### R3 Residential District School Special Use Requirements:

- 1) The use is located on a lot at least five (5) acres in area; and
- 2) No building is located within twenty-five (25) feet of a side lot line; and
- 3) The use is no closer than 1,000 feet to any other educational institutions.

On November 10, 2009, the Plan Commission, by a vote of 7-0, moved to recommend to the Village Board approval of the Special Use Amendment for Covenant Orthodox Presbyterian Church to allow for the operation of Reformation Christian School, subject to the following condition:

- 1) That the school not exceed 25 enrolled students or require any changes to the site or existing exterior building.

On November 23, 2009, the Development Services and Planning Committee, by a vote of 3-0, moved to recommend to the Village Board approval of the Special Use Amendment for Covenant Orthodox Presbyterian Church to allow for the operation of Reformation Christian School, subject to the following condition:

- 1) That the school not exceed 25 enrolled students or require any changes to the site or existing exterior building.

At the Plan Commission, one resident across the street from the church commented that some of the 'no parking' signs had disappeared from 94th Avenue and 147th Street. The resident was advised to contact the Traffic Advisory Board for more information. The petitioner indicated that the cap of 25 students was acceptable and that they are already searching for a more permanent home that would meet Village Code requirements. The petitioner also clarified that they only operate one school and that school is currently being held at



Covenant Orthodox Presbyterian Church.

I move to approve the Special Use Amendment for Covenant Orthodox Presbyterian Church to allow for the operation of Reformation Christian School, subject to the following condition:

1) That the school not exceed 25 enrolled students or require any changes to the site or existing exterior building.

**This matter was APPROVED on the Consent Agenda.**

### **2009-0533 Village of Orland Park Building Code Amendment**

A proposal for updating the existing Village Building Code, written by the International Code Council (ICC), for adopting the current 2009/International Energy Conservation Code (IECC) within the Village of Orland Park is being requested. The State of Illinois Public Act 096-0778, has required this code to be used by all municipalities for minimum requirements in commercial buildings and a minimum/maximum energy requirement in residential buildings, effective 8/28/09.

The ICC model Building Code (VC 5-1) used by the Village, references "Energy Efficiency" in chapter 13 of its regulations. ICC updates the Energy code on a 3 year basis and periodic local code modifications to the Building Code are also needed until it is updated to a current edition.

The Village of Orland Park currently utilizes the 2006 edition of the International Building Code (IBC) and the 2006 International Energy Conservation Code (IECC) as a referenced code for its energy regulation standards.

Existing Village Building Code amendments in Title 5 Chapter 1, Section 1302, has added insulation R-Values for exterior building locations not meeting the latest State of Illinois requirements. Our current ordinance references adoption of the 2006 edition of the IECC as a separate publication and is no longer used by the State of Illinois.

This public act 09-0778 references that the Energy Code can be adopted as a new and separate Village Code Chapter (5-9) during the next update of the current building code.

I move to approve the local revisions of Title 5, Chapter 1 of the Orland Park Building Code and to implement the latest amended edition of the 2009 IECC as written by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, with the amendments added to our existing Building Code (5-1-13).

**This matter was APPROVED on the Consent Agenda.**

**2009-0437 Meijer ORL**

On November 2, 2009 the Village Board approved a special use permit with modifications for Meijer, located at 15701 S. Harlem Avenue in the existing building formerly occupied by Value City Department Store. The special use permit allows for the operation of a commercial retail facility that exceeds 50,000 square feet, and includes a grocery store, a drive through pharmacy, and a deli with on-site food preparation. It is subject to the modifications and conditions as stated in the ordinance.

On October 13, 2009, a public hearing was held, and this item was reviewed and approved by the Plan Commission and referred to the Board for approval.

I move to pass Ordinance Number 4523, entitled: AN ORDINANCE GRANTING A SPECIAL USE PERMIT-MEIJER, INC., 15701 S. HARLEM AVENUE

**This matter was PASSED on the Consent Agenda.**

**2009-0500 Land Development Code Amendments**

Approval is being requested to amend the BIZ, LSPD, MFG, COR, ORI and Off Street Parking sections of the Land Development Code to allow drive through lanes between the building and the street as Special Uses with requirements and to clarify stacking requirements for different uses.

