

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
August 9, 2011

President Weppler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Weppler, Trustees Donna Johnson, Drew Cullum, Richard Moras, Todd Gaines, Jay Justice, and James Moran

MOMENT OF SILENCE

President Weppler asked for a moment of silence in memory and honor of Robert Matthews. Mr. Matthews, a member of St. Joseph's Church, served the Village of Libertyville as a Trustee and as a paid-on-call fire fighter.

WELCOME

President Weppler welcomed members of Boy Scout Troop 681 from Libertyville and Buffalo Grove.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had anything to bring before the Board that was not already listed on the agenda. There were no issues.

OMNIBUS VOTE AGENDA

President Weppler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the July 26, 2011 Meeting
- B. Bills for Approval
- C. **ORDINANCE 11-0-51: Approve Final Plan — 154 School Street**
- D. **ORDINANCE 11-0-52: Approve Corner Side Yard Variation — 774 Meadow**
- E. **ORDINANCE 11-0-53: Approve Fence Variation — 218 S. Second**
- F. Approve Temporary Signage Request — MSL
- G. Authorize Construction and Waive Permit Fee — DACC

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 Cullum seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ZBA REPORT — Front Yard Setback Variation — 721 Meadow

A. ZBA Report

President Weppler introduced a ZBA report for a requested front yard setback variation to allow construction of a covered front porch at 721 Meadow Lane. A proposed second floor addition did not require variation, but the proposed porch would encroach into the

setback. The ZBA noted the first floor elevation and the close proximity to the setback limits would not allow for a functional front porch. They recommended approval of the variation. The Mayor asked for Board and public comments. Applicants were present for questions. Trustee Johnson asked if there had been any objections received regarding the request. Director of Community Development John Spoden stated that there had been none. Trustee Moras stated that the pictures were very helpful as illustration. He thanked the homeowners for their time and effort in improving their home.

Trustee Johnson moved to approve the variation, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

B. ORDINANCE 11-0-54

Trustee Cullum moved to approve the ordinance granting the variation at 721 Meadow Lane, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

REVISE LICENSE AGREEMENT — 133 E. Cook

President Weppler introduced a request from the Brainerd Community Center to install five temporary signs publicizing the North Shore Beer Cigar and Food Festival on Saturday, August 27, 2011, at the Brainerd Building and field. The organization proposed installing four 4'x 3' signs at the entries on North and South Milwaukee Avenue, East and West Park Avenue, and one 20'x 4' sign in Cook Park. However, the entry signs for the MainStreet Libertyville Twilight Shuffle were previously approved for August 21 through September 4, 2011.

Unless waived by the Mayor and Village Board, the current policy would limit the number of entry signs to one, and that would limit the Brainerd Community Center signs to display August 13 through August 20, 2011. The Mayor then asked for comments. Scott Adams, member of the Board of Directors of the Brainerd group, stated that the group was not aware of a sign limit. The bulk of their sales occur during the last five days prior to the event, and he asked that the policy be waived to allow for two full weeks of advertising. The Mayor stated that he was in favor of the request since both events are positive. Trustee Johnson concurred, asking that the signs be removed promptly after the event. Mr. Adams agreed. Trustee Cullum asked if the waiver would cause a precedent. Mr. Spoden stated that there was no problem with waiving the policy. Trustee Moran stated that he would abstain from discussion and voting.

Trustee Johnson moved to approve the request for temporary signage, and Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

NAYS: None

AYES: Trustees Johnson, Cullum, Moras, Gaines, and Justice

ABSTAIN: Trustee Moran

REVISE LICENSE AGREEMENT — 133 E. Cook

President Wepler explained that the Board had previously approve a license agreement with the Amazing Cosmetics Company for landscaping on the Village right-of-way and adjacent parking lot. Administrative Staff recommended an amendment to allow for the installation of a stoop outside the west door. The door swings out over private property, but the stoop would be partially constructed on Village property. The same terms of the License Agreement would remain in place. The Mayor then asked for questions. The applicant was present.

Trustee Justice moved to approve the agreement, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran
NAYS: None

TEMPORARY USE PERMIT REQUEST for Used Auto Sales

President Wepler introduced a request from Libertyville Mile of Cars for a temporary use permit to allow for a three-day used car sale September 15-17, 2011, at the Life Storage facility on East Park Avenue. The dealers proposed using open space and the parking area to the east of the existing building for the sale. The request for the temporary use permit included a small pop-up tent for each dealer (10'x 10'), one cold-air inflatable balloon, banners for placement on the building and balloon (one each: 100'x 4' and 50'x 2'), and directional signage. The temporary signage on the Life Storage building would be erected one week prior to the sale. Temporary lighting was also requested.

Administrative Staff recommended approval subject to the issuance of one temporary sign permit, one tent permit, and one electrical permit. Applications had already been received as of the meeting. The Mayor then asked for questions and comments. Trustee Johnson offered full support for the event, noting the dealers' funding in promoting the event. Glenn Bockwinkel, spokesman for the auto dealers and owner of Libertyville Acura, presented information about the event and noted the success of last year's event. Trustee Moras stated the tremendous tax base impact due to auto sales as well as their impact on commerce and employment. He stated that he supported their effort. The Mayor also commended efforts made toward supporting youth sports and fireworks.

Trustee Johnson moved to approve the temporary use permit. Trustee Moran seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran
NAYS: None

SETTLEMENT AGREEMENT — 1600 S. Milwaukee Avenue

President Wepler explained that in 2007, construction started on what was to become a Fresh Foods grocery store at 1600 S. Milwaukee Avenue. The property owner and developer became insolvent, and construction was abandoned, leaving a partially constructed building on the site. The Village filed suit to compel demolition of the building. The mortgage holder filed a foreclosure action within the Village's demolition lawsuit. The partially constructed building was removed, the property conditions were remediated, and the Village filed a demolition lien against the property in the amount of \$65,000.

A negotiated settlement was reached with the mortgage holder, MB Financial Bank, N.A. to resolve and release the Village's lien for the amount of \$61,500. The Settlement and Release Agreement presented would dismiss the Village's lawsuit and release lien interests in exchange for the settlement payment to the Village. The Mayor asked for comments and questions.

Trustee Cullum moved to approve the Settlement Agreement and Release of Lien. Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

PETITIONS AND COMMUNICATIONS

President Wepler thanked the Scouts for attending the meeting.

President Wepler announced the following:

- The Keep Libertyville Beautiful Commission will meet at 7:30 a.m. on Friday, August 12 at the Liberty Restaurant
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, August 15
- The Parking Commission will meet at 10:00 a.m. on Tuesday, August 16
- The Marketing Committee will meet at 4:00 p.m. on Tuesday, August 16 at Austin's Restaurant
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, August 17
- The Historic Preservation Committee will meet at 4:00 p.m. on Wednesday, August 17
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, August 22
- The Streets Committee will meet at 7:00 p.m. on Tuesday, August 23
- The Village Board will meet at 8:00 p.m. on Tuesday, August 23
- The ETSB will meet at 9:00 a.m. on Thursday, August 25 at the Schertz Building
- The Brainerd Northshore Wine, Beer, and Cigar Festival will be Saturday, August 27 from 3-8:30 p.m. at the Brainerd Building

President Wepler again thanked the Boy Scouts for attending the meeting.

ADJOURNMENT

With no further business, Trustee Moras moved to adjourn at 8:21 p.m. Trustee Justice seconded, and the motion carried on roll call vote as follows:

AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

Respectfully submitted,

Sally A. Kowal
Village Clerk