

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
January 12, 2016

President Weppler 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 Weppler, Trustees Donna Johnson, Todd Gaines, Jay Justice, Scott Adams, and Peter Garrity. Trustee Richard Moras was absent.

RECOGNITION OF THE LHS FOOTBALL TEAM

President Weppler had members of the 2015 LHS football team introduce themselves to the audience. He thanked the team and coaches on behalf of the Village of Libertyville for their fine 2015 season and their second place finish in the Illinois State High School Football Championship. He added that the team had provided exciting games for residents of Libertyville.

ITEMS NOT ON THE AGENDA

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

Mr. Jack Lantz addressed the Board regarding damage to his property left after sewer work in his neighborhood. There was a question about the location of the Village easement, and Mr. Lantz asked that the Village repair his lawn. The Mayor assured Mr. Lantz that the matter would be resolved.

OMNIBUS VOTE AGENDA

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

OMNIBUS VOTE AGENDA

- A. Minutes of the December 8, 2015 Meeting
- B. Minutes of the December 8, 2015 Executive Session
- C. Bills for Approval
- D. **RESOLUTION 16-R-01: Change Orders 1 and 2 for American Legion Parking Lot Landscaping**
- E. Approve Landscaping Contract Extension – Buhrman Design Group
- F. Approve Landscaping Contract Extension – Landscape Concepts
- G. Approve Butler Lake Shoreline Maintenance Contract – CLS
- H. **ORDINANCE 16-O-01: Adopt Lake County Sanitary Sewer Connection Fee**
- I. Approve Professional Services Agreement for CCDD – Huff & Huff, Inc.
- J. Designate FOIA and OMA Officers
- K. **ORDINANCE 16-O-02: Declare Surplus Property**
- 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 Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity
NAYS: None
ABSENT: Trustee Moras

ZBA REPORT: Front Yard Setback Variation – 544 Dawes Street

President Wepler introduced a ZBA report for a request from the owner of 544 Dawes Street for a front yard setback variation to allow reconstruction of a front porch and steps. The ZBA recommended approval because the construction would be in a similar location to the existing porch. The Mayor asked for questions and comments. Trustee Johnson moved to approve the variation, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity
NAYS: None
ABSENT: Trustee Moras

LIBERTYVILLE LITTLE LEAGUE BASEBALL FIELD LIGHTING

A. Plan Commission Report – Site Plan Permit

President Wepler stated that in conjunction with a request for height for baseball field lighting, the Little League requested a Site Plan Permit to allow installation of the poles. The Plan Commission concurred and recommended Village Board approval. The Mayor then asked for questions or comments.

Trustee Adams asked if the poles were similar to those on the football field. Plan Commission Director John Spoden stated that they are consistent with other lighting. Trustee Johnson asked if there had been any concerns expressed. Director Spoden said that no concerns had been raised.

Trustee Gaines moved to approve the Site Plan Permit (PC 15-23), and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity
NAYS: None
ABSENT: Trustee Moras

B. ZBA Report – Height Variation

President Wepler introduced a ZBA report for a height variation to allow construction of 60-foot high light poles for illumination of the AAA Baseball field. The ZBA noted that the lights would be the same height as the adjacent Flood Field and requested that the Little League follow the same rules for the baseball field that the lights are shut off at 10:00 p.m. The Mayor then asked for questions and comments.

Trustee Adams moved to approve the variation for height of light poles. Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras

DHR CAMBRIDGE HOMES REQUEST FOR RESUBDIVISION – East Ellis Avenue

A. Plan Commission Report – Plat of Resubdivision

President Wepler introduced a Plan Commission report involving DRH Cambridge Homes, Inc. and their request for approval of a two-lot subdivision at the east end of Ellis Avenue. There are two lots, but lot F does not have full frontage on an improved street. He added that an associated request for a variation to allow construction of a lot without a fully improved street was filed with the Zoning Board of Appeals.

Members of the Plan Commission discussed the proposal with the petitioner and concerned members of the public who expressed concerns regarding drainage. As the petitioner was not able to show that construction of two homes on this site would not have a detrimental effect on neighboring properties, the Plan Commission did not support the proposal. A motion to recommend approval failed with a vote of 0-6. The Mayor then asked for questions and comments.

Mr. David Muneretto of Emerald Homes addressed the Board with information on the requests. He explained that the request involved a resubdivision and a variance to allow development without extending the existing street. He added that one lot is 51 feet wide and the other is 70 feet wide. Emerald Homes would like to move the lot line to make each lot approximately 60 feet wide. He explained the proposed on-site water detention solution would be a rain garden constructed between the two lots. Additionally, Mr. Muneretto noted that Lot F is not fully fronted by a city street, and after resubdividing, it would have 41 feet out of 61 feet fronted. The remaining 20 feet would remain wooded and form a separation between Ellis Avenue and Sandstone Drive. The plan also includes granting an additional 8' of easement to the Village. Mr. Muneretto explained that the on-site water detention would accommodate 1.835 inches of rainfall in one hour, and only two days had exceeded that amount during 2015.

Trustee Johnson asked Director Spoden if the proposed detention was as close as possible to best practice. Director Spoden stated that this presents a general plan that would be subject to calculations and engineering at permit time. Trustee Johnson stated that she did not want the flooding situation to be made worse.

Mr. Keith Wiznuski, representing Emerald Homes, stated that both sites had been fully engineered, and the intent was to help the problem. All plans would be subject to the Village's requirements while sharing storage and accessibility. He added that no information had been shared with Village engineering since there had not been a formal submittal. Plans would conform to zoning ordinances and Village codes.

Trustee Johnson stated that she was trying to be thoughtful and anticipate questions. She added that weather conditions are unpredictable. Mr. Muneretto stated that the detention might help ease issue on Ellis. The Mayor stated that he was not in favor of causing improvement on property adjoining new construction, adding that one flood event is too many.

Public Works Director Paul Kendzior stated the problem with overland flow with nil impact as the goal, adding that there is currently uncontrolled run off.

Trustee Adams expressed concern with the impact new construction is having on older homes. He added that this plan would not solve the larger problem. Trustee Justice asked if one home could be built instead of two. Director Spoden noted that currently only one lot is buildable. Trustee Gaines asked if the rain garden would handle the run off. Mr. Wiznusi stated that the new ordinance dictates no additional run off. Trustee Gaines stated that he was unsure of the answer to the problem. Trustee Johnson stated that presently there is only a stopgap for an existing problem. Trustee Justice concurred that there is a need for a long-term solution. Director Kendzior stated that the long-range solution would be to increase storm pipes, find safe runoff pathways, and complete on site detention.

Ms. Barbara Shafer, 315 Minear Drive, addressed the Board on behalf of homeowners in the Lake Minear/Ellis Avenue area. She provided a PowerPoint presentation summarizing their concerns. Concerns included: flooding, underground aquifers, the negative impact on existing homes when new construction increases flooding, and significant property damage for neighbors downstream from new construction.

Mr. Joseph Popeck, 225 E. Ellis, stated that the plan might look good on paper, but the detention capacity is the real problem.

Ms. Marni Ginnetti, 939 Sandstone, stated that one home would be a better option as her home is one that is impacted by the overland water.

Ms. Kelly Richter, 249 E. Ellis, stated that her home was part of the current problem. Her sump pump runs continually and her re-landscaping simply pushed the problem on to her neighbors. She added that she hates to be part of the problem and would like to be part of the solution. Ms. Richter stated that new buyers would face the same problems.

Mr. Tim Laud, 223 E. Ellis, stated that the rain garden should be located appropriately since drainage would not be as on an average lot.

Ms. Susan Kelly, 945 Sandstone, stated that there are three more vacant lots on Ellis, and those lots help absorb much of the water.

Tim Hasbrouck, 224 E. Ellis, stated that construction plans need to conform to all laws and regulations so that builder may continue to build. He explained that power running in the storm sewer had caused flooding in his home, which cost \$7,000 to repair.

Mr. Muneretto thanked the Board for hearing their information. He added that Emerald Homes realizes that all houses are upstream of their lots, and he thought their plans were thoughtful and met the required engineering codes.

The Mayor reiterated that the variation request could not have negative impact on the neighbors, and he did not see how that was possible.

Trustee Justice moved to approve the Plat of Resubdivision, and Trustee Johnson seconded. The motion failed on the following roll call vote:

AYES: None

NAYS: Trustees Johnson, Gaines, Justice, Adams, and Garrity

ABSENT: Trustee Moras

B. ZBA Report – Street Frontage Variation

In line with the request for a two-lot subdivision, President Weppler stated that DRH Cambridge Homes, Inc. applied for a variation to allow construction on a lot that does not have frontage on a fully improved street. Members of the ZBA did not find that the applicant met the Standards for Variation for this proposal. The recommendation of the ZBA was for denial of the request. A motion for approval failed with a vote of 0-6. The Mayor asked for questions and comments.

Trustee Justice moved to approve the variation for street frontage, and Trustee Johnson seconded. The Mayor asked for further Board and public comments. The motion failed on the following roll call vote:

AYES: None

NAYS: Trustees Johnson, Gaines, Justice, Adams, and Garrity

ABSENT: Trustee Moras

REQUEST FOR PLAT OF SUBDIVISION – 318 Elm Court**A. Plan Commission Report – Plat of Resubdivision**

President Weppler introduced a Plan Commission report for a request for a two-lot subdivision at 318 Elm Court. The proposal included retaining an existing house and creating a lot to the west. The new lot would meet the requirement for lot area, but the lot would be non-compliant in lot width. The consensus of the Plan Commission was to support the proposal as they noted that if the house were removed, the petitioner could create a two-lot subdivision without requiring Village approval. The Plan Commission recommended approval of the requested subdivision with a vote of 5-2. The Mayor asked if the Board did not act on the request, if the existing home would have to be removed. Director of Community Development John Spoden stated that the required variation is 2.5 feet. The Mayor asked for questions and comments.

