VILLAGE OF ORLAND PARK

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

Meeting Minutes

Monday, December 5, 2011

7:00 PM

Village Hall

Board of Trustees

Village President Daniel J. McLaughlin
Village Clerk David P. Maher
Trustees, Kathleen M. Fenton, Brad S. O'Halloran,
James V. Dodge, Jr., Edward G. Schussler, Patricia Gira and Carole Griffin Ruzich

CALL TO ORDER/ROLL CALL

In the absence of Village Clerk David P. Maher, Deputy Clerk Joseph S. La Margo was present.

The meeting was called to order at 7:07 PM.

Present: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich and President McLaughlin

Absent: 1 - Trustee O'Halloran

VILLAGE CLERK'S OFFICE

2011-0764 Approval of the November 21, 2011 Regular Meeting Minutes

The Minutes of the Regular Meeting of November 21, 2011, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of November 21, 2011.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2011-0758 National Drunk and Drugged Driving (3-D) Prevention Month - Proclamation

President McLaughlin proclaimed December 2011 as Drunk and Drugged Driving (3-D) Prevention Month in the Village of Orland Park.

This was a proclamation, NO ACTION was required.

2011-0759 Orland Park Pioneers Football Team - Presentation

The 2011 Orland Park Pioneers Junior Varsity Football Team are the undefeated Champions of the SW Midget Football League.

President McLaughlin presented the Community Pride Awards to the players and their head coach, Dan McMillan and assistant coaches Randy Gagan, Joe Brown, Ken Brucki, John Wirtel and John Brudnak.

This was a presentation, NO ACTION was required.

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Fenton, seconded by Trustee Schussler, 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 Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2011-0755 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 10, 2011 in the amount of $882,828.02 and the Monthly Hourly Payroll for November 10, 2011 in the amount of $29,856.97.

This matter was APPROVED on the Consent Agenda.

2011-0767 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 22, 2011 through December 5, 2011 in the amount of $2,064,396.08.

This matter was APPROVED on the Consent Agenda.

2011-0743 Village Code Amendment Eligibility of Towing Companies to Tow Abandoned, Wrecked, Disabled or Impounded Motor Vehicles - Ordinance

Staff is working with the three tow companies that are currently authorized to tow vehicles at the request of police officers. Recently the Village has dealt with some issues that made it necessary to clarify and re-enforce the rules and procedures that the companies are required to work within. These amendments will bring needed clarity and uniformity into the operation of police tows within the Village.

I move to pass Ordinance Number 4684, entitled: AN ORDINANCE AMENDING TITLE 9 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE

ELIGIBILITY OF TOWING COMPANIES TO TOW ABANDONED, WRECKED, DISABLED OR IMPOUNDED MOTOR VEHICLES.

This matter was PASSED on the Consent Agenda.

2011-0733 Olde Orland Center Driveway Restoration - Proposal

As part of the 143rd Street and LaGrange Road widening project, driveway restorations are required. Typically these restorations are limited to the small transition from the new sidewalk to the existing pavement. At Olde Orland Center (9763 143rd Street), the property owner negotiated and the Village agreed to pave an area up to the front of the building totaling 1,922 square feet in exchange for certain easement rights.

Due to an oversight, a pay item was not included for this specific work within the 143rd Street and LaGrange Road Improvement contract with F.H. Paschen. A proposal was requested from F.H. Paschen and Crowley-Sheppard (the Village's 2011 Road Improvement Program contractor) to complete this work.

At the request of the property owner, additional paving work on the parking lot (Alternate #1 and #2) was included. This additional work is completed as an independent contract between the property owner and contractor at the property owner's expense.

After review of both proposals, it was determined that the quote from Crowley-Sheppard Asphalt, Inc. ($9,610) for the work at Olde Orland Center was the most cost effective. All other sites will be completed by F.H. Paschen as part of the overall construction project.

Due to the need to accomplish this work under acceptable weather conditions, Crowley-Sheppard was told to complete the work in a timely manner.

I move to approve accepting the proposal from Crowley-Sheppard Asphalt, Inc. of Chicago Ridge, Illinois, for the driveway restoration of Olde Orland Center (9763 143rd Street) in the amount of $9,610.

This matter was APPROVED on the Consent Agenda.

2011-0734 Mitchell's Flowers Parking Lot Restoration - Proposal

As part of the 143rd Street and LaGrange Road widening project, driveway restorations are required. Typically these restorations are limited to the small transition from the new sidewalk to the existing pavement. At Mitchell's Flowers (14309 Beacon Avenue), the parking lot was significantly impacted due to the construction of the adjacent retaining wall.

Due to an oversight, a pay item was not included for this specific work within the 143rd Street and LaGrange Road Improvement contract with F.H. Paschen. A

proposal was requested from F.H. Paschen and Crowley-Sheppard (the Village's 2011 Road Improvement Program contractor) to complete this work.