Sections proposed for revision

6-205.1 LSPD Large Scale Planned Development  
6-207 BIZ General Business District  
6-208 MFG Manufacturing District  
6-210 COR Mixed Use District  
6-211 ORI Mixed Use District  
6-306 Off Street Parking and Loading Requirements

The changes to the LSPD, BIZ, MFG, COR and ORI districts are written with the existing code text listed before the proposed code text. The Land Development Code amendments to the Off Street Parking and Loading Requirements section are made in the existing text of the Code. New amended text is in red.

Stacking requirements for drive through lanes are currently listed in multiple sections of the Code that sometimes conflict with each other. For example, the COR District highlights Drive-in service windows as a Special Use as long as they have at least five(5) stacking spaces per four (4) or more windows, or if fewer than four (4) windows, at least seven (7) stacking spaces. However, the Off Street Parking and Loading Section of the Code lists the stacking requirements for financial institutions as three (3) stacking spaces per window. This Code revision moves all stacking requirements to the Off Street Parking and Loading section.

Doing so allows the regulation of stacking spaces by land use, which is more effective and realistic than an overall requirement.

#### DRIVE THROUGH LANES (Uses Not Permitted in Building Setbacks along Streets)

In 2005, the Village amended the Land Development Code to regulate permitted and non-permitted uses in setbacks between the building and the street. The general purpose behind these Code changes was to line Village streets with attractive architecture instead of large parking lots. Evidence of Code success can be seen in the Lowe's subdivision on LaGrange Road and the Panera on Harlem Avenue.

Over the past four years, some drive through lanes have posed challenges in complying with the Land Development Code. The Land Development Code was even revised to allow drive through lanes between the building and the street as a Variance only, and only when specific conditions were met. By law, variances require the petitioner to demonstrate a property related hardship. Although some land uses, like banks and select fast food restaurants, can comply with the setback requirements other land uses have not demonstrated that ability. Specifically, pharmacies like Walgreens and CVS often require either surface parking or the drive through lane between the building and the street. Additionally, sometimes the property width does not provide enough land to construct a safe drive through that does not inhibit pedestrian and vehicular safety. Shared drive through lanes, like the one approved in the Wolf Point Plaza project, offer the ability to maximize efficiency with pavement, but often require the drive through lane to be located between the building and the street. The attached document includes a range of different drive through alignments currently constructed or approved in the Village.

The proposed Code amendment replaces the Variance requirement for a drive through between the building and the street with a Special Use Modification requirement. All drive through lanes require a Special Use, but a Modification to a Special Use often includes a more intense level of review and indicates a deviation from the Code. The extra conditions attached to the Modification requirements allow for stronger design control. Positioning drive through lanes in the building setback is still strongly discouraged and will be supported only when there are no other alternatives. The Village will also be preparing a Design Guideline handout that will provide illustrations and examples of drive through lane layouts and designs that meet Code requirements.

I move to approve the proposed amendments to the Land Development Code Sections 6-205.1 LSPD Large Scale Planned Development, 6-207 BIZ General Business District, 6-208 MFG Manufacturing District, 6-210 COR Mixed Use District, 6-211 ORI Mixed Use District, and 6-306 Off Street Parking and Loading Requirements as written in the attached Exhibit "A".

This matter was APPROVED on the Consent Agenda.

## DEVELOPMENT SERVICES AND PLANNING

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

Director of Development Services Karie Friling reported that 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 Rd., to align them with those uses allowed in the current BIZ General Business Zoning District.

On September 8, 2009 the Plan Commission moved 5-0 to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.

Staff met with the Southmoor Homeowners Association prior to the meeting to explain the proposal. The Association representatives were okay with the proposal with the added restrictions as indicated.

A number of Southmoor residents appeared at Plan Commission and expressed concern over a variety of issues. Staff has since followed up with the owners on student parking, removal of a soil stockpile, delivery truck loading and maintenance.

On September 28, 2009 the Development Services and Planning Committee moved 3-0 to recommend to the Village Board approval to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; vehicle repair, car washes. Although the Plan Commission had recommended that additional drive in service windows also be prohibited, the Committee instead wants the Board to be able to evaluate additional drive throughs on a case by case basis.

The Southmoor Homeowners Association expressed concern over the removal of the prohibition of drive throughs.

