

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
March 8, 2016

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, and Peter Garrity. Trustees Todd Gaines and Scott Adams were absent.

**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.

There were no items.

**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 February 23, 2016 Meeting
- B. Minutes of the February 23, 2016 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 16-O-17: Amending Sunset Clause on Telecommunications Tax**
- E. Award Contract for Pavement Crack Sealing Program
- F. Award Contract for Pavement Marking
- G. Approve Appointment to the Historic Preservation Commission
- H. Approve Raffle License Request – American Cancer Society
- I. Agreement – Libertyville/Mundelein Historical Society, Inc.

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, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

**ARC REPORT: Riva Ridge Landscaping** (deferred from February 23, 2016 Village Board meeting)

President Wepler introduced a deferred item from the Appearance Review Commission report of February 15, 2016. The Mayor had previously deferred the item pending clarification of the landscaping plan. The Mayor was concerned that in a seven-year period, 179 trees had been removed from the Riva Ridge property, and only 56 trees had been replanted. He asked for questions and comments.

Mr. Loren Nagy, of The Care of Trees, addressed the Board regarding the Riva Ridge landscape plan. He explained that the property had been heavily planted when the subdivision was built, and that over the subsequent 30 years, many of the trees have

engulfed homes. Trees have damaged roofs, siding, and prevented egress. Overplanting has also led to disease, and many diseased and dying trees are Austrian Pines. Due to the overcrowding, he did not recommend replanting one for one. He noted that other diseased trees include ash, pine, and some spruce, but the majority are Austrian Pines. The Mayor explained that he has heard from residents who were concerned about the loss of trees without equal replacement.

Mr. Nagy said that in order to allow room for roots, a group of three pines might be replaced with only one tree.

The Mayor stated that he questioned removing a thirty-foot tree and replacing with a six-eight foot tree.

Trustee Johnson stated that the space should be found for replanting two or three trees of comparable type of those removed.

Mr. Nagy stated that it would not be in the residents' best interest to replant where there is bare dirt due to shade out. This would lead to erosion and subsequent storm sewer issues. He also suggested changing evergreens for deciduous trees or small ornamentals, both better choices. He added that they would revisit in one year with a landscape tour to amend plans.

Trustee Moras asked if residents are able to review plans.

Mr. Nagy stated that his company sends notices to residents to identify any landscape issues. They then complete a two-day tour to review with landscape contractors and address individual areas. If a resident requests a specific tree type, they review to determine the possibility.

The Mayor asked if the Village's arborist had checked the plan. Director Spoden stated that there had been no Board direction for that to occur. He added that the ARC has a landscaper on its commission, but he had not been present at the ARC meeting.

Trustee Garrity asked if there were a comprehensive plan for landscaping. Mr. Nagy stated that if one area requires a heavy cash outlay, other areas are left unaddressed.

Trustee Garrity asked if privacy plantings were included, and Mr. Nagy stated that arbor vitae provide a good choice. Trustee Garrity asked if they work with individual unit owners, and Trustee Justice asked if owners were every surveyed.

Mr. Richard Ciarrochi, 1212 Flamingo Parkway, and President of the Riva Ridge Umbrella Association, stated that the trees are diseased and crowded. He added that the association had heard no complaints, and residents want the dead trees replaced.

Mr. Jon Chizek, 1324 Kempton, and Vice President of the Umbrella Association, gave the example that when three Austrian Pines were planted in a forty-foot diameter, they looked great until they developed. Replacing them in the same manner would lead to the same problem. He also noted that drainage has been a problem.

The Mayor requested that the Village's arborist review the issue due to the obligation for the Board to consider Libertyville as a Tree City USA. Mr. Ciarrochi agreed that the Village arborist could review. He added that they care about their neighborhood and feel that they are a benefit to the Village. Director Spoden stated that the arborist would be scheduled for the next week. The item will appear on the next Village Board meeting agenda.

**ZBA REPORT: Signage Variation, BECO Management – 600 N. U.S. Highway 45**

President Wepler introduced a ZBA report concerning a request from BECO Management, Inc., for sign variations for the site. The proposal includes site identification signs and directional signs. During the course of the hearing, adjustments were made to the size and type of signs. Members of the ZBA concurred with the revised signage program due to the size and layout of the facility. The following recommendations were sent to the Village Board for approval:

- Increase the maximum number of freestanding business signs from one (1) to four (4)
- Increase the maximum permitted gross surface sign area for business signs from 32 square feet to approximately 222 square feet
- Increase the maximum permitted sign area from two (2) square feet to approximately 11.8 square feet for nine (9) directional signs and increase one (1) additional directional sign to 27 square feet.

The Mayor then asked for questions and comments. Mr. Mark Nelson, the architect from Wight & Company, noted that all recommendations from the ZBA were acceptable. Trustee Johnson moved to approve the sign variations. Trustee Moras seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

**APPROVE AMENDMENT TO CHAPTER 6 OF MUNICIPLA CODE – Building Code Amendments**

President Wepler explained that the Village operates under the 2012 Series of International Codes as amended. Administrative Staff proposed to update these codes with the adoption of the 2015 International Codes with amendments.

The Community Development and Fire Departments developed a draft of proposed changes to the Libertyville Building and Fire Codes. Staff incorporated review comments from the Libertyville Electrical Commission, the general public, local architects, and builders as well as feedback from customers throughout the years into this proposal.

The new *International Existing Building Code (IEBC)* replaces the old *IBC Chapter 34*. Both provided compliance alternatives for the older buildings in downtown Libertyville that would otherwise be more expensive or more difficult to remodel under the requirements for new construction in the *IBC*. The old *IBC Chapter 34* is no longer published and is replaced by the new more detailed *IEBC*.

A summary of significant code changes was presented, of which items 14, 19, and 20 were of special interest. Item 14 requires GFCI outlets in garages and basements including refrigerators, freezers, sump pumps, and garage doors. Item 19 requires

electrical grounding in concrete footings. Item 20 requires fire sprinklers in all buildings with additions.

The Mayor noted that if the Village Board agreed with the proposed amendment, an ordinance would be drafted for approval at the next meeting. He then asked for questions and comments.

Trustee Justice asked what the impact on current buildings would be. Director of Community Development John Spoden explained that this is an updating, involving new construction only. Trustee Moras was concerned that the Fire Department was not represented at the meeting. Director Spoden stated that Fire Chief Carani had been part of the team that prepared the amendment.

Trustee Justice moved to approve the proposed amendment, and 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, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

**RESOLUTION 16-R-10: Approve Economic Incentive Agreement with Napleton Ford**

President Wepler explained that the Village Board adopted Business District Plan No.1 in December 2008 in an effort to create an incentive that would allow the Village's auto dealerships to remain in the community and improve their facilities. The terms of the incentive were amended by Ordinance 14-O-05. Sessler Ford, operator of Napleton Ford at 1010 S. Milwaukee Avenue, requested an incentive in compliance with the Business District Plan for work they are commencing on the building facades and interiors, including site improvements and property acquisition. The incentive amount will be calculated annually using a formula, which considers only a portion of new sales tax created at the site. This "new" sales tax is that over a threshold created from an average of the 2013-2015 municipal sales tax receipts (the tax rate is 1% on purchases). Based on their total sales tax receipts, the amended Plan specifies that they are eligible for an incentive of 40% of "new" taxes. The Village will continue to collect municipal tax receipts up to the threshold, plus 60% of any "new" receipts. Any payments made to the applicant are dependent upon growth in sales tax above the identified threshold. The proposed Development Agreement for Economic Incentive has a ten-year term with an option for the Village Board to extend the agreement for an additional five years. The Mayor then asked for questions and comments.

Mr. Bill Napleton thanked the Village for investing in the upgrade and thanked Village Staff for their great assistance.

Trustee Justice asked for clarification of the incentive program, and Heather Rowe, Economic Development Coordinator, reviewed the details of the Business District Plan. Trustee Justice asked for the amount of sales revenues generated for the Village.

Coordinator Rowe explained that approximately 60%-70% of sales revenues come from auto sales.

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

AYES: Trustees Johnson, Moras, Justice, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

### **APPROVE PROFESSIONAL SERVICES AGREEMENT – 2017 Water Main Replacement Program**

President Wepler introduced an agreement for topographical surveying services. The surveying is needed to depict the existing conditions and to identify any private easements that will be needed for the engineering design phase for the 2017 Water Main Improvements Program. In previous years, the Village has contracted with the surveying firm of Jorgenson & Associates, Inc. to provide these services, which are a necessary component of developing the plans and specifications for the construction work. Jorgenson & Associates, Inc. has previously worked for the Village on numerous surveying projects and has established numerous data collection points throughout the Village, which will assist in completing this work quickly and very cost effectively. Administrative Staff recommended that the Village Board approve and authorize the Village Administrator to sign the attached Professional Services Agreement with Jorgenson & Associates, Inc. in an amount not to exceed \$22,505.28 for topographical surveying services for the 2017 Water Main Replacement Program. The work is budgeted in the Water and Sewer Capital Improvement Fund. The Mayor then asked for questions and comments.

