

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
March 12, 2019

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.

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 and there were none.

OMNIBUS VOTE AGENDA

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. No items were brought forth.

Omnibus Vote Agenda

- A. Minutes of the February 26, 2019 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 19-O-14:** An Ordinance Declaring Surplus Property
- D. **ORDINANCE NO. 19-O-15:** An Ordinance Amending Ordinance No. 16-O-54 Pertaining to Valet Parking Services for Main Street Social
- E. **ORDINANCE NO. 19-O-16:** An Ordinance Amending Ordinance No. 18-O-50 Pertaining to Valet Parking Services for Chrissoulas
- F. **RESOLUTION NO. 19-R-45:** A Resolution to Approve the Purchase of Replacement Desktop Computers from CDW-G
- G. **RESOLUTION NO. 19-R-46:** A Resolution to Approve a Contract Renewal with Conservation Land Stewardship, LLC for Lake/Pond Shoreline Plant Maintenance
- H. **RESOLUTION NO. 19-R-47:** A Resolution to Approve a Right of Entry/Access Agreement for Installation & Maintenance with 1509 N. Milwaukee Avenue for Drainage Improvements
- I. **RESOLUTION NO. 19-R-48:** A Resolution to Award a Contract to Visu-Sewer of Illinois, LLC for the Annual Sanitary Sewer Rehabilitation Project
- J. **ORDINANCE NO. 19-O-17:** An Ordinance Amending the Municipal Code for Village Building Codes

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. 19-O-18: An Ordinance Amending Chapter 23 of the Municipal Code Regarding Parking Restrictions on W. Lincoln Avenue between S. Stewart Avenue to Garfield Avenue

On February 26, 2019, Village staff presented proposed parking restrictions for W. Lincoln Avenue to the Board of Trustees' Streets Committee. The proposed parking restrictions were at the request of the Police Department's School Resource Officer and Highland Middle School staff because W. Lincoln Avenue behind the school is nearly impassable for vehicles during school drop-off and pick-up times. School buses currently drop-off and pick-up students on the south side of W. Lincoln Avenue and there are no parking restrictions along the north side of the street.

Village and Highland School staff recommended restricting parking on the north side of W. Lincoln Avenue from a point two hundred thirty (230) feet west of S. Stewart Avenue extending to Garfield Avenue between 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM on school days. In addition, it was recommended revising the current parking regulations on the south side of W. Lincoln Avenue between S. Stewart Avenue to Garfield Avenue to "No Stopping, Standing or Parking, Except Buses." Exhibit A on the Ordinance displays the limits of the proposed parking restrictions.

Village and Highland Middle School staff recommended approval of the Ordinance to amend the Libertyville Municipal Code to regulate parking restrictions on W. Lincoln Avenue between S. Stewart Avenue and Garfield Avenue. President Wepler asked for questions and comments.

Trustee Johnson stated she supports the recommendation. Trustee Garrity inquired if staff had met with the impacted parties and asked about the staff parking. Trustee Garrity asked if the Village is going to do a remodification in regards to staff parking. Public Works Director Paul Kendzior stated he met with school personnel and he would recommunicate that to the entire staff. Trustee Johnson noted that enforcement of the new parking restrictions is key.

A resident asked if the Village was going to notify the residents in writing of the new changes and President Wepler confirmed notification would occur. The resident also asked if there would be a 30 day grace period before tickets were issued to violators and President Wepler stated there would be a grace period before tickets were given.

Trustee Johnson moved to approve the ordinance amending Chapter 23 of the Municipal Code regarding parking restrictions on W. Lincoln Avenue between S. Stewart Avenue to Garfield Avenue. 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. 19-R-49: A Resolution Authorizing the Execution of a Second Amendment to Exclusive Listing Agreement with CBRE, Inc. for the Sale of the Golf Learning Center and Family Entertainment Center

The resolution approved a one-year extension to the exclusive listing agreement with CBRE, Inc. to allow CBRE to continue to list, market and assist in the negotiation of the sale of the Golf Learning Center (GLC) and the Family Entertainment Center (FEC).