On October 5, 2009 the Board of Trustees continued the item to October 19, 2009. On October 19, 2009 the Board of Trustees took no action. On November

2, 2009 the Board of Trustees tabled the item. The petitioner has requested that the Board consider this item at its December 7, 2009 meeting.

I move to approve amendment of Southmoor Special Use Ordinance # 3719 approved in 2002, and the associated Annexation Agreement that governs the Southmoor Commons commercial area, to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding, vehicle repair and car washes. Any additional drive in service windows must be approved by the Village Board.

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

**Nay:** 1 - Trustee Fenton

## FINANCE

### 2009-0584 G.O. Bond, Series 2007 Abatement - 2009 Levy - Ordinance

During the FY2010 budget process, the Village Board approved a property tax levy abatement in the amount of \$1,363,206 for the G.O. Bonds, Series 2007. The abatement of \$1,363,206 will be funded by a loan from the Village's Home Rule Sales Tax Fund to the Village's Main Street Triangle TIF Fund.

I move to pass Ordinance Number 4524, entitled: AN ORDINANCE ABATING TAXES LEVIED FOR THE YEAR 2009 BY AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$18,500,000 GENERAL OBLIGATION BONDS, SERIES 2007, OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS, BEING ORDINANCE NO. 4218 ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, ILLINOIS ON THE 5th DAY OF FEBRUARY, 2007.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Patricia Gira, that this matter be PASSED. 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

### 2009-0586 G.O. Bonds, Series 2008A Abatement - 2009 Levy - Ordinance

During the FY2010 budget process, the Village Board approved a property tax

levy abatement in the amount of \$665,213 for the G.O. Bonds, Series 2008A. The abatement of \$665,213 will be funded by revenues of the Water & Sewer Fund.

I move to pass Ordinance Number 4525 entitled: AN ORDINANCE ABATING TAXES LEVIED FOR THE YEAR 2009 BY AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$9,055,000 GENERAL OBLIGATION BONDS, SERIES 2008A, OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS, BEING ORDINANCE NO. 4392 ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, ILLINOIS ON THE 21st DAY OF JULY, 2008.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Kathleen Fenton, that this matter be PASSED. 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

#### **2009-0589 2009 Property Tax Levy - Ordinance**

The proposed 2009 property tax levy for the Village of Orland Park, as well as the Orland Park Public Library. The total Village levy equals \$12,384,690, and includes the following individual line items, as reflected in the FY2010 Annual Budget approved by the Village Board on December 7, 2009:

- Corporate - \$2,377,559
- FICA - \$1,361,365
- Police Pension - \$1,726,733
- Recreation- \$230,000
- IMRF - \$1,519,251
- Debt Service - \$5,169,782

While funding requirements for IMRF and Police Pension have increased due to investment market conditions, the total 2009 levy has decreased approximately \$145,400 as compared to the 2008 levy, as the 2008 levy funded a 15-month fiscal year.

Since the Village's 2009 levy does not exceed 105% of the 2007 levy extension, a Truth in Taxation Public Hearing was not required to be held prior to final Village Board approval of the 2009 levy.

The proposed 2009 property tax levy includes an abatement of the GO Bonds, Series 2007 debt service payment in the amount of \$1,363,206. The FY2010 debt service on these bonds will be paid utilizing a loan from the Home Rule Sales Tax Fund. This loan will be paid back with future incremental property taxes

received by the Main Street Triangle TIF Fund.

The total Orland Park Public Library 2009 levy equals \$5,565,789, including \$3,903,997 for operating purposes and \$1,661,792 for debt service.

Due to fluctuations in the growth rate of the Village's EAV each year, the Village's tax rate has fluctuated accordingly. The Village's 2008 final tax rate equaled \$.478 per \$100 of EAV. With the state of the economy and the effect this has had on development within the Village, we are projecting a conservative 2.0% growth in EAV from tax year 2008 to tax year 2009; this 2% EAV growth equates to a preliminary Village tax rate for tax year 2009 of \$.4289 per \$100 of EAV. Should the Village's EAV grow at a rate greater than 2%, the Village's tax rate may come in lower.

I move to pass Ordinance Number 4526, entitled: AN ORDINANCE PROVIDING FOR THE LEVYING, ASSESSMENT AND COLLECTION OF TAXES FOR THE CURRENT FISCAL YEAR OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

**A motion was made by Trustee Edward Schussler, seconded by Trustee Kathleen Fenton, that this matter be PASSED. 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

#### **2009-0588 FY2010 Annual Budget Approval - Ordinance**

The proposed FY2010 Annual Budget commencing on January 1, 2010 and ending on December 31, 2010 reflects approximately \$113.8 million in revenues and \$130.8 million in expenditures. By drawing on fund balances available in various Village funds, while still adhering to established fund balance policies, the Village is able to issue a balanced budget for FY2010, meaning that total expenditures do not exceed total funds available to fund these expenditures.

The FY2010 Annual Budget was drafted through a series of budget workshop meetings with the Village Board and appropriate staff. The budget document was made available for public inspection on November 17, 2009. A public hearing on the FY2010 Annual Budget was held on November 30, 2009.

I move to pass Ordinance No. 4527, entitled: ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING ON JANUARY 1, 2010 AND ENDING ON DECEMBER 31, 2010 FOR THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

**A motion was made by Trustee Edward Schussler, seconded by Trustee Kathleen Fenton, that this matter be PASSED. 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

### **2009-0615 PACE Dial-a-Ride Fees**

Village Manager Grimes stated that when staff presents the proposal for off-setting cuts in the budget in the amount equal to the differential between the figure in the current budget and this proposal of continuing the PACE Dial-a-Ride program with fairs of \$4.00 per ride for all individuals, except the disabled who would pay \$2.00 per ride. This item will go through the Finance Committee and then onto the Board for approval.

I move to approve to direct staff to set the fairs for the PACE Dial-a ride service at \$4.00 per ride for all individuals; except the disabled who would pay \$2.00 per ride.

And

Direct Staff to present a proposal to the Board for off-setting cuts in the budget in the amount equal to the differential between the figure in the current budget and this proposal.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Brad 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

## **VILLAGE MANAGER'S REPORT**

### **2009-0567 Illinois Freedom of Information Act Provisions for Compliance - Ordinance**

The Freedom of Information Act (FOIA) took effect on July 1, 1984 (5 ILCS 140/1 et seq.) and was substantially amended by PA 96-0542 effective January 1, 2010.

This amendment is intended to provide the public with greater access to the records of public bodies.

It is necessary for the Village of Orland Park to establish practices and procedures ensuring its full compliance with said Act, so that the public policy will be carried out effectively and efficiently with respect to the records of the Village.

Per State Statue 5 ILCS 140/1 et seq. amended by PA 96-0542 effective January 1, 2010 states that the Village is required to appoint a FOIA Officer.



The Deputy Village Clerk will be designated as the FOIA Officer and all initial requests for access to the records of the Village will be referred to. Such requests are to be made at the offices of the Village Clerk, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. In the event that the Deputy Village Clerk is not available during the times described above, the Secretary for the Deputy Village Clerk is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or his designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

I move to pass Ordinance Number 4528, entitled: ORDINANCE SETTING FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF INFORMATION ACT.

**A motion was made by Trustee James Dodge, Jr., seconded by Trustee Patricia Gira, that this matter be PASSED. 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

#### **2009-0399 Title 7 Chapter 18, Orland Park Video Gaming Prohibition - Ordinance**

President McLaughlin stated that several residents signed in to speak to the Board regarding if video gambling should be allowed or prohibited in the Village of Orland Park.

Mike Pappas a 25 year resident and owner of Fair Share Amusement Company read a statement urging the Board to wait to vote on prohibiting video gaming within the Village until more rules and regulations of the law are available, which is expected in the next several months. Mr. Pappas, a board member of the Illinois Coin Operators Association, explained that allowing video poker machines in certain businesses within the Village could generate major revenue.

Supporters of the bill, including many union workers, requested that the Board allow video gambling, in order to bring jobs and revenue back to the area.

Barbara Pasquinelli President of the League of Women's Voters of the Palos-Orland Area read a statement on video gaming before the Board. She stated that the State of Illinois enacted House Bill 255 in order to support a capital bill. This was done very quickly with no public input. The League of Women's Voters opposes video gaming.

