

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
March 14, 2017

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 Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey. Trustee Donna Johnson was absent.

GFOA CERTIFICATE OF ACHIEVEMENT

President Wepler presented a Certificate of Achievement for Excellence in Financial Reporting to Village Finance Director Patrice Sutton.

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 28, 2017 Meeting
- B. Bills for Approval
- C. Ordinance Declaring Surplus Property – deleted
- D. **RESOLUTION 17-R-41: Use of Village Property – Libertyville High School Student Council Color Run**
- E. **RESOLUTION 17-R-42: Use of Village Property – Lake County Fair Association**
- F. **RESOLUTION 17-R-43: Use of Village Property – Shannon Strong**

Trustee Moras 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 Justice seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

ZONING BOARD OF APPEALS REPORT (ZBA 17-05) – Variation of Rear Yard Setback-267 Cypress Lane – deferred from February 28, 2017 and withdrawn per the applicant

PLAN COMMISSION REPORT (PC 16-35 AND PC 16-39) – Special Use Permit and Site Plan Permit 175 W. Peterson Road

President Wepler explained that at a series of public hearings, the Plan Commission heard a request from N3 Property Advisors, LLC for a Special Use Permit and Site Plan Permit to allow construction of a Burger King restaurant with a drive-thru at 175 W. Peterson Road. During the hearings, the Plan Commission worked with the petitioner and adjacent property owners on development conditions to improve the development. In addition to traffic and engineering consultants, The Village secured the use of a sound engineering consultant to review any potential noise issues at the site. The results of the review included a condition that an eight (8) foot high noise barrier comprised of solid wood composite material be constructed at the south end of the menu board area.

The Plan Commission recommended Village Board approval, subject to the following development conditions:

- 1) That the petitioner apply for and receive written approval from the Illinois Department of Transportation for all proposed work within the IL 137 (Peterson Road) right-of-way prior to the issuance of a Site/Watershed Development Permit or a Building Permit for construction.
- 2) That the petitioner shall address and comply with all Engineering Division comments in this report (Development Review Committee Staff Report dated February 17, 2017) prior to issuance of a Site/Watershed Development Permit or a Building Permit for construction.
- 3) That the petitioner shall install a sound barrier a minimum of 8 feet in height not to exceed 10 feet in height on the south interior island satisfactory to Village Staff and their Sound Engineering Consultant made of a solid composite wood fence with a tongue and groove design to prevent sound from passing through gaps and leaks.
- 4) That no deliveries occur before 7:00 a.m.
- 5) That lighting at the rear of the property shall be on timing to shut off at 12:00 a.m. midnight until 5:00 a.m.

The Mayor then asked for public comment and questions.

Mr. Phil Cavicchia, 1716 Cedar Glen Court, stated that he questioned the viability of the location. He expressed concern with noise that could be heard outside the property line fence. He added that he and neighbors were told that they knew the property was commercial, and he noted that the property was more amenable to residential neighborhood. He further stated that the vacant building on Milwaukee Avenue, which had been a Burger King, has been difficult to lease. He questioned how any violations would be addressed.

Director of Community Development John Spoden stated that a sound barrier and wooden fence were required.

Mr. Jim Lobus, 1718 Cedar Glen Court, stated that there had been no final decision regarding the fence material, and he preferred the maximum height.

Mr. Mark Hounder, petitioner, stated that this was the seventh meeting regarding the development, and that a fence would buffer the speaker noise and a fence would provide a barrier between the property and the neighborhood. The Mayor asked if he would consider maximum height of 10 feet to provide a barrier along the back of the property to prevent sound travel and trash blowing into the neighborhood. Mr. Hounder stated that he was not sure of costs associated with the fence.

Trustee Justice agreed with the neighbors. Trustee Moras asked if the neighbors wanted a solid fence and or a fence for sound control. Mr. Lobus stated that he favored sound control. Trustee Moras stated that he would prefer to see a 10-foot fence of sufficient construction to act as a sound barrier, but he was not sure what would meet the neighbors' needs and concerns.

Trustee Justice stated that he would like to see a 10-foot fence with noise control. Trustee Adams concurred. Trustee Garrity, noting the empty Burger King on Milwaukee Avenue, asked Mr. Hounder why he was confident that this location would work.

Mr. Hounder stated that Burger King would be their tenant and that they had studied traffic and expected growth. They had rejected the old location. Trustee Garrity favored the 10-foot fence of solid construction.

Trustee Carey asked for fence design clarification, and Mr. Hounder stated that although the architecture was not known, the location seemed to warrant a sound barrier. Mr. Lobus asked for clarification of the fence location and design. He favored a 10-foot fence with sound reflection on the south and west of the property.

