

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR MEETING
MAY 22, 2017**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O'Hara called the meeting to order at 7:00 p.m. in the Lake Bluff Village Hall Board Room, and Village Clerk Joy Markee called the roll.

The following were present:

Village President: Kathleen O'Hara

Trustees: Barbara Ankenman
Steve Christensen
Mark Dewart
Eric Grenier
Aaron Towle

Absent: William Meyer, Trustee

Also Present: Joy Markee, Village Clerk
Drew Irvin, Village Administrator
Peter Friedman, Village Attorney
Michael Croak, Building Codes Supervisor
David Belmonte, Police Chief
Glen Cole, Assistant to the Village Administrator (A to VA)

2. PLEDGE OF ALLEGIANCE

President O'Hara led the Pledge of Allegiance.

3. CONSIDERATION OF THE MINUTES

Trustee Christensen moved to approve the May 8, 2017 Board of Trustees Regular Meeting Minutes as presented. Trustee Grenier seconded the motion. The motion passed on a unanimous voice vote.

4. NON-AGENDA ITEMS AND VISITORS

President O'Hara stated the Village President and Board of Trustees allocate fifteen minutes for those individuals who would like the opportunity to address the Village Board on any matter not listed on the agenda. Each person addressing the Village Board of Trustees is asked to limit their comments to a maximum of five (5) minutes.

Mr. David Barkhausen (resident) stated he recently learned about the current conditions on the eastern side of the Stonebridge property which fronts Green Bay Road. While serving as a Village Trustee he supported the Stonebridge project because it appeared to be an attractive conservation development. The

approved conservation easement stated the eastern portion of the property should be maintained in its natural state and in keeping with the original Jen Jensen design. However, the area is currently covered with top soil and grass which is a violation of the conservation easement. Mr. Barkhausen said he would like the project to proceed but he would encourage the Village Board to retain a consultant to ensure the conservation easement is strictly enforced.

Mr. Larry McCotter of Lake Bluff Open Lands Association (LBOLA) stated LBOLA supported the Stonebridge Development because of the inclusion of the conservation easement which is a perpetuity document with a Grantor and Grantee. The Grantor of the easement is the current developer but once the Homeowners Association is 75% subscribed, the Village will become the Grantor. The Grantee is typically a non-profit organization and he noted Lake Bluff conservation easements are held amongst three different non-profit organizations (Lake Bluff Open Lands, Lake Forest Open Lands and Chicago Open Lands). Mr. McCotter expressed his concern regarding the erosion control matting and removal of the understory trees. He was told the erosion control matting was planted to address invasive the buckthorn but this is forbidden by the management plan in the conservation easement. Also, the erosion control matting possibly has plastic mesh which could endanger animals drawn to the pond. Mr. McCotter stated the heavy equipment used to deliver the erosion control matting compressed the roots of the oak trees and the heavy foot traffic negatively impacted the existing wild flowers. The Grantee is responsible for contacting the Grantor regarding any violations to the conservation easement and he asked the Village Board to find out who the Grantee is and what is being done to enforce the terms of the conservation easement. He stated LBOLA cannot challenge any activities at the development but the Board has the authority to require conditions for this development and he recommend the erosion control matting be removed. Mr. McCotter said the developer has done a great job managing the buckthorn and weedy invasive vegetation, but the impact on the wildflowers is unacceptable and preventing any further damage would be appreciated.

Village Administrator Drew Irvin stated the Village has been working with a consultant on the project, in regards to the tree removal permit process, to eradicate the buckthorn and other non-native plants. There was a significant amount of vegetation and Maple trees removed to support the understory and future growth. The Village Consultant's primary goal for the site is to prepare the environment, for future plantings and to allow the best growth opportunity, for the existing large trees (canopy and oak). Village Urban Forest Manager, Chuck Stewart, advised of the planning sequence used to choke out the buckthorn and noted this is an ongoing project.

In response to a question from Trustee Grenier, Village Administrator Irvin stated the conservation easement has a forestry plan. The work that has been authorized to date have gone through the Village process to ensure compliance with Village regulations. The current approved plan is for a more native forest, without buckthorn and other non-native plants, as opposed to a historic Jen Jensen preservation landscape plan now contemplated by the developer. This is a work in progress which has not been approved and the true benchmark is what has been approved to date.

Mr. Barkhausen expressed his understanding that the developer is currently the Grantor and Grantee and his opinion is that the Village should require one of the non-profit organizations active in Chicago land preservation be the Grantee of the conservation easement. Village Administrator Irvin stated the conservation easement was initially approved and put into a third party holding place because it was assumed the project would be completed in a timely manner, and that has not been the case.

5. VILLAGE BOARD SETS THE ORDER OF THE MEETING

At the request of those present, Trustee Dewart moved to take Agenda Item #14, #15 and #13 then return to the regular order of the meeting. Trustee Towle seconded the motion. The motion passed on a unanimous voice vote.

6. ITEM #14 – AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS TO ESTABLISH MOTORCYCLE SERVICE AND REPAIR FACILITY AS A SPECIAL USE IN THE L-1 LIGHT INDUSTRY DISTRICT

President O’Hara reported on April 21, 2017, the Village received a zoning relief application from Gen X Performance, LLC (Petitioner) to allow a motorcycle service and repair facility to operate in the L-1 Light Industry District. She further reported the Petitioner recently relocated an existing business from Highland Park and applied for a Business Certificate of Occupancy to continue their business of storing and servicing motorcycles. While “storage of goods” is a permitted use in the L-1 Light Industry District, the service and repair of motorcycles is not. The Village has issued a Certificate to allow only the storage component of their business during the pendency of their application for zoning relief. The Joint Plan Commission and Zoning Board of Appeals (PCZBA) conducted a Public Hearing for the application at its regular May meeting and unanimously:

- Recommended the Village Board add “motorcycle service and repair facility” as a special use in the L-1 Light Industry District; and
- Recommended the Village Board grant the Petitioner a Special Use Permit to operate a motorcycle service and repair facility at 419 W Washington Ave., subject to the following protective restrictions and conditions:
 - **No Outdoor Storage.** No outdoor storage is permitted on the Subject Property.
 - **Service Queues.** Motorcycles and other similar motorized vehicles must queue for service and repairs only on the inside of the building.
 - **Deliveries.** All deliveries to the Subject Property may only be made at the loading dock of the Subject Property.
 - **No Outdoor Repairs or Service.** No repairs or service to vehicles may be conducted outdoors on the Subject Property.

President O’Hara reported this relief requires two ordinances, one to amend the zoning use table and one to grant the Special Use Permit. This item is the first step, amending the zoning use table. The Petitioner has requested that the Board waive second reading of the ordinance to allow the Petitioner to immediately start serving customers.

In response to a question from Trustee Grenier, Mr. Jonathan Schiller, Petitioner, stated there is no posted signage at the establishment because the business is advertised by word of mouth.

Trustee Ankenman asked if customers are currently being serviced and if the business would be altered if second reading of the ordinance was not waived. Mr. Schiller stated repair service are not available to customers at this time. Village Administrator Irvin stated the applicant was informed that storage was a permitted use as-of-right in the L-1 Light Industry District. The owner requested to use the facility for storage during the winter months and service repair during the summer months but repair services is not a permitted use.

Trustee Ankenman expressed her concern regarding waiver of second reading because the public would not be given an opportunity to provide feedback. Village Administrator Irvin stated public hearing notices were mailed and there were no residents present at the public hearing.

As there were no further comments from the Board, Trustee Dewart moved to approve first reading of the ordinance. Trustee Grenier seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Ankenman, Christensen, Dewart, Grenier and Towle
Nays: (0)
Absent: (1) Meyer

Mr. Schiller requested the Board waive second reading of the ordinance to allow repair services to commence.

Trustee Grenier moved to waive second reading of the ordinance. Trustee Christensen seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Christensen, Dewart, Grenier, Towle and Ankenman
Nays: (0)
Absent: (1) Meyer

7. ITEM #15 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO GEN X PERFORMANCE, LLF TO OPERATE A MOTORCYCLE SERVICE AND REPAIR FACILITY IN THE VILLAGE’S L-1 LIGHT INDUSTRY ZONING DISTRICT

President O’Hara reported this agenda item is consideration of a special use permit for the aforementioned agenda item.

Village Administrator Irvin stated the ordinance was modified to include the business hours of operation.

Trustee Christensen inquired of the property owners’ responsibility as it concerns, potential tenants use of their facility. Village Administrator Irvin stated people seeking to purchase property commonly ask questions regarding the use of the property but there was no conversation regarding the matter with this particular tenant.

As there were no comments from the Board, Trustee Dewart moved to approve first reading of the ordinance. Trustee Christensen seconded the motion. The motion passed on a unanimous voice vote.

Trustee Grenier moved to waive second reading of the ordinance. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Dewart, Grenier, Towle, Ankenman and Christensen
Nays: (0)
Absent: (1) Meyer

8. ITEM #13 – AN ORDINANCE GRANTING A VARIATION FROM THE VILLAGE’S FRONT YARD SETBACK RESTRICTIONS (608 Mountain Road)

President O'Hara reported on March 24, 2017, the Village received a variation application from Aric and Jessica Blom to construct a new pergola structure, concrete fire pit, and concrete grill enclosure attached to the existing residential structure located at 608 Mountain Road. They also intend to construct a screened porch at the same time that will not require zoning relief. She further reported the proposed work encroaches a maximum of approximately 7' 6.5" into the required front yard. This work replaces an existing wood deck that encroached at least an additional foot into the required front yard. This lot is irregularly shaped, with the lot line generally following the shape of the ravine that separates the home from Mountain Avenue. The lot line used to calculate the setback is in excess of 60 feet away from the curb line of Mountain Avenue in the vicinity of the proposed work. The proposed work does not require a variation from the ravine setback.

President O'Hara reported the PCZBA opened the Public Hearing at its regular April meeting. The Public Hearing was continued due to uncertainty regarding the submitted plans, particularly as they depicted the comparison between the dimensions of the existing non-conforming deck as compared to the proposed new patio and structure. Members of the PCZBA also expressed concerns regarding the patio's proximity to the ravine edge. Those concerns were resolved at the PCZBA's May meeting, and the PCZBA voted unanimously to recommend that the Village Board grant the requested variation.

Trustee Grenier expressed his understanding the requested variance relates to the 60 ft. space between the edge of the property and street but the variation will have no impact on the ravine.

As there were no further comments from the Board, Trustee Ankenman moved to approve first reading of the ordinance. Trustee Dewart seconded the motion. The motion passed on a unanimous voice vote.

9. ITEM #6a – WARRANT REPORT FOR MAY 16-31, 2017

President O'Hara reported expenditure of Village funds for payment of invoices in the amount of \$334,728.04 for May 16-31, 2017.

As such, the total expenditures for this period is in the amount of \$334,728.04.

As there were no questions from the Board, Trustee Towle moved to approve the Warrant Report. Trustee Grenier seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Grenier, Towle, Ankenman, Christensen and Dewart
Nays: (0)
Absent: (1) Josephitis

10. ITEM #7A – VILLAGE ADMINISTRATOR'S REPORT: 2017 LAKE BLUFF FARMERS MARKET REPORT

Village Administrator Irvin stated Farmers Market initially began as an effort to draw attention to the Central Business District (CBD) and has since become a major contributor to the evolution of the CBD. He then invited A to VA Cole to the podium to present the report.

A to VA Cole stated the 24th annual Lake Bluff Farmers Market, sponsored by Knauz Automotive Group, will be held on Fridays, from June 9th through October 13th (7:00 a.m. to 12:00 p.m.) on the Village Green. He reported on the market vendors noting most of the 2016 vendors will return with the exception of Three

Tarts Bakery and the Giveback Kitchen. The new vendors include European Homemade Goodies, Swirl Café, Tastebudz and Marvalhas. He reported on the upcoming activities, parking plan, and special events such as the corn roast and RC. Juggles amongst others for the upcoming market. A to VA Cole presented the Farmer Market poster designed by graphic artist, Kristin Ashley, and he thanked the Farmers Market committee, Committee Chair (Frank Swanton) and Market Manager (Kathleen Swanton) and Administrative Intern (Franco Bottalico) for organizing the event.

11. ITEM #7B – VILLAGE ADMINISTRATOR’S REPORT (CONT.): PRESENTATION FROM LAKE BLUFF POLICE DEPARTMENT REGARDING CALEA ACCREDITATION

Police Chief David Belmonte stated the Lake Bluff Police Department was initially accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in 1999 and has maintained it since that time. He then introduced Sergeant Matt Smizinski, Dan Shaw (CALEA Regional Program Manager for the Great Lakes Region) and Dan LeTourneau (IRMA Director of Risk Management Services) to the Board.

Sergeant Smizinski provided an overview of the CALEA re-accreditation process, accreditation goals, and importance of CALEA. He noted the CALEA process will soon change to a 4 year assessment cycle.

Mr. Shaw provided background information on CALEA accreditation and stated that the Lake Bluff Police Department complied with all the CALEA standards and is now being recognized as a meritorious agency because the agency has been accredited for more than 15 years. He invited President O’Hara to the podium to present the award.

President O’Hara presented the 6th Certificate of Accreditation to Police Chief Belmonte and she stated the Village is already proud of its Police Department and this award reaffirm the Village has one of the finest Police Departments in the county.

Mr. LeTourneau provided background information regarding the IRMA Organization and noted the Village is a longtime member. He stated the Lake Bluff Police Department qualified for the CALEA grant program offered by the IRMA Organization and presented President O’Hara with a check, reimbursing 25% of the re-accreditation cost.

12. ITEM #8 – VILLAGE ATTORNEY’S REPORT

Village Attorney Peter Friedman had no report.

13. ITEM #9 – VILLAGE PRESIDENT’S REPORT

President O’Hara reported that Lake Bluff Girl Scout Troop #4459 is a group of 4th graders that had a desire to do something significant to help the community. The group’s consensus was that recycling was important to the future of Lake Bluff. The group raised funds and now present the Village with a check in the amount of \$604 to pay for half the cost of the new recycling container for the CBD, similar to the container located on E. Center and E. Scranton Avenue. President O’Hara said that the children are our next generation as well as wonderful contributors and volunteers for the community, and she thanked the Girl Scouts for their contribution.

Also, President O'Hara encouraged everyone to attend the Memorial Day Ceremony, hosted by American Legion Post #510, on May 29th (9:00 a.m.) on the Village Green.

14. ITEM #10 – ACCEPTANCE OF THE CORRESPONDENCE

President O'Hara introduced the correspondence from the Informational Reports on May 5 and 12, 2017.

Trustee Ankenman moved to accept the correspondence as submitted. Trustee Grenier seconded the motion. The motion passed on a unanimous voice vote.

15. ITEM #11 – SECOND READING OF AN ORDINANCE AMENDING SECTIONS 10-5-3 AND 10-6A-5 OF THE LAKE BLUFF ZONING REGULATIONS REGARDING SETBACKS FOR BLOCK THREE IN THE CENTRAL BUSINESS DISTRICT

President O'Hara reported at its regular meetings in January, February, and March, the PCZBA held a public hearing to consider amendments to the Lake Bluff Zoning Ordinance that would eliminate ambiguity regarding the minimum building setback along Scranton Avenue for lots within Block 3 of the CBD. Specifically, Section 10-6A-5 of the Municipal Code states that there is no setback along Scranton Avenue for lots within Block 3 while Section 10-5-3C1 imposes certain conditions upon commercial property that is, effectively, on the same side of the same block as residential property. *“Any lot in any business district that fronts on the same street and has the same front line as an adjacent lot in the same block that is in a residence district shall conform to the setback requirements of the adjoining residence district; provided, however, that no building on such a lot in a business district shall be required by this subsection to set back more than fifteen feet (15') from the street line.”*

President O'Hara reported during the public hearing, the PCZBA performed an extensive review of the legislative history behind the Block 3 setbacks (Section 10-6A-5), including discussions about the idea of a residential transition in Block 3 and an adopted setback map that does not show a setback from Scranton in Block 3. After great deliberation, on March 15, 2017 the PCZBA voted 6-1 to amend the Code to require a 7.5 ft. minimum building setback along Scranton Avenue; to move the conflicting Section 10-5-3C1 adjacent to the other CBD sections of the Zoning Code; and to exempt Block 3 from the relocated Section 10-5-3C1. She further reported at the Board's April 24th meeting, the Board declined first reading approval and instructed Staff to further review the ordinance. After review by Staff and the Village Attorney, Staff recommended the Village Board of Trustees consider one of the following actions:

1. Refuse first reading approval of the ordinance;
2. Remand the ordinance with specific instructions. The Board may, for example, instruct the PCZBA to:
 - a. Review setbacks throughout the entire Central Business District;
 - b. Consider any specific concerns raised by the Board not addressed in the Public Hearing; or,
 - c. Return this item to the Board for consideration no later than a date certain; and
3. Approve the first reading of the ordinance.

President O'Hara reported the Village Board approved first reading of the ordinance at its May 8th Meeting.

Trustee Towle moved to approve the ordinance. Trustee Christensen seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Towle, Ankenman, Christensen, Dewart and Grenier
Nays: (0)
Absent: (1) Meyer

16. ITEM #12 – AN ORDINANCE REGARDING THE REGULATION OF RAFFLES IN THE VILLAGE OF LAKE BLUFF

President O’Hara reported State law provides that the governing body of a municipality may establish a system for the licensing of raffles by religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members. Historically, the Village has relied on the Raffles and Poker Runs Act to issue raffle licenses to local non-profits. After consulting with the Village Attorney and the Chief of Police, it is recommended that the Village establish a local licensing system which would provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold.

President O’Hara reported because it is common for local organizations to sell raffle chances in both Lake Bluff and Lake Forest, it is recommended that the Village’s proposed licensing system mirror the City of Lake Forest’s system. A \$25 license fee is also recommended and, if first reading is approved, Staff will prepare the necessary amendment to the Comprehensive Fee Schedule.

In response to a question from Trustee Towle, Village Administrator Irvin stated there are approximately 12 raffle license requests received each year and there have been no issues regarding the matter. He stated it would be beneficial for the Village to establish an ordinance as opposed to relying on the State Act regarding issuance of raffle licenses.

Trustee Towle inquired of the fees associated with religious and non-profit organizations as the Village tend to waive fees for these type of organizations. Village Administrator Irvin stated the Village receive raffle license applications from organizations outside the community and this is a nominal fee to cover administrative cost.

Trustee Dewart moved to approve first reading of the ordinance. Trustee Towle seconded the motion. The motion passed on a unanimous voice vote.

17. ITEM #17 – EXECUTIVE SESSION

At 8:10 p.m. Trustee Ankenman moved to enter into Executive Session for the purpose of discussing Personnel (5 ILCS 120/2(c)(2)). Trustee Christensen seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Ankenman, Christensen, Dewart, Grenier and Towle
Nays: (0)
Absent: (1) Meyer

There being no further business to discuss, Trustee Christensen moved to adjourn out of executive session. Trustee Ankenman seconded the motion and the motion passed on a unanimous voice vote at 9:01 p.m.

18. ITEM #19 – ADJOURNMENT

Trustee Dewart moved to adjourn the regular meeting. Trustee Grenier seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 9:02 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Joy Markee
Village Clerk