This additional work was requested as a result of numerous impacts caused to the business and parking lot. Due to its location, construction trucks and equipment frequently used the lot for parking and staging of equipment.

After review of both proposals, it was determined that the quote from F.H. Paschen ($18,166.47) for the work at Mitchell's Flowers was the most cost effective. All other sites will be completed by F.H. Paschen as part of the overall construction project.

Due to the need to accomplish this work under acceptable weather conditions, F.H. Paschen was told to complete the work in a timely manner and in conjunction with the other paving being completed as part of the reconstruction project.

I move to approve accepting the proposal from F. H. Paschen of Chicago, Illinois, for the parking lot restoration of Mitchell's Flowers (14309 Beacon Avenue) in the amount of $18,166.47.

This matter was APPROVED on the Consent Agenda.

2011-0736 LaGrange Road Corridor Utility Conflict Engineering - Proposal

The Illinois Department of Transportation (IDOT) in conjunction with McDonough Associates Inc. (MAI) of Chicago, Illinois, is currently completing the final engineering for the LaGrange Road Corridor reconstruction project. This project has been divided into three parts: Segment I - 179th Street to 159th Street; Segment II - 159th Street to 143rd Street; Segment III - 143rd Street to 131st Street.

As final engineering progressed and underground utility locations were better known, additional utility conflicts were identified due to revised grade changes and storm sewer installation. Because this is a state-owned right of way (ROW), any utility within the right of way found to be in conflict with planned state work is required to relocate at their own expense.

In February 2010, the Village Board approved a contract with MAI to provide engineering services for watermain relocation and replacement, and addition of watermain along LaGrange Road between 144th Place and 159th Street (Segment II). At that time, final engineering had just begun.

MAI was asked to provide a proposal for engineering services related to the relocation of Village-owned utilities (water and sanitary sewer) found to be in conflict in Segments I and III, as these conflicts have just recently been identified. MAI has submitted a proposal in the amount of $74,400, which staff finds appropriate for the services to be provided.

I move to approve accepting the proposal from McDonough Associates Inc. (MAI) of Chicago, Illinois, for the LaGrange Road Corridor utility conflict design engineering for an amount not to exceed $74,400.

This matter was APPROVED on the Consent Agenda.

2011-0739 Emergency Storm Sewer Repair - Proposal

In mid-September, Public Works was notified of a sink hole in the street next to a manhole at the intersection of Poplar Road and Golfview Drive in the Fairway Subdivision. Upon investigation by staff, it was found that the manhole structure and corrugated metal piping had deteriorated and was causing the sinkhole and a significant void to form under the pavement. Staff was able to temporarily stabilize the site for traffic. The site has continued to settle and lose dirt and stone under the road. A permanent repair will need to be made before winter.

Staff has received three proposals to repair the site including the replacement of the deteriorated manhole structure and the rusted through corrugated metal pipe. The lowest qualified proposal was received from Airy's, Inc. of Tinley Park, Illinois, for $9,878. Two additional proposals were received - one from Calumet City Plumbing of Calumet City, Illinois, for a cost of $12,735 and the other from Sunset Sewer & Water, Inc. of Beecher, Illinois, for a cost of $11,050. Based upon the proposals received and the time sensitive nature of the repair needed, staff contacted Airy's, Inc. to begin the work so the repairs can be accomplished as quickly as possible. Public Works Staff will provide hauling, disposal of construction debris, backfill material and site restoration to keep costs as low as possible. 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 accepting the proposal from Airy's, Inc. of Tinley Park, Illinois, for the emergency storm sewer repair work at the intersection of Poplar Road and Golfview Drive for an amount not to exceed $9,878.

This matter was APPROVED on the Consent Agenda.

2011-0740 Spring Creek Lift Station Pump #2 Replacement - Proposal/Payment

The Spring Creek Lift Station utilizes two submersible pumps to provide sanitary service for the Spring Creek Subdivision and surrounding area. On October 10, 2011, Pump #2 failed. The 24 horsepower pump, in service since 2004, was sent to Gasvoda & Associates, Inc., of Calumet City, Illinois (the authorized service representative), for evaluation. Upon inspection, it was found that repair would not be cost effective. The failed pump is no longer available and has been replaced by a more energy efficient 20 horsepower model. The cost of the new pump is $9,536.

Due to the time delay in obtaining the new pump and the importance of having two functional pumps at the station, the replacement was ordered immediately.

I move to approve the transfer of $9,536 from the Contingency Account to the Machinery and Equipment Parts Account;

And

Approve payment to Gasvoda & Associates, Inc., of Calumet City, Illinois, for the purchase of a 20 horsepower replacement pump for the Spring Creek Lift Station in an amount not to exceed $9,536.

This matter was APPROVED on the Consent Agenda.

2011-0741 Front End Loader Emergency Repair - Quotation

On October 11, 2011, bent loader arms were discovered on the Utility Division Front End Loader #6129. Patten Industries, Inc. of Elmhurst, Illinois, was requested to come out and assess the damage to the machine. Their assessment revealed the loader arms were bent approximately two inches to the right, a breaking/bending of the coupler that couples the arms to the bucket, and that the bucket will need straightening also. The unit is eleven years old with 2,075 hours of use. The original cost of the unit was $108,700. The cost now to replace this unit would be more than $130,000.

Patten Industries is the Caterpillar authorized vendor for this type of repair. The cost for the emergency repair of the Front End Loader is estimated to be $21,101.47. The first $10,000 in repair cost is covered by the Village and the remaining $11,101.47 will be covered by insurance.

I move to approve accepting the quotation from Patten Industries, Inc. of Elmhurst, Illinois, for the emergency repair of Front End Loader #6129 in an amount not to exceed $21,101.47.

This matter was APPROVED on the Consent Agenda.

2011-0742 Gasoline and Diesel Fuel Purchase - Contract Extension

In October of 2010, the Village of Orland Park published a legal notice and advertised for bids to supply gasoline and diesel fuel to the Village. In 2010, the Village entered into a contract with Avalon Petroleum Company of Kankakee, Illinois. Under the terms of the specifications, the contract can be extended annually if mutually agreeable with both parties for up to five (5) additional years. The end of the first year of the contract will be December 31, 2011.

Avalon Petroleum Company has been the Village's supplier of fuel for the past seventeen years and has an excellent record for responding to the Village's needs, promptness in delivery, billing and quality of fuel. Therefore, staff recommends an extension of the contract for the delivery of gasoline and diesel fuel for Fiscal Year 2012.

I move to approve extending the contract for gasoline and diesel fuel with Avalon

Petroleum Company of Kankakee, Illinois, for Fiscal Year 2012.

This matter was APPROVED on the Consent Agenda.

2011-0747 2012 PACE Agreement - Ordinance

There is a need annually for the adoption of an ordinance authorizing the Village of Orland Park, Illinois, to execute the annual Paratransit Service Provider Agreement with the Suburban Bus Division of the Regional Transportation Authority (PACE).

This agreement is always reviewed by the Village Attorney for acceptability prior to an ordinance recommendation being brought forth for Village Board consideration. The agreement is prepared annually by PACE and sent to the Village for review and ordinance adoption that authorizes signing the agreement as called out in the ordinance below. Over the past few years, the agreement has arrived closer to the required ordinance adoption date necessitating last minute actions in order to meet meeting and agenda posting requirements and avoid PACE service interruptions.

I move to pass Ordinance Number 4685, entitled: AN ORDINANCE AUTHORIZING EXECUTION OF 2012 PARATRANSIT SERVICE PROVIDER AGREEMENT (RTA - PACE)

This matter was PASSED on the Consent Agenda.

2011-0692 Tenant Relocation Payments - Orland Park Bakery

As part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the estimated relocation costs for the Orland Park Bakery, which is located at 14250 Ravinia Avenue. The Bakery is relocating to 14850 S. LaGrange Road, in Orland Park. Dan and Thomas Major, the owners of the Bakery are in the process of receiving their building permits for the new location.

Based upon documented estimates received from Annette Favia, the Village's relocation consultant, the Orland Park Bakery is eligible for a total relocation payment of $196,519. Please note this estimated payment does not include eligible search fees (maximum of $2,500), additional eligible costs for replacement printing, insurance during the move and reasonable and necessary professional services. These additional amounts, if applicable, will be added upon receiving actual documentation to support such costs.

In order to allow them to begin construction at the new business location, they have requested a 50% advance payment of the eligible amount. The remaining amount due will be advanced upon significant work completed and submittal of required

documentation.

I move to approve the estimated total relocation payment in the amount of $196,519 plus additional eligible costs for search fees (maximum of $2,500), replacement printing, insurance and reasonable and necessary professional services;

And

I move to approve 50% of advance payment of the eligible costs in the amount of $98,260 to the Orland Park Bakery.

This matter was APPROVED on the Consent Agenda.

2011-0693 Tenant Relocation Payment - Lang Lee II Restaurant

As part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the relocation costs for Lang Lee II, which was located at 9650 W. 143rd Street. Lang Lee choose to close its business and liquidation was completed on October 27, 2011.

The Federal Uniform Relocation Act defines how payment must be made when a business chooses to close in lieu of relocation. This is defined as a direct loss of tangible personal property (DLP) claim. The eligible payment amount for a claim for a DLP is computed as follows:

The value in place for continued use as determined by a personal property appraiser, less proceeds from sales if any,

Or

The estimated cost to move and reinstall the personal property not to be moved, whichever is less.

Based upon the current law, Lang Lee is entitled to a payment of $219,739.45. This is the lesser amount of the Estimated Relocation cost versus the Value in Place Cost. In determining this amount, the Village worked with Annette Favia Relocation Consulting Services and obtained written appraisals and cost estimates for relocation.

