

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
March 10, 2020

President Wepler 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 Wepler, Trustees Donna Johnson, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey. Trustee Richard Moras was absent.

ITEMS NOT ON THE AGENDA

A Great Lakes representative noted that the First Friday events at the Naval Base would be on hiatus. Trustee Justice asked if graduation would still take place, and the representative stated that they would have video graduations and links would be provided for viewing.

OMNIBUS VOTE AGENDA

President Wepler 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 25, 2020 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 20-O-20:** An Ordinance Declaring Surplus Property
- D. **RESOLUTION NO. 20-R-33:** A Resolution Approving a Special Event
– NorthShore Wine, Beer & Cigar Festival

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 Justice 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

PRESENTATION from Libertyville High School Students Regarding Social Hosting

President Wepler stated that at the January 28, 2020 Village Board meeting, the Libertyville High School Youth Connect Council requested to make a presentation to the Village Board regarding the Village's social hosting ordinance. Youth Connect Council is a sub-committee of the Libertyville Connect coalition whose mission is dedicated to improving the health of the community by reducing underage drinking, not through shaming or preaching at peers, but by empowering parents by means of a local social host ordinance. The group have also worked with School Resource Officer Wayne Kincaid on their initiative.

They provided a presentation to the Village Board at the March 10th Village Board meeting.

The group of Libertyville High School students from the Youth Connect Council made a presentation to the Village Board. The group has been following a program called *Engaging Youth for Positive Change*, a curriculum created by researchers from the University of Illinois. Each student introduced himself/herself and listed involvement in school activities. Each group of students presented a different aspect of their request including:

- An introduction of YCC and its mission
- The Problem – easy access to alcohol by underage students
- The Data – a survey completed by 292 parents and Over 90% of students
- The Solution – Social Host Ordinance with additional language
- The Request – Specific additions to the ordinance

The students noted that although a social ordinance already exists in Libertyville, they asked for some additional language:

1. A \$300 fine for a first offense; a \$500 fine for a second offense
2. Adding language that a “gathering” be defined as two or more people
3. Language stating that a violation can occur with a social host knowingly or unknowingly allowing drinking in their home

Two adult representatives attended the meeting with the student group. They were Sarah Wright from Lake County Health Department and the Libertyville High School coordinator for the program Dr. Brenda Nelson.

Trustee Johnson commented on the data presented and noted the seriousness of the issue. She questioned whether the proposed language and fines would improve behaviors. Trustee Justice congratulated the students and school for their awareness of the issue. Trustee Adams asked what ramifications are in place at the school for students who drink. Dr. Nelson stated that although there is no zero-tolerance policy, students could lose a percentage of their activities. Trustee Garrity asked Police Chief Herdegen for comment. Chief Herdegen noted that police are limited to state law and the ordinance. Trustee Garrity stated that he saw the need for an escalating process.

Village Attorney David Goulds noted that parents would be able to afford the best defense counsel if necessary. Trustee Johnson suggested the students talk with friends and make a one-on-one attempt to curb issues. Trustee Carey stated that he admired the gumption it took to appear before the Board, but he did see some negative impact with the request.

President Wepler applauded the group for its efforts. He also stated that he worried the parents would be unjustly penalized if alcohol were brought in without parents knowledge. He asked how often the police are called in. Chief Herdegen stated that the police are called two-four times annually for larger groups. He also noted that fines must be in line with the state. President Wepler explained that as a non-home rule community,

Libertyville must follow state mandates. He added his support to the students' efforts and asked that the issue be referred to Staff for information on legality and then passed on the Special Projects Committee.

Trustee Johnson moved to refer the item to Special Projects, and Trustee Carey 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

REPORT OF THE PLAN COMMISSION (PC 20-03), Planned Development Plan – 1201 S. Milwaukee Avenue

President Wepler explained that Gregory Infiniti completed the final engineering, architectural, and site plans for its new location at 1201 S. Milwaukee Avenue and requested approval of the Planned Development Final Plan. The applicant appeared at the Plan Commission on January 27, 2020 and February 24, 2020 and presented the plans to the Commission and the public. At the conclusion of the meeting, the Plan Commission noted the following:

- Noise - the applicant has added a sound wall to the west of the proposed car wash, located the blowers 25 feet back from the exit, and chose a lower horsepower motor. These improvements were reported by the applicant's consultant, D.L. Adams Associates, and confirmed by the Village's consultant, Acoustic Associates, Ltd., that the noise level is not anticipated to exceed the 53dB target at the western property line;
- The applicant has agreed to install an eight (8) foot solid cedar fence to the east of the existing magnolia trees prior to initiating construction at the site; and
- That car transport trucks will not be permitted to stand or park on Greentree Parkway or Milwaukee Avenue.

A motion to recommend Village Board of Trustees approval passed with a vote of 5 - 0, subject to the condition that car transport trucks will not be permitted to stand or park on Greentree Parkway or Milwaukee Avenue. President Wepler then asked for questions and comments.

Contractor Bob Remsing was available to answer questions. Janet Salstrom, 1292 Briarwood, asked for the location of the fence being installed. Mr. Remsing stated that the fence would be 10 feet east of the property line.

Trustee Carey expressed concern about the car carriers unloading on Greentree Parkway. Mr. Remsing stated that the owner was on board with carriers not stopping on Greentree Parkway or Milwaukee Avenue. Space for carriers is available on the property. Trustee Adams stated that truckers would comply or be ticketed.

Trustee Justice asked for a construction timetable, and Mr. Remsing stated their hope was to begin April 1, 2020. Director of Community Development John Spoden noted that building and engineering permits applications had been received.

Trustee Johnson moved to approve the Planned Development Final Plan (PC 20-03), and Trustee Adams seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

RESOLUTION NO. 20-R-34: A Resolution Adopting an Update to the Village of Libertyville Economic Development Strategy (Key Land Redevelopment Opportunities and Priorities)

President Wepler reported that in September 2018, May 2017 and September 2015, the Village Board of Trustees approved revision to the November 2010 Economic Development Strategy which identified Key Land Redevelopment Opportunities & Priorities. The document identified key redevelopment efforts for the Village and each site has a description and recommended action steps. This Strategy was intended as an update to the Village's 2004 Economic Development Strategy, which was incorporated into the 2005 Comprehensive Plan.

The Economic Development Commission reviews this strategy annually, and uses it to guide its efforts. In light of recent redevelopment activity and land sales transactions, the Commission suggested an update to the Strategy. The document has been revised to reflect a re-prioritization of several sites and redevelopment opportunities at the downtown theater site and at two auto dealership lots. The aforementioned reordering was intended to reflect a high current level of activity at some of the sites that would require less staff/Commission focus and changing priorities due to potential sales tax production, employment development, property owner expectations, and Village needs. The updates and recommendations included in the proposed draft would replace prior versions of the Strategy in their entirety.

At their February 19, 2020 meeting, the Economic Development Commission recommended the Village Board's adoption of the Strategy. The adopted strategy is anticipated as an appendix to the 2030 Comprehensive Plan currently in draft form. President Wepler asked for questions and comments and there were none.

Trustee Carey moved to approve the resolution adopting an Update to the Village of Libertyville Economic Development Strategy, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

RESOLUTION NO. 20-R-35: A Resolution for Change Order No. 1 to Annual Streetlight Maintenance Contract

President Wepler stated that the Village Board approved the Annual Streetlight Maintenance Contract with Geary Electric, Inc. in the amount of \$96,600 on April 24, 2018. The contract with Geary Electric, Inc. was extended for a subsequent year on May 14, 2019 in the amount of \$116,600 with the passage of Resolution 19-R-11. The contract amount was based upon the budgeted amount for Streetlight Maintenance in the Streets Department Budget. This work is performed as an on-call time and material service with typical tasks including lamp/bulb and lantern replacements, cable fault repairs, pole repairs and “knockdown” replacements. The contract quantities are based upon an average of previous year’s quantities, but actual quantities used each year fluctuate due to road conditions impacted by severe weather, type of lights & poles (standard vs. decorative), accidents and the age and condition of the overall street lighting system which varies from each location.

As of February 28th, the expended contract amount is approximately \$106,000 based upon all the processed and pending invoices. (\$29,803 of this amount can be attributed to “knockdowns.”) With two months remaining in the fiscal year, the unusually high expenditures for the “knockdowns” and numerous outstanding work orders yet to be started, Staff proposed a \$15,000 change order to the contract. The proposed change order will bring the contract amount to \$131,600 and will result in being over budget by the amount of the change order, which should be offset by knockdowns reimbursements.

Staff recommended adoption of the resolution for approval of Change Order No. 1 to the Annual Streetlight Maintenance Contract with Geary Electric, Inc. and authorized execution by the Village Administrator.

Trustee Carey asked for clarification of reimbursements. Director of Public Works Paul Kendzior stated that the Village receives .70-.80 on the \$1.00, and Village Administrator Amidei stated that they try for 100%.

Trustee Johnson moved to approve the resolution for Change Order No. 1 to Annual Streetlight Maintenance Contract, and Trustee Carey 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

CONSIDERATION OF A RESOLUTION Approving an Addition to a Special Event – Dog Days of Summer

President Wepler noted that at the January 28, 2020 Village Board meeting, the Village Board approved Resolution #20-R-09 approving the Dog Days of Summer Special Event. The event organizers had originally proposed a new request for a 5K Run/Walk, which was rescinded from the initial request as a result of a coordination issue with the sponsor. This has been resolved and the request to add the 5K is reinstated.

The new request is for a 5k Run/Walk on Sunday, July 12, 2020 (approx. 8 a.m. start) and will be sponsored and run by Care Animal Hospital of Libertyville. The run/walk would leave from Cook Park and proceed around Butler Lake. The Village will be reimbursed the associated costs for providing traffic control during the run.

Staff recommended Village Board approval of the resolution approving the addition to the special event and also the use of Village property to accommodate the race on July 12, 2020. President Wepler asked for questions and comments and there were none.

Trustee Johnson moved to approve the resolution approving an addition to a Special Event – Dog Days of Summer. Trustee Justice 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**REPORT OF THE HISTORIC PRESERVATION COMMISSION (HPC 19-05)
Certificate of Appropriateness for Demolition – 708 Milwaukee Avenue (*deferred at the request of the petitioner*)**

Background: On September 16, 2019 and October 28, 2019, the Historic Preservation Commission held a public meeting on a proposal from Rhyan Holdings, LLC for a Certificate of Appropriateness to demolish the existing structure at 708 N. Milwaukee Avenue. Pursuant to the adoption of the Downtown Historic District, issuance of a Certificate of Appropriateness is required prior to demolition and the Commission shall hold a public meeting and make a recommendation to the Village Board of Trustees.

The proposal before the Village is to demolish the Liberty Theater building and replace the building footprint with green space. Commission members reviewed the proposal with the applicant and members of the public. At the conclusion of the meeting, the Commission

found that the structure is of such historic and cultural significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people. In addition, as the petition was to demolish the structure and not construct a new building at this time that the Commission could not review the proposal for compliance with Section 12.1 of the Historic Preservation Ordinance – Design Guidelines.

A motion to recommend Village Board of Trustees approval of a Certificate of Appropriateness for demolition of the structure at 708 N. Milwaukee Avenue failed with a vote of 0 – 6. Accordingly, the recommendation of the Historic Preservation Commission was to deny the request.

Please note that if the Village Board concurs with the recommendation to deny the Certificate of Appropriateness, the petitioner can file a petition for a Certificate of Economic Hardship. If such an application is received, the Village Board may refer the request back to the Historic Preservation Commission for review and recommendation.

Trustee Johnson moved to defer the item to a date uncertain at the time, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Special Project Committee will meet at 4:00 p.m. on Thursday, March 12, 2020
- Ask President Wepler will meet at 9:00 a.m. on Saturday, March 4, 2020 at Birdy's Coffee House, 725 N. Milwaukee Avenue
- The Green Living Fair will meet at 10:00 on Saturday, March 14, 2020 at the Libertyville Civic Center
- The Libertyville Arts Commission will not meet at 2:00 p.m. on Monday, March 16, 2020
- The Historic Preservation Commission will meet at 5:00 p.m. on Monday, March 16, 2020
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, March 16, 2020
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, March 18, 2020
- The Sustain Libertyville Commission will meet 4:00 p.m. on Wednesday, March 18, 2020
- The Parks and Recreation Advisory Commission will not meet at 3:00 p.m. on Thursday, March 19, 2020

- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, March 23, 2020
- The Bicycle Advisory Commission will not meet at 6:00 p.m. on Tuesday, March 24, 2020
- The Streets Committee will not meet at 7:00 p.m. on Tuesday, March 24, 2020
- The Village Board will meet at 8:00 p.m. on Tuesday, March 24, 2020

EXECUTIVE SESSION

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

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

Litigation: Pending or Imminent [5 ILCS 120/2(c)(11)]

Trustee Carey moved to go into Executive Session at 8:53 p.m., and Trustee Justice seconded. The motion carried on a unanimous voice vote.

ADJOURNMENT

The Village Board returned to the regular meeting at 9:24 p.m., and with no further business to come before Village Board, Trustee Justice moved to adjourn, and Trustee Adams seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

by: *Kelly A. Amidi, Deputy Clerk*

Sally A. Kowal
Village Clerk