Trustee Adams noted the many smaller home in the neighborhood and the tentative subdivision across from 318 Elm Court. He noted that the area infrastructure had not been updated, and he was against adding a possible three homes to the narrow street and neighborhood. Trustee Garrity asked if there were any development plans.

Mr. Pat Richter of Richter Builders stated that 2.6 feet was a reasonable request. Owner Mr. Eugene Maher noted that there is a basement under the sun porch so it would be difficult to remove the porch. Trustee Garrity stated that he did not want to lose the home to gain two lots. Trustee Adams reiterated that the neighborhood could not handle the subdivision due to narrow streets and possible flooding.

Barbara Shafer, 315 Minear, stated that new homes on Elm Court could lead to flooding. Mr. David Amidei, 326 Elm Court, asked if the older sewers could be rebuilt. The Mayor stated that the issue was having two buildable lots or approving the variation. He favored preserving the existing home.

Trustee Johnson moved to approve the Plat of Resubdivision, and Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, and Justice

NAYS: Trustees Adams and Garrity

ABSENT: Trustee Moras

B. ZBA Report – Lot Width Variation

President Wepler explained that in conjunction with the request for a two-lot subdivision, the owner of 318 Elm Court requested a variation to reduce the lot width for the proposed lot from 60 feet to 57.3 feet. The ZBA supported the variation as the retention of the house creates the need for the variation.

Trustee Gaines moved to approve the lot width variation, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, and Justice

NAYS: Trustees Adams and Garrity

ABSENT: Trustee Moras

ADOPT 2016-2017 VILLAGE BOARD GOALS

President Wepler explained that in October 2015, the Mayor, Village Board, and Village Staff held their annual workshop meeting to review the status of goals and projects from fiscal year 2015-2016 and to develop goals and projects for fiscal year 2016-2017. The goals presented were identified as priorities by the Mayor and Village Board.

Administrative Staff recommended adoption of the goals.

Trustee Garrity moved to approve the 2016-2017 Village Board Goals, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras

WAIVE FORMAL BIDDING – WWTP Wiring Repairs

President Wepler stated that the electrical wiring that supplies power to the upper level motors for the screw pumps at the Wastewater Treatment Plant is corroded. This is causing arcing and shorting out of the wiring circuits. Years of air saturated with moisture and hydrogen sulfides have also corroded the electrical duct that houses the wiring that controls the operation of the screw pumps. In addition, moisture is entering the lower level control cabinet, which is increasing the risk of pump failure and safety concerns.

Three proposals were obtained to address the problems with the wiring and duct issues. The work involves replacing the corroded exterior duct with sealed conduits and replacing the wiring between the control panel and the pump motors. Pieper Electric, Inc. provided the lowest price, and Staff recommended performing the work for a not-to-exceed amount of \$31,975.00.

Sufficient funding is available in the Water and Sewer Capital Improvement Fund. The Water and Sewer Committee and Administrative Staff recommended waiving formal

bidding and accepting the proposal from Pieper Electric, Inc. The Mayor asked for questions and comments.

Trustee Adams moved to waive formal bidding and accept the proposal from Pieper Electric, Inc. Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras

PETITIONS AND COMMUNICATIONS

President Wepler asked the Streets Committee to review Village storm water requirements and related issues.

President Wepler announced the following:

- The Appearance Review Commission will meet on Monday, January 18, 2016 at 7:00 p.m.
- The Parking Commission will meet on Tuesday, January 19, 2016 at 10:00 a.m.
- The Finance Committee will meet on Tuesday, January 19, 2016 at 6:00 p.m.
- The License and Permits Committee will meet on Tuesday, January 19, 2016 at 6:30 p.m.
- The Fire and Police Committee will not meet on Tuesday, January 19, 2016.
- The Economic Development Commission will meet on Wednesday, January 20, 2016 at 7:30 a.m.
- The Sustain Libertyville Commission will meet on Wednesday, January 20, 2016
- The Plan Commission/Zoning Board of Appeals will meet on Monday, January 25, 2016 at 7:00 p.m.
- The Bicycle Advisory Commission will meet on Tuesday, January 26, 2016 at 6:00 p.m.
- The Streets Committee will meet on Tuesday, January 26, 2016 at 7:00 p.m.
- The Village Board will meet on Tuesday, January 26, 2016 at 8:00 p.m.

ADJOURNMENT

With no further business, Trustee Garrity moved to adjourn at 10:09 p.m., Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal
Village Clerk