I move to approve a relocation payment in the amount of $219,739.45 to Lang Lee II Restaurant.

This matter was APPROVED on the Consent Agenda.

2011-0694 Tenant Relocation Payment - Frontier Construction

As part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the estimated relocation costs for Frontier Construction, which is located at 9638 W. 143rd Street, in the lower level. Frontier Construction, is relocating to 7615 Plaza Court, in Willowbrook, Illinois.

Based upon documentation received from Annette Favia, the Village's relocation consultant, Frontier Construction is eligible for a total estimated relocation payment of $63,345. Please note this estimated payment does not include additional eligible costs for replacement printing, reasonable and necessary professional services, search fees not to exceed $2,500 and tenant build out not to exceed $10,000. These additional amounts, if applicable, will be added upon receiving actual documentation to support such costs. Frontier Construction has requested a 50% advance payment to allow for work to commence. The advance payment is for $36,673 and includes $5,000 for tenant build-out.

I move to approve the estimated total relocation payment in the amount of $63,345 plus additional eligible costs for replacement printing, reasonable and necessary professional services, search fees not to exceed $2,500 and tenant build out not to exceed $10,000 - provided such documentation is provided;

And

Move to approve 50% advance payment in the amount of $36,673.

This matter was APPROVED on the Consent Agenda.

2011-0752 South Suburban Mayors and Managers Association GIS Agreement

The Village of Orland Park has developed certain digital map information concerning certain real property located within the Village. The SSMMA has requested this information as part of an effort to create a regional mapping database.

I move to approve the Village entering into an intergovernmental agreement with the South Suburban Mayors and Managers Association to provide the SSMMA with certain digital map information concerning certain real property located within the Village, property that is the subject of the SSMMA's work for the Village.

This matter was APPROVED on the Consent Agenda.

2011-0762 Class C Incentive - Miroballi - Resolution

This request is for consideration of a resolution in support of a Class C classification for real property located at 14360 W. LaGrange Road, in Orland

Park, Illinois. This property was formerly a Shell Gas Station and Car Wash and will be redeveloped by Dan Miroballi. The Board of Trustees has already approved the redevelopment plans for Miroballi Shoes, which includes construction of a 10,000 square foot multi-tenant commercial building. This site is currently considered a brownfield site and has been vacant for over 6 years.

The Class C classification is designed to encourage industrial and commercial development throughout Cook County by offering a real estate tax incentive for the remediation of contaminated properties including abandoned property or vacant land. Under the incentive provided by Class C, industrial and commercial real estate are eligible to apply for the Class C level of assessment from the date of receipt of a "No Further Remediation Letter" confirming achievement of remediation objectives based on the industrial or commercial use. The incentive level of assessment of qualifying properties extends to both the land and other structures in their entirety. To qualify for the Class C classification, an application must be made within one year of the receipt of the "No Further Remediation Letter." Industrial and commercial properties receiving the initial Class C are assessed at 10% of market value for the first 10 years, 15% in the 11th year and 20% in the 12th year. The incentive constitutes a substantial reduction in the level of assessment and results in significant tax savings. In the absence of this incentive, commercial real estate would normally be assessed at 25% of their market value.

I move to pass Resolution Number 1131, entitled: A RESOLUTION DETERMINING THE APPROPRIATENESS OF CLASS C STATUS PURSUANT TO THE COOK COUNTY REAL PROPERTY CLASSIFICATION ORDINANCE, AS FROM TIME TO TIME AMENDED, FOR CERTAIN REAL ESTATE LOCATED AT 14360 W. LAGRANGE ROAD, IN ORLAND PARK/COOK COUNTY, ILLINOIS.

This matter was PASSED on the Consent Agenda.

2011-0753 Sheffield Square - Plat of Subdivision

Approval is being requested for a record plat of subdivision for Sheffield Square located at 10700 West 153rd Street.

On July 5, 2011 the Village Board approved the final plan.

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

I move to approve the mylar original Record Plat of Subdivision for Sheffield Square, prepared by Mackie Consultants, LLC., Project No. 1393D, dated October 27, 2011.

And
I move to approve the signature of the plat by the authorized parties and

subsequent recording by the Village attorney.

This matter was APPROVED on the Consent Agenda.

2011-0294 Chase Bank - Special Use Permit, Site Plan, Elevations

The petitioner proposes to demolish the existing strip center located in an established commercial area on a 0.8 acre site at the northeast corner of 159th Street and 94th Avenue, and then construct a new Chase Bank building. Banks are permitted uses in the BIZ Business District, but a special use permit is needed for the drive through. The proposal meets Land Development Code requirements with the exception of three requested modifications: a reduced rear building setback to accommodate the drive through canopy, no loading space, and parking space numbers that exceed the Code requirement by more than 20%. The amount of green space on the site will be significantly increased under the new proposal.

