

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
February 9, 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, Richard Moras, Todd Gaines, Jay Justice, Scott Adams, and Peter Garrity.

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.

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 January 26, 2016 Meeting
- B. Bills for Approval
- C. Approve Return of Maintenance bond – School Street Development
- D. **ORDINANCE 16-O-09: Declare Surplus Property**
- E. **ORDINANCE 16-O-10: Amend Municipal code re: WaterSense Labeling**
- F. **ORDINANCE 16-O-11: Authorize Vacation of Unimproved Alley**
- G. Approve Raffle License – Lake County Haven
- H. Request Use of Village Property – Lake County Green Congregations

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. Trustee Garrity asked that the vote be corrected on the item regarding 318 Elm Court. Both he and Trustee Adams had voted nay on both items involving the redevelopment at that address. The motion carried on roll call vote as follows:

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

NAYS: None

ZBA REPORT: Perimeter Open Space Variation – Copeland School

President Weppler explained that School District 70 is proposing to construct an addition to Copeland School to eliminate two mobile classrooms and replace a gymnasium. The proposed construction is to be built within zoning setbacks. However, a proposed drive aisle is to be constructed within the required 50-foot Perimeter Landscaped Open Space. The original proposal to place parking spaces in line with existing spaces approximately four feet from the north property line and construct a parking lot along 7th Avenue were both withdrawn by the petitioner. Members of the ZBA concurred with the request as the drive aisle location would be less of an encroachment than the existing parking spaces. A motion to recommend Village Board approval had passed with a vote of 5-1, with the dissenter noting dissatisfaction with the proposed removal of a basketball court to lessen impervious coverage at the site. The Mayor then asked for Board and public comments.

Trustee Moras asked for clarification of the dissenting vote. Director of Community Development John Spoden explained that lot coverage was not the issue, but removing the basketball court would lessen the impervious surface and eliminate the need for detention.

Mr. John Glenn, 629 Hampton Terr., addressed the Board regarding the need for additional parking at the school and the loss of open space. He noted that the need for periodic street parking should not warrant the removal of hard playing surface.

Mr. Jim Young, 713 E. Glendale, stated that the additional 12 parking spaces did not warrant a 60% change in the landscape setback. He added that the basketball courts are used regularly and did not want to see the courts lost for the additional parking. He also noted that he did not think that the community was aware of the loss of the hard play area.

The Mayor asked for clarification of the drainage. Director Spoden explained that the net increase of impervious land required detention. Director of Public Works Paul Kendzior noted that detention was required across the entire Village.

Trustee Moras concurred with the detention requirement, but he stated that the School District seemed caught in a financial burden and asked if there could be a compromise. Director Spoden explained the requirement of 67 parking spaces that could be of dual use.

Mr. Peter Graves, architect for the petitioner, explained that the play surfaces are in need of repair, and a smaller play surface would be included in the plan. Trustee Johnson asked for dimensions of the area, and Mr. Graves stated that it would be a single court size and that parking spaces could be used for play if not needed for parking. He also explained that the trash collection would be moved as well and would be adjacent to the building. Trustee Johnson asked if there could be a way to achieve the code requirement and a compromise. Mr. Graves stated that the poor playing surfaces would not be replaced. Trustee Johnson stated that the Copeland community deserved comparable use. Mr. Graves stated that the building would be triple the size of the 1957 building, and there would be indoor basketball courts available on weekends.

The Mayor reminded the Board that this is a scope issue and the Board should not overreach.

Mr. Young stated that with no anticipated increase in students and parents, he did not see the necessity to increase parking, especially when the increase causes the loss of three full courts.

The Mayor stated that if the courts were still playable, perhaps maintenance would be a compromise.

Trustee Justice asked if the parking is a requirement, and Director Spoden stated that it is, or it would require a variation.

Trustee Adams asked if it could be an alternative to replace the court with a comparably sized play surface. Mr. Graves stated that it would require a reduction in the site design to add the space back in. Trustee Adams asked that the School please look at additional play space comparable to the space eliminated. Trustee Johnson noted the substantially reduced play area.

Trustee Moras stated that he would support a variation to eliminate the parking spaces. Trustee Gaines noted that keeping the play space would increase the impervious area. Trustee Garrity stated that the plan should move forward and not be tangled up in the process. He stated that the dialogue had been good, but there should not be a delay. Trustee Moras stated that perhaps the School District would not want to add parking if it were not required. Mr. Graves explained that the parking was required to accommodate the building expansion and allow for required access.

Mr. Young stated that this was an inconsistency with what he had been told.

Trustee Moras moved to approve the variation for Perimeter Landscaped Open Space, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: Trustee Justice

REQUEST USE OF VILLAGE PROPERTY – Libertyville Days

President Wepler introduced a letter from the Libertyville Civic Center Foundation (LCCF) requesting the use of various Village properties for the 2016 Libertyville Days Festival from June 16-19, 2016. The request is similar to previous years, however, due to anticipated construction of the Church Street Parking Garage, this year's request also includes the use of a portion of Cook Street (from Milwaukee Avenue to the Chase Bank driveway). The Parks and Recreation Committee reviewed the request, and the Committee and Administrative Staff recommended approval of the Libertyville Civic Center Foundation's request to use Village property for the 2016 Libertyville Days Festival from June 16-19, 2016, subject to the conditions contained in the authorization letter. The Mayor then asked for questions and comments.

Mr. Art Kopp of the Libertyville Civic Center Foundation was present to answer questions. Trustee Moras asked the Police and Fire Chiefs if they were satisfied with the plan for closing Cook Street. Both Chiefs had reviewed and approved the plans. Trustee Johnson moved to approve the Use of Village properties, and Trustee Adams seconded. Trustee Justice recused himself due to his participation on the Civic Center Board. The Mayor asked for further comments. The motion carried on roll call vote as follows:

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

NAYS: None

APPROVE REQUEST FOR INDEPENDENT CONTRACTOR AND CONSULTANT AGREEMENT – Dog Days of Summer

President Wepler explained that the Dog Days of Summer is an annual summer weekend event that has taken place in July in downtown Libertyville for the past seven years. Bill Kaiser, former owner of Pampered Pup'z, created the event to provide a weekend promotion with dog-friendly activities. The event has attracted good crowds and generated positive publicity for the Village. The event has benefitted local not-for-

profit canine causes. The last couple of years Dog Days of Summer has been a break-even event financially.

Even though he sold his Pampered Pup'z business, Mr. Kaiser looks to have Dog Days of Summer continue through 2016. He proposed to continue as promoter and operator of the event, but he is seeking Dog Days of Summer to become a Village-sanctioned event in 2016.

Mr. Kaiser met with the Mayor to discuss the topic, and they both met with several Administrative Staff members to review scenarios for continuing Dog Days of Summer in 2016. This was discussed at the January 2016 meeting of the Parks and Recreation Committee, and the Committee recommended that the 2016 event would, for one year only, become a Village-sanctioned event, with the Village retaining the services of Mr. Kaiser as an independent contractor to operate the event. The Village would be financially responsible for the event and enter into all required contracts. Mr. Kaiser would be responsible for operating all aspects of the event for the Village. Mr. Kaiser would submit written reports to the Village on a weekly basis updating the financial and operational status to help ensure no worse than break-even financial results and a well-operated event. Mr. Kaiser would receive \$10 for his services. The Village would pay for, or reimburse Mr. Kaiser, for insurance costs needed for the event.

The Parks and Recreation Committee recommended that the Village enter into an Independent Contractor and Consultant Agreement with Bill Kaiser for the planning, coordination, and execution of the 2016 Dog Days of Summer event for the Village. The Mayor then asked for any questions or comments.

Trustee Justice asked about costs and the possibility of MainStreet taking over the event. Trustee Gaines explained that the Parks and Recreation Committee gave a positive recommendation as a bridge to it becoming a 5013C event. Trustee Adams stated that MainStreet is busiest during the summer, and he hoped that someone else would commit to run the event. The Mayor stated that no not-for-profit groups had as yet been found to take over the event. Trustee Gaines added that he did not favor any other animal events, but that the Dog Days is a good event, just not an ongoing event for the Village to run. Trustee Moras moved to approve the agreement with Bill Kaiser for 2016 Dog Days of Summer. Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 16-R-05: Declare TIF Surplus

President Weppeler recused himself from discussion on the item due to his ownership within the TIF area. He appointed Trustee Johnson as President Pro Tem for the discussion and voting.