Trustee Johnson moved to approve the agreement and authorize execution. Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

### **APPROVE ENGINEERING SERVICES AGREEMENT - 2017 Road Program**

President Wepler introduced an engineering services agreement to commence design work for next year's (2017) Water Main Replacement Program in conjunction with the design work for the 2017 Road Program, which was approved by the Streets Committee on January 26, 2016. Gewalt-Hamilton Associates (GHA) has previously performed the design work for the 2013, 2014, 2015, and 2016 Water Main Replacement Programs. GHA has done an excellent job, remaining within the contracted amount and completing the work on time for all the past programs.

A proposal from GHA for the 2017 Water Main Replacement Program, that includes certain street segments which will require water main replacement prior to rehabilitation, was presented. The current construction estimate for the water main replacement work is

approximately \$1,000,000, which includes \$250,000 for Lange Court that needed to be deferred from the upcoming Fiscal Year due to insufficient Budget funds.

Administrative Staff recommended the approval of the Engineering Services Agreement with Gewalt-Hamilton Associates in an amount not to exceed \$93,100.00 for design and construction engineering for the 2017 Water Main Replacement Program. The work is budgeted in the Water and Sewer Capital Improvement Fund. The Mayor then asked for questions and comments.

Trustee Garrity moved to approve the agreement and authorize execution, and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

#### **ORDINANCE 16-O-19: Amend Chapter 4 of the Municipal Code Regarding Alcoholic Liquor**

President Weppler introduced an ordinance amending Chapter 4 of the Municipal Code. He explained that for the past several months he, as Mayor and Liquor Commissioner, the License and Permits Committee, Village Staff, and the Village Attorney have been reviewing proposed updates to Chapter 4 of the Libertyville Municipal Code regarding alcoholic liquor. The review was initiated in order to reflect recent changes in State law as well as to revise and simplify liquor license categories. The current licenses classifications have been revised so that Class A is a true "Bar" license, while Class B and Class C now reflect more appropriate restaurant and bar operations in Libertyville. A copy of the proposed changes was presented along with a chart that identified all of the current Libertyville Liquor License holders, their current License Class, and the anticipated License Class under the proposed changes. This document was distributed to all current Liquor License holders for review and comment. Several minor questions were presented and addressed in the highlighted document.

Current liquor licenses expire on April 30, 2016, and in order to distribute the correct license renewal applications, the License and Permits committee, Village Staff, and the Village Attorney recommended that the Mayor and Village Board adopt the ordinance and changes to Chapter 4 of the Municipal Code regarding alcoholic liquor. The Mayor then asked for any questions and comments.

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

AYES: Trustees Johnson, Moras, Justice, and Garrity

NAYS: None

ABSENT: Trustees Gaines and Adams

**PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- The Zoning Board of Appeals will meet on Monday, March 14, 2016 at 7:00 p.m.
- The Parking Commission will meet on Tuesday, March 15, 2016 at 10:00 a.m.
- The Economic Development Commission will meet on Wednesday, March 16, 2016 at 7:30 a.m.
- The Sustain Libertyville Commission will meet on Wednesday, March 16, 2016 at 4:00 p.m.
- The Appearance Review Commission will meet on Monday, March 21, 2016 at 7:00 p.m.
- The Streets Committee will meet on Tuesday, March 22, 2016 at 7:00 p.m.
- The Village Board will meet on Tuesday, March 22, 2016 at 8:00 p.m.
- The Village Board will meet on Tuesday, March 29, 2016 as a Committee of the Whole at 6:00 p.m. to discuss the Budget Fund Balance

**EXECUTIVE SESSION**

President Wepler noted the need for the Village Board to meet in Executive Session for discussion of personnel. Trustee Justice moved to go into Executive Session at 9:11 p.m. Trustee Johnson seconded, and the motion carried on a unanimous voice vote.

**ADJOURNMENT**

The Board returned to the regular meeting at 9:28 p.m., and with no further business, Trustee Justice moved to adjourn, Trustee Moras seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal  
Village Clerk