

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
October 11, 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.

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.

Ken Stemke, Chairman of the Board of Directors of MainStreet, thanked the Village for its support of the Street Dance. President Weppler thanked Mr. Stemke for the fine job MainStreet does.

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 27, 2011 Meeting
- B. Bills for Approval
- C. **RESOLUTION 11-R-23: MFT Allocation**
- D. Renew Parking Lot Lease with American Legion
- E. Accept 2011 Financial Audit
- F. **RESOLUTION 11-R-24: Support of Remediation in Village of DePue, Illinois**
- G. Request Use of Village Property – America Needs Fatima

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 highlighted the Financial Audit contained in the Omnibus, noting the professionalism in the Village's financial practices.

The motion carried on roll call vote as follows:

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

NAYS: None

VOLKSWAGEN CREDIT, INC. – 1401 Franklin Boulevard

A. Plan Commission Report

President Weppler introduced a Plan Commission report for on a request from Volkswagen Credit, Inc., for a Site Plan Permit to allow for a 32,752 square foot addition to their existing facility at 1401 Franklin Boulevard. The Plan Commission recommended approval with a vote of 5-1 with the dissenting vote noting a preference for additional landbanking of the parking at the site. The Mayor then asked for questions or comments.

Trustee Johnson moved to approve the Site Plan Permit, and Trustee Justice seconded. The Mayor asked for further 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-62: Site Plan Permit

President Wepler introduced the ordinance granting approval of a Site Plan Permit for 1401 Franklin Boulevard. Trustee Cullum moved to approve the ordinance, and Trustee Johnson seconded. The Mayor asked for further comments. The motion carried on roll call vote as follows:

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

REQUEST USE OF VILLAGE PROPERTY – 2012 Libertyville Days

President Wepler introduced a letter from Dee Cox and Art Kopp of the Libertyville Civic Center Foundation, Inc., (LCCF) requesting Village Board approval to conduct the 2012 Libertyville Days festival and approval to use Village property and close certain streets. The dates for the festival will be Thursday, June 14 through Sunday, June 17 2012. The Parks and Recreation Committee reviewed the request, and the Committee and Administrative Staff recommended approval of the LCCF request for the 2012 Libertyville Days festival, subject to the following conditions:

1. Authorize closure of portions of Milwaukee Avenue (between Appley Avenue and Rockland Road) and
2. a portion of Rockland Road (between Milwaukee Avenue and Garfield Avenue) on Saturday, June 16, 2012 from 10:00 a.m. to noon for the annual parade. Although requested, the Village is unable to post Milwaukee Avenue as “no parking” in the downtown for the parade. The recommendation includes use of the downtown train station commuter parking lot beginning Friday evening through Saturday noon for staging the parade area;
3. Authorize use of Sunrise Rotary Park, west of the playground and sidewalk area, for set up and operation of children’s carnival rides and games. The Village will also close the south side of Broadway, from Milwaukee Avenue to Park Place, and the southbound turn lane on Milwaukee Avenue at Broadway. The LCCF agrees to restore Sunrise Rotary Park in a timely manner;
4. Authorize use of Cook Park for an arts and crafts fair on Friday, June 15 though Sunday, June 17, 2012. The LCCF agrees to restore Cook Park, if needed, in a timely manner. The Village will also authorize use of the stairway of the Cook House for the family entertainment stage. LCCF will make every attempt to use Libertyville businesses, limit those vendors who directly compete with existing businesses and limit vendors to arts and crafts goods;

5. Authorize closure of Church Street (between Milwaukee Avenue and Brainerd Avenue), the parking lot behind the Civic Center and driveway areas for the set up and operation of adult carnival rides, games and food vendors, beginning at 8:00 p.m. on Monday, June 11 through Sunday, June 17, 2012. The LCCF agrees not to begin operating carnival rides on Saturday, June 16 until after the parade is concluded;
6. This year the LCCF is again requesting Village Board approval to expand the beer garden area to include the food vendors and the main stage entertainment area on Church Street. The area will be fenced off with snow fencing, and in some areas construction fencing, with limited access points. Anyone authorized to purchase alcohol will be issued a wristband for easier identification and access points will be established on Church Street. This system worked well during the 2011 Libertyville Days Festival. In addition, the request includes an extension of the beer garden hours on Friday and Saturday evenings from 11:00 p.m. until 12:00 p.m. with the last tickets sold at 11:15 p.m. and last call at 11:30 p.m. The Parks and Recreation Committee requested that this matter be reviewed with the Police Department, which has no objection to the request to extend the beer garden hours. The Parks and Recreation Committee also asked the Staff to check on the closing hours for other alcohol sales for downtown events, and the annual Mickey Finn's Anniversary Festival stopped serving alcohol at 10:30 p.m. (and then the crowd is instructed to move inside the facility) and MainStreet Libertyville Street Dance ends alcohol sales at 11:00 p.m. LCCF will obtain a Class H liquor license and provide the Village with dram shop insurance for operation of the beer tent;
7. Authorize use of sidewalks in the downtown area for sidewalk sales, which will be coordinated by LCCF with MainStreet Libertyville and local merchants;
8. Require the LCCF to have the amusement company to provide a list of employees for background review by the Police Department, and make arrangement for carnival truck parking at a location acceptable to Village Staff;
9. Require the LCCF to provide the Village with a certificate of insurance naming the Village as an additional insured;
10. Require the LCCF to contact all affected property owners, including St. Joseph Church, the Masonic Temple and St. Lawrence Episcopal Church to advise them of the festival hours and activities, and work with the neighbors to minimize any noise disruption associated with the set up and operation of the festival, as well as ensure adequate arrangements are made to accommodate Saturday evening and Sunday church services;
11. Require the LCCF to make arrangements with the local refuse company to provide refuse removal services during the festival, and collect the refuse from the decorative refuse containers on Milwaukee Avenue;

12. Require the LCCF to ensure that the placement of any tent(s) in Cook Park for the arts and crafts vendors is approved by the Parks and Recreation Department, in order to prevent any damage to the underground sprinkler system, and no spray paint may be used on Village property;
13. Require the LCCF to provide the Village with a map indicating the placement of carnival rides, vendor booths, etc.;
14. Require the LCCF to obtain any additional necessary barricades which cannot be provided by the Village through a private company;
15. Authorization to place signs (no larger than 4'x4') at the entryways to the Village beginning two weeks prior to the event;
16. Require the LCCF to have a representative onsite or available during the entire set up of the Libertyville Days Festival;
17. Require the LCCF to meet with the Fire and Police Staff to refine notifications and related procedures for weather emergencies during the festival.

Administrative Staff recommended approval. In the past few years, the Village has required the LCCF to reimburse the Village for a minimum of one-half of Village related expenses associated with the festival, with the understanding that the Village Board would review the reimbursement further as part of the 2012-2013 Village budget discussions. The Mayor introduced representatives of the LCCF and Parks and Recreation Department then asked for questions or comments. Trustee Moran asked if there were any anticipated issues with the extension of time for liquor sales. Police Chief Herdegen explained that there had been no incidents last year. Trustee Moran asked that the Board revisit the issue after next year, and Chief Herdegen stated that they evaluate every event. Trustee Moras asked about the Village's expenses for the event, and the Mayor explained that the Village bills the LCCF for 50% of the expenses, and the Village portion comes from the Hotel/Motel Tax Fund. Trustee Moras stated that residents find the festival a great event, which helps define the community. He thanked the many volunteers who oversee the event.

Trustee Cullum moved to approve the request from the LCCF to conduct Libertyville Days subject to the conditions listed, and Trustee Moras seconded. The Mayor asked for further comments. The motion carried on roll call vote as follows:

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

NAYS: None

AUTHORIZE PURCHASE OF FIREFIGHTER UNIFORMS

President Wepler explained that each year, the Libertyville Fire Department bids bulk uniform purchases for summer and winter uniforms. Each employee receives a \$500 allowance for uniforms and can request replacement uniforms through a quartermaster system. In preparation for this year's uniform purchase, Staff met with Uniformity to discuss uniform products and the possibility of bidding. Declining customer service and loss of a local uniform company led to seeking new vendors. Uniformity has offered to hold the current pricing for two years, without a contract, if the Village agrees to buy

from them for two years. Staff found the pricing is competitive. Staff also checked with area fire and police department who use Uniformity and found the departments to be very satisfied with them. Staff recommended authorizing the Village board to waive bids and purchase uniforms from Uniformity for two years as long as service levels remain high. The Mayor asked for comments. Fire Chief Carani explained that Uniformity has asked for a commitment, but it is not binding.

Trustee Johnson moved to waive formal bidding and authorize the uniform purchase from Uniformity. Trustee Cullum seconded. The Mayor asked for further comments. The motion carried on roll call vote as follows:

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

NAYS: None

AMEND EASEMENT AGREEMENT – Adler School

President Weppler explained that the Village approved an Easement Agreement with School District 70 in June of 2011, which would allow the construction of a bus turnaround behind Adler School. The School District determined the turnaround was necessary due to the upcoming IDOT improvement project on Milwaukee Avenue, which will prohibit buses from making a left turn out of the Adler parking lot. Soon after construction started, the School District determined that the turnaround area should be moved further east. The easement agreement presented vacates the prior easement and would allow for the School District to construct, at its cost, a turnaround for buses behind the school on property owned by the Village. The agreement requires that the District maintain the turnaround area as well as the portion of the roadway north of the Adler Park Lodge.

The Parks and Recreation Committee and Village Staff recommended approval of the request, subject to no building permits for the work being issued until the Village has received evidence that 1) the relocated easement is not within the limits of the flood plain area; 2) a re-grading plan which meets Village requirements with regard to storm water management has been prepared; and 3) the Lake County Forest Preserve District has confirmed that it has no objection to the relocation of the easement. The Mayor asked for questions.

