

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
July 9, 2019

President Weppler called to order a meeting of the Board of Trustees at 8:08 p.m. in the Village Hall, 118 West Cook Avenue, Libertyville, IL. Those present were: President Terry Weppler, Trustees Donna Johnson, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey. Trustee Richard Moras was absent.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had an item to bring before the Village 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 there were any items to be removed for separate discussion. Trustee Johnson asked that 3H be removed for separate discussion.

Omnibus Vote Agenda

- A. Minutes of the June 26, 2019 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 19-R-111:** A Resolution to Approve a Special Event - Cook Memorial Library
- D. **RESOLUTION NO. 19-R-112:** A Resolution to Approve a Special Event - Touch the Trucks Event
- E. **RESOLUTION NO. 19-R-113:** A Resolution to Install Downtown Banners – MainStreet Libertyville
- F. **RESOLUTION NO. 19-R-114:** A Resolution for Use of Village Property – Lake County Fair Association
- G. **ORDINANCE NO. 19-O-55:** An Ordinance Approving a Variation of Corner Side Yard Setback for a Garage (ZBA 19-19) – 500 Broadway
- H. **RESOLUTION NO. 19-R-115:** A Resolution Approving Architectural Design Guidelines for the Carriage Hill Subdivision
- I. **RESOLUTION NO. 19-R-116:** A Resolution Approving a Tree Plan for the Riva Ridge Umbrella Association
- J. **RESOLUTION NO. 19-R-117:** A Resolution Approving a Traffic Enforcement Agreement for 333 Peterson Road, Suite A-F
- K. ARC Report

Trustee Johnson moved to adopt the items A-G and I-K listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Justice seconded. President Weppler asked for further Board or public comment.

Responding to a question regarding temporary signage, director of Community Development John Spoden stated that the signage for Elderberry Drive and Peterson

Road entrance would be for one year and then the Village Board could approve a license agreement for additional time.

Trustee Garrity expressed concern with the Riva Ridge tree plan, noting that the 4-5/1 ratio of removal and replacement was insufficient. He stated he would like to see a more aggressive replacement plan.

The motion carried on roll call vote as follows:

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

3H

Trustee Johnson asked for clarification of “cedar shake aesthetic” as stated in the resolution. She asked if there were an approved product list. Village Attorney David Pardys stated that the Board does not need to approve or review a product list as it relates to their original PUD requirements. He noted that the group is asking only to amend their standard requirement of cedar shakes. They have asked the Village Board to allow for amendment to their guidelines.

Trustee Justice moved to approve Item 3H, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

ORDINANCE NO. 19-O-56: An Ordinance Amending the Liquor Code to Create an F-2 License and Increase the Number of F-2 Licenses – Hampton Inn

President Wepler introduced a Liquor License Application requesting the issuance of a liquor license in order to allow the sale of beer and wine at the Hampton Inn in Libertyville. The Liquor Commissioner met with Shah Miteshkumar, designated manager and President for Hampton Inn & Suites and discussed the need to create a new liquor license classification allowing hotels/motels to sell wine and beer only to their guests. Mr. Miteshkumar completed the background check for the liquor license and no issues were found.

The ordinance would amend the Municipal Code and: (1) Create a Class F-2 license for the sale of beer and wine only at hotel/motels within the Village of Libertyville; and (2) increase the number of Class F-2 licenses to one, in order to allow the Liquor Commissioner to then issue a Class F-2 liquor license to the Hampton Inn and Suites. President Wepler and Village staff recommended approval of the ordinance. President

Wepler explained that the license would only allow for package sales to hotel guests. President Wepler asked for questions and comments and there were none.

Trustee Johnson moved to approve the ordinance creating a Class F-2 Liquor License and increasing the number of Class F-2 Licenses. Trustee Garrity seconded. President Wepler asked for Board and public comments or questions and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

RESOLUTION NO. 19-R-118: A Resolution Approving a Storm Sewer and Drainage Easement at 940 Burrige Court

President Wepler explained that a Building Permit application is in process for the construction of exterior improvements, which include a rear yard patio and firepit, on the property located at 940 Burrige Court. The Plat of Survey for the property identifies a Drainage Easement to accommodate a public storm sewer. However, the storm sewer on the property is not within the Drainage Easement. Upon review of the permit documents, Engineering Division Staff coordinated with the owner of the subject property to grant a new easement over the actual location of the storm sewer. The exhibit depicts the location of the easement to be granted, as well as the location of the existing easement to be released. A separate agenda item presented the necessary Ordinance for the release of the rights granted by the existing easement. The language of the attached Resolution required that the recording of the Storm Sewer and Drainage Easement Agreement will occur prior to recording of said Ordinance.

Staff recommended adoption of the Resolution Approving a Storm Sewer and Drainage Easement. President Wepler asked for questions or comments. Trustee Carey read an email from the petitioner Benjamin Ferdinand to Trustee Moras explaining the issue and in support of the action.

Trustee Adams moved to approve the resolution approving a storm sewer and drainage easement at 940 Burrige Court. Trustee Garrity seconded. With no further questions, the motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

ORDINANCE NO. 19-O-57: An Ordinance Releasing Drainage Easement Rights at 940 Burrige Court

President Wepler noted that a Building Permit application is in process for the construction of exterior improvements, which include a rear yard patio and firepit, on the

property located at 940 Burrige Court. The Plat of Survey for the property identified a Drainage Easement to accommodate a public storm sewer. However, the storm sewer on the property is not within the Drainage Easement. Upon review of the permit documents, Engineering Division staff coordinated with the owner of the subject property to grant a new easement over the actual location of the storm sewer. The exhibit depicts the location of the easement to be granted, as well as the location of the existing easement to be released. The Agenda item was presented in conjunction with and conditional upon a separate Agenda item for a Resolution Approving a new Storm Sewer and Drainage Easement Agreement. The Ordinance included language requiring that recording of the Ordinance will occur after recording of the Storm Sewer and Drainage Easement Agreement.

Staff recommended approval of the Ordinance releasing the drainage easement rights. President Wepler asked for questions or comments and there were none.

Trustee Carey moved to approve the Ordinance releasing drainage easement rights at 940 Burrige Court. Trustee Johnson seconded. President Wepler asked for further discussion and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

REPORT OF THE APPEARANCE REVIEW COMMISSION (ARC 19-31) – 1620 S. Milwaukee Avenue (*deferred from June 25, 2019*)

President Wepler explained that at the June 25, 2019 meeting the Village Board of Trustees deferred action on a request from Acura to remove five (5) Honey Locust trees at the dealership at 1620 S. Milwaukee. The Village Board requested that the Village Arborist review the issue and offer a report. In the e-mail Arborist Heurich stated that the trees are healthy but can contain Leaf Hoppers which excrete a sugary waste called Honey Dew. Treatment for trees is usually not recommended but contact insecticide could be used.

In the attached e-mail, owner Gary McGrath outlined his original request to remove the trees due to the nuisance caused by the insects and was requesting a change in replacement trees from Burr Oak to either Accolade Elm or Triumph Elm. The Village Arborist concurred that these species of Elms are disease resistant and appropriate for the site if the removal of the Honey Locust trees is approved by the Village Board.

Chris McGrath was present at the Board meeting to review their request for tree removal and replacement. President Wepler asked for questions and comments.

Trustee Justice asked why this had not been an issue prior to this. Mr. McGrath stated that the trees had been trimmed back as much as possible to avoid the insect waste. President Wepler added the insects have been particularly bad this year. Mr. McGrath stated the replacement trees would be 4"-5" elm species.

Trustee Garrity stated that spraying the trees could resolve the issue, and he did not favor removing the trees. He asked Mr. McGrath to consider treatment and then report results. Mr. McGrath stated they did not want to remove the trees, but the continued washing of the cars would involve fulltime personnel. Trustee Johnson supported Trustee Garrity.

Mr. McGrath explained that the sticky waste was damaging car paint, and he was trying to reach an acceptable solution since the dealership does not have an automatic car wash.

President Wepler stated he always wants to keep our trees, but he also wants to support businesses. He noted that several daily washes does not help the business.

Mr. McGrath stated that showing dirty cars impacts sales, and they are in the middle of their big sales season. He also added that there has been paint damage to vehicles as a result. He added that this request seems to be the best solution in the long run.

Trustee Johnson, noting the paint damage issue, stated that she could support the request. Trustees Justice and Adams concurred. Trustee Garrity asked that there be a minimum requirement of 4" trees, adding the difficulty the Village had finding trees for the Village's 50/50 program. President Wepler stated the need to make sure that the trees would be available prior to removal of the honey locusts. Director Spoden noted that July would not be a good time for tree planting. Mr. McGrath stated they would like to replant trees that are as large as possible. Trustee Carey, noted that spraying was not recommended by arborists, concurred with the requirement of 4"-5" trees for replacements.

Trustee Garrity moved to approve the request to removed five honey locusts from 1620 S. Milwaukee Avenue with the requirement of replacing the trees this season with one of two suggested elm species with a minimum of 4" diameters. An added requirement was that the contract for the trees be in place prior to removal of the honey locusts. Trustee Carey seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Historic Preservation Commission will not meet at 5:00 p.m. on Monday, July 15, 2019
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, July 15, 2019
- The Finance Committee will not meet at 6:00 p.m. on Tuesday, July 16, 2019
- The Fire and Police committee will not meet at 7:00 p.m. on Tuesday, July 16, 2019
- The Economic Development Commission will not meet at 7:30 a.m. on Wednesday, July 17, 2019
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, July 17, 2019
- The Parks and Recreation Advisory Commission will meet at 3:00 p.m. on Thursday, July 18, 2019

- The Libertyville Arts Commission will not meet at 2:00 p.m. on Monday, July 22, 2019
- The Plan Commission/Zoning Board of Appeals will not meet at 7:00 p.m. on Monday, July 22, 2019
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, July 23, 2019
- The Streets Committee will not meet at 7:00 p.m. on Tuesday, July 23, 2019
- The Village Board will meet at 8:00 p.m. on Tuesday, July 23, 2019

President Wepler suggested that the Bicycle Advisory Commission be moved to 7:00 p.m.

Acting Administrator Engelmann stated that the Cook Park playground was close to completion with the relocation of the overhead wiring.

President Wepler asked for a special Plan Commission meeting to be scheduled so that residents can give input on the implications of HB 1438 and considerations of a Text Amendment to Zoning Code. President Wepler further suggested the use of the reverse 911 system to reach as many residents as possible regarding a meeting.

EXECUTIVE SESSION

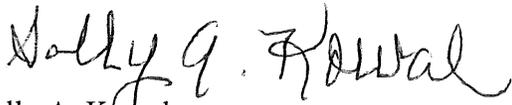
- A. Closed Session Minutes [5 ILCS 120/2(c)(21)]**
- B. Collective Bargaining [5 ILCS 120/2(c)(2)]**
- C. Pending or Imminent Litigation [5 ILCS 120/2(c)(11)]**

Trustee Johnson moved to go into Executive Session at 8:50 p.m. Trustee Garrity seconded, and the motion carried on a unanimous voice vote.

ADJOURNMENT

With no further business to come before Village Board, Trustee Carey moved to adjourn at 9:15 p.m., and Trustee Johnson seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sally A. Kowal". The signature is written in black ink and is positioned above the printed name.

Sally A. Kowal
Village Clerk