While the Village currently has a purchase agreement in place to sell the property to 45 Peterson LLC, Staff supports approval of the proposed extension so as to retain CBRE's support and services.

CBRE was identified as the preferred broker by a Village team following a series of brokerage firm interviews. The team noted CBRE's extensive experience with the local retail, office and industrial markets, and indicated they met the qualifications necessary for the listing services.

President Weppler asked for further Board or public comment. Trustee Johnson stated she supports the extension and she is hopeful the sale is completed.

Trustee Johnson moved to approve the resolution authorizing the execution of a second amendment to the Exclusive Listing Agreement with CBRE. Trustee Garrity 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, Carey
NAYES: None

RESOLUTION NO. 19-R-50: A Resolution Directing the Village Attorney to File Appropriate Post-Trial Motions Including But Not Limited to a Motion to Vacate and Reconsider the Ruling in the Circuit Court of the 19th Judicial Circuit Court

The Catholic Bishop of Chicago filed a Complaint for judicial review and a declaratory judgement and injunctive relief on June 17, 2017 in the matter of the Village of Libertyville's denial of the request for zoning classification change, special use permit, preliminary plat and concept development plan for development of the property commonly known as 901 N. Butterfield Road. After conclusion of a trial and review of the parties' briefings, on February 15, 2019 Judge Michael J. Fusz issued a Memorandum Order regarding the case ruling summarized as:

"The Archdiocese's proposed development plan reflected in PX 11a, subject to reasonable conditions for final approval, shall be imposed on the subject property. The

development plan includes a traffic signal at the Lake Street/Butterfield Road/Pine Meadows entrance, subject to the approval of the Lake County Division of Transportation, and the Villages of Mundelein and Libertyville, as appropriate.”

As a result, the resolution would authorize the Village Attorney to file appropriate post-trial motions including but not limited to a motion to vacate and reconsider the ruling in the Circuit Court of the 19th Judicial Circuit Court.

President Wepler asked for further Board or public comment. Trustee Garrity stated he feels very strongly the need to continue with the open dialogue with the Archdiocese because of the time and attorney fees spent to date. President Wepler stated he would reach out again however there has never been a response from the Archdioceses thus far. Trustee Moras stated that the perception of the Archdiocese not dealing with the Village in good faith should not abandon efforts to deal in a good faith manner.

Resident Gary Franzen, 1820 Torrey Parkway, stated that a lot of residents have ties to the Catholic Church and perhaps they could be of assistance. President Wepler stated that he has spoken to parishioners and they are just as frustrated with the lack of communication between the Archdiocese and the Village.

Trustee Carey moved to approve the resolution directing the Village Attorney to file appropriate post-trial motions. 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, Carey

NAYES: None

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Parks and Recreation Advisory Commission will meet at 3:00 p.m. on Thursday, March 14, 2019.
- The Historic Preservation Commission will meet at 5:00 p.m. on Monday, March 18, 2019.
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, March 18, 2019 at the North Fire Station, 1551 N. Milwaukee Avenue.
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, March 18, 2019.
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, March 20, 2019.
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, March 20, 2019.

- The Libertyville Arts Commission will NOT meet at 2:00 p.m. on Monday, March 25, 2019.
- The Bicycle Advisory Commission will NOT meet at 6:00 p.m. on Tuesday, March 26, 2019.
- The Streets Committee will meet at 7:00 p.m. on Tuesday, March 26, 2019.
- The Village Board will meet at 8:00 p.m. on Tuesday, March 26, 2019.

EXECUTIVE SESSION

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

- A. Litigation: Pending or Imminent – [5 ILCS 120/2(c)(11)]
- B. Personnel: Appointment, employment, compensation, discipline, performance or dismissal of specific employees [5 ILCS 120/2(c)(1)]

Trustee Johnson moved to go into Executive Session at 8:17 p.m. Trustee Moras seconded, and the motion carried on a unanimous voice vote.

ADJOURNMENT

The Board returned to the regular meeting at 8:36 p.m., and with no further business to come before the Village Board, Trustee Johnson moved to adjourn at 8:36 p.m., and Trustee Carey seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

Kelly A. Amidei

Kelly A. Amidei
Deputy Village Clerk