

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
May 10, 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.

OATH OF OFFICE

President Weppler issued the Oath of Office to Firefighter/Paramedic Michelle Mayer.

OATH OF OFFICE

President Weppler issued Oaths of Office to three Fire Lieutenants: Justin Hubbard, Michael Stanek, and Kevin Fisher.

PROCLAMATION

President Weppler proclaimed the week of May 16-21, 2016 as National Public Works Week and presented a certificate to Public Works Director Paul Kendzior.

PROCLAMATION

President Weppler presented a certificate to Trustee Donna Johnson as he proclaimed the week of May 16-21, 2016 as "Bike to Work Week" in the Village 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. Ken Stemke, 613 Brainerd, addressed the Board regarding Main Street Social, a wine and bistro retail shop project. He briefly outlined his business plan and asked for a Village Board poll regarding the project.

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 April 26, 2016 Meeting
- B. Bills for Approval
- C. **ORDINANCE 16-O-32: Amend Text Regarding Fences in Commercial Zoning Districts**
- D. **ORDINANCE 16-O-33: Approve Front Yard Setback Variation – 232 Sunset Drive**
- E. **ORDINANCE 16-O-34: Approve Side Yard Variation – 204 Broadway**
- F. **ORDINANCE 16-O-35: Declare Surplus Property**
- G. **ORDINANCE 16-O-39: Approve Lease Agreement for Parking with Cook Apartments LLC**
- H. Approve Purchase of Replacement Firewall Software

- I. Approve Raffle License Request: Marytown
- J. Approve Use of Village Property: St. Joseph Church
- K. Approve Use of Village Property: Y-Not Project
- L. Approve Use of Village Property: LHS

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, Gaines, Justice, Adams, and Garrity

NAYS: None

ARC REPORT AND APPEAL – 911 N. Milwaukee Avenue

President Wepler introduced an ARC Report and Appeal regarding signage at 911 N. Milwaukee Avenue. The petitioner proposed including a phone number and website listing on a temporary sign and permanent sign. The Appearance Review Commission concurred with the request to allow the phone number and website on the temporary sign. However, the Commission recommended that the Village Board approve the permanent sign with the condition that the phone number and website listing be removed.

Representatives of FIDES Capital Partners were present to review the issue with the board of Trustees. The Mayor asked for questions and comments.

Mr. Gregg Handrich, 911 N. Milwaukee, addressed the Board regarding the sign appeal. He noted that there are existing signs using the phone number and website, and that he proposed a high-quality sign.

Trustee Johnson stated that her primary concern was the safety factor as people try to write down the sign information. She noted that in the current digital era, people could go online to find any information regarding rentals. She added that her preference was the website only. The Mayor asked the Director of Community Development to clarify the ARC recommendation. Director Spoden explained that the Sign Code discourages phone numbers and websites. Trustee Moras agreed that less is more and including the website was enough. The Mayor asked for clarification of temporary vs. permanent signs. Mr. Handrich explained that the temporary sign was currently on the construction fence, but there would be so temporary signs after construction. The Mayor agreed that one piece of information would be sufficient.

Mr. Handrich asked if her could return to his partners and discuss which option was preferred. Trustee Johnson stated that using the website as a means for contact would be preferred. Trustee Moras stated that he favored letting the business decide. Director Spoden explained that the sign code only regulates size and number of signs. After consulting the Village Attorney, the Mayor stated that the Board should decide on the information. Mr. Handrich stated that he was satisfied with the website only.

Trustee Johnson moved to approve the temporary signage at 911 N. Milwaukee along with the condition that the permanent sign include only the website. Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

APPROVE LOCAL LANDMARK DESIGNATION – Cook House

President Wepler explained that at the March 1, 2016 meeting, the Historic Preservation Commission reviewed an application requesting Local Landmark Designation for the Cook House at 413 N. Milwaukee Avenue. The history and physical characteristics of the Cook House were presented, along with the formal application.

Per the Historic Preservation Ordinance (12-O-15), when presented with an application for Local Landmark Designation, the HPC is to determine whether the property or structure possesses integrity of design, workmanship, materials, location, setting and character and meets one or more of the criteria for Local Landmark Designation. The HPC determined that the Cook House possesses five of these criteria, which are outlined in the application. A motion to recommend Village Board of Trustees approval of Local Historic Landmark Designation of the Cook House passed with a vote of 5-0. The Mayor asked for questions and comments.

