

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
August 14, 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, Libertyville, IL. Those present were: President Terry Weppler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

**PROCLAMATION: Lake County Audubon Society Year of the Bird**

President Weppler proclaimed 2018 to be the Year of the Bird and urged all citizens to take due note of the observance. Many members of the Lake County Audubon Society were present to receive the proclamation.

**ITEMS NOT ON THE AGENDA**

Barbara Shafer, 315 Minear Drive, presented a ribbon/rope with 400 bows representing homes adversely impacted by last summer's flooding. She expressed thanks and gratitude on behalf of the residents for the Village's assistance during the crisis. She specifically thanked the Police and Fire Departments, the Community Development Department, the Public Works Department, and the Board of Trustees. President Weppler noted that an upcoming Committee of the Whole would include discussion of the Public Works study of the storm water management plan.

**OMNIBUS VOTE AGENDA**

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. The Village Clerk corrected a voting error from the last meeting regarding PC 18-09, amending Trustee Adams' vote from Aye to Nay.

Trustee Justice asked for clarification of Item 3I regarding how often the fire hydrant flow capacity testing is completed. Director of Public Works explained it would be ideal to complete ¼ of the hydrants every year, but funding is not always available.

Trustee Garrity expressed concern regarding the weeds, garbage, and collapsing fence behind Napleton Cadillac. He noted that although they are requesting sign variations, he would like for them to be responsible for the clean up. President Weppler stated that he and Director Spoden would talk with Mr. Massarelli about the clean up.

Omnibus Vote Agenda

- A. Minutes of the July 24, 2018 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 18-O-40:** An Ordinance Declaring Surplus Property
- D. **RESOLUTION NO. 18-R-156:** A Resolution to Approve Contract Change Order No. 1 with Globe Construction, Inc. for the 2018 Sidewalk Replacement Program
- E. **RESOLUTION NO. 18-R-257:** A Resolution for Use of Village Property – Knights of Columbus

- F. **RESOLUTION NO. 18-R-158:** A Resolution for a Banner in Cook Park – Community Bike Ride
- G. **RESOLUTION NO. 18-R-159:** A Resolution to Approve a Contract with First Impression, Inc. for the Sport Court Crack Repair and Painting Project
- H. **RESOLUTION NO. 18-R-160:** A Confirming Resolution to Accept a Proposal for the Libertyville Sports Complex HVAC Roof Top Unit Repair Project
- I. **RESOLUTION NO. 18-R-161:** A Resolution to Approve a Professional Services Agreement with M.E. Simpson Co., Inc. for the Fire Hydrant Watermain Flow Capacity Testing Project
- J. **RESOLUTION NO. 18-R-162:** A Resolution to Waive Competitive Bidding and Purchase Extrication Equipment
- K. **ORDINANCE NO. 18-O-41:** An Ordinance Granting Sign Variations (ZBA 18-10) at 920 S. Milwaukee Avenue – John Massarelli, Applicant
- L. **ORDINANCE NO. 18-O-42:** An Ordinance to Amend Chapter 2 of the Libertyville Municipal Code Relating to the Historic Preservation Commission
- M. **RESOLUTION NO. 18-R-163:** A Resolution to Install Downtown Banners and Approve Use of Village Property – District #70 Character

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda subject to the Clerk's correction in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Moras 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

**REPORT OF THE ZONING BOARD OF APPEALS – ZBA 18-06, Variations of Front Yard and Rear Yard Setbacks, ZBA 18-07, Variation for Orientation of Principal Structure, ZBA 18-08, Variations for a Fence**

President Wepler explained that Meyer Homes, Inc. is proposing to construct a four (4) unit townhome structure with detached garages at the northeast corner of Broadway and Third Street. The property is zoned R-8, Multiple Family Residential District where attached single family residential is a permitted use.

As proposed, the construction would require variations for front and rear yard setbacks for the principal structure and detached garage. It would also require a variation to change the required orientation to be allowed to face the corner side yard rather than the front yard. Variations are also required to allow a fence in the front yard to six (6) feet in height,

increase the linear length of a fence in the front yard, and to increase the maximum permitted amount that a fence may be opaque from one-third (1/3) to 100%.

Members of the Zoning Board of Appeals debated the merits of the proposal with the petitioner and the public. At the conclusion of the hearing, the Zoning Board of Appeals voted to support the variation for building orientation and the requested fence variations. However, the consensus of the Zoning Board of Appeals was that the principal and accessory structure could be further reduced in width to minimize the required variations for setbacks. Motions to recommend approval of the requested front and rear yard setbacks failed with votes of 2 - 4. Accordingly, the Zoning Board of Appeals recommended approval of the orientation and fence variations, and denial of the front and rear yard setback variations. President Wepler asked for questions and comments.

