

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
September 22, 2020

Meeting conducted virtually due to Governor's Executive Orders #2020-10, 18, 32,44,
and 48

President Wepler called to order a virtual meeting of the Board of Trustees at 8:00 p.m. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

Employee Recognitions:

President Wepler recognized the following Village Employees for their years of service to the Village of Libertyville:

Jack Jensen, Building Inspector/Code Enforcement, 15 years
Joe Klinkner, Wastewater Equipment Technician, 15 years
Michael Johnson, Police Officer, 20 years
Laurie Dewey, Administrative Assistant II, 25 years

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had an item to bring to the Village 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 there were any items to be removed for separate discussion.

Omnibus Vote Agenda

- A. Minutes of the September 8, 2020 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 20-4-119:** A Resolution to Approve a Special Event – Praying for the Nation Rosary Rally
- D. **ORDINANCE NO. 20-O-83:** An Ordinance to Amend the Fee Ordinance – Lake County Sewer Connection Fee
- E. **RESOLUTION NO. 20-R-120:** A Resolution to Approve an Intergovernmental Agreement with the Libertyville Township Road District for Pavement Rehabilitation Improvements
- F. **ORDINANCE NO. 20-O-84:** An Ordinance Amending the Planned Development Final Plan at 1201 American Way – Encompass Health Rehabilitation Hospital of Libertyville, LLC
- G. **RESOLUTION NO. 20-R-121:** A Resolution to Approve a Development Agreement Between Encompass Health Illinois Real Estate, LLC and the Village of Libertyville for the Property Located at 1201 American Way

- H. **ORDINANCE NO. 20-O-85:** An Ordinance Granting Approval of a Special Use Permit (PC 20-24) at 151 W. Golf Road – Integrated Palliative and Hospice
- I. **ORDINANCE NO. 20-O-86:** An Ordinance Amending Text of the Libertyville Zoning Code – Special Permitted Uses in the O-1 District

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 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

CONSIDERATION OF ORDINANCES relating to Outdoor Dining Related to Phase 4 of the Restore Illinois Phase 4 Plan

- A. **ORDINANCE NO. 20-O-87: An Ordinance Waiving Enforcement of certain sections of the Libertyville Zoning Code during Phase 4 of the State of Illinois**

President Wepler explained that in a further attempt to assist local restaurants during the pandemic, Staff recommended that the Village Board extend temporary outdoor dining throughout the winter months. The current permits will expire on November 1, 2020. Staff recommended extending that date to May 1, 2021 without a need to reapply. Tent permits are also slated to expire on November 1, 2020. Staff recommended that tents also be allowed for an additional 180 days, but reapplication is necessary to ensure that the tents are properly vented, meet exiting requirements and wind, snow and ice loads. Accordingly, Staff recommended Village Board adoption of the following:

An ordinance would allow for the temporary waiver of certain sections of the Libertyville Zoning Code to allow for the extension of temporary outdoor dining permits until May 1, 2021. This ordinance creates a Covid19 Pandemic Exception to the Municipal Code regarding Buildings and Technical Regulations, Fire Safety Standards to allow the Village Board to renew the 180 day “Use Period” for temporary tents subject to documentation of compliance for structural stability of snow and wind loads, exit access paths, exit doors, exit discharge, design/specifications for heating, ventilation, electric system and maximum occupant loads. Tents would be limited to 1500 sq. ft. in area. Seating area occupancy would continue to be determined by arranging seating providing a minimum of six (6) feet between table areas.

Staff recommended adoption of the Ordinances to accommodate outdoor dining changes in order to support local restaurants. President Wepler asked for questions and comments.

Responding to Trustees' concerns, Director of Community Development John Spoden explained that the ordinance would allow for the safety of outdoor dining with reasonable precautions, and enclosed spaces would require ventilation. Seating would follow the same limitations as inside the restaurant.

Trustee Johnson moved to approve the ordinance, 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

B. ORDINANCE NO. 20-O-88: An Ordinance Amending Chapter 6, Buildings and Technical Regulations, Article V Fire Safety Standards of the Libertyville, Illinois Municipal Code

President Wepler introduced the ordinance to amend the existing 180 day Maximum Use-Period for Temporary Tents found in Chapter 6 of the Municipal Code by adding an exception to LMC 6-383 Sec 3103.5 that would allow for the Village Board to renew the use-period without adding fire sprinklers. Transitioning from open-sided tents to enclosed tents during the heating season will require certification of structural capacity for snow loads, as well as emergency exit doors, heating, ventilation air, and electrical lighting etc. In addition, compliance is required with the State of Illinois (Covid19) Recovery Plan. Staff recommended the Village Board approve the ordinance. President Wepler asked for additional questions and comments and there was none.

Trustee Adams moved to approve the ordinance, 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. 20-R-122: A Resolution to Award a Contract for the 2020 Joint Pavement Patching Program to Brothers Asphalt Paving, Inc.

President Wepler explained that the Village of Libertyville ("Village") and the Libertyville Township Road District ("Township") both desired to solicit contractor bids for their respective 'skip patching' programs in 2020. Both programs have similar scopes, with the intent being to identify roadways that require patching in select locations in order to improve

the current pavement conditions. In an effort to maximize contract quantities and desirable contractor unit price bids, the Village and Township pursued a joint bid for this year’s skip patching program.

