

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
REGULAR MEETING  
NOVEMBER 26, 2018**

**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  
Mark Dewart  
Eric Grenier  
Paul Lemieux  
William Meyer  
Aaron Towle

Also Present: Joy Markee, Village Clerk  
Ben Schuster, Village Attorney  
Drew Irvin, Village Administrator  
Bettina O’Connell, Finance Director  
Jeff Hansen, Village Engineer  
Mike Croak, Building Codes Supervisor  
Jake Terlap, Public Works Superintendent  
Glen Cole, Assistant to the Village Administrator (A to VA)

**2. PLEDGE OF ALLEGIANCE**

President O’Hara led the Pledge of Allegiance.

**3. AWARDS AND PROCLAMATIONS**

President O’Hara invited the Farmers Market Committee members to the podium. She stated that the Farmers Market has been a wonderful asset to the community and its members represents the pure spirit of volunteerism.

President O’Hara read the proclamation recognizing the *25<sup>th</sup> Season of the Lake Bluff Farmers Market*.

Farmers Market Chairman Frank Swanton said the past 25 years have been a lot of fun and work. He expressed his thanks to the Board, Village Staff (John Scopelliti and Glen Cole), and the Public Works

Department for their support. He thanked the Artists on the Bluff for depicting the artwork on the current year vehicle stickers, banners, street lights and poster. He said there have been numerous volunteers over the years and he would be remiss if he did not recognize the original Farmers Market Committee members (Nancy and Frank Cripple, Fred Wacker and Kent Street). Mr. Swanton said the Farmers Market has been a great thing for the Village and have increased awareness in the Lake Bluff Central Business District.

Village Administrator Drew Irvin said he believes the research done by the Farmers Market ambassadors (Frank and Kathleen Swanton) contributes to its phenomenal success.

**4. CONSIDERATION OF THE MINUTES OF THE NOVEMBER 12, 2018 VILLAGE BOARD MEETING**

Following a comment from Village Administrator Irvin, Trustee Ankenman moved to approve the November 12, 2018 Board of Trustees Regular Meeting Minutes as amended. Trustee Lemieux seconded the motion. The motion passed on a unanimous voice vote.

**5. 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.

There were no requests to address the Board.

**6. VILLAGE BOARD SETS THE ORDER OF THE MEETING**

There were no requests to change the order of the meeting.

**7. ITEM #7A – WARRANT REPORT FOR NOVEMBER 16-30, 2018**

President O'Hara reported expenditure of Village funds for payment of invoices in the amount of \$498,154.63 for November 16-30, 2018 as such total expenditures of \$498,154.63.

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

Ayes: (6) Ankenman, Dewart, Grenier, Lemieux, Meyer and Towle  
Nays: (0)  
Absent: (0)

**8. ITEM #7B – OCTOBER 2018 FINANCE REPORT**

At President O'Hara's request, Finance Director Bettina O'Connell provided a brief summary of the October 2018 Finance Report highlighting major revenue sources and expenditures for the period.

- Sales tax revenue for August 2018 of \$264,978 is \$8,358 greater than August 2017 revenue of \$256,620;

- Home rule sales tax revenue for August 2018 of \$67,569 is \$8,601 less than August 2017. The State continues to charge an admin fee, the May-August fees total \$4,993.42;
- Building permit revenue for FY19 May-October is \$182,520 compared to \$386,715 for FY18 May-October;
- FY19 expenditures of \$4,692,029 are \$597,751 greater than the expenditures for the same period in FY18. Capital expenditures year to date are \$1,084,286 or \$807,278 greater than the year to day expenses from FY18, this can be attributed to train station improvements, the audio/video equipment in the boardroom, and non-MFT paving expenses; and
- Current expenditures are consistent with or less than the budget.

As there were no questions from the Board, Trustee Dewart moved to accept the Finance Report. Trustee Lemieux seconded the motion. The motion passed on a unanimous voice vote.

**9. ITEM #8A – VILLAGE ADMINISTRATOR’S REPORT: INFORMATIONAL REPORT REGARDING FY2019 CAPITAL IMPROVEMENT PLAN**

Village Administrator Irvin reported the bi-annual fiscal plan has an exceptional amount of capital initiatives and then he invited Village Engineer Jeff Hansen to the podium to provide a report.

Village Engineer Hansen stated currently the Village has 26 construction projects budgeted for this fiscal year. He then provided information associated with the completed projects:

- **Water** - water tower cleaning;
- **Roads** - Asphalt street rehabilitation, Green Bay road path repaving: Belle Foret Drive to Signe Court, and sidewalk replacement project; and
- **Stormwater** - Simpson Alley storm sewer and Ravine Park outfall at Sylvan Avenue and Glen Avenue.