Mr. Brad Meyer, owner of Meyer Homes, explained his requests for variations. He noted he has been unable to develop the lot for three years and thought his plans offered a needed solution for residents, a first-floor master bedroom and a three-car garage. He also stated that the homes on School Street had requested and received the exact variances he was requesting. Mr. Meyer explained if the plans for the four-unit row homes did not work out, he would then move to a multi-family plan for the property.

Trustee Johnson clarified that if the request were not granted, Mr. Meyer would have to default to multi-family plans. Mr. Meyer explained he was surprised by the ZBA recommendation since this plan provided options for first-floor master bedrooms and ADA accessibility. He added he did not want to compromise on this option, and he had already put in a great deal of money and time on the project.

Trustee Moras noted his concurrence with the need for smaller homes with bigger garage space. Trustee Justice stated that the presentation was excellent and asked if Mr. Meyer was confident about storm water management on Broadway. Mr. Meyer stated there were no issues with stormwater. Trustee Adams stated he liked the plan to preserve single-family residences. He noted that corner lots often require variances. He added the plans fit the neighborhood, and it would be an enhancement. Trustee Johnson also stated the importance of Mr. Meyer living in the same neighborhood. Trustee Garrity stated that the plan provided a significant upgrade for the lots, and the design options would help people stay in Libertyville. Trustee Carey asked if there were other similar projects where variations had been granted, and Director Spoden noted there were others, such as School Street.

Barbara Shafer, 315 Minear Drive, expressed concern over precedent setting, noting a preference to three homes rather than four.

Karen Lundstedt, 424 W. Cook, expressed the need for smaller homes so that residents could stay in Libertyville. She noted the plans meet those needs, blending residential with industrial.

Peg Styler, 163 Blueberry Hill, noted she is a realtor, and there is a huge demand for plans like those Mr. Meyer had presented.

Eileen Campbell, 418 Broadway, expressed concern with the loss of impervious area and recent sewer back-ups. She suggested building a duplex on the lots and stated that building such a large structure forces out owners of smaller homes in the area. She stated that Mr. Meyer should build according to the zoning code. President Weppler noted the variation was not for a larger footprint, and only three variances were requested.

Trustee Moras asked for clarification of sewer back-ups in the area. Director Kendzior stated the Broadway area is an older system, and new construction would actually alleviate infiltration and inflow.

**ZBA 18-06**

Trustee Johnson moved to approve the recommendation of the ZBA for Variations of Front Yard and Rear Yard Setbacks, and Trustee Moras seconded. An Ordinance will be prepared for the next Village Board agenda. 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

**ZBA 18-07**

Trustee Garrity moved to approve the recommendation of the ZBA for the Variation for Orientation of Principal Structure, and Trustee Adams seconded. An Ordinance will be prepared for the next Village Board agenda. 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

**ZBA 18-08**

Trustee Johnson moved to approve the recommendation of the ZBA for Variations for a Fence, and Trustee Adams seconded. An Ordinance will be prepared for the next Village Board agenda. 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 18-08, Map Amendment from C-4 to C-3 District – Swigert Enterprises, LLC Applicant, 716 S. Milwaukee**

President Wepler explained that Swigert Enterprises was proposing to construct a new medical office building at 716 S. Milwaukee Avenue. The site is partially located in the C-3, General Commercial District and the parking lot is located in the C-4, Shopping Center Commercial District. In order to consolidate the site, the petitioner is proposing to rezone the entire site to the C-3 District. Members of the Plan Commission concurred with the request and a motion to recommend approval passed with a vote of 5 - 0. Architect Brad Kang was present to answer questions. President Wepler asked for questions and comments and there was none.

Trustee Moras moved to approve the Map Amendment, and 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

**REPORT OF THE ZONING BOARD OF APPEALS – ZBA 18-09, Variation for Signage – Swigert Enterprises, LLC, Applicant – 716 S. Milwaukee**

President Wepler explained that as a part of their proposal for development of a medical office building at 716 S. Milwaukee Avenue, Swigert Enterprises was proposing a sign variation to allow an increase in the number of signs from two (2) to three (3). At the public hearing on July 23, 2018, the Zoning Board of Appeals debated the merits of the proposal, which would allow for an additional wall sign. The consensus of the Zoning Board of Appeals was that traffic could locate the building through the proposed ground sign and that a wall sign facing Milwaukee Avenue was not needed. A motion to recommend Village Board of Trustees approval of the requested variation failed with a vote of 0 - 5. Accordingly, the recommendation was for denial of the request. President Wepler then asked for questions and comments.

