

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
June 25, 2019

President Weppler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook Avenue, Libertyville, IL. Those present were: President Terry Weppler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

EMPLOYEE RECOGNITIONS

Although the individuals were not able to attend the meeting, President Weppler recognized their commitments and anniversaries.

Steve Vella – Wastewater Treatment Plant Superintendent – Five years

Ed Sindles – Police Lieutenant – 25 years

Jean Bratton – Administrative Assistant at the Fire Department – 40 years

Fred Chung was present and was thanked and recognized for 25 years in the Engineering Department.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had anything to bring before the Village Board that was not already listed on the agenda.

Ken Endress, Community Planner and Liaison Officer for the Commanding Officer Naval Station Great Lakes introduced himself and presented Board Members with a Base Guide. President Weppler noted the importance of Great Lakes to Libertyville.

OMNIBUS VOTE AGENDA

The Mayor introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. Trustee Garrity asked that Item 3F-5 be removed for separate discussion.

Omnibus Vote Agenda

- A. Minutes of the June 11, 2019 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 19-O-52:** An Ordinance Declaring Surplus Property
- D. Acceptance of Bond Post-Issuance Tax Compliance Report
- E. **RESOLUTION NO. 19-R-110:** A Resolution to Approve a Second Amendment to the Professional Services Agreement with Christopher B. Burke Engineering, Ltd. for the Charles Brown Reservoir Restoration Project
- F. Appearance Review Commission Report

Trustee Johnson moved to adopt items A-E listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code.

Trustee Moras seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

3F (5)

Trustee Garrity noted that he believes the sap issue from the trees on McGrath Acura property is most likely the result of insects in the honey locust trees. He stated the trees could be treated for the insects, and the nuisance would be alleviated. President Wepler agreed and asked that the item be deferred or removed for further information. Director of Community Development John Spoden said he would talk to the petitioner and the Village arborist.

Trustee Carey moved to approve items 3F – 1-4 and defer 3F-5. Trustee Moras seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

REPORT OF THE ZONING BOARD OF APPEALS – ZBA 19-19, Variation of Corner Side Yard Setback for Garage – 500 Broadway

President Wepler explained that the property owners of 500 Broadway are requesting approval of a corner side yard setback variation from 30 feet to approximately 15 feet for a detached garage. A previous variation was granted for a detached garage, however the height of the structure was listed as 15 feet. As the current proposal is for a garage 20 feet in height, the applicant was required to re-apply for a variation.

The Zoning Board of Appeals heard the request at their meeting of June 10, 2019, and recommended Village Board of Trustees approval with a vote of 6 - 0. President Wepler asked for questions and comments. Brad Meyer of Meyer Homes explained that the setback had been approved, but there had been an error in the height of the garage. Director Spoden noted there was no issue or problem with the request.

Trustee Justice moved to approve the variation of corner side yard setback for a garage, and Trustee Johnson seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

REPORT OF THE PLAN COMMISSION – PC 19-11, Amendment to the Special Use Permit, 920 S. Milwaukee Avenue

President Weppler stated that John Massarelli of South Mil Properties LLC requested approval of an amendment to the Special Use Permit for 920 S. Milwaukee Avenue to allow an interior expansion of the vehicle dealership. The property was initially granted a Special Use Permit in 1998. The current proposal was a 3,386 square foot expansion into a tenant space to the north. Interior service space was also being reworked to include a car wash. The car wash includes a secondary overhead door to mitigate noise. Six (6) new overhead doors are proposed including three (3) on the east side of the building, one (1) on the south side, and two (2) on the north side.

During the course of the public hearing, neighbors expressed concern about the maintenance of the existing berm at the east property line. A fence on the berm was recently replaced in the location required by the original approvals. However, the remainder of the berm south to Golf Road is also owned by the petitioner. Mr. Massarelli had committed to maintain the berm, and Staff noted that progress has been made to date regarding the maintenance. Another concern expressed was paint fumes in the area. A study by Mr. Massarelli's paint booth consultant is underway to determine if the dealership is the source of the fumes.

At the conclusion of the hearing, the Plan Commission recommended Village Board of Trustees approval of the proposal with a vote of 6 - 0, subject to the following development conditions:

1. Proposed overhead doors for the service department are closed except when vehicles are entering or exiting.
2. No external speakers are permitted.
3. A maintenance schedule be submitted and approved by Village Staff for the existing property line prior to issuance of Final Occupancy.

President Weppler asked for questions and comments.

Rodrigo Gutierrez, architect for the applicant, was present to represent the petitioner, he noted that the petitioner had agreed to the conditions. Director Spoden stated that after the Public Hearing, the owner cleaned, mowed, and removed invasive species from the berm. No maintenance schedule has been submitted.

President Weppler noted neighbors' concerns and did not favor approval without the required maintenance schedule.

