

VILLAGE OF LIBERTYVILLE
BOARD OF LOCAL IMPROVEMENTS
January 25, 2011

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

Trustee Johnson moved to approve the minutes of the October 26, 2010 meeting, and Trustee Justice seconded. The motion carried on a unanimous voice vote. Trustee Moras moved to adjourn the Board of Local Improvements, and Trustee Justice seconded. The motion carried on a unanimous voice vote.

BOARD OF TRUSTEES

President Weppler called to order a meeting of the Board of Trustees at 8:05 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Weppler, Trustees Donna Johnson, Nick Proepper, Drew Cullum, Richard Moras, Todd Gaines, and Jay Justice.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had an item to bring to 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 January 11, 2011 Meeting
- B. Minutes of the January 11, 2011 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 11-O-05: Fence Variance, 1131 Crestfield Avenue**
- E. **ORDINANCE 11-O-06: Amend Special Use Permit, 1500 S. Milwaukee Avenue**
- F. **ORDINANCE 11-O-07: Amend Development Final Plan, 1500 S. Milwaukee Avenue**
- G. **ORDINANCE 11-O-08: Hotel Use Tax**
- H. Raffle License – Ballet Theatre of Illinois
- I. Police Officer Vacancy
- J. ARC Reports

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

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

NAYS: None

533 BRAINERD AVENUE

A. ZBA Report

President Weppler introduced a ZBA report for requested variations to allow for renovation of the two-story house at 533 Brainerd Avenue. The current owner is remodeling the structure back to a single-family home. The front and side yard setback variation would allow for construction of an extension of the front porch in line with the original 1903 construction. The height variation would allow installation of a decorative railing on the tower. The ZBA recommended approval as the proposed construction is consistent with the original design. The Mayor asked for comments.

Trustee Proepper moved to concur with the ZBA (11-01) and approve the variation for front and side yard setbacks. Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Proepper moved to concur with the ZBA (11-02) and approve the variation to increase height of structure, and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

B. ORDINANCE 11-O-09: Variance – Front & Side Yard Setbacks

Trustee Cullum moved to approve the ordinance granting variations for front and side yard setbacks at 533 Brainerd Avenue. Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

C. ORDINANCE 11-O-10: Variance – Structure Height

Trustee Proepper moved to approve the ordinance granting an increase to the height of a structure at 533 Brainerd Avenue. Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

PLAN COMMISSION REPORT – Text Amendment, Special Use Permit & Site Plan Permits, 481 Peterson Road

President Weppler introduced a Plan Commission report for a requested text amendment, a Special Use Permit, and a Site Plan Permit to allow construction of an Electronic Message Board (EMB) sign at Austin's Saloon & Eatery. The text amendment would allow for EMBs to be located within a 100-foot side yard setback if the abutting lot does not meet the minimum requirements for an EMB. The requirement that an EMB be extinguished from 11:00 p.m. to 5:00 p.m. is to be stricken. EMBs would still be required to be extinguished after the close of business hours. The Plan Commission recommended approval.

The Plan Commission also reviewed the request for a Special Use Permit and Site Plan Permit for the sign. The Plan Commission recommended approval with the following development conditions: 1) Submit an accurate current Plat of Survey of the subject property that includes an accurate depiction of the existing building footprint at the time of building permit application; 2) ARC recommendation and Village Board approval of a landscape plan meeting the requirements of Zoning Code Section 11.3.11(e); and 3) Submit a scaled sign plan exhibit of the existing wall sign. The Mayor then asked for Board and public comment.

Mark Eiden, attorney for the applicant, reviewed the Staff report. Trustee Johnson asked if the sign would be similar to the sign at Libertyville Bank and Trust. Duane Laksa of North Shore Sign explained that the sign would be 32 square feet, full color, and with the same restrictions as the Tranel sign on Milwaukee Avenue. Trustee Proepper asked for clarification of the hours of illumination. Mr. Eiden explained that Austin's is open until 2:00 a.m., so 11:00 p.m. would not be appropriate, but the sign would be extinguished when the business closes. Trustee Cullum stated that the sign should be extinguished at the close of business to customers. Trustee Johnson asked for sign design clarification. Mr. Laksa stated that the sign change would be seamless and that the choice of color and intensity would impact the visibility. The Village Attorney stated that there are transition requirements but no restrictions on color combinations. Trustee Moras asked for clarification of restrictions. Trustee Justice asked if a landscape plan is in place. John Spoden stated that the applicant is fully compliant with specifications.