Architect Sam Kang explained the need for two signs on the building to avoid confusion in finding the building. Trustee Johnson stated that two signs would suffice, and there was no compelling reason to add the third sign. Trustee Moras asked for clarification of the location for the third sign.

Trustee Johnson moved to approve the variation for signage, and Trustee Moras seconded. President Wepler asked for further questions and there was none. The motion failed on roll call vote as follows:

AYES: NONE

NAYS: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey.

**RESOLUTION NO. 18-R-164: A Resolution to Reject the Low Bid and Approve a Contract with the Second Low Bidder for the Adler Pool Slide Resurfacing Project**

President Weppler explained the three slides at Adler pool, which include a 103-foot long open slide; a 94-foot long closed slide and a 20-foot long drop slide were all installed in 2002. The slides are now 16 years old and are showing signs of significant wear. The slides are in need of resurfacing, and the proposed repair work includes resurfacing the inside and outside of all three slides and sealing the seams for a smoother surface and faster user experience.

Staff solicited competitive contractor bids for the proposed repair work and received two responses at the bid opening held on July 12, 2018. The bid summary is below and the bid tabulation is attached for further detailed information.

<b>Contractor</b>	<b>Bid Amount</b>
Neptune Pool & Slide Resurfacing Co.	\$39,870.00
8 Blocks Maintenance Co. LLC	\$69,809.00

Staff recommended rejecting the low bid received from Neptune Pool & Slide Resurfacing Co. (due to references received from past clients of similar projects) and accepting the second low bid from 8 Blocks Maintenance Co. LLC, which did have acceptable references.

The Fiscal Year 2018/19 Annual Budget provides \$35,000 in the Park Improvement Fund in Account# 45-0000-0-782 for the proposed project. This will allow for the resurfacing of the 103-foot open slide and 20-foot drop slide. Also, \$6,861 can be re-allocated from the funds for the tennis court resurfacing project to provide a total available funding amount of \$41,861, which will allow for the resurfacing of the outside of the 94-foot closed slide. The resurfacing of the inside will be deferred.

Staff recommended approval of the resolution for the Adler Pool Slide Resurfacing Project to reject the low bid from Neptune Pool & Slide Resurfacing Co., award the contract to 8 Blocks Maintenance Co. LLC in the amount of \$41,861 and authorize execution of the contract by the Village Administrator. President Weppler asked for questions and comments. Director Kendzior explained the inside of the 94-foot closed slide would be bid as a stand-alone. He also explained the poor references received regarding Neptune Pool & Slide Resurfacing Co.

Trustee Justice moved to approve the resolution rejecting the low bid from Neptune Pool & Slide Resurfacing Co., and awarding the contract to 8 Blocks Maintenance Co. LLC in the amount of \$41,861. Trustee Carey 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 reminded the Village Board about the upcoming IML Conference. Trustee Johnson explained that the IML Conference has a positive impact on the Board Members who benefit from learning and sharing information.

Trustee Garrity noted the Special Projects Committee would be making recommendations regarding use of the Village Hall for meetings and an updated tree ordinance.

President Wepler announced the following:

- The Economic Development Committee will NOT meet on Wednesday, August 15, 2018
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, August 15, 2018
- The Committee of the Whole will meet at 5:00 p.m. on Wednesday, August 15, 2018
- The Firefighters Pension Fund Board will meet at 8:30 a.m. on Monday, August 20, 2018 at the North Fire Station, 1551 N. Milwaukee Avenue
- The Historic Preservation Commission will meet at 5:00 p.m. on Monday, August 20, 2018
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, August 20, 2018
- The Parking Commission will meet at 10:00 a.m. on Tuesday, August 21, 2018
- The Libertyville Arts Commission will meet at 2:00 p.m. on Monday, August 27, 2018
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, August 27, 2018
- The Streets Committee will not meet on Tuesday, August 28, 2018, but Committee Chair Donna Johnson stated that another date will be announced
- The Village Board will meet at 8:00 p.m. on Tuesday, August 28, 2018
- Administrator Amidei will check on the date for the Bicycle Commission meeting

**EXECUTIVE SESSION**

President Wepler noted the need for the Village Board to meet in Executive Session for discussion of the following:

- a. Closed Session Minutes, Review - [5 ILCS 120/2(c)(21)]
- b. Litigation: Pending or Imminent – [5 ILCS 120/2(c)(11)]

Trustee Johnson moved to go into Executive Session at 9:39 p.m. Trustee Adams seconded, and the motion carried on a unanimous voice vote.

**ADJOURNMENT**

The Village Board returned to the regular meeting at 10:17 p.m., and with no further business to come before Village Board, Trustee Johnson moved to adjourn and Trustee Moras seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

*by Kelly A. Amidi, Deputy Clerk*

Sally A. Kowal  
Village Clerk