I move to approve the Site Plan, Elevations, and Special Use Permit for a drive through with the modifications that are fully referenced below:

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

I move to approve the Special Use Permit to construct and operate a bank with four drive through lanes subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

1. The rear building setback is reduced to as little as 9.5' from a required 30' rear building setback.
2. There will be a reduction in the required loading spaces, from one required to zero supplied.
3. The 18 parking spaces supplied exceeds the Code required 13 spaces by more than 20%.

And

I move to approve the site plan titled "Preliminary Site Plan" by Gewalt Hamilton Associates, dated 9-22-11 project #3619.152, subject to the following conditions.

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval and prior to building demolition. This is to include a Tree Preservation Plan and Mitigation Report per Code section 6-305.1.
2. Meet all final engineering and building code related items.

And

I move to approve the Elevations titled "Exterior Elevations" by The Architect's

Partnership, dated 11-04-11, project # 10036, subject to the following conditions.
1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.

This matter was APPROVED on the Consent Agenda.

2011-0607 Blissful Banana Café - Special Use

The purpose of this petition is to establish and maintain a 3,500 square foot restaurant at the shopping center located at the northeast corner of Wheeler Drive and 94th Avenue. The restaurant will be a 7 a.m. to 7 p.m. operation in a currently vacant retail unit at the shopping center that currently includes neighboring tenants such as the Mario Tricoci salon and the Belicoso Cigar Lounge. The petitioner proposes seating for 150 people in the restaurant with 10 employees. The shopping center has enough parking to accommodate the proposed land use.

The center was previously home to MoJoe's Café under special use ordinance 2988. MoJoe's was an entertainment venue that left the site in the mid-2000's. This special use ordinance has since expired due to the unit being vacant more than three years.

I move to approve a special use permit for the proposed restaurant Blissful Banana Café at 15447 S. 94th Avenue as indicated in the attached fully referenced motion.

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

I move to approve a special use permit for Blissful Banana Café, located at 15447 S. 94th Avenue in the Mario Tricoci Salon and Day Spa shopping center, subject to the following conditions:

1. That the petitioner upgrades the old garbage enclosure facility at the rear of the subject tenant space to meet current enclosure standards for a gated, 100% opaque and non-white vinyl material enclosure.
2. That a sidewalk connection is clearly identified on site linking the storefront sidewalks with the public sidewalk system along Wheeler Drive.
3. That the petitioner provides bicycle parking facilities at the front of the shopping center.
4. That all building code related items are met.
5. That building permits are obtained prior to construction.

This matter was APPROVED on the Consent Agenda.

2011-0576 Village Code Amendment - Mechanical Code Update - Title 5, Chapter 6

The Development Services Department has reviewed the latest edition of the International Mechanical Code (IMC) for code updates and has inserted our existing local ordinances (revisions) in the appropriate code sections of the new

2009/IMC. Revisions to Title 5, Chapter 6 of the Village Code are attached.

The Village of Orland Park currently utilizes the 2006 edition of the International Mechanical Code (IMC) as the basis for its Mechanical construction regulations. This is a national model code written by experts in 3 year cycles that is used for reference.

The Illinois Building Commission has been notified of Orland Park's intention to adopt a new mechanical code with amendments as required by a recent act of the 92nd General Assembly.

A major reason to update to a more recent edition of the Mechanical Code is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect insurance premiums.

The local changes to this new code have inserted model code revisions and are limited as much as possible. The local revisions are intended to clarify existing rules and to remove outdated amended construction standards.

I move to approve the local revisions of Title 5, Chapter 6 of the Village Code and to implement the latest edition of the 2009 IMC "Second Printing: April 2009" as written by the International Code Council.

This matter was APPROVED on the Consent Agenda.

2011-0644 Village Code Amendment - Electrical Code Update - Title 5, Chapter 3

The Development Services Department has reviewed the latest edition of the 2011 National Electrical Code (NEC) for code updates. The existing local ordinance (revisions) have been inserted in the appropriate code sections of the new 2009/NEC revisions to Title 5, Chapter 3 of the Village Code and are attached to this document.

The Village of Orland Park currently utilizes the 2005 edition of the National Electrical Code (NEC) as the basis for its Electrical construction regulations. This is a national model code written by the National Fire Protection Association (3 year cycles). The Illinois Building Commission has been notified of Orland Park's intention to adopt a new Electrical code with amendments as required by a recent act of the 92nd General Assembly.

One of the reasons for our updating to this latest Electrical Code edition is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect building insurance premiums. In regards to the new Electrical code edition, the Village has inserted revisions to existing modifications with a limited amount of local changes. They are intended to clarify existing rules and to remove outdated amended

electrical standards.

This agenda item was introduced to the Development Services Board Committee on October 17, 2011 and was continued to the November 21, 2011 Committee. Trustee Schussler requested information regarding where in the code does it prohibit the use of Romex or other similar materials. Section 5-3-6 of the Village Code specifies deleted Articles from the 2011 National Electrical Code including: 320, 330, 334, 338, 362 and 604. Romex is a term not referenced by the Electrical Code but is a trade name by a cable manufacturer using wiring sheathed in a plastic coating. This product was originally manufactured by the "Rome Cable Company" in the State of New York. Without the deletion of Article 334, Romex type "Nonmetallic-Sheathed Cable" would be permitted without being installed in a metal conduit.

I move to approve the local revisions of Title 5, Chapter 3 of the Village Code and to implement the latest edition of the 2011 NEC ("August 25, 2010" printing), as written by the National Fire Protection Association (NFPA 70).

This matter was APPROVED on the Consent Agenda.

2011-0166 153rd Street Bike Path Ashburn Church Easement

In May 2011 the Village hired CBBEL to engineer a bike path extension from 108th Avenue and 153rd Street to Wolf Road and 151st Street. This missing section of the Village's bike path system will connect the subdivisions on the west side of town to Centennial Park and the center of town. CBBEL has developed a conceptual path alignment within the public road right of way; however CBBEL has noted that in some locations engineering costs will be higher due to grading, utility, and sub grade constraints. An alternative is to locate portions of the bike path in easements outside of the right of way when it is cost effective and where abutting land owners are agreeable. One such portion is a 932' segment with a wet vegetated swale that runs along the Ashburn Baptist church frontage on 153rd Street. The easement would include an approximately 40' X 800' area for a total area of 32,000 square feet. The right of way location option requires special sub grade preparation and a guard rail along a path that would be very close to the road bed. The proposed easement location is easier to construct, requires no guard rail, and preserves most of the vegetated swale.

Village staff met with Ashburn Baptist Church and sent a letter requesting the easement be granted for the bike path. The church has agreed to the easement subject to four conditions.

1. "That the inspection fee for the platform elevator would be waived by the Village."

Response: According to the church, at the time of the church building construction, they were required to construct a platform elevator that they say has

never been used, but still requires two inspections per year. Ashburn originally requested that the inspections be discontinued, but is agreeable to waiver of fees instead. The platform elevator inspections must continue as a safety precaution per State Statute. The Village will agree to waive the inspections for a period of ten years. This totals $1,100 in savings for the church, as well as a $1,100 reduction in Village elevator inspection fees collected.

2. "That the pond would be restored to its original condition, and that upon signing that there would be a notarized agreement from George Eck for a storm sewer that would cross his property to the north of 153rd Street, the Village being responsible to secure this authorization and provide the cost of installation."

Response: According to the Village's engineering analysis, the pond level is too high due to a collapsed farm field tile on the north side of 153rd Street which runs through George Eck's property that abuts to the north. The pipe has been a continual problem, and when 153rd St. was redone in 2008, the road project installed a new storm sewer and manhole structure that allowed the pond to effectively drain underneath the road to Eck's property, and cut a ditch through his property to allow the pond to drain. However, over time the ditch washed in which then caused the flow of water to back up. A more permanent solution is to install a small storm sewer thru Eck's property.

The estimated the cost of this is $21,965. All proposed work will be on George Eck's property rather than on the church's property. George Eck was informally contacted by staff, and he is agreeable to the Village investigating & designing a sewer installation on his property for the church pond. The work will improve an ongoing drainage problem in this location that is not the result of the bike path construction. Typically the Village would wait for this type of problem to be resolved when the land develops.

3. "That the Ashburn Baptist Church would be relieved of any responsibility for any injury or death on its property due to the use of the bike path."

Response: This issue will be addressed by legal counsel when drafting the formal agreement.

4. "That the Village would refund to the church $4,189.13, which is the proportion of the annexation fee represented by the easement (See Annexation Agreement March 28, 1977)."

Response: The Ashburn Church property was annexed in 1977, and according to the annexation agreement was to include not only the church but also a school, a recreation center, and a proposed 480 dwelling unit retirement home. The project was never constructed, and the church itself was not constructed until 1987. However, the agreement reflects a payment requirement of more than $183,225. Ashburn Church's records show that payment was made, but Village records can

not confirm or refute this payment made 34 years ago. The church requested $4,189.13 payment is the pro-rated amount based on the acreage of the easement.

Summary: Locating the path in the Ashburn Easement is advantageous to the Village for the following reasons:

1. SAFETY: The separation between the road and bike path is increased. The slope abutting the path will be reduced, eliminating the need for a railing.
2. MAINTENANCE: There will be less chance of path differential settlement due to sub-grade problems, fewer retaining walls, and less conflict with utility maintenance. The drainage problem in the area will be improved.
3. FUTURE CONFLICTS: There is less chance of bikeway impact due to future 153rd Street improvements, since the bike path will be outside of the right of way. However, it is noted that improvements on 153rd Street were completed in 2008 and no widening is expected in the near future.
4. APPEARANCE: Most of the trees and vegetation on the site will not be disturbed and the bike path will not require a railing.
5. COST: A detailed CBBEL estimate that compares the cost of path construction with easement ($525,662) verses without easements ($652,827). Earlier discussions in the planning process had identified two locations for potential easements, with cost saving totaling $127,165. It was later determined that the easement located just east of 109th Street was not needed because the land had already been dedicated as County right of way. The $61,561 in construction costs for that easement will still be realized in the final construction costs with no Board action required. The Ashburn Church easement, summarized below, is estimated to save $65,604 in construction costs, however there will be Village costs reducing the benefit of that full amount:

+$65,604 Village savings in construction path costs. (CBBEL estimate)
-$21,965 Village cost to repair pond. (Staff estimate)
-$7,246 Increased engineering and platting fees for the alternative alignment of the path. (CBBEL supplement to Scope)
-$4,189.13: Annexation fee refund to Ashburn Baptist Church.
-$1,000: Legal cost to draft formal agreement
-$1110($110 X 10 years): Annual inspection fee waiver. (Repeating annual loss)

+$30,093.87 TOTAL VILLAGE SAVINGS for utilizing Ashburn Church bike path easement

The additional CBBEL fee ($7,246) is to cover work not anticipated and not included in the bike path's original scope of services. This includes the analysis of the alternative alignments and the completion of land acquisition documents including a Plat of Dedication Exhibit and a legal description of the Ashburn easement.

I move to approve the Village to enter into an agreement with Ashburn Baptist Church granting the following conditions in exchange for a bike path easement on the Ashburn Baptist Church property as shown conceptually on the plan entitled "153rd Street Bike Path Concept Alternative Alignments", by Christopher B. Burke Engineering and dated 5/27/11:

1. Once the permanent easement agreement has been executed, the inspection fees for the Ashburn platform elevator will be waived for a period not to exceed ten years.
2. The Village will construct a small storm sewer through George Eck's property to the north, at a cost of approximately $21,965. The Village agrees to install this pipe in conjunction with the bike path construction subject to the agreement of the northern property owner.
3. Ashburn Baptist Church will be relieved of liability for injury or death on the bike path subject to Village Attorney advice and approval.
4. Ashburn Baptist Church will be paid a sum of $4,189.13 in consideration for use of the property.

And
I move to approve a supplemental payment to Christopher B Burke Engineering in the amount of $7,246 for additional work to analyze alternative alignments for the 153rd Street Bike Path and to complete land acquisition documents including a Plat of Dedication Exhibit and a legal description of the Ashburn easement.

This matter was APPROVED on the Consent Agenda.

HEARINGS 7:00 P.M.

I move to recess for a public hearing at this time.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2011-0774 Public Hearing for Fiscal Year 2012 Budget - Approval

Notice of the public hearing for the Fiscal Year 2012 Budget was given in The SouthtownStar and Prairie Newspapers as required by law. Notice was also posted on the Village Hall bulletin board and given to the news media. The Tentative Annual Budget was published and made available for public review on November 22, 2011.

An overview of the budget was presented.

President McLaughlin asked if anyone in the audience would like to make any comments. No one requested to speak.

I move to approve adjourning the Fiscal Year 2012 Budget public hearing.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

CLOSE PUBLIC HEARING

I move to approve closing the public hearing.

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

RECONVENE BOARD MEETING

The roll was called to reconvene the regular meeting and Trustees Fenton, Dodge, Schussler, Gira, Griffin Ruzich and President McLaughlin were present. Trustee O'Halloran was absent.

FINANCE

2011-0756 Fiscal Year 2012 Annual Budget Approval - Ordinance

After setting aside the appropriate amount of reserves as per Board approved fund balance policies, the Fiscal Year 2012 Annual Budget provides for a balanced budget, meaning that available sources are sufficient to fund projected operating and capital expenditures. Available sources consist of budget savings, or operating surplus in the amount of $13.4M from Fiscal Year 2011 and prior, as well as revenues projected for Fiscal Year 2012. Therefore, the proposed Fiscal Year 2012 Annual Budget commencing on January 1, 2012 and ending on December 31, 2012 reflects approximately $108.9 million in revenues and $122.3 million in expenditures.

The Fiscal Year 2012 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 22, 2011.

I move to pass Ordinance Number 4686, entitled: ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING ON JANUARY 1, 2012 AND ENDING ON DECEMBER 31, 2012 FOR THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2011-0761 2011 Property Tax Levy - Ordinance

Attached to the Board packet is the proposed 2011 property tax levy for the Village of Orland Park, as well as the Orland Park Public Library. The total Village levy equals $13,425,519 and includes the following individual line items, as reflected in the FY2012 Annual Budget approved by the Village Board on December 5, 2011:

Corporate - $2,211,368
Recreation and Parks- $1,008,945
FICA - $1,379,977
IMRF - $1,762,287
Police Pension - $1,980,950
Debt Service - $5,011,075

In total, the 2011 levy has increased $151,885 over the 2010 levy. The operating levy, which consists of the Corporate, Recreation and Parks, FICA, IMRF and Police Pension levies increased approximately $272,000 This increase is attributable to additional amounts required to fund the IMRF and Police Pension levies as per independent actuarial valuations. The 2011 Debt Service levy decreased by approximately $120,000 when compared to the 2010 Debt Service levy. The majority of this decrease is due to the issuance of the 2011 GO Refunding Bonds, which paid of a significant portion of the 2003 GO Refunding Bonds. The overall savings realized by this refunding amounted to approximately $1,002,000 or $111,000 per year over the nine (9) year term of the refunding bonds.