Trustee Proepper moved to approve the Text Amendment (PC 10-43), and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Johnson moved to approve the Special Use Permit for an Electronic Message Board sign (PC 10-33), and Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Proepper moved to approve the Site Plan Permit (PC 10-34), and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

IL ROUTE 21 IMPROVEMENT PROJECT (IDOT)

President Weppler explained that the Illinois Department of Transportation (IDOT) has been planning the widening of Route 21 north of Route 137 for over ten years. The proposed improvement requires that IDOT purchase property from adjacent property owners to perform the required widening throughout the project limits, which extend to

the south of Route 137 to Finstad Drive. The Village owns a parcel of land adjacent to the Route 21 right-of-way in front of Adler School, and IDOT needs to purchase a small portion of this property to complete the improvements. The property does not pose a concern for the Village or the School District if it is purchased and used. IDOT has offered, through an appraisal, \$2500 for this portion of the property, 0.023 acres. Administrative Staff recommended that the Village Board authorize the sale of the property to the State of Illinois. Responding to a question from the Mayor, Director of Public Works John Heinz stated that there would be no impact on the David Adler Cultural Center. Trustee Johnson asked if an independent appraisal had been done. The Village Attorney David Pardys explained that there is no requirement when the property is transferred to the state.

A. RESOLUTION 11-R-03: Approve Sale of Land

Trustee Johnson moved to adopt the resolution approving the transfer of property to the State of Illinois for the Route 21 improvement project. Trustee Proepper seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

B. RESOLUTION 11-R-04: Approve Temporary Construction Easement

Trustee Justice asked if a formula was used to determine the \$4,900 for compensation for the construction easement. Director Heinz explained that IDOT used a formula, and that there would be no cost to the Village for corrections of any damages. After discussion, the Administrator and Village Attorney stated that section 2 of the resolution would be amended to address the restoration of the property at the termination of the construction easement.

Trustee Johnson moved to approve the resolution subject to the additional language concerning restoration and maintenance of the construction easement. Trustee Cullum seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

USE OF VILLAGE PROPERTY – MainStreet Libertyville

President Wepler introduced a letter from MainStreet Libertyville (MSL) requesting use of various Village properties for community events during calendar year 2011 as well as approval to install entryway signs and banners in Cook Park for various events. Staff reviewed the request and recommended approval subject to the following conditions:

MSL will provide Village Staff with layout drawings, when requested, of the various events for final approval;

MSL will contact the Lake County Health Department to obtain necessary permits for food vendors at any events;

MSL will provide the Village with a certificate of insurance to cover all events;

MSL will obtain a liquor license for the Annual Street Dance event;

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MSL agrees to adjust the location of certain events which utilize Church Street, depending on the discussions between the Village and the Cook Memorial Library District;

MSL will notify and work with all affected property owners for these activities.

Trustee Moras moved to approve MainStreet Libertyville's request subject to conditions. Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

President Weppler announced the following:

Historic Preservation Committee will meet January 26 at 4:00 p.m. to continue discussion of a historic preservation ordinance

Board of Fire and Police Commissioners will meet January 29 at 8:00 a.m. at the North Fire Station

Parks and Recreation Advisory Commission and Parks and Recreation Committee will meet February 1 at 7:00 p.m.

Water and Sewer Committee will meet February 8 at 7:00 p.m.

Board of Trustees will meet February 8 at 8:00 p.m.

EXECUTIVE SESSION - Sale of Real Estate, Litigation

President Weppler stated that the Board needed to meet in Executive Session for discussion of the sale of property and litigation. Trustee Cullum moved to go into Executive Session, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ADJOURNMENT

The Board returned to the regular meeting at 9:18 p.m. With no further business, Trustee Cullum moved to adjourn, and Trustee Justice seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk