

BOARD OF TRUSTEES VILLAGE BOARD MEETING

Tuesday, September 27, 2022 at 8:00 PM

Village Hall Board Room 118 W. Cook Avenue Libertyville, IL 60048

MINUTES

Mayor Johnson called to order a meeting of the Board of Trustees at 8:00 p.m. Those present were: Mayor Donna Johnson, Trustees Scott Adams, Matthew Hickey, Dan Love, and James Connell.

Mayor Johnson recognized Julie Herchenbach, Preschool Director for her 25 years of service with the Village.

Items Not on the Agenda | *Presentation of items not on the Agenda will be limited to three (3) minutes*

Mayor Johnson asked if there was any public comment. Mr. Bleck of Bleck Architects and 222 E. Church Street commented on the current Village Code requirements related to patio enclosures. He requested that the Village Board review the Village Code as it relates to the definition of "openness". He also noted that compliance is confusing.

Mayor Johnson responded that she would discuss his concerns with Community Development Director John Spoden and follow up with him.

Mr. Richard Diesterheft of 743 N. Milwaukee Avenue, Apartment C expressed concerns regarding coffee roasting smoke that is entering his bedroom from the Hansa Coffee shop. He is currently working with his landlord on the matter and wanted to make the Village Board aware. Mayor Johnson stated that she has previously spoken to Mr. Diesterheft and clarified that the roasting smoke is not pollution as defined within the Village Code.

Trustee Hickey asked if the Village has any property maintenance codes for renters. Staff will review and follow-up.

Omnibus Vote Agenda

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

- A. Summary of Omnibus Vote Agenda Items
- B. Approval of Minutes of the September 13, 2022 Village Board Meeting
- C. Bills for Approval
- D. **RESOLUTION NO. 22-R-138:** A Resolution to Approve a Special Event - Pumpkin Fest
- E. **RESOLUTION NO. 22-R-139:** A Resolution to Approve a Special Event - Libertyville Sunrise Rotary Club
- F. **RESOLUTION NO. 22-R-140:** A Resolution to Allow the Use of Village Property - Knights of Columbus

- G. **RESOLUTION NO. 22-R-141:** A Resolution to Approve a Raffle License - Youth Conservation Corps
- H. **RESOLUTION NO. 22-R-142:** A Confirming Resolution to Approve Change Order No. 1 with Power Concrete Lifting for the Annual Concrete Sidewalk Mud-Jacking Program
- I. **ORDINANCE NO. 22-O-73:** An Ordinance Granting a Variation from Section 26-11-13 of the Libertyville Zoning Code to Allow Two Wall Signs - 1330 N. Milwaukee Avenue
- J. ARC Report
- K. HPC Report

A motion for approval was made by Village Trustee Adams, Seconded by Village Trustee Connell.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The omnibus vote agenda items were approved by a 4-0 vote.

REGULAR AGENDA

4. Report of the Zoning Board of Appeals, (ZBA 22-25), Variation of Front Yard Setback - 205 N. Second Street

Mayor Johnson reported that at the September 12, 2022 Zoning Board of Appeals meetings a request was heard from the property owner of 205 N. Second Street for a front yard setback variation to allow for replacement of a front stoop and steps. Members noted that the existing stoop and steps are located 12 feet 9 inches from the property line. In order to construct a required landing, the new construction would be approximately 9 feet 10 inches from the property line. A motion to recommend Village Board of Trustees approval passed with a vote of 7 – 0.

Mayor Johnson asked if there were any public comments, and there were none. The Board thanked the homeowners for the improvements to their property.

A motion for approval was made by Village Trustee Adams, Seconded by Village Trustee Hickey.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

5. Report of the Zoning Board of Appeals, (ZBA 22-20), Variation of Corner Side Yard Setback - 766 Seventh Avenue

Mayor Johnson stated that the owners of 766 Seventh Avenue requested a corner side yard setback variation to reconstruct a front concrete porch. The construction would replace an existing porch built in 1963.

The Zoning Board of Appeals heard the request at their meeting on September 12, 2022. Members concurred with the request as the proposal would not increase the level of non-conformity. A motion to recommend Village Board of Trustees approval passed with a vote of 7 – 0.

Mayor Johnson asked if there were any public comments, and there were none. The Village Board had no further comments and agreed with the request.

A motion was made by Village Trustee Connell, Seconded by Village Trustee Adams.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

6. Report of the Zoning Board of Appeals, (ZBA 22020), Variation for a Fence - 630 Kenwood Avenue

Mayor Johnson reported that the property owner at 630 Kenwood Avenue requested a variation to allow a fence to encroach into a corner side yard. The adjacent property is a pie-shaped lot with its front yard abutting the corner side yard at 630 Kenwood Avenue.

The Zoning Board of Appeals heard the request at their September 12, 2022 meeting and concurred with the application. A motion to recommend Village Board of Trustees approval passed with a vote of 7 – 0.

Mayor Johnson asked if there were any public comments, and there were none. An authorized agent for the property was present. No further comments were made from the Board.

A motion was made by Village Trustee Love, Seconded by Village Trustee Connell.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

7. ORDINANCE NO. 22-O-74: An Ordinance Amending the Number of Class C Liquor Licenses - Flambe India

Mayor Johnson stated that the Village received an application for a Class C Liquor License from Amit Vatal, owner of Flambe India, located at 226 Peterson Road, Libertyville. The application was reviewed by the Mayor/Liquor Commissioner and Village Staff. The Ordinance would amend the Municipal Code to increase the number of Class C Liquor Licenses from nine (9) to ten (10) and allow the issuance of the liquor license to Flambe India.

Mayor Johnson asked if there were any public comments, and there were none.

The Board congratulated the owner and welcomed him to the Village.

A motion was made by Village Trustee Adams, Seconded by Village Trustee Love.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

8. RESOLUTION NO. 22-R-143: A Resolution to Pledge Funds for an Open Space Lands Acquisition and Development Grant Application

Mayor Johnson reported that the Open Space Lands Acquisition and Development (“OSLAD”) is offered annually through the Illinois Department of Natural Resources. The grant program provides

up to 50% funding assistance to eligible, local units of government to acquire and/or develop public outdoor recreation areas. The maximum award amount for approved development projects is \$600,000.

The Village plans to submit an annual project for consideration, if possible.

Staff presented the option to apply for funding at the August 13, 2022 Parks and Recreation Committee meeting. The Committee unanimously recommended proceeding with an application.

The project scope for the FY 23 application included a new recreational space at Butler Lake Park. The location of the project would be adjacent to the lake (east of the lake), south of the parking lot that connects to the former bandshell area. The proposed site is a passive portion of the park that gets little, to minimal use. The project would include a playground, seat walls, plant tunnels, stone seating, a shelter, permanent game tables (chess, checkers), wood bench seating, climbing net challenge course, connected walking path, baggo game and a pollinator garden as well as 8-10 additional parking spaces added to the existing parking area to the north. The estimated budget for the project is no more than \$1.2 million with \$600,000 in OSLAD grant funds and \$600,000 in Village Park improvement funds.

The OSLAD grant application requires a Resolution of Authorization as part of the application. The purpose of the Resolution is to certify that the applicant has sufficient funds to complete the project within the timeframe for project execution and that failure to adhere to complete the project and adhere to the grant requirements would result in grant termination along with ineligibility for the next two consecutive grant cycles.

Mayor Johnson asked if there were any public comments, and there were none.

A motion was made by Village Trustee Love, Seconded by Village Trustee Hickey.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

9. RESOLUTION NO. 22-R-144: A Resolution Approving a Collective Bargaining Agreement with the Illinois Fraternal Order of Police Labor Council/ Lodge 33-Patrol Officers

Mayor Johnson stated that the proposed Collective Bargaining Agreement for the Illinois Fraternal Order of Police Labor Council/ Lodge 33-Patrol Officers was being considered. The Collective Bargaining Agreement expired on April 30, 2021. Since the date, the union operated under the expired agreement. This agreement would be retroactive to May 1, 2021 and would expire on April 30, 2025. A memorandum summarizing the changes to the agreement as well as the proposed collective bargaining agreement was included in the Board's packet. The Union ratified the agreement on September 19, 2022.

Staff recommended approval of the resolution authorizing the Village Administrator to execute the agreement.

Mayor Johnson asked if there were any public comments, and there were none. The Board expressed support for the agreement.

A motion was made by Village Trustee Hickey, Seconded by Village Trustee Adams.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

10. **RESOLUTION NO. 22-R-145: A Resolution Approving a Collective Bargaining Agreement with the Illinois Fraternal Order of Police Labor Council/ Lodge 33- Sergeants**

Mayor Johnson stated that the proposed Collective Bargaining Agreement for the Illinois Fraternal Order of Police Labor Council/ Lodge 33-Sergeants was for consideration. The Collective Bargaining Agreement expired on April 30, 2021. Since the date, the union has been operating under the expired agreement. This agreement would be retroactive to May 1, 2021 and will expire on April 30, 2025. A memorandum summarizing the changes to the agreement as well as the proposed collective bargaining agreement was included in the Board's packet. The Union ratified the agreement on September 12, 2022.

Staff recommended approval of the resolution authorizing the Village Administrator to execute the agreement.

Mayor Johnson asked if there were any public comments, and there were none. The Board expressed support for the agreement.

A motion was made by Village Trustee Adams, Seconded by Village Trustee Love.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

11. **RESOLUTION NO. 22-R-146: A Resolution to Award a Contract for the Construction of Pickleball Courts at Paul Neal Park**

Mayor Johnson reported that at the April 5, 2022, Parks and Recreation Committee meeting staff presented alternative recreation projects that could be constructed during FY 22/23 due to the delay in the OSLAD grant process for the Nicholas Dowden north project. Staff reviewed the Parks Master Plan to evaluate the options and considered the significant amount of public feedback received regarding the lack of outdoor dedicated pickleball courts within the community. The Committee directed staff to proceed with a project to construct four pickleball courts and replace the playground at Paul Neal Park. Staff worked with Hitchcock Design Group to develop bid specifications for the pickleball courts. The playground bid process was conducted separately.

Competitive contractor bids were solicited for the project. Due to concerns about material availability, the bid documents were formatted to solicit bid prices for two separate project completion dates: 1) Fall of 2022, and 2) Spring of 2023.

Three (3) competitive contractor bids were received and opened on September 21, 2022.

The lowest qualified bidder was Schaeffges Brothers in the amount of \$211,777.00. Schaeffges Brothers is a general contractor that specializes in municipal construction of all types. Staff reviewed their references and found that they were all positive and confirmed that their work was of good quality.

Mayor Johnson asked if there were any public comments, and there were none.

Trustee Love asked for clarification regarding pricing differences in certain categories between the contractors. Deputy Administrator Engemann clarified the price difference and stated that she would follow-up with him regarding further information.

A motion was made by Village Trustee Adams, Seconded by Village Trustee Connell.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

12. **RESOLUTION NO. 22-R-147: A Resolution Approving the First Amendment to a Recapture Agreement by and Between the Village of Libertyville and VIP Partners, LLC**

Mayor Johnson stated that the Village adopted Resolution 02-R-49 on September 24, 2002, approving the execution and attestation of a Recapture Agreement with VIP Libertyville Land Partners, LLC, regarding the extension of Industrial Drive (the "Agreement"). The Agreement specified that recapture fees were owed to VIP Libertyville Land Partners, LLC upon issuance of building permits on property within the Mallory Industrial Campus (excluding any permits in connection with the operations of the Central Lake County Joint Action Water Agency). No building permits have been issued, and the term of the Agreement expires twenty (20) years from the date of the Agreement. Therefore, VIP Partners, LLC (successor to VIP Libertyville Land Partners, LLC) requested an extension of the Agreement. The First Amendment to the Recapture Agreement provided for a five-year extension of the Agreement through December 31, 2027, subject to a reduced interest rate after January 1, 2022.

Staff recommended adoption of the resolution to approve an Amendment to the Recapture Agreement.

Mayor Johnson asked if there were any public comments, and there were none. A representative on behalf of the developer was present.

Trustee Hickey inquired about Section 4 of the agreement and asked for clarification regarding the expiration of the extension. Attorney Hart stated that the agreement specifies what happens if there are still no building permits pulled after the five-year extension.

Motion made by Village Trustee Love, Seconded by Village Trustee Hickey.

Voting Yea: Village Trustee Adams, Village Trustee Hickey, Village Trustee Love, Village Trustee Connell. The item was approved by a 4-0 vote.

Mayor Johnson announced the following:

- The Parks and Recreation Committee will meet at 6:00 p.m. on Tuesday, October 4, 2022.
- The Human Relations Commission will NOT meet at 5:00 p.m. on Wednesday, October 5, 2022.
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, October 10, 2022.
- The Village Board will meet at 8:00 p.m. on Tuesday, October 11, 2022.
- The Libertyville Fire Department will hold their Open House on October 15, 2022 from 1:00 p.m. to 4:00 p.m. at Fire Station One, located at 1551 N. Milwaukee Avenue.

Village Administrator Update

Administrator Amidei reminded the public that the Milwaukee Avenue paving project was continuing during evening hours.

Comments from the Board

Members of the Board thanked all the staff who made the employee picnic possible as well as the recent training that was provided to the Board at the Fire Department.

Trustee Love thanked Director Kendzior for assistance with a power line that needed to be addressed.

Members of the Board expressed their condolences for recent family deaths for Mayor Johnson and Executive Assistant Kelly Bliefernich.

Mayor Johnson thanked the Police and Fire Departments for the recent collaborative training they provided for the Village Board. She also noted that the training will be expanded to all employees.

Mayor Johnson thanked staff for their hard work on reaching a collective bargaining agreement with the two Police unions.

Adjournment

With no further business to come before the Village Board, Trustee Love moved to adjourn the meeting at 8:57 p.m., and Trustee Connell seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Hickey, Love, and Connell

NAYS: None

Respectfully submitted,

Kelly Amidei
Deputy Village Clerk