Mr. Cavicchia asked if the company had rechecked demographics after the DMV closed. The Mayor noted an added condition to both permits that the fence be 10-feet in height and of solid tongue and groove construction.

Trustee Moras moved to approve the Special Use Permit for a Drive-In Establishment (PC 16-35) with all conditions, and Trustee Carey seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

Trustee Moras moved to approve the Site Plan Permit (PC 16-39) with all conditions, and Trustee Carey seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

ZONING BOARD OF APPEALS REPORT (ZBA 16-22 and 16-23) – Variation for Perimeter Landscaped Open Space and Variation for Signage 175 W. Peterson Road

President Wepler explained that as part of their proposal for development of a Burger King restaurant at 175 W. Peterson Road, N3 Property Advisors, LLC requested variations for Perimeter Landscaped Open Space and signage for the site. Members of the ZBA concurred with the first request as the lot of record is only 140 feet wide. Members also concurred with the sign variation as it would allow movement of a permitted rear façade sign to be placed on the west facade further from residential neighbors. The Mayor asked for questions and comments and there were none.

Trustee Moras moved to approve the variation for Perimeter Landscaped Open Space (ZBA 16-22), and Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

Trustee Moras moved to approve the variation for Signage (ZBA 16-23), and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

PLAN COMMISSION REPORT (PC 17-01 AND PC 17-02) – Amendment to the Special Use Permit and Amendment to the Site Plan Permit 1600 W. Park Avenue

President Wepler introduced a Plan Commission report for a request from Verizon Wireless for an amendment to a Special Use Permit and Site Plan Permit to allow six (6) additional cellular antennae and associated ground mounted equipment at 1600 W. Park Avenue. Members of the Plan Commission recommended Village Board approval. The Mayor asked for questions and comments and there were none.

Trustee Moras moved to approve the Amendment to the Special Use Permit (PC 17-01), and Trustee Garrity seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

Trustee Moras moved to approve the Site Plan Permit (PC 17-02), and Trustee Adams seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

PLAN COMMISSION REPORT (PC 17-04 and PC 17-05) - Special Use Permit for a Museum and Site Plan Permit 1899 W. Winchester Road

President Wepler introduced a Plan Commission report for a request from the Lake County Forest Preserve District for a Special Use Permit and Site Plan Permit to operate a museum at their site at 1899 W. Winchester Road. As those permits are now expired, the Forest Preserve District requested issuance of new permits, and no significant changes have been made to the 2010 submittal. Members of the Plan Commission recommended Village Board approval. The Mayor asked for questions or comments and there were none, however the Mayor asked if there had been any consideration of an entertainment tax due to the property being removed from the tax rolls. Representatives of the Forest Preserve District did not have any information regarding a possible tax, but indicated they would check on the past discussions with their Board members.

Trustee Justice moved to approve the Special Use Permit (PC 17-04), and Trustee Carey seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

Trustee Adams moved to approve the Site Plan Permit (PC 17-05), and Trustee Garrity seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

ZONING BOARD OF APPEALS REPORT (ZBA 17-06) – Variation for Signage 1120 S. Milwaukee Avenue

President Wepler introduced a ZBA report for a request from Napleton Auto Group to increase the number of allowable wall signs from one (1) to two (2) for the new Mazda dealership at 1120 S. Milwaukee Avenue. Members of the ZBA noted that the signage will be well under the allowable square footage allotment and supported the request. The Mayor asked for questions and comments.

Trustee Moras thanked representatives for keeping Mazda in Libertyville. Trustee Garrity asked if trees would be replaced, even though they were on private property, a Napleton representative stated that the trees would be replaced per Appearance Review Commission approval.

Trustee Moras moved to approve the variation for signage, and Trustee Garrity seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

ZONING BOARD OF APPEALS RPEORT (ZBA 17-07 and ZBA 17-08) Variation to Reduce Front Yard Setback and Variations for Signage 1620 S. Milwaukee Avenue

President Wepler introduced a ZBA report for a request from the Acura dealership at 1620 S. Milwaukee Avenue for a requested variation for front yard setback and three (3) signage variations to allow for a remodeling of the facility. The front yard setback variation request is located from an existing 200 feet to 195 feet as measured from the centerline of Milwaukee Avenue. The signage variations are to increase the number of wall signs from one (1) to two (2), increase the sign area for directional signs from 2 square feet to 6 square feet, and increase the maximum number of service wall signs from one (1) to three (3).

The ZBA recommendation was to support the front yard setback variations due to the configuration of the building. Members also concurred with the sign variation requests to increase the number of wall signs, the maximum permitted sign area, and the number of service signs. Village Board approval was recommended. The Mayor asked for questions and comments and there was none.

Trustee Justice moved to approve the Variation to Reduce Front Yard Setback (ZBA 17-97), and Trustee Adams seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

Trustee Moras moved to approve the Variations for Signage (ZBA 17-08), and Trustee Carey seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

ORDINANCE 17-O-16: Amending Sunset Clause on Simplified Telecommunications Tax

President Wepler explained that in September 2009, the Village Board approved an ordinance increasing the Simplified Telecommunications Tax from 3.5% to 6% in an effort to replace the loss of sales tax and other revenues during the economic downturn. When these ordinances were approved, the Village Board included a sunset clause in order to have a periodic review to determine annually, based on current conditions, if these taxes could be reduced or eliminated. Due to this sunset clause, the ordinance will expire on June 30, 2017.

The proposed 2017-2018 Village Budget was balanced assuming this revenue stream would remain at 6% due to State uncertainty and lack of growth in other revenue streams. The State requires notification regarding any changes to the telecommunications tax by March 20 of each year in order to take effect July 1. Staff's recommendation is to maintain the telecommunications tax at the current level and to extend the sunset to June 30, 2018. This revenue has been declining over the past several years as communication methods and technology have changed, but a total of \$1,235,000 is currently proposed in the FY 2017-2018 budget (\$835,000 is budgeted in the General Fund, \$200,000 is budgeted in the Technology Fund, and \$200,000) is budgeted in the Capital Improvements Fund. While the Village Board has supported reducing utility taxes when possible, the State is still contemplating a property tax freeze along with a reduction in the amount of Local Government Distributive Fund (LGDF) that is shared with municipalities. This uncertainty in other revenue streams supports maintaining the telecommunications tax at its current level. The ordinance extends the sunset clause for the Simplified Telecommunications Tax for one year. The Mayor asked for questions and comments. Trustee Justice noted the importance of this being a temporary tax, and Trustee Moras concurred. The Mayor noted his frustration with the State. Administrator Clark stated that Staff might be able to present ideas to accomplish some financial improvements.

Trustee Moras moved to approve the ordinance extending the sunset clause for one year, and Trustee Adams seconded. The Mayor asked for Board and public comment. A resident asked for clarification of the State's threat to control revenue streams. The Mayor and Trustees discussed required pension increases, unfunded mandates, and the Village's limited revenue sources due to non-home rule.

The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

RESOLUTION 17-R-44: Waive Competitive Bidding and Approve Streetlight LED Fixture Replacement Project

President Wepler explained that in fall 2016, Staff applied for an energy efficient grant for street lighting funded through the Illinois Department of Commerce & Economic Opportunity (ILDCEO) Illinois Energy Now Program. On February 13, 2017, the Village was awarded a grant for \$12,973.00 to replace 50 downtown area Sternberg cobra-headed streetlights and install light-emitting diode (LED) fixtures. The streetlights are located on both sides of Milwaukee Avenue between Appley Avenue and IL Route 176. The grant is administered by the Metropolitan Mayors Caucus for ILDCEO. The cost estimate of \$29,400 was completed by 360 Energy Group, the technical partner of the Metropolitan Mayors Caucus. The Village will fund the complete project and then will be eligible to receive the grant funding once the project is finished.

Seven electrical contractors were contacted to provide sealed proposals for the work, and Staff opened the proposals on March 3, 2017. The project was not budgeted in the Fiscal

Year 2016-2017 Budget, however Staff has identified \$19,708.00 of available funding in the Capital Improvement Fund (CIF).

Staff recommended Geary Electric, Inc., the lowest bidder, to perform the fixture replacement in the not to exceed amount of \$28,269.00 and requested to waive the competitive bidding process due to the time sensitive urgency that all work must be complete by May 8, 2017. The Mayor asked for questions and comments and there were none.

Trustee Adams moved to approve the resolution to waive competitive bidding and approve a contract for streetlight LED fixture replacement with Geary Electric, Inc. Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

RESOLUTION 17-R-45: Award Contract to Sawvell Tree Service, Inc. for 2017-2018 EAB Infested Tree Removal Program

President Wepler explained that on January 9, 2017 Staff received and opened seven bids for the Emerald Ash Borer (EAB) Infested Parkway Tree Removals for the fiscal year 2017-2018 Budget. The low bidder was Sawvell Tree Service, Inc. of Mundelein, Illinois in the amount of \$110,450.00. The bids contain unit prices for varying sized trees in anticipation of contractually removing approximately 300 trees in accordance with the Village's approved multi-year EAB Removal Plan. Bids ranged from \$110,450.00 to \$292,500.00.

The 2017-2018 Budget contains \$301,715.00 in the Parks Maintenance Division Budget for this work. The Village has worked with Sawvell Tree Service, Inc. on several previous projects and has been very satisfied with the quality of work. Staff recommended approval of the resolution to award the contract for the 2017-2018 Tree Removal Program to Sawvell Tree Service, Inc. and execution of the contract by the Village Administrator in the not to exceed amount of \$110,450.00. The Mayor asked for comment and questions and there were none.

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

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

RESOLUTION 17-R-46: Award Change Order to Sawvell Tree Service, Inc. for 2017-2018 EAB Infested Tree Removal Program

President Wepler explained that the unit prices came in much lower than anticipated for the EAB tree removal program. If additional work is approved, contingent on final

budget approval, the Village will be accelerating the current EAB removal plan by one full year and all planned EAB removals will be completed. Staff recommended approval of the attached resolution to award a Change Order for the FY 2017-2018 EAB Infested Parkway Ash Tree Removal Program to Sawvell Tree Service, Inc. in the not to exceed amount of \$191,265.00 and authorize execution of the contract by the Village Administrator. The total contract and change order amount total is \$301,715.00. The Mayor then asked for questions and comments and there was none.

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

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

RESOLUTION 17-R-47: Waive Competitive Bidding and Award Contract to Buhrman Design Group, Inc.

President Wepler explained that the Village currently has three (3) separate contracts for landscaping and mowing services for approximately fifty (50) Village maintained sites in the community. In January, the Village solicited sealed proposals from nine (9) firms for consolidation of all landscaping work into one master contract that now includes contracted mowing of all park sites. The proposal process was used as a method to validate the quality of service standard of firms submitting proposals. Waiver of formal bid process is recommended as part of this Staff recommendation. Three (3) proposals were received ranging from \$337,744.00 to \$463,463.00.

Staff recommended approval of the resolution to waive the bidding process and award a contract to the Buhrman Design Group, Inc. in the amount of \$337,744.00 with a 5% budgeted contingency for a total project budget of \$354,631.00 and to authorize execution by the Village Administrator. The budget contingency funds will only be spent with Staff approval for extra public property mowing work that may be required during the growing season. The Mayor then asked for questions and comments and there were none.

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

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

RESOLUTION 17-R-48: Approve the Solicitation of Bids for Construction of a Hockey Rink at the Libertyville Sports Complex

President Wepler explained that the Parks and Recreation Committee has spent considerable time and effort determining the best site for a replacement hockey rink for the use of Libertyville residents and those members of the public who patronize

Libertyville public facilities. The previous hockey rink was decommissioned when the Bolander property was sold.

The Village contracted with Gewalt Hamilton Associates (GHA) to assist in the site planning and design drawings for the replacement hockey rink. Property on the Libertyville Sports Complex (LSC), adjacent to the LSC Softball Field, has been chosen as the best site. Village Board approval was requested for a request for construction bids with the goal of completing the construction project in 2017.

The estimated cost is \$370,521 and includes a 10% construction contingency. The 2017-2018 proposed Village Budget provides for \$450,000 for project costs. Proceeds from the sale of the Bolander Property are the source of funds for this project. At the March 7, 2017 meeting, the Parks and Recreation Committee recommended that Staff proceed with the preparation of bid documents using the GHA design plans. The Committee also noted and acknowledged the support of local Libertyville hockey enthusiasts who have offered assistance with design review, future maintenance, and fundraising.

Staff recommended approving a resolution directing Staff to request construction bids for the hockey rink construction and to continue engagement meetings with residents interest in Libertyville hockey. The Mayor asked for questions and comments and there were none.

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

AYES: Trustees Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Johnson

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, March 15, 2017
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, March 15, 2017
- The Board of Fire & Police Commissioners will meet at 5:30 p.m. on Wednesday, March 15, 2017 at the North Fire Station
- The Green Living Fair will be held on Saturday, March 18, 2017 at the Libertyville Civic Center from 10:00 a.m. to 2:00 p.m.
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, March 20, 2017
- The Appearance Review Commission will meet at 7:00 p.m. on Monday March 20, 2017 at the North Fire Station
- The Parking Commission will meet at 10:00 a.m. on Tuesday, March 21, 2017

- The Village Board of Trustees will hold a Special Meeting at 7:00 p.m. on Tuesday, March 21, 2017 at the Libertyville High School Auditorium
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, March 28, 2017
- The Streets Committee will meet at 7:00 p.m. on Tuesday, March 28, 2017
- The Village Board will meet at 8:00 p.m. on Tuesday, March 28, 2017
- The Parks and Recreation Committee will not meet on Tuesday, April 4, 2017

ADJOURNMENT

With no further business, Trustee Moras moved to adjourn at 9:18 p.m., Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Christopher D. Clark
Deputy Village Clerk