

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
September 27, 2011

President Weppler called to order a meeting of the Board of Trustees at 8:00 p.m. at the Libertyville Civic Center, 135 W. Church. Those present were: President Terry Weppler, Trustees Donna Johnson, Drew Cullum, Richard Moras, Todd Gaines, Jay Justice, and James Moran.

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.

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 September 13, 2011 Meeting
- B. Minutes of the September 13, 2011 Executive Session
- C. Bills for Approval
- D. **RESOLUTION 11-R-22: MFT Allocation**
- E. **ORDINANCE 11-O-57: Renew Wind Turbine Moratorium**
- F. **ORDINANCE 11-O-58: Amend Code Regarding Ash Trees**
- G. **ORDINANCE 11-O-59: Amend Code Regarding Replacement Trees**
- H. **ORDINANCE 11-O-60: Declaring Surplus Property**
- I. License Agreement Renewal – 430 Meadow
- J. License Agreement Renewal – 416 Meadow
- K. Raffle License Request – Prairie Circle Unitarian Universalist Church
- L. Raffle License Request – St. Joseph’s Church – Mothers with Young Children
- M. Amend Brainerd Lease
- N. ARC Report

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. Trustee Moras asked to abstain from discussion and voting on Item M. Trustee Johnson amended her motion to exclude Item M, and Trustee Cullum concurred. The motion carried on roll call vote as follows:

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

NAYS: None

ITEM M

Trustee Justice moved to approve Item M listed on the Omnibus Vote Agenda, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSTAIN: Trustee Moran

SIDE YARD SETBACK VARIATION – 955 W. Winchester Road

A. ZBA Report

President Weppler introduced a ZBA report for a requested side yard setback variation to allow for construction of an attached garage at 955 W. Winchester Road. The petitioners are proposing to demolish an existing detached garage and construct a new attached garage on the west side of the house. Members of the ZBA noted that the location and architecture of the house did not lend themselves to any other garage location. The ZBA recommended approval. The Mayor asked for questions. Trustee Johnson asked if any neighbor had raised concern with the construction, and Director Spoden stated that there had been no concerns expressed. Trustee Johnson moved to approve the variation, and Trustee Moras seconded. The Mayor asked for further discussion or comments. The motion carried on roll call vote as follows:

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

NAYS: None

B. ORDINANCE 11-O-61

The Mayor then introduced the ordinance granting the side yard setback at 955 W. Winchester Road. Trustee Johnson moved to approve the ordinance, and Trustee Cullum seconded. The motion carried on roll call vote as follows:

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

NAYS: None

PLAN COMMISSION REPORT: Lake County Master Plan and Special Use Permit – NW Corner of Winchester and Milwaukee

President Weppler welcomed everyone attending the meeting to discuss the Plan Commission report regarding the Lake County Planned Development and Master Plan. He noted that the Plan Commission had held four meetings concerning the property located at 400-800 W. Winchester Road and 1125-1303 N. Milwaukee Avenue. He explained that Staff would make introductory comments followed by the petitioners and public comment. He then asked Director of Community Development John Spoden to explain the report.

Director Spoden explained that the Lake County Master Plan encompasses 170 acres at the intersection of Milwaukee Avenue and Winchester Road. The plan would span 20 years with five-year updates. Spoden discussed the guidelines for development and review requirements. He noted that there had been debate over the proposed and permitted land uses. The Plan Commission recommended approval of the Special Use Permit and Planned Development Master Plan, finding it consistent with the intent of the Comprehensive Plan and the Zoning Code. The vote was 5-1 with the dissenting vote noting disagreement with possible commercial development of property along Milwaukee Avenue. Matt Guarnery, representing Lake County, discussed the history of

the property and the timeline of hearings and meetings concerning the development. He described the various development zones, including relocation for Winchester House. He illustrated the zones, which abut residential areas and described possible development of the optional zone where Winchester House is currently located. He also explained allowable and actual FAR and development square footage.

Mr. Guarnerly also illustrated and discussed the following:

- Landscape standards and site amenities
- Architectural standards
- Storm water management plan
- Water main and sanitary sewer

He also discussed amendments to the plan including:

- Reduced FAR
- Reduced height
- Permitted and prohibited uses
- Development standards
- Lighting standards
- Perimeter trail system
- Setbacks
- Berm height
- Preservation of existing screen

Mr. Guarnerly asked for questions.

