

BOARD OF TRUSTEES VILLAGE BOARD MEETING

Tuesday, October 11, 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 Peter Garrity, Matthew Hickey, Matthew Krummick, Dan Love, and James Connell.

Mayor Johnson conducted the Oath of Office for Lieutenant Chad Roszkowiak to the position of Deputy Police Chief.

Mayor Johnson conducted the Oath of Office for Sergeant Jason Kapusinski to the position of Police Lieutenant.

Mayor Johnson recognized Patrol Officer Scott Schaefer for his 15 years of service with the Village.

Mayor Johnson recognized Lieutenant Jason Kapusinski for his 20 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. Liz Turnbaugh, owner of The Board Room commented on current Village Code requirements related to patio enclosures. She requested that the Village Board review the current Village Code which triggers additional parking requirements because of patio enclosures. She further requested the ability to proceed with construction without meeting the requirement by allowing open windows that are not fully closed so that she can save money on construction costs.

Mayor Johnson requested that Ms. Turnbaugh schedule a meeting with she and Mr. Spoden to further discuss her request and concerns.

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 27, 2022 Village Board Meeting
- C. Bills for Approval
- D. **ORDINANCE NO. 22-O-75:** An Ordinance Vacating a Portion of an Unimproved Alley at 726 Meadow Lane
- E. **ORDINANCE NO. 22-O-76:** An Ordinance Granting a Variation from Section 26-4-6.5(d) of the Libertyville Zoning Code Regarding the Corner Side Yard Setback - 766 Seventh Avenue

- F. **ORDINANCE NO. 22-O-77:** An Ordinance Granting a Variation from Section 26-4-7.5(d) of the Libertyville Zoning Code Regarding the Front Yard Setback - 205 North Second Street
- G. **ORDINANCE NO. 22-O-78:** An Ordinance Granting a Variation From Section 26-13-9.2 of the Libertyville Zoning Code Regarding the Location of a Fence in a Corner Side Yard - 630 Kenwood Avenue
- H. **RESOLUTION NO. 22-R-148:** A Confirming Resolution to Approve a Grant Agreement Between the State of Illinois, Department of Natural Resources and the Village of Libertyville

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

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The omnibus vote agenda items were approved by a 5-0 vote.

REGULAR AGENDA

4. a. Report of the Plan Commission, (PC 22-30), Special Use Permit, (PC 22-31), Site Plan Permit - 410 E. Church Street

Mayor Johnson reported that AMZ Supply requested approval for a Special Use Permit and a Site Plan Permit for a Warehousing and Storage facility at 410 E. Church Street. AMZ Supply is a shipping, packaging, medical and safety supplies company with operations including the warehousing and distribution of materials. The applicant requested variations to reduce the setback for accessory parking and number of accessory parking spaces.

The Plan Commission held a public hearing on the proposals on September 26, 2022. Commission members concurred with the requests as the structure at 410 E. Church Street is designed for such a use. Motions to recommend Village Board of Trustees approval passed with votes of 6 – 0, with the Site Plan Permit subject to the following condition:

- 1. Revise the Site Plan to stripe out the southernmost parking space that abuts the Church Street right-of-way property line prior to the issuance of a Certificate of Occupancy.

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 Garrity.

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

b. Report of the Zoning Board of Appeals (ZBA 22-27), Variation for Parking Setback, (ZBA 22-28), Variation for Parking Space Number - 410 E. Church Street

Mayor Johnson stated that the applicant, AMZ Supply, appeared before the Zoning Board of Appeals at their September 26, 2022, meeting and requested variations to reduce the minimum required setback for accessory parking and to reduce the minimum required number of parking spaces at 410 E. Church Street.

Members of the Zoning Board of Appeals concurred with the requests due to the limited area provided for parking for this use. Motions to recommend Village Board of Trustees approval passed with votes of 6 – 0.

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

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

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

5. RESOLUTION NO. 22-R-149: A Resolution Approving a Memorandum of Understanding with Libertyville Sportsplex, LLC d/b/a Canlan Sports for Parking Lot Improvements

Mayor Johnson stated that on April 12, 2022, the Village Board adopted an Ordinance amending the Planned Development Final Plan for the Libertyville Sports Complex site in advance of the sale of a portion of the site to Midwest Industrial Funds. The amended site plan required the expansion and reconfiguration of the parking lot serving the Indoor Sports Complex due to the loss of parking precipitated by the sale of the Golf Learning Center.

Due to the almost two-year delay in completing the Midwest deal, along with COVID-19 closing the Indoor Sports Complex for over a year, the parking lot improvements contemplated in the amended Planned Development Final Plan were prioritized lower than more critical infrastructure improvements needed throughout the Village. Staff originally intended to begin addressing the project in the spring of 2023.

Canlan Sports brought to the attention of the Village that the loss of the parking facilities at the Golf Learning Center had a material impact on their ability to provide sufficient service levels to their participants, particularly during their busy winter season. Canlan volunteered to manage the parking lot reconfiguration project. It also needed to be completed during the fall prior to the asphalt plants closing for winter.

Canlan solicited proposals for the work reflected on the Planned Development Final Plan and the engineering prepared by RTM Consultants in September 2020. Two proposals were submitted by construction firms having the capability to complete the work. Village staff reviewed the proposals, which were within \$5,000 of one another. The proposals initially did not reflect prevailing wage rates, which is required for a public project, regardless of who is overseeing the actual work. Canlan requested that both contractors update their proposals to reflect prevailing wage rates. Unfortunately, in the interim, one of the two contractors could no longer complete the work due to scheduling other projects. The remaining firm submitted a proposal in an amount totaling \$474,972, an 8.7% increase from their original proposal without prevailing wages. The Village reviewed the pricing and found it to be consistent with current market conditions.

Since the was required to be completed by the Village per the Planned Development Final Plan and Canlan offered to take the lead in completing the work, a Memorandum of Understanding (MOU) between the two parties was necessary. The resolution for consideration would approve a MOU that reflected Canlan completing the project independently, but in-line with Village-approved specifications. Canlan would pay for the project and request reimbursement from the Village at the closing of the property if they triggered the option to buy. If Canlan did not trigger the option to buy the property, the reimbursement would be limited to 50% of the cost of the project, \$237,486.

Staff recommended approval of the resolution to approve a Memorandum of Understanding with Libertyville Sportsplex, LLC d/b/a Canlan Sports and to authorize execution of the MOU by the Village Administrator.

Mayor Johnson asked Finance Director Mostardo to clarify and provide additional details surrounding the demand that patrons will put on the Sports Complex during the winter. She also asked if the contractor will be able to meet the timeline.

Director Mostardo responded that their sports floors are 100% booked from November through March. Their youth in-door soccer league, basketball league, outside agencies and the Hot Ground Gym will generate significant traffic. The General Manager of Canlan who is the Manager for Lake Barrington and Libertyville estimates that a million visitors attended the Lake Barrington site last year and she expects a similar number to visit Libertyville. They have already had some events where they have had to double park cars. Finally, the contractor they are using can complete the project within three weeks. They can start as soon as possible.

Mayor Johnson asked Community Development Director Spoden to clarify the parking plan requirements under Midwest Industrial as they relate to Canlan.

Director Spoden responded that the required number of parking spaces (500) was approved as part of the final plan for Midwest Industrial.

Mayor Johnson confirmed that the project would be done to Village specifications and that the Village would perform inspections on the work.

Director Spoden agreed.

Mayor Johnson stated that in communications with Canlan we would like to obtain an update on their intention to purchase the property.

Mayor Johnson asked if there were any public comments. Jim Willimson noted that parking lot safety can be an issue. Children often run in between the cars in the parking lot. He asked if the Village could make any of the parking spots timed.

Trustee Garrity noted that this has been part of the plan all along. We know from the past that parking was challenging. Now that part of the parking is no longer available he finds their request reasonable.

Trustee Krummick stated that he thinks it is currently under parked, the phasing of the development is driving this. He believes that we need to provide the parking that is required. We had anticipated to do it at some point any way. He asked if prevailing wage is required.

Director Mostardo noted that the current proposal does include prevailing wage costs, they were updated.

Trustee Love- stated that he appreciates the time staff spent on this. He asked if the project needs to be bid.