Trustee Johnson moved to approve the recommendation and designate the Cook House as a Local Landmark. Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 16-O-36: Amend Code Regarding Tent Permits

President Wepler reported that the Fire Department and the Fire and Police Committee have reviewed the Village Ordinance regarding the issuance of tent permits and the assurance that the Village and its residents are prepared for severe weather when a tent is in use at a large venue. In an effort to better prepare for severe weather during special events, Staff recommended two amendments under the following conditions: 1) when a tent permit is required, and the tent is on a street in the Village or on Village property with an expected attendance of more than 50 people and 2) when a tent permit is required and the tent is located on private property, and there is an expected attendance of more than 50 people.

The first amendment would require an event host who meets the criteria defined to post signs at each entry point notifying those in attendance that in the event of severe weather, the tent would be evacuated and would not to be used as a storm shelter; a secure structure would be pre-designated.

The second amendment would require the organization or person requesting a tent permit to submit to the Fire Department, in advance, an emergency plan outlining tent evacuation procedures in the event of severe weather or fire, guest notification procedures in the event of severe weather or fire, a plan for monitoring for severe weather during the hours of the event, and a list of contact people for the event.

The Fire and Police Committee and Staff believe that these additional requirements would better prepare organizations for an emergency and recommended approval of the ordinance amending the Fire Code tent permit requirements. The Mayor then asked for questions or comments.

Trustee Garrity moved to adopt the Ordinance amending Chapter 6 of the Municipal Code, 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, Gaines, Justice, Adams, and Garrity

NAYS: None

AWARD CONTRACT – WWTP Clarifier Project

President Wepler reported that on April 28, 2016, bids were opened for the rehabilitation of Clarifier #5 at the Wastewater Treatment Plant. The scope of the work includes replacing the electrical panel, worn bearings and mechanisms, rebuilding the drives and gears, and sandblasting and painting the steel structure. The clarifier has been in service for 23 years.

Four bids were received, and qualifications and references of the low bidder, Fab Tech Wastewater Solutions, LLC, O'Fallon, Missouri, were checked and verified. Bids ranged from a low bid of \$158,000.00 to a high of \$264,863.00. The Water and Sewer Capital Improvements Fund allocated \$250,000.00 for the Clarifier Rehabilitation. Based on pricing, qualifications, and references, Staff recommended awarding the construction contract to the lowest responsive bidder, Fab Tech Wastewater Solutions, LLC and authorizing execution by the Village Administrator. The Mayor asked for questions and comments.

Responding to a question regarding bids, Director of Public Works Paul Kendzior stated that the bidding had been aggressive and very reasonable.

Trustee Moras moved to award the contract to Fab Tech Wastewater Solutions, LLC and authorize execution. Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RENEW CONTRACT – Streetlight Maintenance

President Wepler reported that in May 2015, Geary Electric, Inc. was awarded the streetlight maintenance contract for fiscal year 2015-2016 through a competitive bidding process. The work is performed as an on-call service with typical work including lamp replacements, cable fault repairs, and knockdown replacements. The bid package required unit prices for various work items with estimated quantities based on past experience. The contract included an option to extend the contract for fiscal year 2016-2017 with a 3% increase in unit costs.

The 2016-2017 budget provides \$98,400.00 for contractual streetlight maintenance work. The final costs will be based on actual work quantities and will not exceed the budgeted amount.

Administrative Staff recommended extending the contract with Geary Electric, Inc. for this year's annual contractual Streetlight Maintenance Program and authorizing execution by the Village Administrator. The Mayor asked for questions and comments.

Trustee Adams moved to approve the contract with Geary Electric, Inc. and to authorize execution. Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

APPROVE PURCHASE – Public Works SUV

President Wepler explained that the 2016-2017 budget provides \$25,500.00 in the Fleet Services and Replacement Fund for the purchase of a replacement Ford Escape. The current 2002 Ford Explorer (Vehicle #402) is being recommended for replacement. Two bids were received through the Suburban Purchasing Cooperative:

Napleton Ford, Libertyville, IL	\$24,072.10
Currie Motors, Frankfort, IL	\$24,095.95

Administrative Staff recommended purchasing a 2017 Ford Escape from Napleton Ford in a not to exceed amount of \$24,072.10. The Mayor asked for questions and comments. Trustee Garrity moved to authorize the purchase from Napleton Ford, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

APPROVE PURCHASE – Public Works Vector Truck

President Wepler explained that the 2016-2017 budget includes \$68,625.00 for three of a total of 20 lease payments in the Fleet Services and Replacement Fund for the purchase of a replacement Vector 2100 Series Sewer Cleaner. Lease payments are based on a purchase price of \$408,000.00. The current Vector is 19 years old and is being recommended for replacement, and the replacement of the existing vector was discussed in detail at the Village Board Budget Workshops. Two bids were received through the Suburban Purchasing Cooperative as follows:

Standard Equipment Company	\$407,119.00
EJ Equipment	\$532,353.00

Administrative Staff recommended authorizing the purchase of a new Vector 2100 Series Truck from Standard Equipment Company in the amount not to exceed \$407,119.00.

The Mayor asked for questions and comments.

Trustee Moras moved to authorize the purchase from Standard Equipment Company, and Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 16-O-37: Amend Number of Liquor Licenses – Salerno’s

President Wepler introduced an ordinance, which would amend the Municipal Code to both decrease the number of Class C Liquor Licenses from seven to six and increase the number of Class B Liquor Licenses from 18 to 19. He noted that Mr. Robert Salerno, dba Salerno’s Pizzeria and Bar, is taking over the existing business from Michael Salerno and Michael Nabat and has applied for a Class B license. The application was reviewed by the Liquor Commissioner, Deputy Liquor Commissioner, and Police Chief who recommended approval. The Mayor asked for questions and comments.

Mr. Robert Salerno addressed the Board explaining that he was asking for the Class B license so that patrons could come into the restaurant to enjoy a drink rather than eat and drink. Trustee Johnson noted that with the downtown becoming dense, she was in favor of slowing down on licenses that do not require eating. Trustee Moras thanked Mr. Salerno and wished him success, noting that given Mr. Salerno’s reputation, he was okay with the Class B license. He stated that he hoped the establishment would keep its positive atmosphere.

Trustee Johnson moved to approve the ordinance, 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, Gaines, Justice, Adams, and Garrity

NAYS: None

ORDINANCE 16-O-38: Amend Number of Liquor Licenses and Conditions of Liquor License – Lino’s

President Wepler introduced a letter submitted by Lino’s Ristorante and Pizzeria, located at 265 Peterson Road. The restaurant currently holds a Class D Liquor License and requested a Class C license in order to serve alcoholic liquor as well as beer and wine for consumption on the premises. The owner of Lino’s also requested the ability to have occasional entertainment (piano player), which would require an amendment to the Municipal Code and deletion of the current prohibition of live entertainment.

The Ordinance would amend the Municipal Code and 1) decrease the number of Class D licenses and increase the number of Class C licenses in order to allow the Mayor/Liquor Commissioner to issue a Class C license to Lino’s Ristorante and Pizzeria, and 2) delete the prohibition of live. The Mayor and the License and Permits Committee have met with the owner to review the request and recommend approval of the ordinance. The Mayor then asked for questions and comments.

Trustee Moras questioned live entertainment, and the Mayor noted that there is a noise ordinance covering the issue. Ms. Anna Draa, 1020 Ashley Lane, suggested that outdoor

music should be limited, citing the downtown area. Director of Community Development John Spoden explained that outdoor speakers had been eliminated from Milwaukee Avenue.

Trustee Justice moved to approve the ordinance amending the number of liquor licenses, 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, Gaines, Justice, Adams, and Garrity

NAYS: None

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Foreign Fire Board will meet at 7:00 a.m. on Wednesday, May 11, 2016 at the North Fire Station
- The Firefighter Pension Board will meet at 8:30 a.m. on Monday, May 16, 2016 at the North Fire Station
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, May 16, 2016
- The Parking Commission will meet at 10:00 a.m. on Tuesday, May 17, 2016
- The Committee of the Whole will meet at 6:00 p.m. on Tuesday, May 17, 2016 to discuss the proposed "Places for Eating" Tax, the development of the Trimm Property, and parking in the C-1 District
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, May 18, 2016
- The Sustain Libertyville Commission will meet at 6:00 p.m. on Wednesday, May 18, 2016
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, May 23, 2016
- The Streets Committee will meet at 7:00 p.m. on Tuesday, May 24, 2016
- The Village Board will meet at 8:00 p.m. on Tuesday, May 24, 2016

Trustee Gaines suggested making a decision regarding phone numbers and/or websites on Village signs, rather than deal with the issue repeatedly. The Mayor referred the issue to the License and Permits Committee.

Trustee Justice asked if the proposal from Mr. Stemke should be addressed. The Mayor explained that there has been no recommendation yet and the project is still at the discussion level. He noted that there is concern with adding a restaurant and the required parking.

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn, Trustee Garrity seconded, and the motion carried on a unanimous voice vote at 9:12 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sally A. Kowal, Deputy".

Sally A. Kowal
Village Clerk