

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
October 13, 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.

Commission Recognitions

President Wepler presented a resolution expressing gratitude to Bill Cotey for his years of dedicated service on to the Village of Libertyville, most recently as a member of the Sustain Libertyville Commission. The resolution **(20-R-124)** will be inscribed on the permanent record of the Village as a continuing tribute.

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

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

NAYS: None

President Wepler read a proclamation expressing gratitude to Brad Meyer for his years of dedicated service on the Appearance Review Commission.

Proclamation Extending Emergency Declaration

President Wepler read a proclamation to extend a Disaster Declaration for the Village of Libertyville for Coronavirus COVID-19 response. The Village will therefore continue to operate within the Libertyville Emergency Operations Plan and Disaster Proclamation which declared that a disaster exists within the Village of Libertyville.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had any item to bring before the Village Board that was not already listed on the agenda.

Cindy Nennig of CR Spa addressed the Board regarding allowing mead (alcohol) tastings at her business. She explained that two-four people would be served at four different tastings. She stated that her request is for tasting and purchasing mead (alcohol) alone, and she asked that the Village Board reconsider her request. President Wepler asked that the issue be addressed by the License and Permit Committee.

Trustee Adams moved to refer the matter to the License and Permits Committee for further discussion, and Trustee Carey seconded. The motion carried on roll call vote as follows:

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

NAYS: None

OMNIBUS VOTE AGENDA

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. There were none

Omnibus Vote Agenda

- A. Minutes of the September 22, 2020 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 20-O-89:** An Ordinance Declaring Surplus Property
- D. **RESOLUTION NO. 20-R-125:** A Resolution Appointing Members to Village Commissions
- E. **RESOLUTION NO. 20-R-126:** A Resolution to Approve a Special Event – Pumpkin Fest
- F. **RESOLUTION NO. 20-R-127:** A Resolution to Approve Additional Expenses for Day Porter Sanitizing Services with Duraclean Cleaning and Restoration
- G. **RESOLUTION NO. 20-R-128:** A Resolution to Approve a License Agreement for 601 Carter Street
- H. ARC Report

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

ORDINANCE NO. 20-O-90: An Ordinance Amending the Number of Class C Liquor Licenses

President Weppler presented an Ordinance which would amend the Municipal Code to decrease the number of Class C Liquor Licenses from ten to nine due to the surrender of the License from the Oishi Sushi Restaurant, Inc. d/b/a Oishi Sushi Restaurant, and then increase the number of Class C Liquor Licenses from nine to 10 due to an application by Lucky Star House, Inc. d/b/a Oishi Sushi Restaurant. The Village received an application for a Class C Liquor License from Ron Jiao Wei who plans on acquiring the Oishi Sushi restaurant at 163 N. Milwaukee Avenue, Libertyville.

The new application has been reviewed by President Weppler/Liquor Commissioner and Village Staff, with a recommendation that the Village Board decrease and increase the

number of Class C licenses in order to allow the Liquor Commissioner to issue a Class C license to Rong Jiao Wei of Oishi Sushi Restaurant.

Staff recommended approval of the Ordinance granting a Class C Liquor License to Rong Jiao Wei of Oishi Sushi Restaurant. President Wepler asked for questions.

Trustee Johnson asked that the times included in liquor licenses be revisited, and President Wepler agreed that all licenses should be reviewed.

Trustee Adams moved to approve the ordinance amending the number of Class C Liquor Licenses. Trustee Moras seconded. President Wepler then asked for further questions or comments. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION NO. 20-R-129: A Resolution to Approve a Contract Renewal with J&E Nursery, Ltd. for the Annual Contractual Snow Removal Services

President Wepler reported that the Village awarded a contract to J&E Nursery, Ltd. for the Annual Snow Removal Services on September 24, 2019. The contract contained a renewal clause for up to two additional years with a 2% price increase in the hourly rates and materials. The Public Works Department recommended a contract renewal for the first of two possible additional years with J&E Nursery, Ltd. based upon responsiveness and successful work completed to date.

The Fiscal Year 2020/21 Amended Annual Budget provided collective funding for contractual snow removal and de-icing services for various locations throughout the Village. The funding breakdown is as follows:

- \$32,500 in the Commuter Parking Fund (Act. # 14-0000-7-713)
- \$11,500 in Central Business District Parking (Act. # 01-1500-7-713)
- \$15,000 in the Sports Complex Fund (Act. # 60-6001-7-714)
- \$42,500 in Parks Maintenance (Act. # 01-0701-7-713)

Total: \$101,500

The locations included the Metra station parking lots and walkways, public sidewalks in the central business district and along Milwaukee Avenue, Village building parking lots and walks and the sports complex parking lot and walks. Due to the COVID-19 pandemic and the significant drop in ridership, ice control and snow removal operations will be reduced at the Metra station parking lots. In addition, ice control and snow removal operations will also be reduced at the Sports Complex parking lot and grounds because it has been temporarily closed due to the COVID-19 pandemic. If the COVID-

19 pandemic social distancing requirements lessen during this time, adjustments will be made and increases to the ice control and snow removal operations accordingly. The actual amount of the contract will be based on expended time and materials but will not exceed the budgeted funds of \$101,500.

Staff recommended adoption of the resolution to approve the contract renewal with J&E Nursery, Ltd. in the not-to-exceed budgeted amount of \$101,500 and authorized execution of the contract renewal by the Village Administrator. President Wepler asked for questions or comments.

Director of Public Works Paul Kendzior explained that the company had purchased the necessary equipment to complete the job effectively. Trustee Adams stated that the last winter was rather mild and asked if J&E could accommodate a heavier winter. Director Kendzior stated that J&E had performed well. Trustee Justice asked that special attention was given to keeping Milwaukee Avenue sidewalks cleared since he had received complaint calls last year.

Trustee Garrity moved to approve the resolution approving a contract renewal with J&E Nursery, Ltd. for the Annual Contractual Snow Removal Services. Trustee Johnson seconded. President Wepler then asked for further questions or comments and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE NO. 20-O-91: An Ordinance to Waive Competitive Bidding and Approve a Proposal from Peter Baker & Son Co. for Brick Paver Crosswalk Reconstruction Work

President Wepler stated that the Village contacted Peter Baker & Son Co. for a proposal to reconstruct the concrete ribbon and asphalt approach for the brick paver crosswalk on Maple Avenue, just west of Milwaukee Avenue intersection. This work is required to allow for the replacement of the brick pavers in the crosswalk. In addition, this work will include additional pavement patching work to eliminate standing water at the intersection. This work is highly skilled and specialized. Peter Baker & Son Co. has previously performed this type of crosswalk work for the Village in the past within the central business district and we have been satisfied with their performance and they are familiar with the scope of work.

Staff recommended waiving the competitive bidding process and approval of the proposal submitted by Peter Baker & Son Co. in the amount of \$22,155.00 to complete the reconstruction of the concrete ribbon and asphalt approach work for the brick paver crosswalk on Maple Avenue. The Fiscal Year 2020/21 Annual Budget has \$35,000.00 allocated in the Project Fund for this work.

Staff recommended approval of the Ordinance to waive the competitive bidding process and approve the proposal submitted by Peter Baker & Son Co. in the amount of \$22,155.00 for the reconstruction of the concrete ribbon and asphalt approach work for the brick paver crosswalk on west Maple Avenue. A super-majority vote is required to waive competitive bidding and therefore, five positive votes are required for approval. President Weppler asked for questions and comments.

Director Kendzior noted that this is a quote for installation of the bricks and that the purchase of bricks is a different contract. He also explained that this process would involve concrete and asphalt base, not sand. It has an estimated life of 15-20 years before requiring a complete replacement.

Trustee Adams moved to approve the ordinance to waive competitive bidding and approve a proposal from Peter Baker & Son Co. for Brick Paver Crosswalk Reconstruction Work. Trustee Carey seconded. President Weppler then asked for further questions or comments and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE NO. 20-O-92: An Ordinance Amending the 2020-2021 Village Budget

President Weppler explained that the Village operates under the Budget Officer system as described in the Illinois Municipal Code. This system incorporates the ability of the Village Board to make amendments to a previously approved annual budget.

The Village's originally adopted FY 2020-2021 budget was reviewed and approved right as the COVID-19 pandemic began in the United States. After several months of monitoring the national, state, and local economy, the Village Board Committee of the Whole/Finance Committee directed staff to prepare a budget amendment reflecting the downturn in revenues caused by the economic impacts of COVID-19. This was a necessary exercise to ensure that the Village's operating funds remain at or above their fund balance policy amounts.

The budget amendment presented was reviewed by the Committee of the Whole/Finance Committee on September 22, 2020 and October 13, 2020 and subsequently recommended for approval.

Staff recommended that the Village Board adopt the ordinance. Per State statute, a two-thirds vote of the Board was required for approval. President Weppler asked for questions or comments. President Weppler then thanked Finance Director Nick Mostardo, Finance Committee Chairman Rich Moras, the Finance Committee, and Staff

for their work on the budget. Trustee Moras expressed gratitude to Village Staff.

Trustee Moras moved to adopt the ordinance Amending the 2020-2021 Village Budget. Trustee Johnson seconded. President Weppler then asked for further questions or comments 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. 209-R-130: A Resolution Approving an Agreement for Legal Services

President Weppler explained that the Village issued a legal services RFQ on June 19, 2020 and nine (9) firms subsequently submitted their qualifications. Following the selection committee review (consisting of Mayor Weppler, Senior Trustee Johnson, Administrator Amidei, Director of Community Development Spoden and Finance Director Mostardo), four (4) firms were selected for interviews.

At the conclusion of the interviews, the selection committee unanimously recommended Elrod & Friedman LLP be chosen as the Village's Corporate Counsel upon the approval of a resolution. Elrod & Friedman provided the most municipal resources, numerous municipal experts, and value for the Village at this time.

Staff recommended that the Village Board approve the resolution and authorized President Weppler to execute the engagement letter. President Weppler stated that all candidates were excellent, and the decision was a difficult one.

Trustee Johnson moved to adopt the resolution approving appointment of Elrod Friedman LLP as Village Legal Counsel. Trustee Adams seconded. President Weppler then asked for further questions or comments and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

PROCLAMATION RECOGNIZING David Pardys - Swanson, Martin & Bell

President Weppler read a proclamation recognizing David Pardys, Village Attorney, and honoring him for his 23 years of service to the Village of Libertyville.

David Pardys stated that it had been an honor and privilege to work with the Village of Libertyville, the various Boards, and Staff. He thanked everyone for their support and friendships.

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Historic Preservation Commission will meet virtually at 5:00 p.m. on Monday, October 19, 2020
- The Appearance Review Commission will meet virtually at 7:00 p.m. on Monday, October 19, 2020
- The Parking Commission will meet virtually at 10:00 a.m. on Tuesday, October 20, 2020
- The Finance Committee will NOT meet on Tuesday, October 20, 2020
- The Fire and Police Committee will meet virtually at 6:00 p.m. on Tuesday, October 20, 2020
- The License and Permits Committee will NOT meet on Tuesday, October 20, 2020
- The Economic Development Commission will meet virtually at 7:30 a.m. on Wednesday, October 21, 2020
- The Sustain Libertyville Commission will meet virtually at 4:00 p.m. on Wednesday, October 21, 2020
- The Plan Commission/ZBA will meet virtually at 7:00 p.m. on Monday, October 26, 2020
- The Committee of the Whole/Finance Committee will meet virtually at 6:00 p.m. on Tuesday, October 27, 2020
- The Village Board will meet virtually at 8:00 p.m. on Tuesday, October 27, 2020

EXECUTIVE SESSION

Closed Session Minutes, Review [5 ILCS 120/2(c)(21)]

Setting Prices for Sale/Lease [5 ILCS 120/2(c)(6)]

President Wepler noted the need to meet in Executive Session to set the price for sale/lease of Village property. Trustee Johnson moved to go into Executive Session at 8:49 p.m. Trustee Garrity seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ADJOURNMENT

The Board returned to the regular meeting, and with no further business to come before Village Board, Trustee Adams moved to adjourn at 9:21 p.m., and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

Respectfully submitted,

by: *Sally A. Kowal*, Deputy Clerk

Sally A. Kowal
Village Clerk