

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
June 9, 2020

Meeting Conducted Virtually due to Governor's Executive Orders #2020-10, 18, and 32

President Wepler called to order a 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.

President Wepler opened the meeting by reviewing housekeeping items as they relate to the conduct of the meeting.

President Wepler read a statement into the record regarding the death of George Floyd (see attached).

President Wepler read a statement by Chief of Police Clint Herdegen into the record regarding the death of George Floyd (see attached).

President Wepler read the Shared Principles of Policing as adopted by the Libertyville Police Department.

President Wepler asked for further comments. Trustee Johnson made a statement regarding the death of George Floyd (see attached).

**ITEMS NOT ON THE AGENDA**

President Wepler read a letter from resident Barry Reszel in which Mr. Reszel asked the Village Board to lead the community toward justice for all. He suggested a Village statement supporting the Black Lives Matter (BLM) campaign, town hall meetings with the Police Chief to discuss police operations, and a study for any history of excessive force by Libertyville police officers.

Rachael Josephsen, 154 School Street, addressed the Board regarding a private business being asked to remove a sign regarding the issue of Black Lives Matter. She stated that the Village's response of a miscommunication was insufficient and asked for the matter to be reviewed and information presented at the next Village Board meeting. She also asked that the Village state its affirmation supporting Black Lives Matter. Mayor Wepler explained that an investigation began as soon as the matter was reported.

President Wepler stated that there would be time provided later in the meeting for further resident remarks.

**OMNIBUS VOTE AGENDA**

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. Item 3C was removed for separate discussion. President Weppler asked for two corrections to the May 26, 2020 minutes.

Omnibus Vote Agenda

- A. Minutes of the May 26, 2020 Village Board Meeting
- B. Bills for Approval
- C. **DEFERRED:** Consideration of an Ordinance Granting Variations for a Fence (ZBA 20-11) at 234 McKinley Avenue
- D. **RESOLUTION NO. 20-R-70:** A Resolution to Award a Contract to Builders Chicago Corp. for the Fire Station No. 3 Overhead Door Replacement Project

Trustee Johnson moved to adopt items A, B, and D 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

**3C**

Trustee Garrity suggested talking with neighbors of 234 McKinley regarding the proposed fence. He asked for additional input through an independent survey to attain additional input. Other Board Members concurred.

The applicant's neighbor Jonathan Monroe had a prepared statement, but he opted to hold off until the Village Board reviewed the project. He asked for a fair and logical process and stated that he would add any comments at the next meeting on June 23, 2020.

Trustee Garrity moved to defer item 3C to the June 23, 2020 meeting, and Trustee Carey seconded. The motion carried on the following roll call vote:

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

NAYS: None

**ORDINANCE NO. 20-O-34: An Ordinance Amending the Number of Class D Liquor Licenses**

President Weppler introduced an application for a Class D Liquor License from Las Manarcas Mexican Restaurant, located at 159 N. Milwaukee Avenue. The application was reviewed by President Weppler/Liquor Commissioner and Village Staff.

The ordinance would amend the Municipal Code to increase the number of Class D Liquor Licenses from three (3) to four (4) and allow the issuance of the liquor license to Las Manarcas Mexican Restaurant. President Wepler asked for questions and comments and there were none.

Trustee Johnson moved to approve the ordinance amending the number of Class D liquor licenses. 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

**REPORT OF THE PLAN COMMISSION (PC 20-20), Text Amendment to Article 9-2-228 Red Top Drive**

President Wepler explained that the property owner at 228 Red Top Drive has applied to request a change to the Zoning Code regarding Home Occupations. The current Code only allows one (1) employee who is not domiciled in the dwelling unit and the applicant is proposing to increase that number to three (3).

The Plan Commission held a public hearing on the proposal at the meeting of May 18, 2020. The Commission reviewed that Home Occupations are permitted in all residential districts and a change would cause a significant impact on parking in all neighborhoods. A motion to recommend Village Board of Trustees approval failed with a vote of 0 - 7. Accordingly, the recommendation of the Plan Commission is for denial of the proposal. President Wepler then asked for questions and comments. Director of Community Development stated that the applicant had been notified of the meeting.

Trustee Garrity moved to concur with the Plan Commissions recommendation for denial, and Trustee Justice seconded. President Wepler asked for further Board or public 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

**REPORT OF THE PLAN COMMISSION (PC 20-06), Amendment to the Planned Development Final Plan (PC 20-07), Amendment to the Special Use Permit – 1417 Peterson Road**

President Wepler noted that at the May 18, 2020 meeting, the Plan Commission heard a request from McDonald's USA to amend the site plan and change the elevation of the existing restaurant at 1417 Peterson Road. The proposal included splitting the drive through into two (2) lanes and remodeling the building. Members of the Plan Commission concurred with the requests and recommended Village Board of Trustees approval with votes of 7 - 0. The approval for the amendment to the Planned

Development Final Plan included conditions to limit the number of wall signs to three (3); submitting details of the dumpster enclosure at the time of permit; and replacement of three (3) trees per the Village Tree Ordinance. President Wepler asked for comments or questions.

Virtually representing McDonald's USA were Jim Olguin, Joe Kerchner, Dan Olson, and Joe Coconato. Mr. Olguin explained the plan to allow for dual drive-thru lanes and an exterior face-lift. President Wepler asked if conditions were acceptable, and Mr. Olguin said they were. Trustee Johnson stated that there could be an issue with traffic flow since the space is difficult to navigate. Director Spoden noted that the plan would provide a major improvement with traffic flow.

Trustee Johnson moved to approve the amendment to the Planned Development Final Plan (PC 20-06), 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

Trustee Adams moved to approve the amendment to the Special Use Permit (PC 20-07), 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

**REPORT OF THE ZONING BOARD OF APPEALS (ZBA 20-10), Variation of Front Yard Setback – 522 Stevenson Drive**

President Wepler stated that the property owners at 522 Stevenson Drive were requesting approval of a front yard setback variation in order to allow construction of an addition. The Zoning Board of Appeals heard the request at the meeting of May 18, 2020 and noted that the underlying zoning setback is 30 feet while the subdivision setback is 40 feet. As the applicants propose a setback of 31 feet, which meets the zoning requirement, members of the Zoning Board of Appeals supported the request. A motion to recommend Village Board of Trustees approval passed with a vote of 7 - 0. President Wepler asked for questions and comments and there were none.

Trustee Adams moved to approve the variation of front yard setback at 522 Stevenson Drive. Trustee Johnson seconded. President Wepler asked for further Board or public comment. 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 20-09), Variation for Signage – 1620 S. Milwaukee Avenue**

President Wepler explained that McGrath Acura was requesting a sign variation for their dealership at 1620 S. Milwaukee Avenue to increase the allowable number of wall signs from one (1) to two (2). The Zoning Board of Appeals held a public hearing on the request at the May 18, 2020 meeting. The members concurred with the request as the proposal is consistent with the overall square footage allotment for the site. A motion to recommend Village Board of Trustees approval passed with a vote of 7 - 0. President Wepler then asked for questions and comments and there were none.

Trustee Johnson moved to approve the variation for signage at 1620 S. Milwaukee Avenue, and Trustee Moras seconded. President Wepler asked for further Board or public comment and there were none. The motion carried on roll call vote as follows:

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

**CONSIDERATION OF A RESOLUTION to Approve Amendments to the Commercial and Residential Garbage Contracts with Groot Industries – deferred to June 23, 2020**

**RESOLUTION NO. 20-R-71: A Resolution to Approve a Professional Services Agreement for Final Engineering for the Remaining Phase of the Rockland Road Corridor Flood Reduction Project**

President Wepler explained that the excessive rainfall and resulting surface flooding in July and August of 2017 caused significant flooding in some areas of the Village. During this time the Village was in the data collection phase of the new *Master Stormwater Management Plan*, which helped document the extent of the flooding and possible causes. The *Master Plan* was ultimately adopted on May 28, 2019 and contains approximately \$45.5 million (in 2018 dollars) in identified flood reduction projects.

One of the proposed flood reduction projects contained in the *Master Plan* is the Rockland Road Corridor project. The initial phase of this project, which was anticipated to provide flooding protection up to the 100-year frequency storm, has been completed as part of the Rockland Road reconstruction project. This consisted of the 36-inch to 84-inch trunk sewer within the Rockland Road right-of-way extending between Second Ave. to the Des Plaines River. Also included were the “stubs” for the connections to the trunk sewer at Seventh Ave. and Wrightwood Terr. and conveyance/grate improvements at Second Ave. The remaining phase of the project will consist of the connecting sewers on Lincoln Ave., Meadow Ln., Wrightwood Terr. and Seventh Ave.

Staff undertook a Qualifications Based Selection (QBS) consultant procurement process which involved four local experienced civil engineering firms. Upon completion of this process, Civiltech Engineering, Inc. (Civiltech) was selected as the preferred consultant to provide the final engineering services for the project based upon their experience, familiarity with the project and excellent track record. Civiltech, who also completed the final engineering for the Rockland Road reconstruction project, provided a Proposal for \$145,166.39. The proposal will be included as an exhibit in the Village's standard professional services agreement. The FY 2020/21 Annual Budget included \$1,091,677 for the final engineering design in the Stormwater Fund. The budget number was based upon the entire project's construction cost.

Staff recommended approval of the resolution to award a professional services agreement for final engineering for the Remaining Phase of the Rockland Road Corridor Flood Reduction project to the firm of Civiltech Engineering, Inc. in the amount of \$145,166.39 and authorize execution by the Village Administrator. President Weppler asked for questions and comments and there were none.

Trustee Garrity moved to approve the resolution approving a professional services agreement with Civiltech Engineering, Inc. in the amount of \$145,166.39, and Trustee Justice seconded. President Weppler asked for further Board or public comment. The motion carried on roll call vote as follows:

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

NAYS: None

**RESOLUTION NO. 20-R-72: A Resolution to Approve a Professional Services Agreement for Final Engineering for the Establishment of the St. Mary's Road/Metra Track Crossing Quiet Zone**

President Weppler reported that the Villages of Libertyville and Green Oaks, and the Lake County Division of Transportation have jointly submitted for and received a Quiet Zone designation on St. Mary's Road at the Metra track crossing pending the installation of flexible delineators along the roadway centerline extending 100-feet of the crossing on each side. Libertyville has been and will continue to be the lead agency throughout the remainder of the project.

Public Works Staff sent a Request for Proposal (RFP) to four local civil engineering firms to perform a topographical survey, prepare the required engineering plan set and project specifications, obtain the Lake County Division of Transportation Permit, prepare a detailed estimate of construction costs, assist with bidding and award of construction contract and provide construction engineering services for the proposed supplemental safety measures (centerline flexible delineators) required to established the desired quiet zone.

Only one firm responded to the RFP, which was RHMGE Engineers, Inc. in the amount of \$38,242.00. Two of the RFP recipients, Gewalt-Hamilton and CBBEL, indicated that they could not take on the project due to the COVID-19 pandemic situation. Staff could not reach the other firm, Doland Engineering. RHMGE Engineers, Inc. has completed a lot of design work for our wastewater treatment plant and currently serves as Green Oaks' Village Engineer. The proposal would be included as an exhibit in the Village's standard professional services agreement. The FY 2020/21 Annual Budget includes \$75,000 in the Project Fund for the final engineering design and construction for the project. The Village of Green Oaks has agreed to split the design and construction costs for the project (see attached Letter of Understanding).

Staff recommended approval of the resolution to award a professional services agreement for final engineering for the Establishment of the St. Mary's Road/Metra Track Crossing Quiet Zone to the firm of RHMGE Engineers, Inc. in the amount of \$38,242.00 and authorized execution by the Village Administrator. President Weppeler asked for comments and questions.

Trustee Johnson asked if the lack of bidders had become a chronic issue, and Director of Public Works Paul Kendzior said that it has become hit or miss. Trustee Garrity asked if RFMG was an appropriate choice, or could other firms work for significantly less. Director Kendzior stated that there might be a 5% price difference. He also stated that traffic might become a concern when the work is completed, and a possible detour might become necessary.

Trustee Garrity moved to approve the resolution approving a professional services agreement with RHMGE Engineers, Inc. in the amount of \$38,242.00, and Trustee Carey seconded. President Weppeler asked for further Board or public comment and there were none. The motion carried on roll call vote as follows:

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

### **RESIDENT REMARKS**

Morgan Malatesta addressed the Village Board asking the Board to work with other communities to stop systemic racism. She asked that the Village make a public statement supporting Black Lives Matter and organize public meetings for open discussion.

### **PETITIONS AND COMMUNICATIONS**

President Weppeler announced the following:

- The Historic Preservation Commission will meet virtually at 5:00 p.m. on Monday, June 15, 2020
- The Appearance Review Commission will meet virtually at 7:00 p.m. on Monday, June 15, 2020

- The Parking Commission will NOT meet on Tuesday, June 16, 2020
- The Economic Development Commission will meet virtually at 7:30 a.m. on Wednesday, June 17, 2020
- The Sustain Libertyville Commission will meet virtually at 4:00 p.m. on Wednesday, June 17, 2020
- The Parks and Recreation Advisory Commission will NOT meet on Thursday, June 18, 2020
- The Plan Commission/ZBA will meet virtually at 7:00 p.m. on Monday, June 22, 2020
- The Streets Committee will NOT meet on Tuesday, June 23, 2020
- The Committee of the Whole/Finance Committee will meet virtually at 7:00 p.m. on Tuesday, June 23, 2020
- The Village Board will meet virtually at 8:00 p.m. on Tuesday, June 23, 2020

Trustee Johnson reported that her son had convinced his CEO and others to match the funds he raised, and he has raised \$50,000. Donations have been made to the Center for Policing Equality, Live Free, Equal Justice Initiative, and the NAACP. He and a group of 5,000-7,000 young black men dressed in suits and ties took a knee in Harlem, showing a positive image to counteract the many negative photos of young black men.

Trustee Moras made a statement regarding national events and the importance of democracy.

Trustee Justice encouraged everyone to vote.

Trustee Garrity complimented the Mayor's statement and discussed the work that has gone into making the Police Department and Village as a whole what it is. He also complimented Trustee Johnson's statement. Wants the Village to do all we can to continue to do better.

Trustee Carey stated that some residents have asked the Village Board to be part of the solution. He would like us to do what we can to help.

President Wepler responded that he will be working with the Human Relations Commission on this.

**ADJOURNMENT**

With no further business to come before Village Board, Trustee Johnson moved to adjourn at 9:16 p.m., and Trustee Moras seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

  
Sally A. Kowal  
Village Clerk