The Mayor asked if the berm would be 8-10 feet and asked for clarification regarding the optional zone. Mr. Guarnerly concurred with the berm height and stated that the optional zone would be different from the main campus uses. Trustee Johnson asked for clarification of correctional facilities. Mr. Guarnerly stated that jails and detention centers would be prohibited. Director Spoden stated that probation facilities would be permitted. Trustee Johnson asked if residential care facilities would be permitted. Mr. Guarnerly stated that any facility offering 24-hour care would go through the Special Use process. Director Spoden added that Special Use would apply in Zones 6 and 8. Trustee Justice asked when parking lot lights would be turned off. Mr. Guarnerly stated that he was not sure of the times and that some security lights would be on for 24 hours. Trustee Justice asked if funding had been allocated for the berm, and Mr. Guarnerly stated that the funding was not currently available. Trustee Justice asked what types of lighting would be used, and Mr. Guarnerly explained that interior lighting would be determined at the time of development. Trustee Gaines asked which projects are currently budgeted. Mr. Guarnerly explained that the loop road, storage and maintenance facilities, a new Winchester House, and miscellaneous remodeling had been budgeted.

Mr. Rick Marder, 243 Adler Drive, addressed the Board, noting the background of residents' involvement in the planning process. He explained that the plans presented were only illustrative in nature. He questioned the accuracy of information included in the Plan Commission documents and stated concern with the pending impact of the

reconstruction of the intersection of Milwaukee Avenue and Peterson Road. Mr. Marder listed residents' "must haves" as:

- Maintenance of a Public Voice for the duration of the Master Plan
- Elimination of any uses with a potential criminal element
- Development of an interior/exterior light pollution plan
- Review of the interpretation of uses and land use list
- Implementation of Special Use Permits for all overnight facilities campus-wide
- Completion of a new traffic study after construction is completed at Milwaukee Avenue and Peterson Road

Mr. Marder asked the Board to reject the Master Plan, preserve the public voice, and work toward a mutually acceptable compromise.

Mr. Robert Waddick, 1679 Young Drive, addressed the Board regarding light pollution and submitted photographs of the Lake County facility with lights on at various times. He suggested turning off half of the lights or installing motion sensors or timers.

Ms. Lynda Waddick, 1679 Young Drive, addressed the Board concerning the buildings and services in the future development. She stated concern with unsuitable uses and the County's vague intent. She asked that no criminal facility be allowed that would change the Village irrevocably. She added that the public's voice is critical in the process.

Les Zematis, 207 Adler, stated his disappointment with the process and his government representatives. He stated that no one from the County administration asked for concerns, and he added that the Village Staff did an incomplete job defining development buildings and uses.

Michele Houser, 1724 Cedar Glen Court, asked that all facilities involving a criminal element be prohibited.

Kevin Cluff, 279 Adler Drive, explained the grass roots process and the residents' education in the process. He asked for the preservation of the character of the neighborhood. He explained that the magnitude of the development required a special buffer as a safeguard against adverse impact.

Roch Tranel, 1509 N. Milwaukee Avenue, concurred with Mr. Marder's statements.

Mark Steinhauser, 195 Adler Drive, addressed the Board regarding issues with the Master Plan. He concerns included: usage and size of the berm, elevations, proximity to residential areas, drainage ditch on residential side, and impact on property values. He suggested that no building should be built within 400 feet of the homes on Adler Drive.

Jeff Roleck, 211 Adler Drive, stated that he appreciated the green campus but did not think that there was enough buffer. He stated that the development was not a good place for any potentially negative impact, and all risk should be precluded.

Ken Chalifoux, 211 W. Cook, stated his concern for public safety. He opposed any facility in which court supervision was incorporated. With the close proximity to public transportation, he noted a possible risk of discarded contraband, weapons, and controlled substances coming into the Village. He asked for specific permitted uses.

Steve Dulak, 271 Adler Drive, reiterated the need to keep the residential voice in the process.

President Weppler stated that he appreciated the time and energy everyone put in to articulate their passion and views of the difficult issue. He asked John Spoden if a second look at the Master Plan was in order. Spoden stated that a review is always welcome. Trustee Johnson stated that a review was appropriate for both the residents and the process. She added that everyone matters and encouraged the County to listen to the residents. She asked that Village Staff and the County address specific concerns, be willing to compromise, and not decided hastily on such sensitive issue.

