

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
January 10, 2017

President Wepler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

OATH OF OFFICE

President Wepler issued the Oath of Office to Lieutenant Mike Weaver of the Libertyville Fire Department.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had anything to bring before the Board that was not already listed on the agenda.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the November 15, 2016 Village Board Special Meeting
- B. Minutes of the December 13, 2016 Village Board Meeting
- C. Bills for Approval
- D. **ORDINANCE 17-O-01: Amending Chapter 13 of the Municipal Code Re: ETSB**
- E. **ORDINANCE 17-O-02: Amending 16-O-66 – 429 E. Sunnyside Avenue**
- F. **ORDINANCE 17-O-03: Amending 16-O-67 – 757 E. Sunnyside Avenue**
- G. **RESOLUTION 17-R-01: Appointing Village Administrator as Deputy Village Clerk**
- H. **RESOLUTION 17-R-02: Appointing Village Administrator as Deputy Liquor Commissioner**
- I. **RESOLUTION 17-R-03: Appointing Village Administrator as Bank Signatory**
- J. **ORDINANCE 17-O-04: Granting Approval of an Amendment to the Site Plan Permit (PC16-40) – 600 N. U.S. Highway 45 – BRIT, Libertyville, LLC**
- K. **ORDINANCE 17-O-05: Granting Approval of an Amendment to the Site Plan Permit (PC 16-29) – 600 N. U.S. Highway 45 – Valent BioSciences Corporation**
- L. ARC Report

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ZBA REPORT (16-25): Variations of Corner Side Yard Setback for House and Garage Addition – 817 E. Rockland Road

President Wepler introduced a ZBA Report for a requested corner side yard setback to allow construction of home and garage additions at 817 E. Rockland Rod. The proposal would reduce the setback for the house from 30 feet to 9 feet and from 30 feet to 16 feet for the garage.

Members of the ZBA supported the requests with a dissenter noting his concern with the degree of the variation for the house. The recommendation for the garage variation was unanimous. The Mayor asked for questions or comments. Trustee Johnson asked if there were any neighbors who objected, and the petitioner, Haley Spinell, said there were none. Trustee Garrity moved approve the variations, and Trustee Carey seconded. The Mayor asked for further Board and public comments. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ZBA REPORT (16-26): Variations for Signage – 1000 E. Park Avenue

President Wepler introduced a sign variation request from Liberty Auto City. The petitioner requested installation of six (6) signs for the Subaru dealership to meet the company standards for Subaru. The variations are to increase the number of signs from one (1) to six (6) and to increase the sign area from 32 square feet to 120 square feet. Members of the ZBA supported the variations with a dissenter noting his concern with the degree of variations. The ZBA recommended approval with a vote of 4-1. The Mayor asked for questions and comments.

Liberty Auto City representatives addressed the Board. Trustee Johnson asked why the Staff recommendation was for denial. David Fischer stated that the code did not support the variations.

The Liberty Auto City representative stated that Subaru sets mandates that impact the number of cars allotted to the dealership. Trustee Johnson asked if they had discussed zoning requirements with ownership or if standards are uniform nationwide. Representatives stated that there are stringent mandates for dealerships. Trustee Moras clarified that the Subaru signs would replace Mazda signs. Trustee Johnson noted the

difficulty when mandates override building codes. She added her appreciation of the business and understood the issue of the penalty of inventory reduction.

Trustee Johnson moved to approve the variations, and Trustee Garrity seconded. The Mayor asked for further comments. Trustee Moras thanked the representatives for their continued business, and the Mayor noted the positive facility improvements. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ORDINANCE 17-O-06: Amending Liquor Code to Create and Establish a Class A-1 License

President Weppler reported that at the December 13, 2016 License and Permits Committee meeting Mr. Bob Helle discussed a proposal for a Bar and Music/Entertainment venue in the Manchester Square building located at 601 N. Milwaukee Avenue. Mr. Helle requested consideration of a liquor license that would be directly connected to live music/entertainment at the establishment. The Mayor/Liquor Commissioner and Staff had previously met with Mr. Helle to discuss the business, and it was agreed that a new category of liquor license would be necessary to accommodate the type of business proposed. The new "Class A-1" liquor license will provide for the sale of alcoholic liquor not more than two hours prior to, during, and up to one hour after live music/entertainment.

The ordinance presented would amend the Municipal Code and: (1) create a Class A-1 liquor license for the sale of alcoholic liquor connected to live music/entertainment; and (2) increase the number of Class A-1 licenses to one in order to allow the Mayor/Liquor Commissioner to then issue a Class A-1 license to Mak's Tavern, LLC. As a condition of the issuance of this license, Mr. Helle has agreed not to serve alcohol after 1:00 am (M-F) and 2:00 am (Sat-Sun, as well as designated holidays). An application and background check from the State of Illinois will be completed and approved prior to issuance of a license. The Mayor and Village Staff recommended approval. The Mayor asked for questions and comments.