Attorney Lenneman responded that as a reimbursement it does not require a public bid.

Trustee Love confirmed that we are only cost sharing if they do not purchase the property.

Attorney Lenneman noted that it is anticipated that it would be a credit at closing.

Trustee Love asked if they provided an actual number of people using the facility and not just 100% full.

Director Mostardo stated that they did not.

Trustee Love asked when they can begin the work.

Director Spoden noted that once the plans are approved.

Trustee Love asked if there is a certain time of year you want to put asphalt in.

Director Kendzior noted typically temperature dictates when it can be installed.

Trustee Love confirmed that the material will hold up.

Director Kendzior noted that they will follow all the Village's requirements.

Trustee Connell asked for clarification about the credit at closing.

Attorney Lenneman responded that if they don't exercise the option the Village will pay 50%, if they do exercise the option to purchase the property, we would give a credit at closing.

Trustee Hickey stated that he is happy to see the investment, happy it will be prevailing wages and he supports the MOU.

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

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

6. ORDINANCE NO. 22-O-79: An Ordinance Amending Article X of Chapter 13 of the Libertyville, Illinois Municipal Code Regarding the Hotel or Motel Use Tax

Mayor Johnson stated that the Illinois Municipal Code (65 ILCS 8-3-14) and the Hotel Operators' Occupation Tax Act (35 ILCS 145) authorizes non-home rule municipalities to impose a tax upon all persons engaged in the Village in the business of renting, leasing, or letting rooms in a hotel, provided that the tax does not exceed 5% and that tax revenues are utilized to promote tourism and encourage overnight stays within the Village. The Village of Libertyville adopted the tax at a 5% rate as part of Ordinance 01-O-47 on July 24, 2001.

The existing Hotel/Motel Tax can be extended to short-term rentals by modifying the definitions incorporated in the Village Code (Article X, Section 13-260). The current version of the Code defines that only traditional hotel rooms are subject to the tax. Due to the usage of short-term rentals, such as those listed on Airbnb and VRBO in the Village, staff reviewed the impact of the Code change.

Based on an analysis presented to the Finance Committee on July 19, 2022, the Village could expect to collect between \$43,463 and \$65,075 annually from the application of the Hotel/Motel Tax to short-term rentals. The Village anticipates submitting the authorized ordinance to Airbnb and VRBO.

The Finance Committee voted unanimously to forward this Code change to the Village Board with a positive recommendation. Staff recommends approval of the ordinance amending Article X of

Chapter 13 of the Libertyville Municipal Code to begin the collection of Hotel/Motel tax from short-term rentals.

Mayor Johnson asked if there was public comment, there was none.

Trustee Hickey noted that short term rentals are another type of hoteling. This will help to level the playing field between short term rentals and traditional hoteling. This will be taxed on an equal basis. He noted that he hopes to see the zoning piece addressed in the future.

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

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

7. RESOLUTION NO. 22-R-150: A Resolution to Award a Contract for the 2022 Light Pole Replacement Project to H&H Electric Company

The Fiscal Year 2022/23 Annual Budget includes funds to perform streetlight replacements as part of the regular maintenance for the Village's streetlight network. This year's project includes the replacement of existing streetlight poles that have either deteriorated due to age or have been damaged throughout the Village. The determination of which streetlight poles that needed replacement was completed by the Village's consultant Gewalt Hamilton Associates (GHA) as part of their Lighting Assessment Report. GHA's Assessment Report indicated that 52 light poles were in need of replacement. Public Works staff prepared bid packages and solicited competitive contractor bids for the installation of the new light fixtures and poles. In order to save costs, the light fixtures and poles were purchased separately from numerous vendors. Three (3) sealed bids were received on September 14, 2022 for the installation of the light fixtures and poles.

H&H Electric Company was determined to be the lowest responsive bidder with a lump sum bid amount of \$73,011.37. H&H Electric Company has successfully performed previous streetlight maintenance projects for the Village. \$139,710 is available in the Project Fund (Account# 40-0000-0-775) to complete the proposed work.

Staff recommends approval of the resolution to award the contract for the 2022 Light Pole Replacement Project to H&H Electric Company in the amount of \$73,011.37 and authorize execution of the contract by the Village Administrator.

Mayor Johnson asked if there was public comment, there was none.

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

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

8. RESOLUTION NO. 22-R-151: A Resolution to Award a Contract for the Church & Lake Street Parking Structures 2022 Maintenance Repairs Project to JLJ Contracting, Inc.

Mayor Johnson stated that the Fiscal Year 2022/23 Budget provides \$100,000 in the Central Business District Parking Fund for annual maintenance repairs to the Lake Street and Church Street Parking Structures. A total of \$82,970.10 was available after contracting with Walker Consultants to prepare the plans and specifications for the project and oversee construction. The proposed

maintenance work included concrete repairs, expansion joint repairs, joint sealant for the pre-cast double tees, waterproofing, bollard repairs and tuck-pointing repairs. Three proposals were received at the bid opening held on September 9, 2022. JLJ Contracting, Inc. submitted the lowest responsive and complete bid. Golf Construction did not submit a unit price for item 10.5 Expansion Joints – Silicone Seal and their bid proposal was deemed incomplete and non-responsive.

Village Staff deleted bid item 90.1 (Power wash façade) and will not proceed with the bid alternates to remain within the available budget amount. JLJ Contractor, Inc. is still the lowest responsive bidder, and this will reduce the contract amount by \$22,500 to a new total of \$70,135. JLJ Contracting, Inc. is also agreeable to the reduction in contract work and price.

Staff and Walker Consultants recommend approval of the Resolution to award the contract for the Church & Lake Street Parking Structures 2022 Maintenance Repairs Project to JLJ Contracting, Inc., in the amount of \$70,135 and authorize the execution of the contract by the Village Administrator.

A motion made by Village Trustee Krummick, Seconded by Village Trustee Garrity.

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell. The item was approved by a 5-0 vote.

Mayor Johnson announced the following:

- The Libertyville Fire Department will hold its annual Open House from 1:00 p.m. to 4:00 p.m. on Saturday, October 15, 2022 at Fire Station One.
- The Appearance Review Commission/Historic Preservation Commission will meet at 5:00 p.m. on Monday, October 17, 2022.
- The Parking Commission will NOT meet at 10:00 a.m. on Tuesday, October 18, 2022.
- The Finance Committee will meet at 6:00 p.m. on Tuesday, October 18, 2022.
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, October 18, 2022.
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, October 19, 2022.
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, October 19, 2022.
- The Plan Commission/ZBA will meet at 7:00 p.m. on Monday, October 24, 2022.
- The Bicycle Advisory Commission will meet at 5:00 p.m. on Tuesday, October 25, 2022.
- The Public Works Committee will NOT meet at 7:00 p.m. on Tuesday, October 25, 2022.
- A Committee of the Whole will meet at 7:00 p.m. on Tuesday, October 25, 2022.
- The Village Board will meet at 8:00 p.m. on Tuesday, October 25, 2022.

Village Administrator Update

Administrator Amidei announced a ribbon cutting for the Greentree playground on October 21, 2022 at 4:15 p.m.

Comments from the Board

Trustee Garrity commended Police and Fire for their work on a significant structure fire in his neighborhood.

Trustee Hickey noted an interesting podcast that he listens to which discusses short term rentals. He also stated that it may make sense to have the comprehensive plan ad hoc committee look at some of these topics in the future.

Trustee Connell thanked the Fire Department for the work on the recent structure fire.

Executive Session

Trustee Love moved to enter into executive session per 5 ILCS 120/2(c)(21) and 5 ILCS 120/2(c)(11) at 9:28 p.m., and Trustee Connell seconded. The motion carried on a roll call vote as follows:

AYES: Trustees Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Trustee Garrity moved to leave executive session and return to the regular board meeting at 10:04 p.m., Trustee Love seconded, and the motion was approved by a voice vote.

Voting Yea: Village Trustee Garrity, Village Trustee Hickey, Village Trustee Krummick, Village Trustee Love, Village Trustee Connell

With no further business to come before Village Board, Trustee Garrity moved to adjourn the meeting at 10:05 p.m., and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Respectfully submitted,



Kelly Amidei
Deputy Village Clerk