

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
January 10, 2012

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.

DONATION OF PEAPOD TRUCK

A representative of Peapod was present to present a 2006 Chevy Workhorse truck to the Libertyville Fire Department. The truck will replace a 20-year-old dive vehicle and will be used in emergency open water and ice rescues. President Weppler thanked Peapod for their generous donation to the Village.

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.

Mr. Tom Rielly, 649 Innsbruck, addressed the Board regarding his interest in developing a casino gambling enterprise in the area. He explained that he brings 30 years of experience and with the state's rapid expansion in casino business, Libertyville would benefit from this type of enterprise. At the request of the Mayor, Mr. Rielly agreed to prepare information regarding the scope of the project and background information.

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 December 13, 2011 Meeting
- B. Minutes of the December 13, 2011 Executive Session
- C. Bills for Approval – December 27, 2011 and January 10, 2012
- D. **RESOLUTION 12-R-01: Grant of Easement**
- E. **ORDINANCE 12-O-01: Amend Code re: Landscape Waste**
- F. **ORDINANCE 12-O-02: Extend Demolition Permit Moratorium**
- G. License Agreement Renewal – 757 Sunnyside
- H. License Agreement Renewal – 717 Sunnyside
- I. Raffle License Application – Ballet Theater of Illinois
- J. **ORDINANCE 12-O-03: Reduce Number of Liquor Licenses**
- K. **ORDINANCE 12-O-04: Reduce Number of Liquor Licenses**
- L. Adopt Village Board Goals
- M. 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. The motion carried on roll call vote as follows:

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

ARC REPORT

President Wepler introduced an ARC report recommending approval of a new freestanding sign panel replacement for Lake County Neurosurgery, with the following condition: 1) the phone number and website be removed from the sign and replaced with a blank blue panel. The applicant requested approval of the revised layout for the sign, which was received via email on December 21, 2011. The Mayor asked for comments and questions.

Trustee Moras moved to approve the revised sign, and Trustee Moran seconded. The Board discussed the proposed revision and questioned the term "Premium Service." Trustee Johnson stated that the sign was too cluttered and difficult to read safely while driving. The Mayor noted that the three businesses on the previous sign were now listed as one business. Trustee Cullum favored the more prominent address but found the additional information unappealing. A representative from Sign-A-Rama stated that the design change was an attempt to comply with the ARC requests. Trustee Johnson suggested omitting the information on the lower right portion of the sign. Trustee Moras noted that he understood the rationale for the additional information since three businesses were now unified under one name. The Mayor asked for further Board discussion and public comment. The motion carried on roll call vote as follows:

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

ZBA REPORT: Front and Side Yard Variations – 129 N. First Street

President Wepler introduced a ZBA report for a request from the owner of 129 N. First Street for variations to reduce the required front yard and corner side yard to allow for construction of a front covered porch addition and for variations to reduce the required corner side yard to allow construction of a rear house additional and detached garage. The petitioners are proposing to demolish an existing dilapidated front covered porch and detached garage and construct a new front covered porch and new detached garage in the same locations as the existing structures. Members of the ZBA noted that the subject house is located on a 50-foot wide corner lot and that the location and architecture of the proposed improvements are consistent with the other homes in the neighborhood. The ZBA recommended approval. The Mayor asked for Board questions.

Trustee Gaines moved to concur with the ZBA recommendation to approve the variations, 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

SETTLEMENT AGREEMENT – Aldridge Wind Turbine

President Wepler presented a Settlement Agreement relating to the Aldridge Wind Turbine. He explained that in 2009, several residents in the neighborhood of Aldridge Electric filed suit to enjoin Aldridge Electric from operating its wind turbine on its property. A temporary injunction was entered by the court, limiting the hours of operation. The Plaintiffs have now resolved the suit with Aldridge, and Aldridge has agreed to limit the hours of operation of the wind turbine from 7:00 a.m. until 6:00 p.m., Monday through Saturday, and subject to the standards which were in force at the time that the wind turbine was erected. The Agreement further provides releases of all parties, including the Village. Staff recommended approval of the Settlement Agreement. The Mayor asked for Board questions and comments. Trustee Johnson asked Village Attorney David Pardys if the agreement met with his approval, and he said that it did. Trustee Cullum moved to approve the Settlement Agreement, 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

PLAN COMMISSION REPORT: Text Amendment re: Wind Turbines

President Wepler introduced a Plan Commission report regarding a Text Amendment to the Libertyville Zoning Code relating to Electric Power Facilities. He explained that at the direction of the Village Board, the Plan Commission and Staff restudied the Village's Electric Power Facilities ordinance. Public hearings were initiated on January 24, 2011, and concluded on August 8, 2011. The Commission recommended Village Board approval of the ordinance, which offers the following differences from the existing ordinance:

- Special Use Permit. A Special Use Permit is required for installation of any Building Mounted Wind Turbine or Tower-Mounted Wind Turbine in any zoning district of the Village of Libertyville
- Sound. The maximum sound level for Wind Energy Facilities has been decreased from 60 dB(A) at residential property lines to 35 dB(A) during the hours of 9:00 p.m. to 7:00 a.m. and 40 dB(A) between the hours of 7:00 a.m. to 9:00 p.m.
- Height. Building-Mounted Wind Turbines shall be allowed up to a height of 15 feet above the highest point of the building structure, but in no case shall the height exceed the maximum permitted height of the principal structure. Tower-Mounted Wind Turbines shall not exceed a height of 125 feet.
- Location. Tower-Mounted Wind Turbines shall only be allowed in non-residential districts. Tower-Mounted Wind Turbines shall be further regulated by being prohibited from locating on any property within a nonresidential zoning district that abuts residentially zoned properties. Further details of the proposed ordinance are attached in the report of the Plan Commission.

A motion to recommend Village Board of Trustees approval of the proposed ordinance passed with a note of 6-1, subject to the following conditions:

- 1) Require that emergency contact phone number be provided as part of warning signage.
- 2) Correct the typographical error on Page 18, 2.(d) to read "1,000 feet."
- 3) Eliminate Item 2.(t), Page 22, as this item is included elsewhere in the ordinance.

Staff noted that Conditions 2 and 3 have already been included in the proposed ordinance. The dissenting vote noted that he opposed passage of the text amendment due to the requirement of a Special Use Permit and legal agreement between private parties and shadow flicker issues. Accordingly, the recommendation of the Plan Commission was for approval of the proposed amendment.

The Mayor asked that the ordinance be deferred to allow for discussion at a Committee of the Whole or be referred to the License and Permits Committee. He stated that he appreciated all work done by the Plan Commission but was concerned that the ordinance prevents all wind turbines. Administrator Bowens explained that the Committee of the Whole scheduled for January 31, 2012 would involve lengthy discussion regarding Historic Preservations and suggested scheduling discussion of this ordinance on another date.

Trustee Johnson moved to defer the ordinance to a Committee of the Whole, and Trustee Cullum seconded. The Mayor then asked for questions and comments. Mr. Gary Newell, 428 7th Avenue, stated that he appreciated the Plan Commission work on the ordinance and added that Village Attorney Pardys had agreed to the ordinance. The Mayor stated that as written, the ordinance would prohibit residential use of turbines. Mr. Newell noted that the wind turbines do not work, other municipalities have said no to their construction, and he did not understand why the Village could not also say no. He added that the turbine equipment was inferior, and the ordinance was also inferior and should be tightened up. The Mayor stated that the Board had acted in their best judgment when the original ordinance was prepared, and other turbines, such as one located at Chipotle in Gurnee, have operated without complaint. He stated that a review of the ordinance was appropriate, especially considering that the Plan Commission had spent eight months preparing it. The motion carried on roll call vote as follows:

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

NAYS: None

EASEMENT AGREEMENT – School District 70

President Wepler introduced an easement agreement between the Village and School District 70. School District 70 requested that the Village allow the construction of a bus turnaround behind Adler School in order to ease congestion caused by school buses that would otherwise pick up and drop off students in the front of the school. The Village Board previously approved a similar easement on June 28, 2011, however, prior to construction, the School District, based on feedback from parents, determined that the

turnaround area should be moved further east. A Village Board approval on October 11, 2011 of a revised easement agreement was subsequently rescinded due to unforeseen issues with the Lake County Forest Preserve District concerning their existing exclusive easement for the Des Plaines River Trail. That issue has now been resolved.

The easement agreement presented vacates the prior easement and allows for the District to construct a turnaround for buses behind the school on property owned by the Village. The agreement also requires that the District maintain the turnaround area as well as the portion of the roadway north of the park field house. Pursuant to the recommendation of the Parks and Recreation Committee, building permits for the work would not be issued until the Village had received evidence that the District has retained a professional engineer who will 1) confirm that the relocated easement is not within the limits of the flood plain area; 2) prepare a re-grading plan which meets Village requirements with regard to storm water management. Staff had received written confirmation that the Lake County Forest Preserve District has no objections to the relocation of the easement. Staff recommended approval. The Mayor asked for questions.

Trustee Cullum moved to approve the agreement with School District 70 for Easement for School Bus Turnaround. 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

AUTHORIZE AGREEMENT WITH CALL ONE

President Wepler explained that the Village's current Master Discount Agreement and Pricing Schedule with AT&T are scheduled to expire in May 2012. Last April, Staff met with Call One to discuss options for telecommunications services and was provided with a proposal that reduced monthly telecommunication charges by approximately \$1,080 per month. Since the Village contract with AT&T had not expired, the Village would have incurred termination charges in excess of the savings. Within this last month, the Village met with the required annual spending levels under the AT&T contract, and there is not longer a termination charge.

Call One has been awarded the Joint Purchasing Contract through the Suburban Purchasing Cooperative and provides telecommunications services for over 140 municipalities in the Chicago area. Call One has provided the Village with an updated proposal, and the savings still amount to \$1,080.00 per month or \$14,040 per year.

Benefits of using Call One for the Village telecommunications service are:

- The Village will receive one master bill broken down by sub-accounts for cost allocation purposes.
- Call One assumes Village AT&T services, and there is no disconnection or reconnection required. The Village will remain on AT&T's network but utilize Call One's customer service, billing, and sales.

- Call One will discount alarm and ring down circuits. AT&T does not discount these.
- Call One does not have minimum annual revenue commitments like AT&T, which provides the Village greater flexibility regarding technology.

Call One's savings proposal and a copy of their 90-day satisfaction guarantee were presented. Staff recommended authorization for the Village Administrator to execute a three-year contract with Call One for Telecommunication Services. The Mayor asked for questions and comments. Trustee Moras moved to authorize the agreement with Call One, 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

PETITIONS AND COMMUNICATIONS

Parks and Recreation Committee Report

Trustee Cullum, Chairman of the Parks and Recreation Committee, recommended that the Mayor and Village Board authorize Staff to submit a grant application for an Emerald Ash Borer (EAB) Forest Restoration Grant through the Metropolitan Mayor's Caucus. An amount not to exceed \$10,000 could be utilized to replace trees removed due to EAB infestation, and the grant requires a local match of 20%. The maximum grant would allow the Village to replace approximately 25 trees, but the Committee requested a 50%-50% cost sharing program with Village residents so that more trees could be removed and replaced. Parks Superintendent Jim Barlow, Village Staff, and the Committee recommended submission of the grant application. Trustee Cullum moved to allow that the grant be written, 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

President Wepler announced the following:

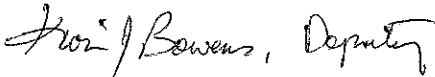
- The Firefighters Pension Fund Board will meet at 8:30 a.m. on January 16, 2012 at the North Fire Station
- Appearance Review Commission will meet at 7:00 p.m. on January 16, 2012
- Parking Committee will meet at 10:00 a.m. on January 17, 2012
- Marketing Committee will meet at 4:00 p.m. on January 17, 2012 at Austin's Saloon
- Finance Committee will meet at 5:30 p.m. instead of 6:00 p.m. on January 17, 2012
- License and Permits Committee will meet at 7:00 p.m. on January 17, 2012
- Fire and Police Committee will meet at 7:30 on January 17
- Economic Development Commission will meet at 7:30 a.m. on January 18, 2012

- Plan Commission and Zoning Board of Appeals will meet at 7:00 p.m. on January 23, 2012
- Bicycle Advisory Commission will meet at 6:00 p.m. on January 24, 2012
- Streets Committee will meet at 7:00 p.m. on January 24, 2012
- Village Board will meet at 8:00 p.m. on January 24, 2012
- Village Board will meet at 7:00 p.m. on January 31, 2012 as a Committee of the Whole to discuss Historic Preservation

ADJOURNMENT

At 8:50 p.m., Trustee Moran moved to adjourn, Trustee Johnson seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal
Village Clerk