He provided information on the in-progress projects:

- **Water** - water tower controls replacement (scheduled to start installation December 2018); design phase for the 2019 Water Main replacement project (Cambridge Lane, East Sheridan Place across from LBMS, and Armour Drive – Lancaster Court to Inverness Court (Summer 2019); Valve and Hydrant Rehabilitation/Replacement (Fall 2019);
- **Roads** - Moffett Road land bridge/culvert (June 2019); Green Bay Road reconstruction phase 1 study (March 2019);
- **Stormwater** - Lincoln Avenue storm sewer improvements in the North Terrace (pending IDOT permit); Village wide storm sewer modeling (June 2019); Scranton Avenue underpass study (June 2019); West Sheridan Place storm sewer expansion (Summer 2019); Forest Cove Road storm sewer outfall repairs/replacement (Summer 2019);
- **Sanitary Sewer Projects** – Moffett Road/East Witchwood interconnect (2019); water meter replacement (April 2019); West Blodgett lift station pump repairs (December 2018); and (if budget allows) the Tangley Oaks lift station pump.

He provided information on the following pending projects:

- **Roads** – Crack sealing (April 2019); Scranton underpass handrails (April 2019); Glen Avenue pedestrian bridge repairs (April 2019); Block One sidewalk/tree grate project (April 2019); Green Bay Road bridge rehabilitation (2021); McClory trail pedestrian bridge replacement (IGA January

2019); and trail lighting from LBMS to Mawman Avenue (Safe Routes to School Program Grant submitted/March 2019)

In response to a request from Village Administrator Irvin, Village Engineer Hansen stated the guardrail and road striping was not completed because the early winter weather and soil conditions delayed the Moffett Road construction project. He stated he is hopeful the detour signs will be picked up and the street reopened soon. There will be approximately two additional weeks of road construction beginning in the spring of 2019 because the complete project includes the resurfacing of Moffett Road from Center Avenue to the southern Village limits. He said there will be no full road closures, but brief closures for material and equipment relocation and the project should be completed by June 2019.

In response to a question from Member Dewart regarding the bridge base layer, Village Engineer Hansen stated the bridge layer was bought up to full asphalt and the plan is to mill off the top two inches in the spring and replace it with a surface coat.

Village Engineer Hansen showed a picture of the West Sheridan Place proposed stormwater improvement project. The project involves the installation of a stormwater pipe through the rear yard of three properties and connects into the neighborhood stormwater system. He said two property owners are willing to grant the easement and Staff is coordinating a meeting with the third property owner as this is the preferred route. He reviewed the design plan and said if the Village gets the easement the plan is to bid over the winter and being construct next summer.

Village Engineer Hansen stated there have not been many flood survey responses received to date. The plan is to send a letter to residents to increase awareness regarding the flood survey.

In response to a comment from the Board, Village Engineer Hansen stated Staff intends to pursue federal funding for the Green Bay Road bridge rehabilitation project to replace the bridge deck, pavement, sidewalks, railings, etc. Also, he advised that the \$87,000 Department of Natural Resources granted was reinstated for the McClory Trail pedestrian bridge replacement project and Staff intends to pursue an intergovernmental agreement with Lake County to share the remaining cost of the project.

In response to a question from Member Dewart regarding bridge height, Village Engineer Hansen said the State advised the Village Consultant that the lower height requested would be considered if the bridge is built to vehicular standards then he elaborated on the standards.

President O'Hara said she is happy to see all the capital projects, particularly the pedestrian bridge and Lake Bluff Middle School trail lighting. There have been concerns expressed regarding the dangerous conditions associated with the lack of lighting along the trail as well as the narrow width of the pedestrian bridge.

In response to a question from Trustee Lemieux regarding the Simpson Alley project, Village Engineer Hansen stated the project was completed in July 2018 and he noted the small pipe installed is not designed for a major storm event but to raise the standard of drainage in the alley.

**10. ITEM #8B – VILLAGE ADMINISTRATOR'S REPORT: REPORT CONCERNING THE ELECTRONIC STORAGE AND DISPOSITION OF CERTAIN VILLAGE RECORDS**

Village Administrator Irvin stated the report concerns electronic storage and disposition of certain Village records. Staff continues to convert paper records to electronic files and also manage storage of documents pursuant to State law. The documents listed have exceeded the retention period as required by law and some have been converted to electronic files.

Trustee Ankenman made a motion to accept the report. Trustee Dewart seconded the motion. The motion passed on a unanimous voice vote.

In addition, Village Administrator Irvin reported on the November 25-26, 2018 blizzard and explained how the storm impacted garbage/recycling collection, power outages and snow removal. As a result of the power outages the Public Safety Community Building was offered as a warming center for residents. He showed pictures, specifically for East Woodland Road, depicting the damages and debris caused by the storm. Lastly, Village Administrator Irvin thanked Public Works Department for doing a great job clearing the Village roadways. A discussion regarding availability of the Public Safety Building following major storm events followed.

**11. ITEM #9 – VILLAGE ATTORNEY’S REPORT**

Village Attorney Peter Friedman had no report.

**12. ITEM #10 – VILLAGE PRESIDENT’S REPORT.**

President O’Hara reported on the upcoming events, *It’s a Wonderful Life...in Lake Bluff* scheduled for December 1<sup>st</sup> and Lake Bluff History Museum Christmas Home Tour on December 2<sup>nd</sup> and invited everyone to attend the events.

**13. ITEM #11 – ACCEPTANCE OF THE CORRESPONDENCE**

President O’Hara introduced the correspondence from the Informational Reports on November 9 and 16, 2018.

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

**14. ITEM #12 – A PUBLIC HEARING REGARDING YEAR 2018 PROPERTY TAX LEVY**

President O’Hara reported the Village of Lake Bluff, in keeping with past practice, will conduct a public hearing on the proposed YR 2018 property tax levy. Finance Director O’Connell will present information on the Finance Committee’s tax levy recommendation. The hearing notice was published in the Lake Forester on November 15, 2018 and on the Village’s website on November 19, 2018.

President O’Hara declared the public hearing open.

Finance Director O’Connell said the levy presentation is for the property tax bills that will be sent to property owners in May 2019.

Finance Director O’Connell’s powerpoint presentation began with the property tax history and main variables of the tax levy (Assessment and Rates). Finance Director O’Connell stated the Village as a

home rule community is not subject to the Property Tax Extension Limitation Act (PTELL) but passed a Resolution in 2005 committing to abide by the PTELL limit. This means that any increase greater than 5% from the prior year request would require a public hearing for approval. She stated taxing districts determine the amount of money needed and the levy ordinance must be prepared prior to adoption of the levy.

Finance Director O'Connell explained that the Village requests a dollar amount but has no role in the assessment process and described basics of the assessment process. The Township assessor calculates the assessed value of the property. Annually, the Lake County Chief Assessor determines the level of assessment in each Township based on 3 prior year's sales transactions. The County Chief Assessor adds a multiplier to all non-farm parcels based on analysis of change in assessments for each class – residential, commercial and industrial. The measurement of market value is the job of assessors, who use one or more of three basic approaches to measure it 1) market data – comparing recent selling prices of similar properties, 2) cost – coming up with a value of the cost of reproducing the property minus accrued depreciation plus land value and 3) income – calculating the present worth of the income from a commercial property.

Finance Director O'Connell showed a chart reflecting how tax dollars are used. The Village represent 9%, Library 2% and, local schools 60% of the total property tax bill. The Village levy partially finances police protection, fire protection, sanitation, recycling collection street, sidewalk and bike path maintenance, street lighting, sewer maintenance, and the ancillary services that support these personnel. There are other taxing bodies that levy their own property taxes separately from the Village such as the Mosquito Abatement District which is less than 1% of the total levy. Also Sanctuary residents are slightly different because they do not pay into Central Lake County Joint Action Water Agency as their water is provided by North Chicago nor do they pay the Village's fire protection property tax.

Trustee Lemieux stated he has received comments regarding the high property taxes in Lake Bluff, and not to deny the validity of that, but it is important for residents to know that the Village is responsible for 9% and collectively educational entities make up 64%, and Lake County takes a higher proportion than the Village.

Finance Director O'Connell continued the presentation showing a chart reflecting the assessed value by class for the past 10 years along with the tax extension over the same period which also included the library extension. The slope of the orange line at the top reveals that the total EAV peaked in 2008 and declined by 25% until last year. The factors that changes EAV are market value and income generating capacity of current properties and new construction or annexation added to the tax rolls. The Village has had no annexations of property since 1998 when the Sanctuary Subdivision became part of the municipal boundaries.

Finance Director O'Connell stated the 2018 aggregate levy calculated under the PTELL is \$4,343,227 compared to the prior year \$4,219,520 and the consumer price index factor of 2.1% is the same as the previous year. The calculated CPI along with EAV estimated changes could bring about \$81,000 new dollars. Finance Director O'Connell stated levies are made in dollar amounts to raise the money and county clerks must calculate a tax rate for each fund for which the taxing district levied. The tax rate is a number that, when multiplied by the tax base, will produce the levy amount. She showed a chart of the 2018 levy breakdown by functions. The chart shows the levy by purpose; however, it is important to note that they levy does not fully fund these functions. The Village relies on multiple sources of revenue such as sales and other taxes; building permits and other user fees; and licenses and fines to cover the costs to

provide these services. The Pension levy represents 26% of the total levy. That represents over \$1 million of the \$4.3 million total levy. The Library levy is \$964,117 which will provide \$42,642 new dollars is approximately \$20,000 more than what was presented. The most significant of these dollars will be used for capital projects such as HVAC projects as well as technology needs.

Finance Director O'Connell stated the Finance Committee deliberated the amount of the levy with sensitivity to the effect of increases on homeowners. At the upcoming November 29<sup>th</sup> meeting the committee will finalize its recommendations and will be considered at the December 10<sup>th</sup> Village Board meeting.