Anita Bedell the executive director of Illinois Church Action on Alcohol and Addiction Problems stated the machines are the crack cocaine of gambling because people get addicted to them so quickly. At first, the gambler may feel like a kid at a carnival, but those feelings lead to addiction and the loss of friends, family, money and time.

Marvin Chandler, 88, a resident of Orland Park urged the Board to ban gambling.

Gladys Bain a resident of Orland Park for 50 years and was a teacher at the Village schools stated that by allowing video gambling will not solve the economic problems we all face. She asked the Board to vote no on gambling in Orland Park.

Several other residents as well as nonresidents spoke before the Board expressing there opposition of video gambling within the communities.

President McLaughlin stated that over the past three weeks he has built an extensive file of articles and information that has been sent to him from the gaming business and labor. There are petitions with hundreds of signatures against video gaming coming to the Village of Orland Park. There are phone records and emails in this file for and against video gaming.

President McLaughlin stated that he has to cast his one vote for what he believes is in the best interest of Orland Park. He is sympathetic with the arguments about Orland Park businesses competing with the businesses in surrounding towns; however, he does not agree that banning video poker will put anyone out of business. Over the years Orland Park has shown what a business friendly town we are, and how the Village will help where it can. Decisions have been made over the years to show what type of community Orland Park should be. The issue of gambling in Orland Park is not new, the Village Board voted against off-track betting a number of years ago.

President McLaughlin commented that he had read in a 1999 U.S. National gambling impact study commission report a statement that there is \$3.00 in costs for every \$1.00 in revenue. To get to the \$400 Million shortfall the state has talked about, gamblers will have to lose almost \$1.5 Billion based on a 30% tax. That will be \$1.5 Billion dollars not spent on cars, appliances, furniture, new homes, etc., and those are what create jobs.

President McLaughlin stated that there was a three thousand page study that originated at the University of Illinois that said bankruptcies, foreclosures, crimes, and addiction soar in areas with gambling. Sherriff Tom Dart stated on WBBM radio that his office regularly get calls from people whose spouses have lost their paychecks on video poker, the Village of Orland Park's Police Chief has the same concerns.

President McLaughlin stated that with all the information he has read, all the phone calls he has received, all the people he has spoken with, it is his own personal opinion that this will not make Orland Park a better place.

Trustee Dodge commented that there are two separate issues. The first is video gambling in Orland Park and the second issue is support for the capital bill that came out of Springfield.

Trustee Dodge is deeply sympathetic to the issues of households looking for jobs. Both his parents were union members so he is sensitive to that issue. This is not about whether or not this Board or this individual Trustee is for or against creating jobs, because we have plenty of evidence that Orland Park does it's best to support jobs.

Trustee Dodge stated that the real issue comes down to his deep disappointment with Springfield. They looked for a financially easy path to fund the capital bill, and they took it. Trustee Dodge believes this is profoundly bad social policy and the extent of how bad of a social policy is only exceeded on how bad this is as a fiscal policy.

The way that Springfield approached this, by trying to load a funding for a capital bill which is critically important to us all for many reasons into a very uncertain revenue stream.

Trustee Dodge wants it clear that he stands in opposition to allowing video gambling in Orland Park. The video gambling is the wrong way to solve the capital problem and Trustee Dodge believes it is bad social policy.

Trustee Schussler stated he agrees with President McLaughlin and also what Trustee Dodge said with respect to the capital bill. He does not believe that video gambling should have anything to do with how capital projects are funded in the State of Illinois. Trustee Schussler agrees that the legislature took the easy way out, and knew it, because now the state is giving the municipalities and counties the ability to opt out of video gambling in their areas.

Trustee Schussler stated that video gambling does not totally fund the capital bill it is funded by several other sources. Video gambling is not going to solve the problems of the State of Illinois or the problems of the Village Orland Park.

Trustee Schussler stated by the Board waiting to hear the rules and regulations when they become available in the next several months is not going to change anything. When those rules and regulations come out they will not state if this is good or bad for Orland Park.

Trustee Schussler stated he does not believe video gambling will do anything to help Orland Park and he is going to vote against it.

Trustee Fenton stated that she does not believe she can make an educated and worthwhile decision this evening until she received all of the information from the state whether it is 100 days from now or one year from now. This Board did promise this community that the Board would wait until the rules and regulations were received from the State of Illinois. That is what was unanimously voted on at the August meeting, by this Board. That is why her vote will be to abstain on this issue.