The proposed 2011 levy includes an abatement of the GO Bonds, Series 2007 debt service payment in the amount of $1,379,806. The FY2011 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 2011 Orland Park Public Library levy equals $5,810,941, including $4,214,548 for operating purposes and $1,596,393 for the payment of debt service on the library building bonds.

Over the years, as the growth rate of the Village's equalized assessed valuation (EAV) has fluctuated, so has the Village's tax rate. The Village's 2010 final extended tax rate was $0.4980 per $100 of EAV. As national economic conditions of the last few years slowed the rate of new development within the Village, as well as the growth in the value of the existing tax base, growth in the Village's EAV has slowed. The average rate of growth in the Village's EAV has been approximately 8% per year for the last fifteen (15) years, but from tax year 2009 to tax year 2010, the Village's EAV growth was flat. Based upon this slowed growth, we are projecting a conservative 1.0% increase in EAV from tax year 2010 to 2011. This 1.0% EAV growth rate equates to a preliminary Village tax rate for tax year 2011 equal to the 2010 rate, after the application of loss percentages (automatically applied by the Cook County Clerk).

I move to pass Ordinance Number 4687, 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 Schussler, seconded by Trustee Dodge, that this matter be PASSED. The motion carried by the following vote:

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2011-0757 G. O. Bonds, Series 2008A Abatement - 2011 Levy - Ordinance

During the FY2012 budget process, the Village Board approved a property tax levy abatement in the amount of $671,775 for the G.O. Bonds, Series 2008A.

Finance Director Annmarie Mampe explained that these bonds were issued back in 2008 to fund the reservoir addition for the Village's water system. The Village is utilizing revenue of the water and sewer fund to make the debt service payment on the bond. Therefore, the Village abates the property taxes, which means it is not part of the Village's overall property tax levy.

I move to pass Ordinance Number 4688, entitled: AN ORDINANCE ABATING TAXES LEVIED FOR THE YEAR 2011 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, ILINOIS 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 Gira, seconded by Trustee Dodge, that this matter be PASSED. The motion carried by the following vote:

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

2011-0760 G. O. Bonds, Series 2007 Abatement - 2011 Levy - Ordinance

During the FY2012 budget process, the Village Board approved the property tax levy abatement in the amount of $1,379,806 for the G.O. Bonds, Series 2007. Finance Director Annmarie Mampe explained that these bonds were issued due to infrastructure improvements within the Main Street Triangle. This abatement will be funded by a loan from the Village's Home Rule Sales Tax to make the debt service payment on the bond as opposed to putting it on the levy.

I move to pass Ordinance Number 4689, entitled: AN ORDINANCE ABATING TAXES LEVIED FOR THE YEAR 2011 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, ILINOIS 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 Schussler, seconded by Trustee Gira, that this matter be PASSED. The motion carried by the following vote:

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

BOARD COMMENTS

TRUSTEE GIRA - Complimented the Village's Arts Commission who hosted the Holiday Concert yesterday, Sunday, December 4th at the Village's Cultural Arts Center. A professional vocal quartet performed and so did the Carl Sandburg High School Chamber Singers, along with other excellent performers. This Concert was well attended and fun was had by all.

TRUSTEE SCHUSSLER – Commented on a section that he had read within the

manager's notes memo, referring to the Property Tax Appeal Board. It was discouraging to note that the Fire District has withdrawn from the Intergovernmental Agreement between the Village, Library Board and the Fire District to respond to businesses that have contested the tax levy. By withdrawing, this will cost the residents more money by each entity doing their own thing, instead of being one group and working together.

TRUSTEES DODGE, RUZICH AND FENTON – Complemented the Board and staff on the great job that was done on the 2012 budget.

PRESIDENT McLAUGHLIN - Thanked staff for a job well done at the Christmas tree lighting this past weekend. Even though there is one more meeting before Christmas, President McLaughlin stated he would like to be the first to wish everyone a Merry Christmas!

ADJOURNMENT

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

Aye: 6 - Trustee Fenton, Trustee Dodge, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, and President McLaughlin

Nay: 0

Absent: 1 - Trustee O'Halloran

/nm

APPROVED: December 19, 2011

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk

/s/ Joseph S. La Margo

Joseph S. La Margo, Deputy Clerk