Finance Director O'Connell reviewed the long term budget concerns as: sales tax revenue is heavily reliant on auto sales, future state-shared revenue sources, grant funds, pension contributions, and infrastructure improvements and capital equipment reserve funding are prioritized in the budget process. Finance Director O'Connell said in order to maintain financial stability the Village has reduced personnel from 50 to 35 employees over the past seven years, outsourced household waste collection, municipal partnering with dispatch operations, strategically invested in technology and infrastructure services to improve reliability and Staff productivity and facilitated commercial development opportunities such as Target and Heinen's

Finance Director O'Connell reviewed the 2018 Village share of the tax bill on a home with a market value of \$600,000 if rate increase from \$.56 to \$.58 per \$100 of EAV for the Village portion of the Property Tax. The tax bill estimated reduction of about \$30.00 for the Village portion of property tax assuming a 4.7% increase in EAV.

Trustee Grenier commented on personnel downsizing associated with private entities and asked how many employees are needed to manage Village operations. Village Administrator Irvin stated the Village has made an active attempt to control operational cost. Presently, there are 35 full time regular employees but since October 1, 2018 the number of personnel recently increased because of the manner in which the Village is providing Fire EMS services. A brief discussion followed.

As there were no public comments, President O'Hara closed the public hearing.

**15. ITEM #13 – AN ORDINANCE LEVYING PROPERTY TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2018 AND ENDING APRIL 30, 2019 FOR THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS**

President O'Hara reported pursuant to State law, on or before the last Tuesday in December, the Village must file with the County Clerk an Ordinance requesting a property tax to be levied on all taxable property within the Village. After review of levy estimates and financial projections as presented by Staff, the Finance Committee recommends that the Village levy \$3,379,109 for the year 2018, which represents a 2.45% increase over the 2017 property tax extension. She further reported the Lake Bluff Public Library Board has amended their property tax levy request to \$964,117 for the year 2018, which is a 4.62% increase over the previous year. The attached levy ordinance includes this increase and the Library request will be reviewed by the Finance Committee at their November 29<sup>th</sup>, 2018 meeting.

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

Ayes: (6) Dewart, Grenier, Lemieux, Meyer, Towle and Ankenman  
Nays: (0)  
Absent: (0)

**16. ITEM #14 – AN ORDINANCE ABATING 2018 PROPERTY TAXES LEVIED FOR GENERAL OBLIGATION DEBT SERIES 2011 AND 2012 BONDS OF THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS**

President O’Hara reported the Village currently has Refunding Bonds Series 2011 and 2012 General Obligation (“G.O.”) bonds outstanding. Pursuant to Ordinances 2011-19 and 2012-13 the County Clerk is required to extend a property tax levy in an amount sufficient to pay the interest and principal on the bonds. She further reported in the past the Village has abated the annual property tax levy. Because the bond ordinances directing extension of the annual property tax levy were filed with the County Clerk, an ordinance is required to abate (not levy) the property tax for these bonds.

President O’Hara reported the Finance Director determined that the Waterworks Fund has the amount necessary to transfer to the Waterworks Bond and Interest Account for principal and interest payments on the 2011 Refunding Bonds. The 2012 Refunding Bond principal and interest payments will be paid by General Fund revenues.

As there were no question 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: (6) Grenier, Lemieux, Meyer, Towle, Ankenman and Dewart  
Nays: (0)  
Absent: (0)

**17. ITEM #15 – A RESOLUTION APPROVING A PLAT OF SUBDIVISION AND WAIVING CERTAIN REQUIREMENTS OF THE LAKE BLUFF SUBDIVISION ORDINANCE (12424 W. Quassey Avenue – Unincorporated Knollwood Area)**

President O’Hara reported State law and the Village’s Subdivision Regulations (Title 11 of the Municipal Code) provide that subdivisions lying within 1.5 miles of the Village’s corporate limits are subject to the Subdivision Regulations where the Village is the closest municipality to the land being subdivided. The attached plat proposes a subdivision within the Village’s extraterritorial jurisdiction and therefore requires review and approval by the Village Board of Trustees in the form of the attached resolution. President O’Hara further reported the plat will create two new buildable single-family lots. Accordingly, the Subdivision Regulations require the subdividing party to contribute land or cash to provide for the current and future needs of taxing jurisdictions that will serve residents of the new dwelling unit. Consistent with past practice, the attached resolution will require these fees to be paid prior to the issuance of a building permit for the new lot. The waiver of certain other requirements of the Subdivision Regulations is recommended as the subdivision is subject to review by Lake County pursuant to their Unified Development Ordinance.

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

Ayes: (6) Lemieux, Meyer, Towle, Ankenman, Dewart and Grenier  
Nays: (0)  
Absent: (0)

**18. ITEM #16 – AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS REGARDING BUILDING HEIGHT IN THE L-1 LIGHT INDUSTRY DISTRICT, L-2 LIMITED LIGHT INDUSTRY DISTRICT, AND SERVICE DISTRICT; AND OFF-STREET PARKING STANDARDS IN VARIOUS DISTRICTS**

President O’Hara reported at its October regular meeting, the PCZBA held a public hearing to consider changes to height and parking regulations in the Village’s L-1 Light Industry District, which is generally the area bounded: to the north by Route 176; to the west by Waukegan Road; to the east by Route 41; and to the south by Lake Forest. At the conclusion of the public hearing, the PCZBA recommended unanimously that the Board adopt the attached text amendments. The changes were requested by the PCZBA as a result of a preliminary workshop for a medical office development at the Smedbo property (999 & 1001 Sherwood Drive) at its September regular meeting. President O’Hara said the changes include:

- **Height.** Increase the height of buildings in the L-1 district from 25’ to 32’, and decrease the maximum height of an exception for above-roof additions from 15’ to 10’. Other buildings in the district, such as 75 Albrecht Drive and the Target development, already reach 32’ in height. (The 2011 Waukegan Road Corridor Study recommended an increase to 40’ to accommodate modern light industrial uses.);
- **Parking Near Waukegan Road.** Allow parking within 50’ of Waukegan Road, reduced from 100’. This change was recommended by the Waukegan Road Corridor Study. Today, within this rear 50’ area, Pasquesi Home and Gardens has outdoor storage and the Carriage Way shopping center has parking;
- **Parking Areas.** Adjust the parking regulations to be more permissive of front yard and side yard parking. Many developments within the District already include parking in these areas under allowances for “visitor and executive” parking. This change was recommended by the Waukegan Road Corridor Study; and
- **Parking Dimensions.** Adjust the parking regulations to mirror the aisle and stall dimensions in effect in the Central Business District. The district’s current regulations require larger stalls than typical, which increase the difficulty of providing adequate parking on-site and promotes impervious surface.

President O’Hara reported as noted in the Ordinance, as written, these changes would have spillover effects in other zoning districts including the O&R District (Terlato Wines) and the Service District (Mariani’s Landscaping). While the PCZBA has indicated a desire to revisit parking and height regulations more comprehensively at a later date, it desired to allow the proposed development to continue in the interim without seeking further zoning relief. She further reported the Village Board discussed the ordinance at its October 22<sup>nd</sup> Meeting and at the November 12<sup>th</sup> Committee of the Whole Meeting where the consensus was to consider the proposed text amendments at the next regular Village Board meeting.

In response to comments from Trustee Lemieux, Village Administrator Irvin commented on the actions taken by the Joint Plan Commission and Zoning Board of Appeals and COW. He clarified that the motion made this evening is for the ordinance titled “An Ordinance Amending the Lake Bluff Zoning Regulations

Regarding Building Height in the L-1 Industry District, L-2 Limited District and Service District; and Off-Street Parking Standards in Various District.”

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

**19. ITEM #17 – AN ORDINANCE AMENDING THE LAKE BLUFF MUNICIPAL CODE REGARDING HISTORIC PRESERVATION**

Following President O’Hara introduction of the agenda item, Trustee Ankenman disclosed that she works for the property owner’s architecture of record then recused herself.

President O’Hara reported the preservation of historically, culturally, and architecturally significant residential properties in the Village is necessary to maintain the essential character of the Village and to protect the value of properties in the Village. The Village desires to promote the preservation of older homes while ensuring that homeowners are provided flexibility to adapt all homes to the changing needs of families and the community. President O’Hara further reported on February 12, 2001, the Lake Bluff Board of Trustees adopted the Village’s Historic Preservation Ordinance as Ordinance No. 2001-03, which amended the Lake Bluff Municipal Code to provide a set of regulations for the designation and protection of landmarks within the Village (Historic Preservation Ordinance). The Historical Preservation Ordinance has been amended several times since its adoption in 2001 to make the preservation of landmarks within the Village more efficient and to better advance the Village’s goals. The proposed amendments are recommended to make the process for designating a property as a landmark more efficient and to add additional clarity to the Lake Bluff Municipal Code.

President O’Hara opened the floor for public comments.

Ed Wynn (resident) stated he has clearly expressed his concerns with the Village’s lack of commitment to preserve historic homes, and its facilitation of negative changes to the essential historical cultural/architectural character of the Village. In an attempt to preserve the historic home located across from his property, he gave a presentation to the Historic Preservation Commission (HPC) which illustrated his concerns about the significant negative changes in the Village as a result of demolitions/rebuilds to the maximum bulk allowed. Mr. Wynn expressed additional concerns which included the lack of protection for existing property owners, tree protection, protection of health and property from contaminants released during demolitions, possible drainage damage, and property values. He said his concerns were minimized and criticized when he presented facts that were incontrovertible and expressed his opinion that the Village should follow its own Code. Mr. Wynn said he recently learned about the proposed amendment to the historic preservation, and has met surprisingly, unexpected resistance to preserve the character of the Village. Rather than address the concerns expressed, the Village has decided to substantially restrict or eliminate any ability for anyone to challenge the destruction of the character of the Village. Mr. Wynn said it may be coincidental, but the timing of the proposed ordinance, following the Thanksgiving Holiday weekend, did not allow residents an appropriate opportunity to express their views regarding the proposed amendments.

Mr. Wynn stated he does not challenge and he fully accepts the fact that the Village has the right to prospectively modify Village Ordinances, but there is an important distinction between can and should. He believes the Village should not adopt the proposed ordinance because it will promote developers/demolition over historic preservation and existing property owners, and effectively end

property owner's right to question and/or challenge and Village actions regarding demolitions. Mr. Wynn read the "whereas provisions" in the proposed ordinance and stated in his view the proposed ordinance does the exact opposite of the provisions stated. The proposed ordinance will eliminate the protections for neighboring property owners by allowing the Building Commissioner to have sole discretion whether to require any of those protections which are designed to minimize the adverse effects not only on neighboring properties but also public facilities and other private properties. He realizes that property right advocates on the Advisory Boards claim that historic preservation requirements, even the existing minimal requirements, are a taking of property. However, eliminating requirements to protect neighboring properties is also a taking of our properties in his eyes and is much greater than any perceived taking as a result from the current historical preservation review process.

Mr. Wynn said it appears to him there is little concern regarding this matter. The substantial unreimbursed damage to public facilities will require a significant amount of taxpayer's money to fund improvements needed to address the adverse effects from demolition and maximum built outs, especially on the sewer drainage system in East Lake Bluff. Rather than discouraging demolitions the Village affirmatively encourages demolitions by allowing pre-approval of demolitions without a demolition application. The only requirement is a demolition letter of intent. This action will result in any property owner not having to preparing a demolition application or pay any fees to obtain demolition preclearance, therefore, the planned demolition can occur quickly or without any meaningful notice to neighboring homeowners. This will significantly speed up the demolition process giving a no charge, fast pass to developers, and encouraging demolitions rather than encouraging preservation. Mr. Wynn commented that minor changes to a landmark home application trigger the 120 day review process but the demolition will not trigger the review. He commented on why the proposed changes will present the HPC from considering additional facts needed to research and protect land marked property. Mr. Wynn stated the proposed changes make a mockery of the 120 day review process because the proposed ordinance provides that the demolishers of landmark properties does not have to provide demolition or reconstruction plans to the HPC for consideration. The best examples of preservation occurs when homeowners of landmarked properties provide plans and actually worked with the HPC to come up with balanced solutions. He said the demolition approval can now be obtained prior to submission of plans, therefore, eliminating potential benefits of the 120 day review process. The combined provisions essentially give developers a free pass to a quick demolition, immediately file a no cost letter of intent, see if anyone desires to submit a landmarked nomination and be prepared for the demolition in 120 days and he used 419 East Prospect Avenue as an example.

Mr. Wynn stated the proposed amendments are precisely aligned with the issues he raised during his process and rather than addressing the issues the Village is eliminating them through the proposed ordinance. The Village message by amending the ordinance in this manner and at this particular time will indicate 1) the Village promote/prioritizes developers rights over the rights of neighbors and owners of historic homes, 2) residents cannot do anything about demolitions nor maxed out rebuilds in Lake Bluff or attempt because the Building Commissioner has sole discretion on what he will or will not do to protect the rights of neighboring properties, 3) the Village Attorney will put up legal obstacles like standing and mootness to dismiss any challenges or obstacles that are insurmountable for virtually all village residents, and 4) if neither of those work the Village will just change the law to eliminate any potential meaningful requirements and shift all leverage to developers leaving residents with virtually no protections.

Mr. Wynn stated the only way to challenge any of this is to be prepared for legal action and face more resistance from the Village. Perhaps if we all face this resistance with 419 East Prospect Avenue, he asked why any would even try again. He said what is ironic about all of this is that all their efforts to preserve

the historic character of the Village, using facts and existing historic preservation protections, are now likely to end up having the exact opposite effect. The enactment of this ordinance will make preserving the historic character of the Village even more difficult. His final message is that if despite all the obstacles someone finds a slim basis to challenge developers the Village will change the law to favor them even more. He said label that “conspiracy theory” if so desired but the information he presented tonight is true. Mr. Wynn asked if any members of the Board would have honest considered the ordinance if it were not a result of the 419 East Prospect Avenue demolition application. He questioned if the ordinance will do more to preserve the historic character of the Village than it does to promote demolition. Mr. Wynn asked that if the ordinance is adopted that is not be packaged as promoting historic preserve because it does not.

President O’Hara stated the proposed changes are in direct response to the Architectural Board or Review’s appeal and threatened litigation regarding the proposed demolition of 419 East Prospect Avenue. The Village is trying to avoid needless litigation and its costs by amending the Code to more accurately match the Village’s consistent past practices in managing the process of reviewing demolition permits and landmark applications. Village Administrator Irvin has stated during public meetings on more than one occasion that Staff would be brining clarifications to the Historic Preservation Regulations, and that is exactly what is being done here tonight.

President O’Hara commented on the actions she and Janet Nelson had taken to establish the HPC and preservation ordinance. She stated she does take affront to the fact that some residents are anti-preservation but this is a tough balance. Perhaps there were some missteps, but there absolutely has been no prejudice, favoritism, or adverse impacts on the Village’s historic preservation policies as set forth in the current regulations. President O’Hara said she would like to see the current regulations strengthened but she has experienced much opposition within this community for many people that have expressed a desire for historic preservation. She hopes the Village can become more aware and take more actions but first it must clean up its current practices.

Village Attorney Peter Friedman responded to Mr. Wynn’s comments. He expressed his disagreement with his statement “the information he presented tonight is true,” because he does not think the proposed amendments eliminate discretion or provide the Village Administrator/Building Commissioner with sole discretion. The proposed ordinance does, and has been discussed in open session with the Board, allows the Building Commissioner to respond to specific property demolitions and obtain information that is actually necessary given the circumstances. The proposed ordinance does not change anything but it does fix the issues that have arisen in regarding to 419 East Prospect Avenue, which he believes is the purpose for Mr. Wynn’s objection. Village Attorney Friedman stated as a reminder the Village has landmarked 419 East Prospect Avenue, which is the highest level of protection allowed pursuant to the Village Code and this action triggered the ongoing advisory review process. The proposed amendments will fix the ambiguity associated with the demolition delay period in the current Village Code.

Village Attorney Friedman expressed his disagreement that the Village is changing the standing requirements that would prevent residents an opportunity to come before any Village Advisory Board to argue landmarking of a structure that is proposed to be demolished. In response to the demolition letter of intent, he said the document is required because it provides information which the Village needs. The Village desires that any property owner considering demolition of a potentially historic structure to inform the Village of their intent. The intent will trigger the review and allow sufficient time for someone to nominate the building, so that the process can be delayed to allow an opportunity for landmarking and/if there is any opportunity then it can be landmarked and have an advisory review. This is exactly what happened with regards to 419 East Prospect Avenue. Village Attorney Friedman stated Mr. Wynn argues

that by taking this action the Village is taking away the ability or avoiding litigation over what he believes are fairly technical issues that do not get at the heart of the historic preservation process, we have done that. Also, Mr. Wynn believes it takes away any protections that are not already in the Village Code with regards to landmarking historic preservation ordinance, or landmarking historic preservation structures. The existing ordinance is a reflection of the Village's long held policy in order to balance preservation with property rights. As long as the balance holds then nothing in the proposed draft ordinance changes that balance.

President O'Hara allowed Mr. Wynn an opportunity to respond.

In response to President O'Hara comment regarding litigation, Mr. Wynn stated, he is not interested in litigation but in enforcing the existing Village Code which is a position he has maintained throughout the process.

In response to Village Attorney Friedman's comments, Mr. Wynn commented on the differences between the proposed and current ordinance in regards to the demolition site management plan. He said if the phrase "unless determined unnecessary by the Building Commissioner," was removed it would state "every demolition site manager plan shall at a minimum include the following." If this is saying they are not really required, and if the Building Commissioner determines they are unnecessary, he does not see how that makes it stronger. To him it takes it away because the current language provides that each issue must be considered and addressed but the proposed amendment states "some of them can be taken away at the discretion of the Building Commissioner unless determined unnecessary by the Building Commissioner." Mr. Wynn said the Village Attorney filed a memorandum that was supposed to be unbiased but it really was a motion to dismiss the petition on grounds of standing and mootness.

President O'Hara stated the public has a right to address the Board pursuant to the Open Meeting Act and advised that this is not a court of law.

Mr. Wynn read a portion of the memorandum which stated "a tree survey showing the location and size of trees as described in Section 10-11-3 of this Code on the site and the proposed location for tree protection fencing if necessary." Staff's memorandum provided to the ABR took the position that the necessary modification, not just the tree protection fencing, but whether a tree survey was necessary at all. If that is the current interpretation this does not make a change at all and he does not understand where it is tighter. The standing and all the other matters were raised in direct response to the appeal filed to the ABR. The appellants received a memorandum which stated "the ABR should not consider the matter at all because they did not standing to raise an issue and that it was already deemed moot." Mr. Wynn said he does take issue to the comment "that what he said is not true and factual," because it is all backed up on official record. Currently applications must be completed before the 90 day time period triggers but an application is not required and he does not understand how this is tighter to him it is actually looser than the existing ordinance.

President O'Hara opened the floor to comments from the Board and public.

Stephanie Bjork (resident) presented the Board with newspaper articles titled, *Wrecking Keck & Keck? Chicago preservationists target North Shore landmark ordinance* and a *Lake Bluff Demo Apps Off to Brisk Start*, for the record. In one of the articles Landmarks Illinois singles out Lake Bluff for having the weakest historic preservation ordinances on the north shore. Ms. Bjork stated this process has taught her a lot about Advisory Board review process. It is important to her that we square what is being said with what

is being done and that is not happening. A great deal of time is being spent on literature and claims made about how much historic preservation matters but she is surprised at the amount of pushback they have gotten, not from the highly supportive community, but from the various Village Advisory Boards. Ms. Bjork said if the Village is trying to balance historic preservation she believes that at the end of the day all of the history/photographs will be in the museum but there will be no actual proof. To her there is no balance and the Village should pick a goal and not pay lip service to those desiring to appear before the Advisory Boards. She believes the Village never intended to take anything that any of them presented before the Advisory Board. Ms. Bjork explained why this matter was important to her and said she hopes the Board realizes that all they ever wanted was a fair hearing, appreciation for what they have learned about 419 East Prospect Avenue, and the knowledge of what a community is about. She said if no one feels there is any point in any of this, the Advisory Board meetings will be much quicker but there will not be much of a town left. She thanked the Board for their time.

Jenny Barthold (resident) said she lives next door to the subject property. She thinks that placing the prepositional phrase “if necessary” at the end of the sentence modifies the fence defense. Also, it does not seem to her the proposed amendments will clean up or straightened out the matter by giving the Building Commissioner sole discretion. There are ways to manipulate people’s discretion or find favor and she believes the Village is opening up this position to the possibility of abuse and corruption. Ms. Barthold said she does not see this as cleaning up but as an invasion of the Board’s responsibilities.

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

Trustee Ankenman returned to the dais and resumed her position as Trustee.

**20. A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION ENGINEERING SERVICES AGREEMENT FOR THE VILLAGE’S 2018 ROADWAY IMPROVEMENT PROGRAM**

President O’Hara reported on April 23, 2018 the Village Board approved a resolution authorizing the execution of a construction engineering services agreement with Gewalt Hamilton Associates Inc. to perform construction engineering services for the Village’s 2018 Roadway Improvement Program in the amount of \$45,102. Also during the April 23, 2018 Village Board meeting, the Board approved a contract with Peter Baker & Son Construction for the asphalt street resurfacing project. Due to the favorable bid received from Peter Baker & Son Construction, the Village Board directed staff to increase the amount of resurfacing in the project; consequently, the increased amount of work in the resurfacing project and the engineering services associated with the Simpson Alley storm sewer installation resulted in Gewalt Hamilton Associates fees for service increasing to an estimated \$57,102. In accordance with the Village Purchasing Policy, a change order of this amount requires the approval of the Village Board. She further reported the Village Engineer recommends that the Village Board approve the change order to the construction engineering services agreement with Gewalt Hamilton Associates for the increase in services required during the 2018 Roadway Improvement Program.

As there were no questions from the Board, Trustee Grenier moved to adopt the resolution. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Meyer, Towle, Ankenman, Dewart, Grenier and Lemieux  
Nays: (0)  
Absent: (0)

**21. ITEM #19 – A RESOLUTION APPROVING AN AMENDED LANDSCAPE WASTE COMPOSTING AGREEMENT BY AND BETWEEN THE VILLAGE OF LAKE BLUFF AND DK ORGANICS, LLC**

President O’Hara reported since 1994 the Village has contracted with DK Organics of Lake Bluff, Illinois (DK) for the processing of all yard waste delivered to the Public Works Center by Village crews and residents (Agreement). In November of 2008 the Village reviewed and renewed the Agreement with DK; then the Village extended the Agreement on November 25, 2013 for a period of 2 years, and entered into a flat fee agreement with DK for the same scope of services in October 2015 (\$29,500/year). She further reported the Village and DK’s partnership continues to be mutually beneficial in that the Village reduces its fees for household waste collection, secures quality materials for Village and resident landscape needs, and furthers the Village’s sustainability efforts (reducing carbon footprint and locally recycling yard waste), while DK secures an overflow location for their operations which are largely done off Village property. Notwithstanding a request for an increase in fees from DK (\$30,000 for year 1; \$32,000 for year 2; \$34,000 for year 3), Village Staff is recommending continuing the relationship with DK for another 3 years as it remains the best logistical and economic option.

As there were no questions from the Board, Trustee Towle moved to adopt the resolution. Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Towle, Ankenman, Dewart, Grenier, Lemieux and Meyer  
Nays: (0)  
Absent: (0)

**22. ITEM #19 – TRUSTEE’S REPORT**

Trustee Dewart reported that the Finance Committee is scheduled to meet on Thursday, November 29<sup>th</sup>.

Trustee Towle reported that the Beach Parking Ad Hoc Committee is scheduled to meet on Tuesday, December 4<sup>th</sup>.

**23. ITEM #22 – CONSIDERATION OF THE MINUTES OF THE NOVEMBER 12, 2018 VILLAGE BOARD MEETING**

Trustee Dewart moved to approve the November 12, 2018 Board of Trustees Executive Session Meeting Minutes as presented. Trustee Lemieux seconded the motion. The motion passed on a unanimous voice vote.

**24. ITEM #21 – ADJOURNMENT**

Trustee Towle moved to adjourn the regular meeting. Trustee Lemieux seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 8:45 p.m.

Respectfully Submitted,

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R. Drew Irvin  
Village Administrator

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Joy Markee  
Village Clerk