President McLaughlin stated, that Trustee Fenton is correct, that the Board did vote unanimously to postpone voting on video gambling until the state had all the rules and regulations completed. The problem is because more and more towns are making a decision to opt out of video poker, the legislature is talking about the possibility of changing the rules before the rules are even set. President McLaughlin's stated his concern is the state could take this decision out of the municipality's hands.

Trustee O'Halloran stated that he agrees with Trustee Fenton. As Barbara Pasquinelli President of the League of Women's Voters of the Palos-Orland Area stated the vote was passed quickly in Springfield, there was not enough public input, it did not go through certain committees, it moved through very quickly.

Trustee O'Halloran questioned isn't this Board doing the same thing? It was stated back in August very clearly that the Board would wait to vote on this issue until more information on the rules and regulations on video gaming was received. Also it was agreed back in August that this matter would be brought back through two committees. Trustee O'Halloran would like to hear Chief McCarthy's testimony on this issue. He would also like to hear the Village Finance Director Annmarie Mampe opinion on these numbers from the Village's prospective. Trustee O'Halloran does not believe that he is informed enough to make a decision on this issue right now.

Trustee Murphy stated that he agrees with everything that President McLaughlin stated tonight. He also agrees with what Trustee O'Halloran stated. The Board made an agreement on August 17, 2009 that the Board would wait to hear all the rules & regulations and that is what he is willing to do.

Trustee Gira stated she had requested back at the August meeting that more information be supplied before she could place a vote. Shortly after that meeting she attended the Illinois Municipal meeting down in Chicago. Mr. Pappas did not agree on the substance of those meetings. However, Trustee Gira believed that the information she has received at that meeting was very informative. Trustee Gira then informed the Mayor that she was ready to vote on this issue.

I move to pass Ordinance Number 4529, entitled: AN ORDINANCE PROHIBITING VIDEO GAMING WITHIN THE VILLAGE OF ORLAND PARK, ILLINOIS

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

**Aye:** 4 - Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

**Nay:** 0

**Abstain:** 3 - Trustee Murphy, Trustee Fenton, and Trustee O'Halloran

### **2009-0590 IBEW and IUOE Collective Bargaining Agreement Amendment**

I move to approve the amendment to the collective bargaining agreement between the Village of Orland Park and IBEW Local 134 and approve the Amendment to the collective bargaining agreement between the Village of Orland Park and IUOE, Local 399.

**A motion was made by Trustee Bernard Murphy, seconded by Trustee Edward Schussler, 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

### **BOARD COMMENTS**

TRUSTEE FENTON - Recently she was appointed to the American Cancer Society Board and she attended their volunteer's recognition dinner where the Village of Orland Park was presented with the American Cancer Society Chairman's Award for Special Events for their contribution from the Chefs Auction hosted by the Village of Orland Park from the Prairieland Region for 2009.

Trustee Fenton also thanked staff on the beautiful job done that was done for the Mayor's Tree Lighting ceremony. Everyone worked very hard on this.

Trustee Fenton thanked all the residents who are participating in the House Decorating contest. So far there are 18 homes and Bright Ideas is donating the prizes for this years winners.

PRESIDENT McLAUGHLIN - Thanked staff on the job well done on all the holiday lights around the Village.

President McLaughlin encouraged everyone to go on face-book to support the three Navy Seals that are currently being prosecuted for doing their jobs.

### **EXECUTIVE SESSION**

I move to recess to a Closed Executive Session for the purpose of discussion of

a) approval of minutes; b) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent; and c) the establishment of reserves for the settlement of claims.

**A motion was made by Trustee Bernard Murphy, seconded by Trustee Brad O'Halloran, that this matter be RECESS. 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

**RECONVENE BOARD MEETING**

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

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent; and c) the establishment of reserves for the settlement of claims.

**ADJOURNMENT - 9:05 PM**

**A motion was made by Trustee Kathleen Fenton, seconded by Trustee Bernard Murphy, that this matter be ADJOURNED. 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

/nm

APPROVED:

Respectfully Submitted,

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**David P. Maher, Village Clerk**