President Pro Tem Johnson explained that during 2009, the Village entered into governmental agreements with the taxing bodies within the Tax Increment Financing (TIF) area in order to allow the Village to extend the expiration of the TIF from 2010-2021. This extension allows the Village to complete additional parking improvements and construct additional parking areas.

During negotiations for the intergovernmental agreements, it was determined that the Village would not require all of the tax revenues generated in the TIF area and agreed to rebate 70% of all property tax increments to the taxing bodies on an annual basis.

In order to accomplish this rebate, the Village must formally declare these funds surplus and forward the surplus funds to the County Treasurer's Office in order for the Treasurer to reallocate these funds to the affected taxing bodies. For the 2015 tax collection year, the Village received \$3,374,189 in property taxes for the TIF area. The rebate proposed is \$2,361,932 (70% of the total). Staff recommended approval of the resolution.

President Pro Tem Johnson asked for questions and comments.

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

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

NAYS: None

RESOLUTION 16-R-06: Approve Agreements for FAU Roadway Project

President Wepler explained that the Village would be utilizing Federal funding (80% Federal-20% Village) to rehabilitate portions of Fourth Avenue, Red Top Drive, and Greentree Parkway. The construction engineering for the project will also be federally funded. The Illinois Department of Transportation (IDOT) is the State agency that administers the Federal funding to local agencies. One of the funding requirements is the passage of the attached IDOT standard Resolution to appropriate the Village's share of the funds required for construction and construction engineering (\$284,025.00). The draft FY 2016-17 Budget proposes to include \$368,000.00 in the Road Improvement Fund for this project.

Another funding requirement is the approval of the two attached Agreements: 1) Local Agency Agreement for Federal Participation; and 2) Local Agency Consultant Agreement with Civiltech Engineering, Inc. Both of the Agreements must also use IDOT standard forms. The Board must also authorize the signatures of the Mayor and Administrator on each Agreement.

The construction contract will be bid, awarded, and administered by IDOT (tentative bid date is in April, 2016). As IDOT makes progress payments to the Contractor, the Village will then be invoiced for the local share (20%) of the construction costs as incurred.

During construction, the Village will provide administration of the construction engineering contract. For this aspect of the project, the Village will pay the consultant directly and later apply to IDOT for the 80% reimbursement. The Mayor then asked for questions and comments.

Trustee Johnson moved to approve the resolution, and Trustee Gaines seconded. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

President Wepler acknowledged a boy scout in the audience and had him introduce himself. First Class Scout Matthew Pavlik said that he was working on his citizenship and community badge.

President Wepler announced the following:

- The Firefighter Pension Board will meet on Monday, February 15, 2016 at 8:30 a.m. at the North Fire Station
- The Appearance Review Commission will meet on Monday, February 15, 2016 at 7:00 p.m.
- The Parking Commission will meet on Tuesday, February 16, 2016 at 10:00 a.m.
- The Village Board will meet as a Committee of the Whole to interview Finance Director candidates on Tuesday, February 16, 2016 at 6:00 p.m.
- The Economic Development Commission will meet on Wednesday, February 17, 2016 at 7:30 a.m. at VW Credit, 1401 Franklin Boulevard
- The Plan Commission/Zoning Board of Appeals will meet on Monday, February 22, 2016 at 7:00 p.m.
- The Streets Committee will meet on Tuesday, February 23, 2016 at 7:00 p.m.
- The Village Board will meet on Tuesday, February 23, 2016 at 8:00 p.m.
- The Village Board Budget Workshops will be held on Saturday, February 27, 2016 at 8:00 a.m. and on Tuesday, March 1, 2016 at 6:00 p.m.

Trustee Johnson asked for a Metra liaison to contact regarding access to the Libertyville train station during weekends. Administrator Bowens said that he would contact Metra.

ADJOURNMENT

With no further business, Trustee Garrity moved to adjourn at 8:59 p.m., Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal
Village Clerk