

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
June 12, 2018

President Weppler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook Avenue. Those present were: President Terry Weppler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

**PROCLAMATION: Advocate Condell**

President Weppler read a proclamation recognizing June 14, 2018 as the commemorative 90<sup>th</sup> Anniversary of Advocate Condell's grand opening. Representatives of Advocate Condell received a copy of the proclamation and thanked the Village Board and the Mayor.

**ITEMS NOT ON THE AGENDA**

President Weppler asked if anyone had anything to bring before the Village Board that was not already listed on the agenda. There were no items.

**OMNIBUS VOTE AGENDA**

The Mayor introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion.

Omnibus Vote Agenda

- A. Minutes of the May 22, 2018 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 18-R-108:** A Resolution Approving Village Administrator Kelly Amidei as a Bank Signatory for the Village of Libertyville
- D. **RESOLUTION NO. 18-R-109:** A Resolution to Accept a Proposal for the Garfield Avenue Well Pump Repair
- E. **RESOLUTION NO. 18-R-110:** A Resolution Approving a Contract for Software and Services with BS&A Software
- F. **RESOLUTION NO. 18-R-111:** A Resolution to Amend the 2018-2019 Classification and Compensation Plan
- G. **RESOLUTION NO. 18-R-112:** A Resolution to Purchase a Replacement Asphalt Recycler and Hot Box Trailer
- H. **RESOLUTION NO. 18-R-113:** A Resolution to Award a Contract to Patrick McCann, Inc. for the Civic Center Window Replacement Project – Phase Two
- I. **ORDINANCE NO. 18-O-27:** An Ordinance Establishing New Prevailing Rate of Wages in Lake County for Public Works Projects
- J. **RESOLUTION NO. 18-O-114:** A Resolution to Award a Contract to Precision Pavement Marking, Inc. for the 2018 Roadway Pavement Marking Program
- K. Report of the Historic Preservation Commission

- L. **RESOLUTION NO. 18-R-115:** A Resolution for Allocation of Motor Fuel Tax (MFT) Funds for the Golf Road Resurfacing
- M. **RESOLUTION NO. 18-R-116:** A Resolution for Allocation of Motor Fuel Tax (MFT) Funds for the Rockland Road Reconstruction
- N. **RESOLUTION NO. 18-R-117:** A Resolution for Allocation of Motor Fuel Tax (MFT) Funds for the Rockland Road Bridge Replacement Projects
- O. **RESOLUTION NO. 18-R-118:** A Resolution Approving a Professional Services Agreement with GOVTEMPS USA
- P. **RESOLUTION NO. 18-R-119:** A Resolution to Approve a Raffle License – American Cancer Society
- Q. **RESOLUTION NO. 18-R-120:** A Resolution to Approve a Contract Renewal with Globe Construction, Inc. for the 2018 Sidewalk Replacement Program
- R. **RESOLUTION NO. 18-R-121:** A Resolution Approving a Contract for Office 365 Software
- S. ARC Report

Trustee Garrity asked for clarification of Item E. Finance Director Patrice Sutton explained that the new features would improve functionality in many departments, and Village Administrator Kelly Amidei noted the system would be evaluated.

Lisa Roti, 1212 Victory Drive, asked for clarification of Item F. Finance Director Sutton explained the addition of an Assistant Village Administrator.

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. President Weppler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

**REPORT OF THE PLAN COMMISSION (PC 18-05), Amendment to the Planned Development Final Plan and PC 18-06, Amendment to the Site Plan Permit) PharmaLogistics, Ltd., Applicant 1755, 1795, 1801 and 1851 N. Butterfield Road**

President Weppler explained that PharmaLogistics, Ltd., is proposing to construct a 126,611 square foot office/warehouse/distribution facility at the Libertyville Corporate Center. The site had previously been approved for construction of two (2) such buildings at the site. The petitioner was required to have the Site Plan reviewed by the Plan Commission as the previously approved building is being shifted 48 feet to the south. This is being done to accommodate a field of parking to the north of the building. Members of

the Plan Commission concurred with the request and recommended Village Board of Trustees approval with votes of 7 - 0, subject to the conditions outlined in the Development Review Committee Report dated May 18, 2018 in Pages 5, 6, and 7 with the further amendment that the additional comments relative to the Engineering approval shall be addressed prior to final engineering approval for the issuance of a Site Development Permit. Mike Long, representative of Principle Construction, was available to answer questions. President Wepper asked for questions or comments and there were none.

