

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
November 22, 2011

President Wepler 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 Wepler, Trustees Donna Johnson, Drew Cullum, Richard Moras, Todd Gaines, Jay Justice, and James Moran.

**OATH OF OFFICE**

President Wepler issued the oath of office to Firefighter-Paramedic Eric Reckling. All present offered congratulations and welcomed Reckling to the Libertyville Fire Department.

**PROCLAMATION**

President Wepler presented a commendation to Randy Kuceyeski, better known as Coach Kuz, for his years of dedication to Libertyville High School and the LHS Football Program. The Mayor also commended Coach Kuz on his many coaching accomplishments and the example he sets as a role model of integrity, hard work, and courage.

**PROCLAMATION**

President Wepler read a proclamation designating the month of December 2011 as the National Drunk Driving (3D) Prevention Month. He called on all citizens to promote awareness of the impaired driving problems, to support programs and policies to reduce the incidence of impaired driving, and to promote safer, healthier behaviors regarding the use of alcohol and other drugs.

**ITEMS NOT ON THE AGENDA**

President Wepler asked if anyone had anything to bring before the Board that was not already listed on the agenda. No items were presented.

**OMNIBUS VOTE AGENDA**

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion. Trustee Moras asked that Item K be removed for further discussion. Trustee Moran asked that Items E and G be removed so that he could abstain from discussion and voting on the items.

**OMNIBUS VOTE AGENDA**

- A. Minutes of the November 8, 2011 Meeting
- B. Minutes of the November 8, 2011 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 11-O-67: Text Amendment, I-2 District**
- E. Amend Lease: Brainerd Property
- F. Award New Contract – Street Sweeping
- G. Roof Permit Fee Refund – Brainerd Community Center
- H. Request Use of Village Property – Cook Park
- I. **RESOLUTION: Public Work's Truck Lease**
- J. **ORDINANCE: Amend Number of Liquor Licenses (Walgreens)**

**K. Amend Employee Pay Plan**

Trustee Johnson moved to adopt items A-D, F, and H-J 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

**ITEMS 3 E AND G**

Trustee Justice moved to adopt items E and G, and Trustee Johnson seconded.

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

NAYS: None

ABSTAIN: Trustee Moran

**ITEM 3K**

Trustee Moras asked that Item 3K, regarding amending the employee pay plan, be discussed after the review of utility taxes – Agenda Item 8. The Mayor changed the item to number 8-B.

**PLAN COMMISSION REPORT – Lake County Master Plan**

President Wepler introduced a Plan Commission report regarding Lake County's request for approval of a Special Use Permit and Planned Development Master Plan. At the conclusion of the September 27, 2001 Village Board meeting, Staff was directed to address a number of outstanding issues, and documents were presented to Board Members addressing those issues:

- Summary of Master Plan document
- Consolidated application including all amendments to the plan
- Drill down of uses that include all six-digit land uses. Staff notes that if the Village Board of Trustees approves the Plan, the County will further reduce these items to reflect this uses at the site.

Subsequent to the Village Board review of the project, representatives of the County agreed to notify all property owners within 250 feet of the borders of the property of any overnight accommodations in either a secure or semi-secure setting proposed to be located within any portion of the main campus. This item was added to the list of development conditions, which have been revised as follows:

1. Final Construction documents submitted for Building Permits for any further Development Zone, phase or stage of development for the Master Plan shall comply with the Staff-ARC-Village Board review and approval process as outlined in the Zoning Code.
2. That any residential component in the Optional Development Zone along Milwaukee Avenue be incorporated in a mixed use building design in this area such as above first

floor retail or office uses. This use criterion shall be amended in the Development Standards of the Master Plan prior to adoption of ordinances.

3. That buildings do not exceed three (3) stories or forty-five feet in height within the Optional Development Zone One (1). This criterion shall be amended in the Development Standards of the Master Plan prior to adoption of ordinance.
4. That any parking lot as defined by the Village of Libertyville Zoning Code shall have a minimum of 10% interior parking lot landscaping. This criterion shall be amended in the Developments Standards of the Master Plan prior to adoption of ordinance.
5. That the Village assumes ownership and maintenance responsibility for all of water distribution and sanitary sewer within Lake County Campus, which the Village deems necessary to the public.
6. That all of the warranted improvements be constructed at the appropriate development stage.
7. That the Village works with the County to secure a traffic signal at the intersection of Milwaukee Avenue and Walnut. The cost of the traffic signal will be borne by the developer of the Optional Development Zone.
8. That Figure 3.6-Circulation Plan (Vehicular & Pedestrian) dated January 2011 be approved as part of the Master Plan. All roadways and sidewalks shall be owned and maintained by Lake County.
9. Exterior lighting levels for the building exit discharge path from each exit door to the public right of way shall be a minimum of 1.0-foot candles in accordance with the building codes.
10. That the attached Land Use List Appendix governs the list of permitted and specially permitted uses for the site.
11. In order to ensure a unified development, the Optional Development Zone be made a part of a Planned Development. As part of tat development, the road connecting the Lake County Campus to Milwaukee Avenue opposite Walnut Street is installed with full traffic signalization of the intersection, the cost of which to be borne by the developer.
12. That the County notify all property owners within 250 feet of the borders of the property of any proposed overnight accommodation either in a secure or semi-secure setting at any location on the campus.

The Mayor asked for Board and public comments.

Lake County Administrator Barry Burton explained that the County had made several accommodations, including notification to any changes to Winchester House. Trustee Moras stated that he appreciated the extra efforts. Mr. Rick Marder, 243 Adler Drive, thanked the Mayor, the Village Board, and Village Staff for organizing the Town Hall meeting. He added that the discussion involved give and take, and he thanked Mr. Burton for his contribution. He noted the importance of the public-government partnership and the building of trust. He asked if email distribution would be possible to keep those neighbors within 250' informed. The Mayor suggested a possible email sign-up, and Administrator Bowens stated that he saw no problem with that. Mr. Marder added that the public's voice is very important, and even though participation may not be possible, he asked that the County remember to consider a development that provides a safe and secure campus. He stated that he was in favor of accepting the application. The Mayor thanked Mr. Marder for his time and effort in the matter.

Trustee Johnson moved to approve PC 10-24, Special Use Permit for a Planned Development, and 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

Trustee Cullum moved to approve PC 10-25, Planned Development Master Plan, 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

#### **PLAN COMMISSION REPORT – Amend SUP for School Street Development**

President Weppler introduced a Plan Commission report for a request to amend the Special Use Permit for the School Street development to allow landings, stairs, and fences between units. The consensus of the Commission was to support the proposed amendments as the landings and stairs would not prove to be an impediment to future maintenance of the buildings. Fences would be limited to four feet in height. The Plan Commission also required that unlockable gates be installed to allow for access and maintenance of the buildings. One dissenting vote noted a preference not to allow fences at the site. The Mayor then asked for Board and public comments. John McLinden of School Street Partners was available to answer any questions.

Trustee Johnson moved to approve the Amendment to the Special Use Permit for a Planned Development, and trustee Gaines 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

**PUBLIC HEARING – 2011 Property Tax Levy**

President Wepler explained that on November 8, 2011, the Village Board met as a Committee of the Whole to discuss preparation of the 2012-2013 Village Budget and to consider options for the 2011 property tax levy. Based on the Board's recommendations, the Village anticipates receiving a total of \$6,138,844 (after all abatements) in 2011 property tax revenues, which represents a 2.3% increase compared to property tax revenues received in 2011. Staff anticipated the estimated 2011 tax levy would result in a property tax rate of \$0.499 which is slightly higher than the 2010 rate of \$0.466. Assuming a 5.5% decrease in an existing property owner's assessed valuation, the proposed tax levy would result in a 1.2% increase in the Village's share of a homeowner's property tax bill.

In establishing the proposed 2011 tax levy, the Village Board has taken into consideration the information contained in the recently discussed Five Year Financial Plan. The proposed 2011 tax levy continues the Village's practice of abating debt service for all Alternate Revenue Bonds and for the Township Road and Bridge tax. The levy after these abatements represents an increase of less than 4% compared to the 2010 Village tax levy; however, due to the Truth-in-Taxation Act, the Village is required to compare the 2010 aggregate levy plus abatements to the gross 2011 aggregate levy. This comparison does not take into account the levy reduction for the Township share of the Road and Bridge Levy since the County does not consider this tax abatement by the Village. When this amount is included, the 2011 levy represents 7.8% increase in the aggregate levy from the 2010 levy, and a hearing is required. Once the Road and Bridge Abatement is made, and the bond levy is included, the total tax revenue increase is 2.3%. Following this hearing, the Village Board will direct the Administrative Staff to prepare an ordinance adopting a 2011 property tax levy for consideration at the December 13, 2011 Village Board meeting. Based on the estimated levy and a decrease in equalized assessed valuation (EAV) of 5.5%, taxes paid on property with an EAV of \$100,000 (\$300,000 market value) would increase by \$6 (1.2%).

President Wepler then opened a Public Hearing at 8:31 p.m. With no questions or comments, he closed the Public Hearing.

**ACCEPT GRANTS FOR LSC ENERGY EFFICIENT LIGHTING UPGRADES**

President Wepler explained that the Village was recently approached by the Metropolitan Mayor's Caucus who teamed up with 360 Energy Group, LLC to offer member municipalities an opportunity to analyze potential energy savings at municipal facilities and receive assistance to apply for available grants, all at no cost to member municipalities. A representative of 360 Energy Group met with Village Staff and identified an eligible project, which would generate substantial energy savings through the replacement of light fixtures at the Libertyville Sports Complex with energy efficient lighting. The 360 Energy Group is providing the Village Staff with information and assistance in applying for grants through the Illinois Clean Energy Community Foundation and the Illinois Department of Commerce and Economic Opportunity

(DCEO). The 360 Energy Group estimated the total cost of the LSC lighting upgrade project would be \$137,213.00.

The Village recently learned that the grant applications were successful in the amount of \$44,465.00, and a DCEO grant in the amount of \$66,701.25, for a total of \$111,166.25. Staff reviewed this information with the Parks and Recreation Committee, and they recommended that the Village proceed with acceptance of the grants. The 360 Energy Group will then assist Village Staff with the preparation of bid documents for the project. Although the net project cost estimate of \$26,000 is not included in the current Village Budget, the Committee and Staff felt that the \$22,625 estimated electricity savings per year and 1.15 year payback represent a worthwhile investment in the project and significant future savings for the LSC. Should the project be bid and cost is higher than estimated, the Village Board has to option of rejecting the bids and not pursuing the project.

The Parks and Recreation Committee and Village Staff recommended that the Village Board authorize the Staff to sign the attached grant documents with the Illinois Clean Energy Community Foundation and the DCEO and work with 360 Energy Group to prepare the bid documents for the lighting system upgrade at the LSC. The Mayor then asked for Board and public comments.

Trustee Cullum moved to authorize Staff to sign acceptance and notice to proceed with grant documents. Trustee Gaines 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

### **REVIEW UTILITY TAXES**

President Weppler stated that the Village Board would like the subject of Utility Taxes be placed on the November 22, 2011 Village Board Agenda for discussion. In September of 2009, the Village Board approved ordinance instituting three additional revenue sources to replace the significant reduction in Village Sales Tax revenues. The ordinances included an increase in the simplified (telecommunications) tax from 3.5% to 6%, a 5% gross receipts tax on natural gas, and a per kilowatt electric use tax. The ordinances included a sunset clause in order to facilitate a periodic review, and the original sunset clause had the ordinances expiring on December 10, 2010. However, in August 2010, the Village Board approved a recommendation by the Finance Committee and Village Staff to extend the taxes and establish a new sunset clause of April 30, 2010 to coincide with the Village fiscal year.

For the 2011-12 fiscal year, the revenues generated by the natural gas tax are \$500,000, the electric tax is \$1,450,000, and the telecommunication tax is \$1,000,000. The Mayor then asked for discussion.

Trustee Moras stated that the Village was in financial straits when the taxes were instituted, and with a few years of breathing room, he favored reduction in the natural gas

tax from 5% to 4%. He moved to reduce the natural gas tax from 5% to 4%, and Trustee Gaines seconded. The Mayor asked for Board comment. Trustee Justice concurred with the reduction, noting that it was supposed to be a temporary increase. Mike Hall, President of the Libertyville Firefighters Union, stated that he was not in favor of reducing the tax, citing the need for the additional revenue to address minimal staffing in many Village departments. He added that the decrease is hard to support with staffing departures.

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

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

#### **8-B: Amend Employee Pay Plan**

The Mayor introduced discussion of the Village Board authorizing a mid-year 1% pay adjustment to the employee pay plan for all non-union full-time and permanent part-time (year-round) employees effective November 1, 2011. The total cost for the rate adjustment would be estimated at \$38,000.00. With the recently negotiated Police Patrol Officer and Sergeant labor contracts (both including 1% adjustment on November 1, 2011), the Board and Staff considered the adjustment to the employee pay plan as described.

Trustee Justice moved to approve the amendment to the employee pay plan authorizing a 1% pay adjustment, and Trustee Cullum seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

#### **PETITIONS AND COMMUNICATIONS**

President Wepler introduced discussion of a report from the Fire and Police Committee regarding consolidated emergency dispatch. Benefits to the consolidation included:

1. Maintenance and improvement of current emergency dispatch services to Libertyville and Libertyville Fire Protection District residents;
2. Improved staffing and training opportunities for dispatch employees;
3. Avoiding approximately \$400,000.00 in capital expenditures to upgrade the Libertyville communications equipment in the next five years;
4. An estimated cost savings of \$1.7 million dollars over five years (\$1,333,917.00 plus \$400,000 in capital improvements).

Trustee Johnson stated that part of the issue involves the financial capital required to upgrade the equipment. She stated that the Village Board sent a clear message regarding strong consideration of hiring Libertyville employees. She added that if it were found that Libertyville is not getting adequate dispatch support, the Board would work to adjust the situation and have a strong roll in that decision. She explained that the decision is not one lightly taken, noting that she understands the concern with jobs in a tenuous situation.

Dispatcher Toni Brown addressed the Board. She stated that she loves her job and suggested bringing more dispatchers to Libertyville rather than outsourcing. She

noted that the activity in the Police Department warranted keeping dispatchers in Libertyville. She cited the lack of guarantees that dispatchers would be hire in Vernon Hills and the discomfort of continuing working while looking for jobs. Ms. Brown explained that this critical service should remain in Libertyville. Dian Gratz also addressed the Board stating disfavor with outsourcing and favoring retaining Libertyville dispatchers.

The Mayor explained that municipalities are currently negotiating costs since upgrading equipments is costly, and it has become too expensive for single communities to operate dispatch centers. Libertyville would be paying for expensive upgrades for equipment that Vernon Hills already has. Ms. Gratz asked who would fund Vernon Hill's new equipment when they require an upgrade. She also asked if other departments would be able to add employees if dispatcher leave. The Mayor explained that the records department would remain open longer, and hopefully two employees would remain in Libertyville and four hired in Vernon Hills. He added that the Village would expect quality coverage by a consolidated dispatch.

- Village Hall and all non-emergency offices will be closed on Thursday, November 24 and Friday, November 25 for the Thanksgiving holiday
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, November 28, 2011
- The Parks and Recreation Advisory Committee will meet at 6:00 p.m. on Tuesday, December 6, 2011
- The Parks and Recreation Committee will meet at 7:00 p.m. on Tuesday, December 6, 2011
- The Keep Libertyville Beautiful Commission will meet at 7:30 a.m. on Friday, December 9, 2011, at the Liberty Restaurant
- The Zoning Board of Appeals will met at 7:00 p.m. on Monday, Dec. 12, 2011
- The Special Projects Committee will meet at 6:00 p.m. on Tuesday, December 13, 2011
- The Water and Sewer Committee will met at 7:00 p.m. on Tuesday, December 13, 2011
- The Village board will meet at 8:00 p.m. on Tuesday, December 13, 2011

Trustee Moran asked for support for the small business event on Saturday, November 26. The Mayor reminded everyone of the upcoming Tree Lighting in Cook Park and a visit with the Budweiser Clydesdales.

**ADJOURNMENT**

With no further business to come before the Board, Trustee Johnson moved to adjourn, Trustee Cullum seconded, and the motion carried on a unanimous voice vote. The meeting adjourned at 9:01 p.m.

Respectfully submitted,

*Sally A. Kowal, Deputy*

Sally A. Kowal  
Village Clerk