Trustee Garrity stated that the request was unacceptable, and since the petitioner needed something approved, he cleaned up the berm that should have been completed long ago.

He also noted that the fence should extend all the way to Golf Road. He added that a definitive maintenance schedule was required.

Trustee Johnson stated concerns with the fumes and the need for a study to determine the issue. She added that the study should have been prepared prior to approval of a permit. President Wepler and Board Members concurred.

Debbie Murphy, 919 Cambridge Drive, stated the need for a maintenance schedule, and she added that she is still able to smell paint fumes in her back yard.

Trustee Garrity moved to defer the item until required information is received. Trustee Johnson seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

REPORT OF THE APPEARANCE REVIEW COMMISSION – ARC 19-32, Riva Ridge Umbrella Association

President Wepler explained that at the request of the Village Board of Trustees, the Riva Ridge Umbrella Association created a comprehensive Tree Plan for the property. The Association hired a certified arborist, Vinnie Siebert of Phoenix Landscaping, who completed the report on 1,446 trees. The proposed plan includes a three (3) year phasing. Phase 1 (2019) proposed to remove 121 trees that are dead, diseased, and overcrowded in perimeter streets. Twenty-eight (28) trees would be replaced in fall 2019 per the plan. Phases 2 and 3 will address the properties in the side streets. The petitioner will return to the Appearance Review Commission and Village Board of Trustees each year for approval of the pertinent phase.

Representatives of the Riva Ridge Umbrella Association were present Tuesday evening to review the plan with the Board.

Lauren Drew, Committee Chair for Landscaping for Riva Ridge Umbrella Association addressed the Board regarding the plan.

President Wepler stated that he had walked the property, noting the original overplanting of the area. He also stated that many Austrian pines would inevitably be lost. He did ask that a tree over the sidewalk between phases 2 and 3 be checked. President Wepler asked why a tree that was removed a few years ago had not been replaced. Ms. Drew stated that the recommendation was to let the area rest for a year, but it could be easily seeded. She

added that the plan was to clear the dead, diseased, and overplanted trees then follow with beautification.

Trustee Moras stated he knew the area was overplanted, and he added that he appreciated the professional plan provided with the help of arborists and landscapers.

Trustee Garrity questioned the ratio of 121 trees removed and only 28 replanted. The Mayor noted that overcrowding remains the issue. Trustee Carey noted that some of the trees could not be replanted in the same place as the removals due to the original overplanting. He added that the number was reasonable considering the circumstances. Trustee Moras concurred. He stated that if the Village arborist agreed with the professional arborist, he would approve the plan.

Trustee Justice thanked Ms. Drew for the effort and the comprehensive plan. President Weppler asked that the area where trees are removed be seeded or re-landscaped. Trustee Johnson asked that the long-term be factored in regarding species and maintenance. Trustee Adams stated the plan is a little bit of a wait and see. President Weppler thanked Ms. Drew for following through with what the Board had asked.

Trustee Adams moved to approve the recommendation of the ARC subject to Village Staff approval, and Trustee Johnson seconded. President Weppler asked for further Board or public comment.

Gary Franzen, Torrey Parkway, asked that other areas in the Village that were subject to overplanting be given the same consideration in the future.

The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

**REPORT OF THE APPEARANCE REVIEW COMMISSION – ARC 19-33,
Carriage Hill Development**

President Weppler explained that the Carriage Hill Property Owners Association is proposing changes to its Architectural Design Guidelines. The Appearance Review Commission reviewed the changes at the June 17, 2019 meeting. Highlights of the changes included:

- Allowing wood alternatives for decks/patios; and
- Allowing engineering roofing materials that align with the cedar shake aesthetic.

The Appearance Review Commission voted 3 - 0 to recommend approval by the Village Board of Trustees. If approved, a resolution would be drafted for Village Board adoption at the next meeting. President Wepler then asked for questions and comments.

John Huber, 221 Carriage Hill, and Kimberly Bethke, 300 Carriage Hill represented the homeowners. They noted that the cedar shake aesthetic was preferred by the fire department and was overall less expensive.

Village Attorney David Pardys noted that the approval was required because it involved specific changes to a PUD. Ms. Bethke stated that a homeowners' survey had been sought and received, and the vast majority agreed. She noted that their Board agreed unanimously.

Trustee Carey moved to approve the request to change the guidelines, and Trustee Johnson seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

ORDINANCE NO. 19-O-53: An Ordinance to Approve a First Amendment to an Antenna Site Lease Agreement for 600 North Avenue

President Wepler explained that the Village has several lease agreements with wireless carriers in which rent is received as a form of payment to allow certain wireless communication antennas and equipment to be located on public property.

The Village was recently approached by Southwestern Bell Mobile Systems, Inc., d/b/a Cellular One – Chicago, a provider of shared communications infrastructure to extend an existing agreement with the Village for 600 North Avenue which is the location of the Streets and Utilities Public Works Department. The Village originally entered into an agreement for this location in 1999, for a term of 25 years. In exchange for allowing the infrastructure on public property the Village was paid a lump sum, up front rental amount of \$200,000. The agreement is set to expire in 2024. The Village has received a proposal to extend the agreement. A summary of the terms are:

- Five automatic renewals of five years each (total of 25 Years)
- \$1,900/month in rent (includes a 10% one-time increase) = Total value of agreement after 25 years is \$831,271.23 (including escalations)
- 3% escalation annually, effective 1/15/2025

Staff presented the proposal to the Finance Committee on April 16, 2019. The Finance Committee recommended that Staff move forward with finalizing an extension for the Village Board's consideration. The Village Attorney has reviewed the agreement and has found it acceptable.

Per State law, a notice of intent to adopt the ordinance for consideration was published in the newspaper on June 6, 2019. Staff recommended approval of the ordinance to approve a first amendment to an Antenna Site Lease Agreement for 600 North Avenue and authorize execution by the Village Administrator. President Weppler then asked for questions and comments and there was none.

Trustee Garrity moved to approve the ordinance, and Trustee Moras seconded. President Weppler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

ORDINANCE NO. 19-O-54: An Ordinance to Approve a First Amendment to an Antenna Site Lease Agreement for 1532 Artaius Parkway

President Weppler reported that the Village has several lease agreements with wireless carriers in which rent is received as a form of payment to allow certain wireless communication antennas and equipment to be located on public property.

The Village was recently approached by Southwestern Bell Mobile Systems, Inc., d/b/a Cellular One – Chicago, a provider of shared communications infrastructure to extend an existing agreement with the Village for 1532 Artaius Parkway which is the location of the Wastewater Treatment Plant. The Village originally entered into an agreement for this location in 1999, for a term of 25 years. In exchange for allowing the infrastructure on public property the Village was paid a lump sum, up front rental amount of \$200,000. The agreement is set to expire in 2024. The Village received a proposal to extend the agreement. A summary of the terms are:

- Five automatic renewals of five years each (total of 25 Years)
- \$1,900/month in rent (includes a 10% one-time increase) = Total value of agreement after 25 years is \$831,271.23 (including escalations)
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Per State law, a notice of intent to adopt the ordinance for consideration was published in the newspaper on June 6, 2019. Staff recommended approval of the ordinance to approve a first amendment to an Antenna Site Lease Agreement for 1532 Artaius Parkway and authorize execution by the Village Administrator. President Wepler asked for questions and comments and there was none.

Trustee Adams moved to approve the ordinance, and Trustee Moras seconded. President Wepler asked for further Board or public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- There will be a Rockland Road Construction Informational Meeting from 4:00 p.m. to 8:00 p.m. on Thursday, June 27, 2019 in the Village Hall board room
- The Parks and Recreation Commission at 6:00 p.m. on Tuesday, July 2, 2019 has been cancelled
- Village Hall and all non-emergency offices will be closed on Thursday, July 4, 2019 for Independence Day
- The Village Band will perform at 7:30 p.m. on Thursday, July 4, 2019, in Butler Lake Park, with a fireworks display starting at 9:30 p.m.
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, July 8, 2019
- The Water and Sewer Committee will not meet at 7:00 p.m. on Tuesday, July 9, 2019
- The Committee of the Whole will meet at 7:00 p.m. on Tuesday, July 9, 2019
- The Village Board will meet at 8:00 p.m. on Tuesday, July 9, 2019
- Dog Days of Summer Event will be held in downtown Libertyville on Thursday, July 12 through July 14, 2019

Staff will check to see if the Village Band will play during the Dog Days event.

Deputy Administrator Engelmann updated the Board on the electrical wire relocation in the new Cook Park playground. Underground conduit should be installed within the next week with final hookup by ComEd in the next two weeks, weather permitting.

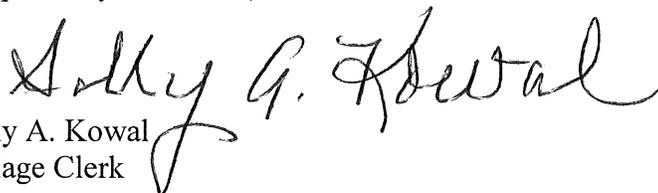
Director of Public Works Paul Kendzior stated that there are minor punch list items remaining on the new Metra station. A major issue involves moving the ticket agent and safe, etc.

Trustee Moras noted the blessings of our American freedoms and wished everyone a Happy Independence Day.

ADJOURNMENT

With no further business to come before Village Board, Trustee Johnson moved to adjourn at 9:10 p.m., and Trustee Moras seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sally A. Kowal". The signature is written in black ink and is positioned to the right of the typed name and title.

Sally A. Kowal
Village Clerk