Trustee Cullum thanked everyone for the input. He added that the plan must address the common good, and major concerns must be addressed. Although the land belongs to the County, he stated that the development would impact the community.

Trustee Moras expressed his concern that the County did not seek input from the residents regarding their concerns. He thanked the residents for stepping up and stated that he was disappointed that they had no feeling of trust or good faith in their government. He stated that the broad interpretation lead to mistrust. He asked for clarification in regard to interpretation of uses. Director Spoden stated that Staff could take another look at the land use. Trustee Moras asked if the water and sewer plan was adequate, and Director of Public works John Heinz stated that he felt comfortable with the plan due to strict standards.

Trustee Gaines thanked the residents, especially Rick Marder. He stated that the Board would work to find an acceptable resolution.

Trustee Justice stated that Master Plans change dramatically over time and that it is critical to involve the residents.

Trustee Moran concurred with the other trustees. He asked about changes in zoning for the optional development zone if the property is sold. Director Spoden explained that a planned development would result for that property.

President Weppler explained that Village Staff would prepare a final plan, and the Village Attorney would develop an opinion regarding permitted uses and special use requirements.

AWARD BID – Contractual Snow Removal

President Weppler explained that three bids were received and opened on Tuesday, September 13, 2011 for the contractual snow plowing of six public parking lots and two Village Fire Station lots, downtown snow loading/hauling, and supplemental street snow plowing assistance for the 2011-2012 season. The bid specification solicited hourly rates for various snow removal equipment based on an estimated number of 550 hours per season. Three estimated costs were provided. Administrative Staff recommended that the contract be awarded to J & E Nursery of Libertyville based on their low bid and favorable work history. Sufficient funding for the service is provided in several budgeted funds. The Mayor asked for questions.

Trustee Johnson moved to award the bid to J & E Nursery, Ltd., and Trustee Gaines seconded. The Mayor asked for further comment. The motion carried on roll call vote as follows:

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

AMEND EASEMENT AGREEMENT – Langworthy Property

President Wepler explained that in 2003, the Village entered into an agreement with Terry Langworthy, owner of 525 N. Milwaukee Ave., for the sale to the Village of a portion of the parking lot west of his building. Mr. Langworthy retained an easement over a designated area of the transferred property for five parking spaces to serve his building and the businesses which occupy it.

Due to the reconfiguration of the parking lot, it has become necessary to relocate the original parking spaces granted in the easement. Mr. Langworthy has also agreed to formalize an easement for public sidewalk purposes over portions of his property. In exchange for Langworthy's agreement to the relocation of the parking spaces and the grant of the sidewalk easement, the easement agreement presented provides Mr. Langworthy with two additional parking spaces and requires the Village to continue to provide snow removal and storm sewer maintenance within the parking area behind 535 N. Milwaukee Avenue. In addition, since the Village will be replacing underground utilities in this area, the Village and Mr. Langworthy have agreed to share the cost of asphalt replacement at an approximate cost of \$3,750 for each party.

Administrative Staff, the Village Attorney, and the Parking Commission recommended approval. The Mayor then asked for questions and comments. Village Attorney Pardys noted a correction to the agreement in Section 7 (b), changing the addresses to 525-541. Trustee Cullum moved to approve the revised Langworthy Easement Agreement, and Trustee Johnson seconded. The Mayor asked for further 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 announced the following:

- Parks and Recreation Advisory Commission will meet at 6:00 p.m. on Tuesday, October 4
- Parks and Recreation Committee will meet at 7:00 p.m. on Tuesday, October 4, 2011
- Marketing Committee will meet at 7:30 a.m. on Monday, October 10 at Austin's
- Zoning Board of Appeals will meet at 7:00 p.m. on Monday, October 10
- Police Pension Board will meet at 3:00 p.m. on Tuesday, October 11 at the Schertz Building
- Special Projects Committee will meet at 6:00 p.m. on Tuesday, October 11 at
- Water and Sewer Committee will not meet on Tuesday, October 11
- License and Permits will meet at 7:00 p.m. on Tuesday, October 11
- The Village Board will meet at 8:00 p.m. on Tuesday, October 11

President Wepler thanked the Village Staff, those representing the County, and the residents for participating in the meeting.

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn, Trustee Moran seconded, and the motion carried on a unanimous roll call vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk