

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
February 22, 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, Nick Proepper, Drew Cullum, Richard Moras, Todd Gaines, and Jay Justice.

COMMENDATIONS – Boy Scouts & CERT

President Weppler read commendations to Boy Scout Troops 60, 71, 72, and 194 as well as the Citizen Emergency Response Teams. All were thanked for their dedication and exemplary service during the February 1, 2011, blizzard of more than 20 inches. On February 5, 2011, the groups assisted the Libertyville Fire Department in shoveling snow away from the Village fire hydrants.

PROCLAMATION – Fine Arts Month

President Weppler proclaimed March 2011 as Fine Arts Month in the Village of Libertyville to promote awareness of Fine Arts in the Village and celebrate the contributions of residents engaged in music, theatre, dance, film, painting, drawing, sculpting, graphic and interior design and all forms of fine artistry. Members of the Libertyville Wildcat Fine Arts Foundation were present.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had anything to bring before the Board that was not listed on the agenda. There were no items.

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 February 8, 2011 Meeting
- B. Minutes of the February 8, 2011 Executive Session
- C. Bills for Approval
- D. Appointments to Commissions
- E. **ORDINANCE 11-O-15: Amend Code – Board of Local Improvements**
- F. PACE Dial-a-Ride Agreement
- G. Raffle License – Lake County Haven
- H. Purchase Holiday Decorations
- I. **Ordinance 11-O-16: Amend Lease – Athletic Republic**

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

LIFE STORAGE CENTERS

A. ORDINANCE 11-O-17: Amend Special Use Permit

President Weppler explained that the Board had approved Ordinance 11-O-02 approving an amendment to the Special Use Permit for a Planned Development in order to further develop a 17.3-acre parcel of land at 700-998 E. Park Avenue. Following approval, the petitioner noted that the ordinance, as approved, would prohibit a potential tenant for Phase 3 from obtaining a building permit prior to the issuance of a Final Certificate of Occupancy for Phase 1. The ordinance presented would correct the issue by amending Section 3(18) and allowing construction and temporary occupancy of Phase 3, subject only to the prohibition that no Final Certificate of Occupancy would be issued for Phase 3 until such time as a Final Certificate of Occupancy has been issued for Phase 1.

As some of the items to be completed in Phase 1 (Life Storage building) are affected by the winter season and cannot be completed this winter, this proposed amendment to Section 3 (18) will enable prospective tenants to move forward with building permits and temporary occupancy permits for Phase 3. The Mayor asked for comments.

Scott Hezner of the Hezner Corporation, 678 Broadway, was available to answer questions.

Trustee Johnson moved to approve the ordinance to amend Ordinance 11-O-02 granting an amendment to a Special Use Permit (PC 10-37). Trustee Justice 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-18: Amend Planned Development

President Weppler introduced an ordinance to amend Ordinance 11-O-03 to correct Section 3(16) and allow construction and temporary occupancy of Phase 3. Trustee Proepper moved to approve the ordinance to amend Ordinance 11-O-03, approving a Planned Development with Concept Plan for Phase 3 (C 10-38). 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

C. ORDINANCE 11-O-19: Amend Final Plan

President Weppler introduced an ordinance to amend Ordinance 11-O-04 to correct Section 3(16) and allow construction and temporary occupancy of Phase 3. Trustee Gaines moved to approve the ordinance to amend Ordinance 11-O-04, approving a Planned Development Final Plan for Phase 3 (PC 10-39). 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

PLAN COMMISSION REPORT – Text Amendment Relating to Flag Poles

President Weppler recused himself from discussion of the issue citing a possible conflict of interest and asked Trustee Johnson to act as President Pro Tem.

President Pro Tem Johnson introduced a Plan Commission report, noting that at the January 11, 2011 meeting, the Village Board had reviewed a proposal for a text amendment to allow eighty (80) foot flagpoles on certain properties located in the C-3 District. The petitioner had requested that the matter be continued to May in order to allow foliage on trees along Milwaukee Avenue to return and provide the petitioner the opportunity to determine whether the trees would obscure a flagpole at a lower height. On January 14, 2011, the petitioner filed an application for a building permit to erect an 80-foot flagpole on his property.

The petitioner now requested that the Village Board consider granting his proposed text amendment providing for a reduced maximum height of 70 feet. The petitioner's attorney also suggested that the proposed amendment would no longer limit flagpoles of this maximum height to flags of the United States or other government units, school, civic philanthropic or religious groups. President Pro Tem Johnson then asked for questions and comments.

James Babowice, attorney for the petitioner, addressed the Board. He noted that the amended language had been discussed with Director of Community Development John Spoden, and Mr. Spoden agreed with the content of the language. Trustee Moras stated that he had put a great deal of thought into the issue. Trustee Proepper asked for clarification of the height, and Duane Laska of North Shore Sign presented a picture of the location. Trustee Cullum discussed the size of the flag, 20' x 30", and asked if the flag flown at half-mast would touch the ground. He questioned using the same size flag on a shorter pole. Trustees Moras and Gaines discussed the calculation of the distance to the ground given the flag's size. President Pro Tem Johnson stated that she would support a 45' pole and that she had received letters and comments from residents both against and in support of the amendment.

Mr. Babowice stated that the Harris Bank flagpole is higher than 45 feet and that there should be equal application of the ordinance. It was noted that the Harris Building was built prior to the zoning code and is on the National Historic Registry. Mr. Babowice asked that regulations as to height should be included in an ordinance. The height of the Harris Bank flagpole was not known for sure but was approximated at 65' from grade. Village Attorney David Pardys stated that it was perhaps a legal non-conforming structure but was not sure of the date of construction. Trustee Proepper stated that 70 or 80 feet were similar and suggested waiting for spring leaf out to judge height. He noted his fear that the flag would dominate the canopy. President Pro Tem Johnson questioned if 70-foot would achieve the petitioner's desired result. She said that the flag would have the same impact at 45'. Language was modified to include the following to Section 6, ii):
On a lot of record which abuts an IB or OS zoning district and which fronts a state road

of not less than four (4) lanes, single flagpole, not within a required yard, may have a height in excess of twenty-five (25) feet from grade and not more than seventy (70) feet. Trustee Moras then moved to approve the proposed amendment with modifications.

Trustee Gaines seconded.

President Pro Tem Johnson asked for further discussion. The motion failed on roll call vote as follows:

AYES: Trustee Moras, Gaines, and Justice

NAYS: Trustees Proepper, Cullum, and Johnson

President Wepler thanked MainStreet for a successful event.

The Board concurred with the Marketing Committee recommendation to participate in the four-month "Let's Move" campaign sponsored by Michelle Obama. John Spoden stated that the program suggests healthy lifestyle alternatives including rest and exercise, and the program would also promote the Libertyville Sports Complex.

President Wepler announced the following:

ETSB – February 24 meeting is cancelled and rescheduled for May 3, 2011 at 9:00 a.m. at the Schertz Building

Plan Commission/Zoning Board of Appeals will meet February 28 at 7:00 p.m.

Parks and Recreation Advisory Commission will meet March 1 at 6:00 p.m.

Park and Recreation Committee will meet March 1 at 7:00 p.m.

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

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

EXECUTIVE SESSION - Collective Bargaining

President Wepler stated the need for the Board to meet in Executive Session for discussion of Collective Bargaining.

Trustee Johnson moved to go into Executive Session, and Trustee Proepper seconded.

The motion carried on roll call vote as follows:

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

NAYS: None

ADJOURNMENT

With no further business to come before the Board, Trustee Cullum moved to adjourn at 9:20 p.m. Trustee Gaines seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk