

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
JUNE 14, 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.

President Weppler introduced the Libertyville High School Mathletes who won the Illinois State Championship. The group's president introduced members and coaches and explained the various categories and events of the State competition. All present offered congratulations.

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.

There were no items.

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 May 24, 2016 Meeting
- B. Bills for Approval
- C. **ORDINANCE 16-O-42: Designate Cook House as Historic Landmark**
- D. **ORDINANCE 16-O-43: Designate David Adler Estate as Historic Landmark**
- E. **ORDINANCE 16-O-44: Approve Concept and Final Plan for Car Wash at 760 E. Park Avenue**
- F. **ORDINANCE 16-O-45: Approve Front Yard Setback Variation – 332 Jackson Avenue**
- G. **ORDINANCE 16-O-46: Vacation of Unimproved Alley – 433 Sunnyside**
- H. **ORDINANCE 16-O-47: Vacation of Unimproved Alley – 710 Meadow Lane**
- I. **ORDINANCE 16-O-48: Vacation of Unimproved Alley – 714 Meadow Lane**
- J. **ORDINANCE 16-O-49: Vacation of Unimproved Alley – 192 Acorn Lane**
- K. Approve Electric Purchase Agreement with Nordic Energy
- L. Approve Purchase of Aftermarket Equipment for Public Works Truck
- M. **RESOLUTION 16-R-19: Approve Change Order to Janitorial Services Contract**
- N. **RESOLUTION 16-R-20: Authorize Work in IDOT State Right-of-Way**
- O. Approve Plat of Dedication – 234 and 236 Appley Avenue
- P. Approve Plat of Dedication – 305 West Maple Avenue
- Q. **ORDINANCE 16-O-50: Declare Surplus Property**
- R. **ORDINANCE 16-O-51: Establish Prevailing Rate of Wages**

S. RESOLUTION 16-R-21: Adopt Mill Creek Watershed Plan

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 for clarification of the change order for janitorial service. Public Works Director Paul Kendzior noted additional cleaning services were needed and had been included in the Village budget. The motion carried on roll call vote as follows:

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

NAYS: None

ALDRIDGE ELECTRIC PARKING LOT ADDITION

A. Plan Commission Report: Site Plan Permit – 844 E. Rockland Road

President Wepler reported that the May 23, 2016 Plan Commission meeting, there was a request from Aldridge Electric for a Site Plan Permit in order to construct a parking lot expansion to include the addition of 52 parking spaces on the west side of the building at Aldridge Electric, 844 E. Rockland Road. The proposed expansion will accommodate an interior office expansion that is currently underway and will be utilized by passenger vehicles. Access for this new parking area will come from the neighboring Bridge Development property via a previously established cross-access easement. Vehicles will not have access to or from Rockland Road from the expanded parking lot but will come from Park Avenue by entering the Bridge Development property. The Plan Commission noted that no new additional traffic will access Rockland Road, and the expansion will also improve storm water management. The Plan Commission voted unanimously to recommend Village Board approval. The Mayor then asked for comments and questions. Mr. Angelo Zografos of Pearson, Brown & Associates, Inc. and Landscape Architect Amy Olson presented information for the project.

Trustee Garrity moved to approve the Site Plan Permit, and Trustee Justice seconded. The motion carried on roll call vote as follows:

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

NAYS: None

B. Amend Final Plan – Bridge Point 94

President Wepler introduced a request from Bridge Point 94, LLC for an Amendment to the Planned Development Final Plan for the project located at 851-937 E. Park Avenue in order to construct an access drive at the south end of the property to accommodate the parking lot addition along the west side of the Aldridge Electric property. He noted that design considerations for the access were previously made during the planning process for the Bridge Point development by reducing parking spaces and providing a cross-access easement between the Bridge Development property and the Aldridge Electric property. Minor landscape adjustments are proposed to accommodate the access drive. Administrative Staff found the proposal to be in substantial conformity with the Final Plans as cross-access easement is already in place and recommended Village Board approval.

The Mayor asked for Board and public comments and questions.

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

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

NAYS: None

PLAN COMMISSION REPORT – Text Amendment re: Errors and Discrepancies

President Weppler reported that at their May 23, 2016 meeting, the Plan Commission held a public hearing to review proposed Zoning Code amendments by Village Staff in order to correct errors and clarify certain discrepancies within the Code. Proposed corrections and additions were included in the report. The Mayor asked for questions and comments.

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

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

NAYS: None

PLAN COMMISSION REPORT – Text Amendment re: Parking Requirements in the C-1 District

President Weppler introduced a Plan Commission report regarding a proposed Text Amendment to the Village Zoning Code in order to further regulate the parking requirements in the C-1, Downtown Core Commercial District by eliminating Section 10-1.2d which exempts the first 1,500 square feet of floor area within any new building and the first 1,500 square feet of any new floor area added to any separately owned portion of any existing building in the C-1, Downtown Core Commercial District from the requirements for parking spaces and stacking spaces.

The Plan Commission had discussed the benefits of keeping a smaller exemption and not totally eliminating it as it can allow building owners in the C-1 District to make minor upgrades to building facades and exteriors that they may not otherwise be able to do if this exemption was completely removed from the Zoning Code. The Plan Commission recommended that an exception of 100 square feet in lieu of the current 1,500 square feet be considered by the Village Board. The Mayor then asked for questions and comments. Responding to Trustee Garrity, Director John Spoden explained that the amendment would provide for minor façade work and allow for improvements, and a general notice will be sent to owners.

Trustee Johnson moved to approve the Text Amendment, and Trustee Adams seconded.

With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

PLAN COMMISSION REPORT – Text Amendment re: Lot Coverage in Residential Districts

President Weppler introduced a Plan Commission report regarding a proposed Text Amendment to the Libertyville Zoning Code in order to further regulate lot coverage in

Residential Zoning Districts. The current Zoning Code regulates the percentage of overall lot coverage for residential properties but does not provide for specific limitations permitted within front yards or corner side yards. As a result, residential lots have been developed which meet the overall lot coverage limitations, but include large driveways within the front and/or corner side yards. The Plan Commission recommended that in order to protect the integrity and aesthetics of the front yards and corner side yards of single-family residences, driveway coverage and other hard surfaces should be regulated in terms of scope and size. The Plan Commission also noted that adopting these additional regulations would provide the secondary benefit of supporting proper storm water drainage in the yard area which will allow water to infiltrate into the sod and soil of the front and corner side yard instead of sheeting off excessive driveway surfaces into storm sewer systems that are sometimes overwhelmed in heavier storm events.

The Mayor explained that the proposed amendment would leave the overall lot coverage requirement for a zoning lot unchanged but would provide an additional layer of limitations by limiting lot coverage in the front yard and corner side yard areas.

The amendment provides that the maximum percentage of lot coverage in these two yard areas will be the same percentage as the maximum lot coverage percentage which is applicable to the overall zoning lot. The amendment will be applied to all Single Family Detached Dwelling units in all of the residential zoning districts. The Mayor asked for questions and comments.

Trustee Adams moved to approve the Text Amendment, and Trustee Justice seconded.

With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 16-O-52: Amend 2015-2016 Village Budget

President Weppler explained that throughout the 2015-2016 fiscal year, certain unanticipated expenses have exceeded Department and/or Fund budgets. These overages have been previously approved by the Village Board with the understanding that the budget would be amended at the end of the fiscal year to account for these items. The budget amendments are due to the following:

- \$3 million General Fund transfer to the Capital Projects Fund, Police Pension, Fire Pension, and IMRF Pension
- \$56,950 in additional economic incentives due to better than expected sales
- Slight overage (\$1,000) in asphalt resurfacing in the Motor Fuel Tax Fund
- \$150,226 in Motorola radio replacements in the ETSB Fund in a planned effort to modernize equipment and deplete the Fund's balances prior to consolidation
- \$44,000 for backboards and a cardiac monitor funded by offsetting donation revenue to the Fire Fund
- \$217,993 for unanticipated closing costs and environmental escrow related to the sale of the Bolander property in the Park Improvement Fund
- \$421,500 in loss on sale of investments in the Police Pension Fund, which is offset by higher than budgeted revenue (resulting in a net gain)

- \$147,000 for unbudgeted retiree expenses in the Firefighters Pension Fund

As a result of these changes, the authorized budgeted expenditures increased \$4,038,669, from \$63,945,260 to \$67,983,929 for the 2015-2016 fiscal year. Additional revenues above budget or existing fund balances totaling \$4,038,669 will be utilized to cover the amended budget amounts. The total actual expenditures of \$59,473,902 are \$8,510,027 below the amended budget. The ordinance presented is in compliance with the requirements set forth in the Budget Officer Act. Administrative Staff recommended approval. The Mayor asked for questions and comments.

Trustee Moras moved to adopt the ordinance, and Trustee Johnson seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 16-R-22: Amend Professional Services Agreement with Walker Parking Consultants

President Wepler recused himself from discussion due to his owning property in the TIF District. He assigned Trustee Johnson as President Pro Tem for the item.

President Pro Tem Johnson introduced a resolution for amending the Professional Services Agreement with Walker Parking Consultants. Construction is currently underway, and it has become necessary to amend the agreement with Walker Parking Consultants in the lump sum fee amount of \$29,400 to prepare easement legal descriptions and exhibits for the electrical service, value engineering for the mechanical and electrical systems and enlargements of the south access drive to Maple Street. Funds are available in the Tax Increment Financing (TIF) Fund for the additional work. Administrative Staff recommended adoption of the resolution and approval for Amendment No. 1. President Pro Tem Johnson asked for Board and public questions or comments.

Trustee Garrity moved to adopt the resolution for Amendment No. 1 and authorize execution. Trustee Gaines seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

APPROVE AMENDMENT TO ELECTRICAL AGGREGATION WITH FIRSTENERGY

President Wepler explained that in March 2012, Libertyville voters approve a referendum which authorized the Village Board to enact an Electric Aggregation Program. As a member of the Northern Illinois Municipal Electric Collaborative (NIMEC), the Village solicited bids and entered into a two-year contract with FirstEnergy Solutions to supply electricity. In June 2014, the Village authorized NIMEC to solicit bids for renewal of the Electric Aggregation Program, and the Village Board again selected FirstEnergy Solutions who submitted the low bid for a three-year guaranteed rate of 6.54 cents per kWh. Since the inception of the Electric Aggregation

Program, Libertyville households and small businesses have saved an average of \$591 in electric supply costs, for a cumulative Village-wide savings of approximately \$3.7 million.

The Mayor continued noting that the agreement between the Village and FirstEnergy Solutions includes a provision which allows FirstEnergy Solutions to either cancel the agreement or reduce their guaranteed rate should the ComEd rate be lower. ComEd recently announced their blended rate of 6.2 cents per kWh, and FirstEnergy Solutions has agreed to amend their current agreement and match the ComEd rate of 6.2 cents per kWh for the remaining term of the agreement through July 2017. As in the past, bid prices are only valid for 24 hours, and the Mayor and Village Board previously authorized the Administrator to sign the amendment to the Electric Aggregation Agreement with FirstEnergy. The agreement appeared on the agenda in order for the Village Board to formally concur with that previous approval. The Mayor asked for discussion.

Trustee Moras moved to approve the amendment to the agreement with FirstEnergy Solutions, and Trustee Garrity seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 16-O-53: Amend Code to Increase Class G-1 Liquor Licenses – Oh Olive

President Wepler introduced an ordinance to amend the Municipal Code to increase the number of Class G-1 Liquor Licenses from two to three. The Village has received an application for a Class G-1 Liquor License from Sandra Schuenemann, Mary Koval, and Aaron Schuenemann from Oh Olive, located at 606 N. Milwaukee Avenue. The owners intend to serve and sell wine with cooking classes that they plan to offer. The Mayor/Liquor Commissioner and Village Staff have reviewed the application with a recommendation that the Village Board increase the number of Class G-1 licenses in order to allow the Liquor Commissioner to issue a license to Oh Olive. The Mayor then asked for discussion.

Ms. Schuenemann and Ms. Koval addressed the Board regarding their plans for offering evening cooking classes, specialty wines, and education on the benefits of olive oils.

Trustee Adams moved to approve the ordinance amending the number of Class G-1 Liquor Licenses, and Trustee Johnson seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 16-O-54: Amend Code to Increase Class B Liquor Licenses – Main Street Social

President Wepler introduced an ordinance to amend the Municipal Code to increase the number of Class B Liquor Licenses from 18 to 19 based on an application for a Class B

Liquor License from Ken Stemke of Main Street Social which plans on opening at 608 N. Milwaukee Avenue. The restaurant will have approximately 68 seats serving small plates and appetizers, draft beers, and wine and cocktails.

The application was reviewed by the Mayor/Liquor Commissioner and Village Staff with a recommendation to increase the number of Class B licenses in order to allow for the issuance of a Class B license to Ken Stemke of Main Street Social. The license will be issued subject to the following conditions:

1. Except as otherwise provided in subsections 4-45 of the Village Code, the Licensee agrees that the retail sale of alcoholic liquor in the Village shall be limited to between the hours of 5:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, and Thursday until 1:00 a.m. on the following day other than when such Sunday, Monday, Tuesday, Wednesday, and Thursday is a Federal holiday (New Year's Day, MLK Jr. Day, George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day), and between the hours of 5:00 a.m. on any Friday, Saturday, and Federal holiday, until 2:00 a.m. on the following day.
2. The Licensee agrees to provide valet parking service on Friday and Saturday evenings, and for any special events, and in accordance with the attached routing map or which may be approved by the Police Chief during hours to be determined by the Police Chief, Mayor, and Administrator.

The Mayor asked for questions and comments. Trustee Garrity asked for clarification of a valet program. Police Chief Clint Herdegen noted the difficulty in determining a valet location and added that other businesses might be willing to sign on with valet services. The issue would be revisited if necessary.

Trustee Moras moved to approve the ordinance amending the number of Class B Liquor Licenses, and Trustee Garrity seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

APPROVE PROFESSIONAL SERVICES AGREEMENT – Inflow and Infiltration Study

President Wepler reported that the Village has received a proposal from Engineering Enterprises Inc. (EEI) for an Inflow and Infiltration (I/I) investigation in Basin 9 of the Village sanitary sewer system in the amount of \$55,642.00. Basin 9 is roughly bordered by Illinois Route 176, Seventh Avenue, Rockland Road, and Garfield Avenue.

The Mayor explained that I/I is extraneous storm water runoff and groundwater that enters the sanitary sewer system through a variety of ways and locations. The Village has separate storm and sanitary systems, however usually in time of rainfall or snow melt, water runoff and groundwater often find a way into the sanitary sewer system, especially in older sections of town where the sewer lines, including private service laterals, do not have water-tight joints.

Basin 9 was selected for an initial I/I investigation because of the age of the sanitary sewer system and the Park Avenue lift stations where run times for the pumps increase dramatically during rain events.

The Firm of EEI has done an excellent job on previous sanitary flow monitoring and I/I studies in the past. Sufficient funds in the amount of \$330,000, which includes both engineering and construction, have been provided in the Water and Sewer Capital Improvement Fund for this work. Administrative Staff recommended approval of the Professional Services Agreement with EEI in the not-to-exceed amount of \$55,642.00 and execution by the Village Administrator. The Mayor asked for any Board or public comments.

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

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

NAYS: None

WAIVE BIDS AND AWARD CONTRACT – 2016-2017 Tree Planting Program

President Weppler reported that Staff has been approached by Arthur Weiler, Inc. to discuss the possibility of extending the current quantities and unit prices from the 2015-2016 Tree Planting Contract. Arthur Weiler, Inc. can offer the same species, similar quantities, and the same quality of trees to be planted this fall as part of a new contract with no increase in the previously competitively bid unit prices for these items. They FY 2016-2017 budget provides \$72,305.00 in the Parks Division Budget for this work, of which \$71,055.00 is still available.

The Parks and Recreation Committee and Administrative Staff recommended waiving the competitive bidding process and awarding the contract for 2016-2017 Tree Planting Program to Arthur Weiler, Inc. and authorizing execution by the Village Administrator. The contract amount will not exceed the available budgeted amount. The Mayor then asked for questions or comments.

Trustee Gaines moved to waive competitive bidding and award the contract to Arthur Weiler, Inc. Trustee Garrity seconded. With no further comments or questions, the motion carried on roll call vote as follows:

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

NAYS: None

APPROVE PURCHASE OF PUBLIC WORKS TRUCK

President Weppler stated that the 2016-2017 budget includes \$68,000.00 in the Fleet Services and Replacement Fund for the purchase of a replacement one-ton truck (Unit #307). Formal quotes were received from the State of Illinois /contract (Morrow Brothers Ford), Landmark Ford, Inc. and Napleton Ford to supply the truck chassis with the following results:

Landmark Ford, Inc.	\$27,650.00
Napleton Ford	\$30,144.40
Morrow Brothers Ford	\$30,200.00

The 2017 Ford Chassis, which is being supplied by Landmark Ford and Napleton Ford, has a design flaw with the emergency brake cable that will not allow the safe installation of a service body and cannot be legally altered until Ford Motor Company can develop a solution at an unknown future date. Therefore, Administrative Staff recommended that the Village Board authorize the purchase of a 2016 Ford F-350 chassis from Morrow Brothers Ford in the not-to-exceed amount of \$30,200.00. The truck chassis will be outfitted with the remaining funds. The Mayor asked for questions and comments. The Board discussed waiting or replacing the truck with the 2016 model.

Trustee Johnson moved to authorize the purchase from Morrow Brothers Ford, and Trustee Moras seconded. With no further comments or questions, 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 Economic Development Commission will meet at 7:30 a.m. on Wednesday, June 15, 2016
- Libertyville Days Festival will be Thursday, June 16 through Sunday, June 19, 2016
- The Libertyville Days Parade will be held on Saturday, June 18, 2016 at 10:00 a.m. The Village Board will be riding the Fire Truck and should meet at 9:30 a.m. in the AudioSmith/Hansa Coffee parking lot.
- The Parking Commission will meet at 10:00 a.m. on Tuesday, June 21, 2016
- The Emergency Telephone System Board will meet at 9:00 a.m. on Thursday, June 23, 2016 at the Schertz Building
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, June 27, 2016
- The Streets Committee will meet at 7:00 p.m. on Tuesday, June 28, 2016
- The Village Board will meet at 8:00 p.m. on Tuesday, June 28, 2016

Trustee Johnson asked that the signage at Salerno's and The Green Room be reviewed. She was concerned with multiple signs with the same information and the use of neon-lighted signs. She asked that the issue be pursued with the possibility of an ordinance to regulate the signs.

Trustee Moras thanked the owner of Oh Olive for reinvestment in their successful business.

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn, Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk

DRAFT