This year’s Village pavement patching program proposes to address locations on the following streets: Old Barn Circle, Woodland Road, Cass Avenue, Cass Court, Cedar Glen Drive, Ridgeway Lane and Oak Spring Road. Also included was selective patching for the Parks Maintenance facility parking lot located at 544 North Ave. The FY 2020/21 Annual Budget has \$100,000.00 available for the pavement patching work in the Project Fund and \$47,094.00 available in the Public Building Improvement Fund for the Parks Maintenance facility parking lot. The project was advertised for competitive bids on August 24, 2020. Eight bids were received and opened on September 11, 2020, which are summarized below:

Contractor	Bid Amount
Brothers Asphalt Paving, Inc.	\$137,000.00
Schroeder Asphalt Services	\$140,510.00
Chicagoland Paving Contractors	\$149,870.00
Maneval Construction	\$150,534.00
Johnson Paving Services	\$158,732.40
Peter Baker & Son Co.	\$178,800.00
Total Paving & Brick Services	\$187,332.80
Builders Paving	\$290,220.00

The lowest responsive bidder was Brothers Asphalt Paving, Inc. in the amount of \$137,000.00. Brothers Asphalt is a competent and experienced paving contractor who successfully completed this year’s joint roadway resurfacing program between Libertyville, Mundelein and Vernon Hills.

The Village and Township are entering into an Intergovernmental Agreement (“IGA”) for the purposes of this joint program. In accordance with the terms of the IGA, both parties shall be responsible for the direct invoicing and payments for work within their respective limits. Since the Village is identified as the Local Lead Public Agency, the contract needs to be approved and executed by the Village for the full contract. The Village shall ultimately only be responsible for their share in the not-to-exceed amount of \$84,297.50.

Staff recommended approval of the resolution to award a contract for the 2020 Joint Pavement Patching Program to Brothers Asphalt Paving, Inc. in the amount of \$137,000.00 and authorized execution by the Village Administrator. President Wepler then asked for questions or comments and there was none.

Trustee Justice moved to approve the resolution awarding a contract for the 2020 Joint Pavement Patching Program to Brothers Asphalt Paving, Inc. Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION NO. 20-R-123: A Resolution to Approve Change Order No. 1 to the Contract for the 2020 Joint Pavement Patching Program

President Weppler explained that the Village of Libertyville (“Village”) and the Libertyville Township Road District (“Township”) both desired to solicit contractor bids for their respective “skip patching” programs in 2020. Both programs have similar scopes, with the intent being to identify roadways that require patching in select locations in order to improve the current pavement conditions. In an effort to maximize contract quantities and desirable contractor unit price bids, the Village and Township pursued a joint bid for this year’s skip patching program. Competitive contractor bids were opened on September 11, 2020 and the lowest responsive bidder was Brothers Asphalt Paving, Inc. in the amount of \$137,000.00. A contract was previously awarded to Brothers Asphalt Paving, Inc. in the amount of \$137,000.00.

The FY 2020/21 Annual Budget has \$100,000.00 available for the pavement patching work in the Project Fund and \$47,094.00 in the Public Building Improvement Fund for select patching at the Parks Maintenance facility parking lot. The Village’s share of the current awarded contract work is \$84,297.50.

A change order was proposed to the contractor by both the Village and Township in order to take advantage of the extremely favorable unit price bids, which are essentially half of our estimated unit prices (\$25/SY vs. \$50/SY) for the pavement patching work, and available budgeted funds. The amount of the proposed change order is \$68,000.00. The proposed new contract amount, including the proposed change order, would be \$205,000.00. The Village and Township will each be responsible for 50% of the total change order amount (\$34,000 each). With the change order, the Village would now be able to complete additional patching work at the Parks Maintenance facility parking lot and additional pavement patches on the streets included in the original contract.

Staff recommended adoption of the resolution to approve Change Order No. 1 in the amount of \$68,000.00 to the contract for the 2020 Joint Pavement Patching Program with Brothers Asphalt Paving, Inc. The new contract amount would be \$205,000.00. President Weppler asked for questions and comments and there was none.

Trustee Carey moved to approve the resolution to approve change order No. 1 to the contract for the 2020 Joint Pavement Patching Program. Trustee Garrity seconded. President

Wepler asked for further questions 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:

- The Plan Commission/ZBA will meet virtually at 7:00 p.m. on Monday, September 28, 2020
- The Parks and Recreation Committee will meet virtually at 6:00 p.m. on Tuesday, October 6, 2020
- The Human Relations Commission will meet virtually at 5:00 p.m. on Wednesday, October 7, 2020
- The Zoning Board of Appeals will meet virtually at 7:00 p.m. on Monday, October 12, 2020
- The Water and Sewer Committee will NOT meet on Tuesday, October 13, 2020
- The Village Board will meet at 8:00 p.m. on Tuesday, October 13, 2020

Staff and the Village Board briefly discussed Village plans for Halloween Trick or Treating.

ADMINISTRATOR UPDATE:

Administrator Kelly Amidei explained that the Junior Women's Club asked to hold their Pumpkin Fest on October 7, 2020, implementing Phase 4 regulations. Trustee Johnson stated the need for assistance to be called if regulations are not followed.

Trustee Garrity asked that information regarding rules and expectations regarding campaign signage be distributed to residents. Director Amidei stated that the information was being prepared.

ADJOURNMENT

With no further business to come before Village Board, Trustee Johnson moved to adjourn at 8:40 p.m., and Trustee Adams seconded. The motion carried on a roll call vote as follows:

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

NAYS: None

Respectfully submitted,

Sally A. Kowal, Deputy Clerk

Sally A. Kowal
Village Clerk