Trustee Johnson moved to approve the Amendment to the Planned Development Final Plan (PC 18-05), and Trustee Garrity seconded. President Wepper asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Moras moved to approve the Amendment to the Site Plan Permit (PC 18-06), and Trustee Garrity seconded. President Wepper asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

**REPORT OF THE PLAN COMMISSION (PC 18-01, Text Amendments Related to Impervious Surfaces) Village of Libertyville, Applicant**

President Wepper stated that at the May 8, 2018 meeting, the Village Board of Trustees reviewed the Report of the Plan Commission in regard to the proposed text amendments relating to impervious surfaces. The proposal would eliminate the use of ribbon driveways and reduce the cap on maximum lot coverage variations from 20% to 15%.

During the course of the meeting, the Board expressed concerns as to whether property owners could maintain impervious areas that are over the allotted percentage. To confirm a Staff interpretation of this issue, an Administrative Policy has been created that allows removal and replacement of impervious areas, subject to retention of the stone base. This allows the replacement of the paving to be defined as maintenance.

The Board had also expressed concerns regarding requirements for landings outside exit ways. Staff reviewed this issue and noted that this is a Building Code requirement, and if such installation causes a setback or impervious surface issue, the applicant would be eligible for a variation through the Zoning Board of Appeals process.

Staff recommended approval of the Report of the Plan Commission, and if approved, an ordinance will be drafted for Village Board action. President Weppler then asked for questions and comments.

Trustees expressed concerns regarding existing structures and the need for consideration of variations. Director of Community Development John Spoden explained the amendment would require a landing rather than stairs alone, and replacement of existing areas would be subject to the retention of the stone base. Trustee Johnson noted the need for clear interpretation and administration. Trustee Carey did not approve of the requirements when replacing stairs, stating that the requirements were inherently unfair. Director Spoden noted that building code requirements were required. Trustee Johnson suggested an example for Staff to maintain consistent enforcement. Trustee Garrity suggested the variance process be made as easy as possible.

Brenda O'Connell, 408 Drake Street, thanked Director Spoden for listening to her concerns. She added that she appreciated the tools provided so that residents could remain compliant with the code.

Trustee Johnson moved to approve the Text Amendment, and Trustee Moras seconded. President Weppler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: Trustee Carey

**ORDINANCE NO. 18-O-28: An Ordinance Amending the Fiscal Year 2017-2018 Budget**

President Weppler reported that throughout the 2017-2018 fiscal year, there were certain events and circumstances that resulted in unanticipated and unbudgeted expenses. Therefore, certain budgeted amounts were exceeded with the approval of 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:

- **Engineering:** The Facility Manager, which had been budgeted in the Administration budget, reports to the Public Works Director and therefore is included in this Engineering budget. Other personnel expenditures and technical services expenses exceeded the budgeted amounts as well.
- **Community Development:** Reimbursable Services are variable and difficult to predict during the budget process and therefore, were underestimated in the budget. These additional services were offset by associated revenue, which also exceeded budget.

- Emergency Management Agency: Unanticipated flood expenses were accounted for in this department.
- Public Buildings: Unanticipated repair expenses exceeded budgets slightly for Schertz and Village Hall.
- Community Organizations/Activities: One extra mosquito application caused the budget to be slightly exceeded.
- Recreation: The General Fund transfer to the Sports Complex Fund to cover debt service was greater than budgeted.
- Emergency Telephone System Fund (ETSB): The Joint ETSB did not begin until September 2017, so there were four months of unbudgeted expenses offset by unbudgeted revenue.
- Police and Fire Pension Funds: In both funds, the amount of pensions paid for retired and disabled pensions exceeded the budgeted amounts.

As a result of these changes, the authorized budget expenditures increase \$1,288,074, from \$69,715,055 to \$71,003,129 for the fiscal year. Unaudited actual expenditures of \$59,661,360 are \$11,341,769 below the proposed amended budget. Unaudited revenue exceeded budget by \$4,290,329 in all funds to offset these additional expenditures.

The ordinance presented is in compliance with the requirements set forth in the Budget Officer Act. Staff recommends the Village Board adopt the ordinance. Four positive votes are required for approval. President Wepler asked for questions and comments. Trustee Moras thanked Staff for their work.

Trustee Moras moved to approve the Ordinance Amending the Fiscal Year 2017-2018 Budget, and Trustee Carey seconded. The Mayor asked for further Board or public comment. The motion carried on roll call vote as follows:

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

NAYS: None

**ORDINANCE NO. 18-O-29: An Ordinance Approving a Real Estate Sales Agreement between the Village of Libertyville and 45 Peterson, LLC (as successor in interest and/or assignee of Paragon Real Estate, LLC) for the Sale of the Property located at 1800 and 1850 N US Highway 45, Libertyville, IL**

President Wepler explained that due to the lack of consistent public utilization and inadequacy of financial performance of the Village's Family Entertainment Center miniature golf course and Golf Learning Center driving range, the Village Board adopted resolutions 06-R-62 and 17-R-12 declaring the property as surplus and directing its sale following completion of a formal appraisal by a certified appraiser. The Village then proceeded with a traditional sale of the property using a broker. The Libertyville Sports

Complex building is not subject to this sale and will be retained by the Village as public property.

The Village received an offer to purchase the golf course and driving range properties from 45 Peterson, LLC (as successor in interest and/or assignee of Paragon Real Estate, LLC) for approximately \$5.76 million. This figure is greater than 80% of the appraised value of the property as required by State Statute. The Village Attorney reviewed the proposed purchase agreement and it has been executed by the interested buyer. Under the site concept, approximately 17.55 acres would be developed for industrial purposes and 3.66 acres for retail. A separate application for zoning, engineering, building and other development permits will be required and may result in concept modifications.

Staff recommended the Village Board proceed in approving the purchase agreement. President Weppler then asked for questions and comments. Representatives of the buyers were present and available to answer questions. Trustee Johnson thanked Economic Development Coordinator Heather Rowe for her due diligence and effort in making the sale of the property possible.

Trustee Justice moved to approve the ordinance approving the real estate agreement between the Village of Libertyville and 45 Peterson, LLC, and Trustee Johnson seconded. President Weppler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

**RESOLUTION NO. 18-R-122: A Resolution to Approve the Use of Village Property – Sunrise Rotary Club**

President Weppler noted that Libertyville Sunrise Rotary Club has submitted a request for the annual North Shore Wine, Beer, Cigar and Food Festival on Saturday, August 25, 2018. The Rotary Club is requesting use of Church Street and a portion of Cook Park beginning at 12:00 p.m. on Friday, August 24 for set up, through Sunday, August 26 for cleanup. The event will take place on Saturday, August 25, 2018 from 2:30 p.m. to 8:30 p.m.

The Rotary Club has obtained approval from Cook Memorial Library to close Church Street adjacent to their exit drive, and has contacted St. Lawrence Church, Libertyville Civic Center, and Attorney Sean Weppler to make sure that there are no conflicts on the day of the event. Village Staff will provide the fencing material so that volunteers can set up the fence in accordance with the approved event plan.

Staff recommended Village Board approval of the resolution approving the event and the closure of Church Street from 12:00 p.m. on Friday, August 24 through Sunday morning,

August 26, 2018, and authorize North Shore Wine, Beer, Cigar and Food Festival to take place from 2:30 p.m. to 8:30 p.m. on Saturday, August 25, 2018, subject to approval of the necessary Village and Lake County Health Department permits, Village of Libertyville Special Event Agreement, a Certificate of Insurance naming the Village as an additional insured, and arrangements for garbage and recycling services. President Wepler asked for questions and comments.

Diane Taylor, chairperson of the event, stated there would be no significant changes in the event with the exception of a DJ instead of a live band.

Trustee Moras moved to approve the resolution to approve the use of Village Property, and Trustee Johnson seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

**RESOLUTION NO. 18-R-123: A Resolution to Approve the Use of Village Property – Knights of Columbus**

The Knights of Columbus submitted a request for the annual Dog Days of Summer event on Friday, July 6, 2018 through Sunday, July 8, 2018. The Knights of Columbus requested use of Church Street and a portion of Cook Park beginning at 12:00 p.m. on Friday, July 6, 2018 for set up, through Sunday, July 8, 2018 for cleanup.

The Knights of Columbus obtained approval from Cook Memorial Library to close Church Street adjacent to their exit drive, and has contacted St. Lawrence Church, Libertyville Civic Center, and Attorney Sean Wepler to make sure that there are no conflicts on the day of the event. Village Staff will provide the fencing material so that volunteers can set up the fence in accordance with the approved event plan.

Staff recommended Village Board approval of the resolution approving the event and the closure of Church Street from 12:00 p.m. on Friday, July 6 through Sunday, July 8, 2018, and authorize the Dog Days of Summer to take place from noon to 7:00 p.m. on Friday, July 6, 2018, 9:00 a.m. to 5:00 p.m. on Saturday, July 7, 2018 and 9:00 a.m. to 5:00 p.m. on Sunday, July 8, 2018, subject to approval of the necessary Village and Lake County Health Department permits, Village of Libertyville Special Event Agreement, a Certificate of Insurance naming the Village as an additional insured, and arrangements for garbage and recycling services. President Wepler asked for questions and comments.

President Wepler asked if all impacted businesses and neighbors had been notified, and Administrator Amidei stated that all had been notified during a recent meeting and she would follow up.

Trustee Garrity moved to approve the resolution approving the use of Village property, and Trustee Adams seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey  
NAYS: None

**RESOLUTION NO. 18-R-124: A Resolution to Approve an Intergovernmental Agreement with Libertyville School District 70 for the Purpose of Creating the School Resource Office (SRO) Program**

President Wepler introduced an Intergovernmental Agreement noting that for the past several years, the Village of Libertyville Police Department has been working with Libertyville School District 70 to develop and implement a School Resource Officer (SRO) program for elementary schools in the community. The assigned SRO will enhance security at District facilities, but will also serve as a law enforcement officer, counselor and mentor. Responsibilities will include, but not be limited to, investigating crimes, serving as a positive role model, providing education and training to school administration, students, and teachers, attending after school functions, meeting with parents, making group presentations, and maintaining program statistics. This program will enhance the Department's ability to provide for an enhanced level of safety to the District and other schools, as well as crime prevention/public education information on an ongoing/annual basis.

Although the officer assigned to this program will be selected from a select group of experienced Libertyville Police Officers who are interested in serving in this capacity; doing so will require an increase in sworn police personnel by one (1) full time officer. Staff is recommending a five (5) year initial agreement, which allows either side to terminate the agreement for cause. District 70 has agreed to pay 50% of the salary and benefits throughout the term of the agreement. As such, the District will reimburse the Village for \$50,023 for the first year of the program with built in escalated annual increases (see agreement) for the remaining four (4) years. School District 70 approved the agreement at their May 21, 2018 Board meeting.

Staff recommended increasing the authorized sworn Police Department personnel by one (1) full time officer and approval of the attached resolution to enter into an Intergovernmental Agreement with Libertyville School District 70 for the purposes of creating a School Resource Officer (SRO) program. President Wepler asked for questions and comments.

President Wepler asked about after school events and overtime pay. Police Chief Clint Herdegen stated the department would work with the School District to schedule overtime.



Responding to Trustee questions regarding an additional officer, Chief Herdegen stated the officer would come in at the entry level and the salary would be divided in half with the School District. The officer would also return to the police department during the summer, just as the high school SRO does.

Trustee Carey moved to approve the resolution approving an Intergovernmental Agreement with Libertyville School District 70 for the creation of a School Resource Officer (SRO) Program. Trustee Garrity seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

#### **PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- Libertyville Days Festival will be Thursday, June 14 through Sunday, June 17, 2018
- The Libertyville Days Parade will be held on Saturday, June 16, 2018 at 10:00 a.m. The Village Board will be riding on the theme-based float and should meet at 9:30 a.m. in the AudioSmith/Hansa Coffee parking lot.
- The Historic Preservation Commission will not meet at 5:00 p.m. on Monday, June 18, 2018
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, June 18, 2018
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, June 20, 2018
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, June 20, 2018
- The Libertyville Arts Commission will meet at 2:00 p.m. on Monday, June 25, 2018
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, June 25, 2018
- The Special Projects Committee will meet at 3:00 p.m. on Tuesday, June 26, 2018
- The Streets Committee will meet at 7:00 p.m. on Tuesday, June 26, 2018
- The Village Board will meet at 8:00 p.m. on Tuesday, June 26, 2018
- There will be no need to go into Executive Session tonight
- There will be a Pre-trial Conference for the lawsuit filed against the Village by the Catholic Bishop of Chicago on Thursday, June 14, 2018 at 9:00 a.m.

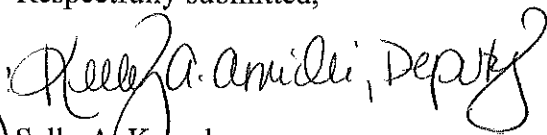
Trustee Garrity noted that some important work had been completed with tonight's meeting and thanked Staff. Trustee Johnson thanked President Wepler for his time and service to

the success of the Libertyville Days celebrations. She also expressed her admiration for Finance Director Patrice Sutton, noting that Patrice is an asset to her profession.

**ADJOURNMENT**

With no further business to come before Village Board, Trustee Johnson moved to adjourn at 8:55 p.m., and Trustee Garrity seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

by  Deputy  
Sally A. Kowal  
Village Clerk