Mr. Bob Helle thanked Chief Herdegen and the Committee for their assistance. He stated that he hopes to open the establishment in late March. Trustee Moras asked about the issue of signage for the location, and Mr. Helle stated that the great space overrides the challenges of the location. Trustee Johnson asked what type of music would be heard, and Mr. Helle stated the music would be jazz-type. The Mayor noted the Village and landlord noise restrictions. Mr. Helle added that he hoped to leverage off of people who use local restaurants. Trustee Johnson thanked Mr. Helle for bringing the business to Libertyville.

Trustee Justice moved to approve the ordinance, and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

AGREEMENT: Approve Water Main Easement Agreement with North Shore Gas
President Weppler reported that Engineering Staff has been in discussions with representatives from North Shore Gas Company to acquire a permanent water main easement on their property located at the southwest corner of Peterson Road and US Route 45 for the installation of a new water main to replace a “chronic breaker” existing main. The proposed easement is necessary because of conflicts with existing underground utilities within the US Route 45 right-of-way. The easement will abut the right-of-way. The water main replacement work is scheduled to occur this next construction season (2017).

North Shore Gas Company has formally approved and executed the proposed Water Main Easement Agreement. The Agreement grants the Village the ability to access, install, restore, maintain, repair, and replace the proposed water main.

Administrative Staff recommended approval of the Easement Agreement and authorization for the Village President and Village Clerk to execute. The Mayor then asked for questions or comments.

Trustee Johnson moved to approve the agreement, and Trustee Moras seconded. With no further discussion, the motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-04: Approve Landscape and Hardscape Easement Agreement – 117 Lake Street

President Weppler explained that in 2007, the Village Board approved a development agreement for the redevelopment of the property at the southwest corner of Lake Street and Milwaukee Avenue, now known as Manchester Square. Following construction, the Village undertook a parking lot and pedestrian area rehabilitation project adjacent to the Manchester Square and other buildings located on the west side of Milwaukee Avenue. At that time, the Village was unable to obtain an easement from the former owner of Manchester Square to include a portion of the southwest corner of the Manchester property within the pedestrian area improvements. Consequently, the project was completed without the inclusion of this property.

The current owner of Manchester Square has agreed to grant the Village an easement to allow the Village to complete the pedestrian area, including the installation of pavers, plantings, and a bench that will be included in the 2017-2018 budget. The resolution presented approves an easement agreement that grants these rights and requires that the Village maintain the improvements after installation.

Staff recommended that the Village Board approve the resolution approving the Hardscape and Landscape Easement Agreement. The Mayor asked for questions and comments.

Trustee Adams moved to approve the agreement, and Trustee Carey seconded. With no further discussion, the motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-05: Support of Charters of Freedom Project and Location

President Wepler reported that at the January 3, 2017 Parks and Recreation meeting, the Committee approved a motion by a unanimous vote to approve the concept and site location for a Charters of Freedom project in Cook Park. The project concept would involve a permanently constructed display of limestone monument replicas of founding American documents that include the Declaration of Independence, the Constitution, and the Bills of Rights. The project would be financed from private donations to a Founders 55 Group based in Libertyville.

The Parks and Recreation Committee recommended Village Board approval of the Resolution to provide evidence of the Village's support of the project and the Cook Park site on Village property. Founders 55 would work in cooperation with Village Departments to receive required approvals for work prior to construction. The Mayor then asked for questions.

Mr. Roch Tranel, 1010 Sandstone, thanked the Village for the teaching opportunity that would be no cost to the Village. He noted that the cost would be \$75,000.

Trustee Moras stated that the monuments would add to the historic presence of Cook Park by showcasing the documents. Trustee Johnson noted the connection to the Village logo and added that in the current digital environment, it would be nice for people to stop and read the documents. Trustee Garrity stated that the concept and location were good, but no decision could be made without engineered renderings completed. The Mayor stated that there would be further required approval. Mr. Tranel said that two local architects have volunteered to prepare renderings.

Ms. Katherine Rooney, 520 Sedgwick, stated that she was not in favor of the significant impact on open space. She read a letter from a neighbor, noting the importance of Cook Park as a welcome to Libertyville, green space, and park space.

Mr. James Connell, 1215 Sussex, noted that these were incredibly important documents that he considered public art. The Mayor noted that there is no arts council. Mr. Connell asked that the Board slow down, adding that the design is not appealing, and the documents could be viewed in Washington D.C. or read at the library. He also expressed concern with upkeep, insurance, maintenance, and other future costs. He also stated that Cook Park is already beautiful and making changes warrants extra attention.

Trustee Moras thanked residents for speaking and added that much could occur prior to installation and many steps are involved. The Mayor referenced Section 1 of the resolution regarding location in Cook Park. Trustee Johnson noted the importance of preserving open space. She stated that there is an amount of expertise required for the project, and the group is looking for a reason to move forward. The Mayor added that the group would return after funding is achieved. The Village Attorney explained that in principle, the group is looking for support and commitment from the Village.

Mr. Bill Kaiser, part of the Founders 55, stated that he respected resident comments, but these documents are not art but exact duplicates of the original documents. He anticipated that many groups would learn basic principles from the documents, and he added that Cook Park would act as the front door, welcoming people to learn from the documents.

Ms. Rooney asked if the funds were raised, if the monument could be put somewhere else without the Village incurring liability. The Village Attorney stated that there is no firm commitment, but the location would be used as part of the fundraising effort. Trustee Carey, Chairman of the Parks Committee, stated that the issue has been discussed in Committee since October. There is still the need for engineering, drawings, scale, utilities, and resolution of appearance issues.

Trustee Johnson stated that she appreciated all comments, adding that many people have no clue of U.S. history, and the educational benefit warranted consideration.

A resident, 880 N. Milwaukee, stated that the monuments would be nice regardless of location, adding that it was important for people to have the opportunity to learn about the documents.

Ms. Ana Draa, 1020 Ashley Lane, stated that she had heard nothing from the scouting community regarding the monuments, and that the location is not logistically possible to use for scouting activities. She stated that she favored having the fund raising completed before a final plan. She added that she and others were upset about the Cook Park location, and that Village park space needed to be protected. Ms. Draa noted the many events already held in Cook Park and suggested that a more appropriate area be chosen. She also stated fears of vandalism of the revered documents.

Trustee Johnson, noting her stand on the importance of preserving park space, agreed that these replicas represent important documents that might be better located indoors. She noted that she still saw a need to offer the opportunity to view these documents for those not fortunate enough to travel to Washington D.C. Trustee Johnson also stated that residents should attend the Parks and Recreation Committee meetings for discussion and debate.

Responding to comments, Trustee Carey stated that the hockey rink is in the final engineering phase for a new location west of the Libertyville Sports Complex. Responding to comments, Mr. Tranel repeated that there would be no cost to the Village.

The Mayor asked if it would be acceptable to state that the Village would explore the possibility of placement in Cook Park, and Mr. Tranel stated that would be acceptable. Trustee Johnson stated that even with new wording, the item would still return to the Parks Committee and return to the Village Board for approval. Responding to Trustee Garrity's question regarding alternative locations, Mr. Tranel stated that he would have to discuss that with the group. Trustee Carey suggested approving without designated location. Mr. Tranel stated that the issue should be pushed off until other supporters could attend a meeting. Trustees favored moving forward with the resolution, approving the concept and supporting moving forward with the project.

Trustee Carey moved to approve the resolution amended to state that the Village supports the efforts of the Founders 55 in their effort to explore the possible placement of Charters Of Freedom Monument in Cook Park. Trustee Adams seconded. With no further discussion, the motion carried on roll call vote as follows:

AYES: Trustees Johnson, Mora, Justice, Adams, Garrity, and Carey

NAYS: None

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Appearance Review Commission will meet at 7:00 p.m. on Monday, January 16, 2017
- The Parking Commission will meet at 10:00 a.m. on Tuesday, January 17, 2017
- The Finance Committee will meet at 6:00 p.m. on Tuesday, January 17, 2017
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, January 17, 2017
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, January 18, 2017
- The Sustain Libertyville Commission will meet at 6:00 p.m. on Wednesday, January 18, 2017
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, January 23, 2017
- The Streets Committee will meet at 7:00 p.m. on Tuesday, January 24, 2017
- The Village Board will meet at 8:00 p.m. on Tuesday, January 24, 2017
- The Ribbon Cutting for the new Church Street Parking Garage will be held on Friday, January 20, 2017

EXECUTIVE SESSION –

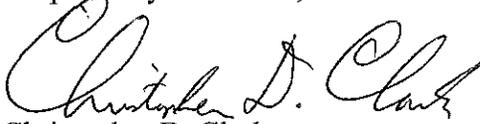
- A. Sale of Property: Setting Price for Sale [5 ILCS 120/2 (c)(6)]
- B. Personnel: Employment [5 ILCS 120/2 (c)(1)]

President Wepler expressed the need for the Village Board to meet in Executive Session to discuss Sale of Property and Personnel. Trustee Carey moved to go into Executive Session at 9:48 p.m. Trustee Adams seconded, and the motion carried on a unanimous voice vote.

ADJOURNMENT

The Board returned to the regular meeting at 10:27, and with no further business, Trustee Moras moved to adjourn, Trustee Justice seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher D. Clark". The signature is written in a cursive style with a large initial "C" and a distinct "D." before the last name.

Christopher D. Clark
Deputy Village Clerk