Administrator Bowens explained that the turnaround is very close to the Des Plaines River path, but that the LCFPD has no problem with the relocation, which is no larger just east of the original location. The Board discussed road maintenance, and Director of Public Works John Heinz stated that there would be minimal impact on the road through Adler Park.

Trustee Gaines moved to approve the easement agreement with School District 70, and Trustee Justice seconded. The Mayor asked for further comments. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

Streets Committee Report

Trustee Johnson reported that the Streets Committee unanimously voted to recommend to the Village Board that the money withheld from the developer be kept and used to grind off the defective surface on Seventh Street and replace it up to the \$26,650 amount of the money held. Trustee Johnson then moved to recommend that the funds be held and used for repairs to Seventh Street, and Trustee Cullum seconded.

President Wepler stated that he disagreed since there are so many other streets that need repair, and it would not be advisable to tear up a new street. Trustee Cullum noted that the vote was unanimous and that the funds were held to correct a problem. He added that even though the street appears fine now, the core sample performed showed that the pavement is defective. He stated that it would be inappropriate for the Village to reallocate those funds to other projects. Trustee Moras concurred but favored using the money for high-priority issues and fixing Seventh Street when needed. Trustee Gaines asked how much the project would cost, and Director Heinz estimated about \$30,000, and even though only \$26,650 is available, he recommended repairing the entire street.

Trustee Justice concurred with Trustee Moras. Trustee Moran stated that there had been unanimous vote in August, but after checking the other street conditions, he stated that he could not support using the funds on Seventh Street. Trustee Gaines stated that he appreciated Director Heinz's concern and observation of a problem. Trustee Johnson stated that she was sensitive to the conditions of many of the Village streets and noted the Village attorney's recommendation that the money could not be used on other streets.

Village Attorney Pardys explained that the money could be used on other projects if the bank and the developer Mike Werchek would be amenable. Trustee Johnson stated that the funds should be used appropriately as allocated. The Mayor stated that resident on Sunnyside were amazed at the idea of grinding the new street. He added that some funds had been released because the Village had given an okay for the project. Trustee Johnson stated that an evaluation is always subject to human error, but the obligation exists for the Village to follow the process, get core samples, weigh the facts, and address the defects. The Mayor stated that he appreciated her position and legitimate reasons.

Bill Westerman, representing Libertyville Bank and Trust, stated that the original payout had been approved after core samples had passed. He added that Mr. Werchek was willing to work with the Village to allow the funds to be used as needed. Further discussion was deferred to allow for negotiations and input from Mr. Werchek. Trustee Johnson amended her motion to table the issue, and Trustee Cullum seconded. The motion carried on a unanimous voice vote.

President Wepler announced the following:

- The Keep Libertyville Beautiful Commission will meet at 7:30 a.m. on Friday, October 14 at the Liberty Restaurant
- The Firefighter Pension Board will meet at 8:30 a.m. on Monday, October 17, 2011 at the North Fire Station

- The Appearance Review Board will meet at 7:00 p.m. on Monday, October 17, 2011
- The Parking Commission will meet at 10:00 a.m. on Tuesday, October 18 at Village Hall
- The Marketing Committee will not meet at 4:00 p.m. on Tuesday, October 18, 2011 at Austin's
- The Village Board will meet in a Committee of the Whole on Tuesday, October 18, 2011 at 6:30 p.m. for the Annual Goal Setting meeting
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, October 19, 2011 at Village Hall
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, October 24, 2011 at Village Hall
- The Bicycle Commission will meet at 6:00 p.m. on Tuesday, October 25, 2011 at Village Hall
- The Special Project Committee will meet at 6:00 p.m. on Tuesday, October 25, 2011 at Village Hall
- The Streets Committee will meet at 7:00 p.m. on Tuesday, October 25, 2011 at Village Hall
- The Village Board will meet at 8:00 p.m. on Tuesday, October 25, 2011 at Village Hall

President Wepler reminded Board Members of the upcoming goal setting session and asked that any new goal suggestions be given to Administrator Bowens.

EXECUTIVE SESSION – Litigation and Collective Bargaining

The Mayor noted the need to meet in Executive Session for discussion of litigation and collective bargaining. Trustee Johnson moved to go into Executive Session, and Trustee Moran seconded. The motion carried on roll call vote as follows:

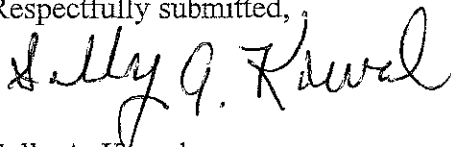
AYES: Trustees Johnson, Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ADJOURNMENT

The Board returned to the regular meeting at 9:23 p.m., and with no further business, Trustee Moras moved to adjourn, Trustee Cullum seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal
Village Clerk