

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

OATH OF OFFICE

President Weppler issued oaths of office to two new Probationary Police Officers. Michael Garcia-Camilo and Richard Kelly were welcomed by the Village Board, Staff and those in attendance.

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.

Mary Borgstrom, 211 Johnson Avenue, expressed concern about increased traffic with the development on Winchester Road. President Weppler referred the issue to the Streets Committee. Trustee Johnson stated that Village Staff would advise Ms. Borgstrom of upcoming meetings so that neighbors could attend and bring questions.

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 June 28, 2016 Meeting
- B. Minutes of the June 28, 2016 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 16-O-61: Amend Zoning Code Text to Correct errors and Discrepancies**
- E. **ORDINANCE 16-O-62: Approve Fence Variation – 832 Sherborne**
- F. **ORDINANCE 16-O-63: Approve Sign Variation, Napleton Ford – 1010 S. Milwaukee Avenue**
- G. **ORDINANCE 16-O-64: Approve Site Plan Permit, Liberty Auto City – 1000 E. Park Avenue**
- H. **ORDINANCE 16-O-65: Approve Special Use Permit, Blue Sky Yoga – 700 N. First Street**
- I. **RESOLUTION 16-R-24: Approve Change Order to Amend Mowing Contract with Buhrman**
- J. **ORDINANCE 16-O-66: Approve Vacation of Unimproved Alley – 429 E. Sunnyside**
- K. **ORDINANCE 16-O-67: Approve Vacation of Unimproved Alley – 757 E. Sunnyside**
- L. Request Use of Village Property – Cook Library
- M. Request Use of Village Property – Libertyville Junior Woman's Club

N. ORDINANCE 16-O-68: Increase Class J Liquor Licenses – Pear Tree Catering

O. RESOLUTION 16-R-25: Approve LHS Homecoming Parade and Temporary Closure of Milwaukee Avenue

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

PLAN COMMISSION REPORT: Amend SUP, ICE Mobility – 851-937 Park Avenue (deferred from May 24, 2016)

President Wepler reported that the applicant had withdrawn this application. Trustee Moras stated that he was extremely disappointed in Bridge Development and Ice Mobility and questioned if Bridge Development was working in good faith. He added that their dealings had been unprofessional and a disappointment. Other Board Members concurred. Trustee Garrity stated that it was inappropriate to inconvenience neighbors who have attended meetings and then withdraw he application.

Trustee Johnson moved to approve the Amendment to Special Use Permit for Planned Development (PC 16-04), and Trustee Justice seconded. The Mayor asked for questions or comments. Mr. Dale Sherman, 766 Meadow Lane, stated that he appreciated the comments regarding the neighbors' inconvenience and asked that the items be voted down. The motion failed on roll call vote as follows:

AYES: None

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

Trustee Moras moved to approve the Amendment to Special Use Permit for Warehousing and Storage (PC 16-05), and Trustee Garrity seconded. The motion failed on roll call vote as follows:

AYES: None

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

APPROVE PROFESSIONAL SERVICES AGREEMENT – GovHR USA

President Wepler reported that the Village Administrator has announced his retirement effective December 23, 2016, after 25 years of serving the Village of Libertyville. Both the Mayor and Village Board have indicated their desire to conduct a comprehensive recruitment and search for the position, and the Mayor and Village Administrator recently interviewed two firms that provide professional recruitment and search services. Based upon those interviews and the proposals submitted, the Mayor and Village Administrator recommended approval of a Professional Services Agreement with GovHR USA. Heidi J. Voorhees, President and Co-Owner of the company will be personally responsible for the recruitment and search process. Mayor and Administrator also

recommended that the Village Board approve a professional services agreement with GovHR USA to assist the Village in conducting a recruitment and selection process for the Village Administrator position in accordance with a proposal and in an amount not to exceed \$18,000. The Mayor asked for questions and comments.

Ms. Heidi Voorhees addressed the Board, stating that she is excited and looking forward to working on the recruitment.

Trustee Johnson moved to approve the Professional Services Agreement, 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-69: Amend Code re: Disorderly Conduct

President Wepler explained that the Police Department Staff was recommending a revision to the current Disorderly Conduct Ordinance to include fighting, which will allow officers to issue local ordinance citations to mutual combatants of a fight. The ordinance would not apply to fights predetermined as part of a sporting event. The ordinance amends Chapter 14, "Miscellaneous Provisions and Offenses" of the Libertyville Code by adding Article IV: Offenses Involving Public Peace and Order, Section 14-69: Disorderly Conduct – Fighting. The Mayor asked for questions and comments. Trustee Moras asked for clarification. Police Chief Herdegen explained that any complaint would have to be signed, and if there were no clear victim or offender, both would be cited for disorderly conduct.

Trustee Garrity moved to approve the amended 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, Gaines, Justice, Adams, and Garrity

NAYS: None

ORDINANCE 16-O-70: Amend Code re: Curfew for Minors

President Wepler explained that the Police Department Staff was recommending a revision to the current curfew ordinance to bring the ordinance in line with the state law regarding curfew. Although the hours for the current ordinance are consistent with state law, the current ordinance makes it unlawful for any person under the age of eighteen (18) to be in violation of curfew. State law makes it unlawful for any person under the age of seventeen (17) to be in violation of curfew, which creates confusion for those ages seventeen (17) who may be present in Libertyville in violation of the ordinance. In addition, the current ordinance requires a warning to be issued for first violations with a follow up letter sent to the parent or guardian of the minor. The warning provision makes it difficult to effectively enforce violations in certain circumstances. To address these concerns, Staff recommended that the ordinance be revised to mirror state law. The ordinance would amend Chapter 14, "Miscellaneous Provisions and Offenses" of the

Libertyville Municipal Code, Article IV: Offense Involving Public Peace and Order, Section 14-66: Curfew for Minors. The Mayor asked for questions and comments. Trustee Justice moved to approve the amended 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-71: Amend Code re: School Curfew for Minors

President Wepler explained that Police Department Staff was recommending a revision to the current School Truancy Ordinance to provide officers with the ability to issue local ordinance citations for students subject to the compulsory attendance requirements of the Illinois School Code, absent certain exemptions, without permission from the student's parent(s), guardian(s), legal custodian(s), or the permission of the student's school authorities. The proposed ordinance more effectively defines "student" and "compulsory school attendance." It also increases the number of exemptions from the current four (4) to twelve (12) to more accurately identify lawful reasons to be absent from school. In addition, the proposed ordinance eliminates the requirement for first violation warnings, which to date has hampered effective enforcement in certain situations. The ordinance would amend Chapter 14, "Miscellaneous Provisions and Offenses" of the Libertyville Municipal Code, Article IV: Offenses Involving Public Peace and Order, Section 14-67: School Curfew for Minors. The Mayor asked for questions and comments.

Trustee Johnson moved to approve the amended ordinance, 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

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Appearance Review Commission will meet at 7:00 p.m. on Monday, July 18, 2016
- The Parking Commission will meet at 10:00 a.m. on Tuesday, July 19, 2016
- The Board of Fire and Police Commissioners will meet at 5:00 p.m. on Tuesday, July 19, 2016 at the North Fire Station
- The Finance Committee will meet at 6:00 p.m. on Tuesday, July 19, 2016
- The License and Permits Committee will meet at 6:30 p.m. on Tuesday, July 19, 2016
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, July 19, 2016
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, July 20, 2016

- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, July 20, 2016
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, July 25, 2016
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, July 26, 2016
- The Streets Committee will not meet at 7:00 p.m. on Tuesday, July 26, 2016
- The Village Board will meet as a Committee of the Whole on Tuesday, July 26, 2016 at 7:00 p.m.
- The Village Board will meet at 8:00 p.m. on Tuesday, July 26, 2016

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn at 8:30 p.m., Trustee Moras seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk