

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 10, 2018**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O’Hara called the meeting to order at 7:02 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
Peter Friedman, Village Attorney
Drew Irvin, Village Administrator
Bettina O’Connell, Finance Director
Jeff Hansen, Village Engineer
Mike Croak, Building Codes Supervisor
David Belmonte, Police Chief
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 read the proclamation designating December 2018 as *National Drunk and Drugged Driving (3D) Prevention Month*.

4. CONSIDERATION OF THE MINUTES OF THE NOVEMBER 26, 2018 VILLAGE BOARD MEETING

Trustee Towle moved to approve the November 26, 2018 Board of Trustees Regular Meeting Minutes as presented. Trustee Grenier 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 DECEMBER 1-15, 2018 AND NOVEMBER 2018 PAYROLL EXPENDITURES

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$393,050.58 for December 1-15, 2018, expenditure of Village funds for payroll in the amount of \$300,523.95 for November 2018 as such total expenditures of \$693,574.53.

As there were no questions from the Board, Trustee Dewart moved to approve the Warrant Report. Trustee Meyer 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 – NOVEMBER 2018 FINANCE REPORT

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

- Sales and Home Rule tax revenue is restated from the October report, the State as not yet vouchered the allocated revenues for November;
- Included in this month’s report on page 5 is calendar sales tax data by commercial sector;
- Building permit revenue for FY19 May-November is \$273,275 compared to \$107,280 for FY18 May-November;
- FY19 expenditures of \$5,388,089 are \$834,700 greater than the expenditures for the same period in FY18. Capital expenditures year to date are \$1,135,203 or \$849,280 greater than the year to day expenses from FY18; 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: AN INFORMATIONAL REPORT FROM THE BEACH PARKING AD HOC COMMITTEE

Village Administrator Irvin reported after two lengthy meetings where a variety of approaches were discussed to address quality of life and public safety concerns brought forward by residents living near the Sunrise Park and Beach, the Beach Parking Ad Hoc Committee (“Committee”) reached a consensus to recommend the Village:

- Delineate parking stalls along the easternmost two blocks of East Center Avenue. Similar to the approach that the Village of Kenilworth uses near their beach access, the Committee recommends that parking stalls should be marked on the pavement in a manner to ensure adequate spacing (larger than standard stall length) and improve visibility; this will reduce the parking volume in the most trafficked areas near the beach;
- Restrict parking along the north/south streets (Simpson Avenue & Maple Avenue [to East Scranton Avenue]) and limit East Prospect to Maple Avenue to single-sided parking only. The Committee believes (i) the North/South streets are too narrow, without curbs and were not originally designed to support parking and (ii) the density of East Prospect Avenue on-street parking should be managed in the area closest to the beach. The Committee originally discussed limiting parking on the North/South streets to one side only, but preliminary feedback from the neighborhood suggested a full restriction maximized the objectives (providing clear passage for Police/Fire vehicles; improving visibility between parked vehicles for drivers to help see pedestrians and cyclists; and, ensuring a clear line of sight for drivers taking turns and for homeowners entering/exiting their driveways); and
- Maintain Mountain Road as “No Parking” on both sides of the street. The Village Code will need to be updated to reflect how this road is currently posted.

Village Administrator Irvin reported it is important to note that the Committee strongly feels that these solutions must be done in conjunction with a concerted Village/Park District effort to ensure Park District beach policies are strictly enforced and accurate beach parking/beach user data is collected next season. Recent Park District policy and fee changes include:

- Elimination of non-resident annual beach memberships;
- Non-resident Beach Pass fees increased from \$12 to \$15 per day for adults (child fee remains at \$10/day);
- Non-resident Annual Dog Park Pass increased from \$150 to \$350;
- No free passes for Employees of Businesses within the District; and
- New weekend Shelter Rental regulations include hours of use limited from Midnight to 11 pm on weekends and renters only provided 25 parking passes (down from 75).

In response to a comment from Trustee Meyer, Village Administrator Irvin said the Park District will discuss how to accommodate one-time occurrences such as the Cub Scouts overnight event.

Trustee Towle, Beach Parking Ad Hoc Committee Chair, stated if the Board supports the recommendations, the Committee will present the final concept plan to the neighborhood for feedback and institute the proposed parking regulations for the upcoming beach season.

Village Administrator Irvin stated the Committee strongly recommended the Village be involved in collecting user data to ensure quality of life issues are addressed.

Trustees Dewart and Lemieux thanked Trustee Towle for facilitating the constructive resolution.

Trustee Lemieux stated the larger parking spaces are a good solution but could create problems when traveling west from Maple Avenue and he asked if the larger parking spaces could continue to Moffett Avenue. Trustee Towle said it was the consensus of the Committee to recommend the larger parking spaces as indicated because of the possibility of parking extending westward on Center Avenue. Also, the Committee believes that strict enforcement of the Park District regulations could create lower demands for parking spaces.

In response to a comment from Trustee Dewart, Trustee Towle stated the larger parking stalls and 10 ft. of additional space on each side of the driveways will provide additional safety precautions.

Trustee Lemieux asked if there should be larger delineated stalls on Scranton Avenue. Trustee Towle stated parking on Scranton Avenue might not be an issue because parking along Center Avenue tends to fill up first.

Trustee Grenier expressed his concern regarding increased traffic at the bluff area and inquired of the parking concept for Scranton and Prospect Avenues. Trustee Towle stated there was no change to the current parking regulations along Scranton Avenue and restricting parking to one side of Prospect Avenue will make it more uniform.

Member Meyer thanked Trustee Towle for his work on the Committee.

In response to a question from Member Meyer, Trustee Towle said it was the consensus of the Committee not to demarcate any handicapped parking stalls because there are designated spaces located down at the lakefront.

Village Administrator Irvin explained the next steps in the process and said the final ordinance will be presented to the Board for consideration at a future meeting.

10. ITEM #9 – VILLAGE ATTORNEY’S REPORT

Village Attorney Peter Friedman had no report.

11. ITEM #10 – VILLAGE PRESIDENT’S REPORT.

President O’Hara stated this is the only meeting for the month of December and she wished everyone a Happy Holiday Season.

12. ITEM #11 – ACCEPTANCE OF THE CORRESPONDENCE

President O’Hara introduced the correspondence from the Informational Reports on November 21 and 30, 2018.

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

13. ITEM #12 – SECOND READING OF 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. President O'Hara 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 request that was approved by the Finance Committee at their November 29, 2018 meeting. The total levy amount is \$4,343,227. The tax extension is based on County calculations and, while not anticipated, the Library levy request may exceed the limiting rate, which could then change the Library's apportioned amount.

As there were no question from the Board, Trustee Dewart moved to approve 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)

14. ITEM #13 – SECOND READING OF 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. The Village Board approved first reading of the ordinance at its meeting on November 26, 2018.

As there were no question from the Board, Trustee Dewart moved to approve the ordinance. Trustee Ankenman 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)

15. ITEM #14 – SECOND READING OF 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 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’;
- **Parking Near Waukegan Road.** Allow parking within 50’ of Waukegan Road, reduced from 100’;
- **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; and
- **Parking Dimensions.** Adjust the parking regulations to mirror the aisle and stall dimensions in effect in the Central Business District.

As there were no comments from the Board, Trustee Grenier moved to approve the ordinance. Trustee Meyer 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)

16. ITEM #15 – SECOND READING OF 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 architect 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 (HPO) 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. The Board considered first reading of the ordinance at its November 26th meeting.

Trustee Lemieux moved to approve the ordinance. Trustee Towle seconded the motion. A discussion followed.

Village Attorney Friedman commented on the aspects of the PowerPoint presentation then reviewed the current historic preservation protections:

- Landmark Advisory Review Process (i) up to 150 days review of significant demolitions, (ii) up to 65 days review for alterations to a landmark and (iii) provides review opportunity where work is inconsistent with preservation; and
- Certified Landmark Review Process – (i) requires owner consent to certify, (ii) reason to approve proposed work (appropriate and economic hardship), and (iii) can deny changes, not just delay.

In response to a question from Trustee Meyer, Village Attorney Friedman stated there are no certified landmark properties in Lake Bluff. He continued reviewing the current historic preservation protections:

- Significant Demolition Review Process – (1) all residences 50 years or older, (ii) up to 120 days review and (iii) provides opportunity for landmark application (Historic Preservation Commission, Vliet Center or Property Owner).

Village Attorney Friedman stated a property owner may proceed with demolition if the property is not nominated or landmarked pursuant to the 120 day review. The significant demolition permit application for 419 East Prospect Avenue raised issues regarding ambiguities in the existing HPO concerning consistency with prior practice. Village Attorney Friedman stated the proposed amendments to the Village Code will:

- align or make consistent the submission requirements for the HPC review of a significant demolition of a non-landmarked property with the information needed to consider the landmarking of a property,
- Clarify the purpose and process for landmark review is distinct from the purpose and process for obtaining a demolition permit,
- Clarify a property that is already landmarked is not required to again go through the 90-day landmark nomination process, and
- Clarify the advisory review period of landmarked property does not run simultaneously with the nomination period.

Village Attorney Friedman reviewed the technical details associated with the proposed ordinance. He stated the previously approved ordinance was modified to reflect the proposed changes to the Village Code in regards to demolition permit regulations that may or may not impact historically significant homes. Pursuant to the current Village Code a Demolition Site Management Plan (DSMP) is not required prior to the HPC's consideration of a landmark nomination. Currently the DSMP list eight required items and there was some ambiguity as to whether all of those needed to be required or whether all of them should be required. Village Attorney Friedman reviewed the Clarification: Amendments and proposed amendments to Subsection 9-1-18.D:

- Strike the "if necessary" language in Subsection D.5 because it becomes unnecessary due to the amendment made at the beginning of the subsection and will apply to all the required listed items.
- Added the phrase "less determined unnecessary by the Building Commissioner" in relations to the phrase "unless determined unknown with regards to the elements that are required for a DSMP."
- Strike Subsection 9-1-18.D.7 – which required a description of site specific measures or features, not otherwise required by the other provisions of the subsection. The requirements is unclear and redundant and the Building Commissioner already has this authority.

Village Attorney Friedman stated the proposed amendments will clarify the Building Commissioner's discretion to require additional or less information if needed. If the proposed ordinance is adopted,

Requirement #8 will replace #7, and read as follows: the description of any other measures specifically required by the Building Official to reasonably minimize adverse impacts of the demolition activities on neighboring properties, public facilities, public and private utilities and property.

Village Attorney Friedman reviewed the alignment issues: Amendments to Subsection 9-1-18H.

- Presently, **most of the information an applicant is required to submit is irrelevant**;
- Current **requirements are costly** for applicants to satisfy, and the expense **may be unnecessary** if the property is landmarked and saved;
- The current requirements also **may be counterproductive to the interests of historic preservation** because they force a property owner to fully invest in the demolition process before engaging in the advisory review process designed to avoid demolition.

Village Attorney Friedman explained the requirements associated with the new terminology “Demolition Letter of Intent (LOI).” The LOI will further clarify the requirements needed for HPC review and/or significant demolition permits.

He continued his review of the alignment: amendments to Subsection 9-1-18.H (applicant provide only the information that would be relevant to the HPC’s consideration):

- A letter of intent expressing a desire to engage in significant demolition;
- Site plan of the property that shows all buildings and structures to be demolished, the location and size of all existing buildings and structures that are to remain on the site, and all finished grades, stormwater drainage structures and swales to drain the site on completion of the demolition work. There shall also be a tree survey submitted indicating the existing trees on the property and the trees that will be removed or impacted by the demolition project. A property restoration plan shall also be included with this submittal;
- A description of the buildings or structures to be demolished; and
- Photographs of the property from all streets adjacent to the property.

Village Attorney Friedman stated this has been the minimum relevant information required, in past practice, for submission to the HPC to evaluate whether an application submitted for landmark has any historical significant. It has been determined that the current regulations could be counterproductive to historic preservation because the applicant would be required to invest in the demolition process before engaging in the advisory review process.

In response to a question from Trustee Lemieux, Village Attorney Friedman stated this would not eliminate the need to submit a demolition plan. This relates to information not required for the historic preservation advisory review process such as timing, location, dumpsters, fencing, etc.

Village Attorney Friedman continued his review of the alignment: proposed amendments to Subsection 9-1-18.H:

- **Do not** alter the requirements that a complete demolition application be provided prior to obtaining a permit;
- **Clarify** the Village’s historical interpretation of the Village Code by more explicitly providing that while a landmarked property is subject to advisory review pursuant to Section 9-14-6, an owner is not required to go back through the 90-day landmark nomination period; and
- **Clarify** that the 90-day nomination period does not continue to run once a property is landmarked (consistent with the Village’s prior interpretation of the Village Code and addresses ambiguities.).

Village Administrator Irvin reviewed the clarification: amendments to Section 9-14-6 (Applicant for a significant demolition permit must take an affirmative act to refile for a demolition permit if a property is landmarked):

- **Consistent with Village’s previous interpretations** of the Village Code and past practice,
- **Requires an applicant** with a landmarked property **to reconsider and affirm desire to demolish a landmark**, and
- **Clarifies that the advisory review period does not begin when the significant demolition LOI** is submitted for a non-landmarked property (only after the owner re-affirms their intent to proceed with the demolition application after it has been landmarked).

Village Attorney Friedman stated the language was amended to be consistent with past interpretation of the Village Code.

President O’Hara opened the floor for questions from the Board.

In response to a question from Trustee Grenier regarding fees, Village Administrator Irvin stated the current Village Code provision is written in a manner that all applicable demolition fees must be submitted with the significant demolition application.

Village Administrator Irvin commented on the internal discussions regarding LOI demolition fees and noted a similar fee have caused communities to struggle with incentives/disincentives because it allowed realtors and property owners to seek pre-approval for a demolition permit as a marketing strategy. A discussion regarding fee incentive/disincentive followed.

Trustee Lemieux stated fees have two purposes, cost recovery and influence an outcome, and the Village must be careful that “cost recovery” is not its only objective.

President O’Hara expressed her understanding that all applicable fess are required if the applicant desires to proceed with the demolition process. A discussion followed.

Trustee Dewart commented on his observation regarding the two paths and noted substantively the present milestones have been reshaped and the path streamlined to make it more rational. Also, he gave thought to this notion of the Building Commissioners discretion and he would state that in addition to the trust placed in the Building Commissioner, there is an appeal process available to satisfy this from a political standpoints. Trustee Dewart stated he thinks there is a certain counterpoint tension that still remains with the trust imposed on the Village Administrator conducting business as the Building Commissioner.

President O’Hara stated she thinks the intent of the ordinance is to determine and clarify the information needed for the HPC to determine if a home or structure is historically or architecturally significant to the community.

As there were no further questions from the Board, President O’Hara opened the floor for public comments.

Ed Wynn said he thinks there are a lot of misconceptions about “why” he is vigorously advocating against the proposed Building Code changes, and “why” he is prepared to pursue legal action challenging the ABRs decision regarding the demolition application for 419 East Prospect Avenue. Mr. Wynn expressed his opinion that the Village should keep the existing protections of the Building Code which were designed

to protect resident's health and property. In addition, he thinks the Village should protect historic homes, create a balance in new housing developments that are more in keeping with the character of Lake Bluff and will increase everyone's property value. Mr. Wynn stated he is not a litigious person but he is prepared to take legal action if needed. Mr. Wynn commented on his actions taken to date which included discussions with the Building Commissioner and an appellant appeal filed with the ABR. He asked the Board to review the records of the appeal proceedings because he does not think he was given a fair appeal. The actions he is pursuing is to get the Village to enforce its own ordinances and protect the rights of property owners. He expressed his frustration because he believe that in an essence he was told to sit down and shut up.

Mr. Wynn said there is no truth to the the misconception that he is against Lake Bluff and its Government Officials. He stated that his family and the appellants' families have lived in Lake Bluff for approximately 30 years and have dedicated numerous volunteer hours to improve the Village. He shared a personal story regarding his family and his pursuit for reliable electricity. Mr. Wynn said this is not an issue about what the law should be, but about what the law is, and when the Board responds by trying to quickly change the law to remove the requirements that were not met rather than reflect on the undisputed facts raised during the process.

Mr. Wynn said challenging the decision of a Village Official is a difficult situation but he thinks it should be done without being perceived as personal. His main concern is that if the Village will not protect residents' health and property when legally required then what might happen when the Village is not required. Mr. Wynn commented on the duties and responsibilities of a Village Trustee and asked that the duties to constituents all the people and Lake Bluff and duties required by the Illinois Law and Illinois Constitution be considered. Mr. Wynn commented on what he perceived as a "Catch 22" to the Village Code and asked when residents would be able to discuss tear downs and compliance issues pursuant to the Building Code without it being viewed as offensive. Mr. Wynn shared his perspective regarding the proposed changes and analysis of the permits received as a result of a Freedom of Information Act (FOIA) request. Mr. Wynn expressed his concern regarding the concept of the newly created LOI because in his opinion it will remove the mandatory requirements of the DSMP regardless of whether a landmark is required, and weaken the current preservation ordinance. Mr. Wynn said the Village will incur cost to review the LOI and asked the Board to consider a nominal fee.

Mr. Wynn expressed his concerns regarding the Building Commissioner discretion "deemed necessary" in relation to the type of information required in the DSMP as it could eliminate the requirement for the DSMP to include provisions to minimize adverse impacts. The DSMP is part of a demolition application which would no longer be required to initiate the HPC review and he does not understand why changes are being made to that part of the preservation ordinance. He expressed his opinion that the proposed changes remove the guaranteed protection for neighboring property owners, tree protection, contamination protection and drainage protection. He commented on the current Village Code provision regarding demolition permits, tree surveys, and construction and demolition debris and expressed his belief that no one is being held responsible for obtaining the required documents pursuant to the Village Code provisions.

Mr. Wynn commented on his FOIA request for significant demolition applications and the comments that were sent with the response. He explained his analysis of the significant demolition applications regarding fees, DSMP and demolition/recycling debris information.

In response to questions from Trustee Lemieux, Mr. Wynn explained how he compiled the data from the 25 significant demolition applications, excluding 419 East Prospect Avenue. He expressed his belief that approximately 20 of the applications went through the advisory review process.

In response to a comment from Trustee Towle regarding applications submitted for major renovations and additions, Mr. Wynn read the definition of a significant demolition application and said his data is based on the documents he received from the Village. The most disturbing information he analyzed dealt with Environmental Protection because only 7 of the 25 significant demolition applications were tested for asbestos and asbestos was found in 6 of those applications.

In response to a question from Trustee Meyer regarding housing era, Mr. Wynn stated the FOIA request was for the HPC files and for an application to be referred to the HPC Advisory Review the building must be older than 50 years old, and this would place the houses in the era where asbestos materials was contained. Mr. Wynn said of the 25 significant demolition applications a lead analysis was completed on one of the applications and found to contain lead.

In response to a question from Trustee Lemieux, Mr. Wynn said he does not know if dust remediation was required for all the applications. Trustee Lemieux expressed his belief that the Village requires dust control regardless of the presence of lead.

In response to a comment from Trustee Meyer, Mr. Wynn said the significant demolition applications he received did not indicate whether asbestos precautions were taken which resulted in actual work.

Trustee Meyer asked if an independent asbestos remediation investigation was done. Mr. Wynn said he does not have that information but, based on his understanding, asbestos testing must be done when there is suspicious material, after it is remediated and post remediation testing.

Mr. Wynn explained his analysis results of the significant demolition applications in regards to lead testing and tree survey. He expressed his concern regarding the absence of a checklist, list of requirements for the applicant, and no rationale for waiving or obtaining complete required information. Mr. Wynn said it seems to him the Building Commissioner has never determined that an application was not complete except the application for 419 East Prospect Avenue. Mr. Wynn said the Building Commissioner stated the initial process regarding the application for 419 East Prospect Avenue was handled sloppily. This is worrisome because it does not appear to him that the application materials were processed differently than the applications he received. He commented on the ABR appeal proceedings and said based on the records he received the requirements were not complete in his view and the Village needs to follow the law. Mr. Wynn expressed his concern with the DSMP discretionary provision in the proposed ordinance and said a complete DSMP, specifically the tree survey, environmental impacts and drainage should be required to ensure significant demolition applications meets the requirements and protect the surrounding property owners.

In response to a comment from Trustee Lemieux, Mr. Wynn said the current ordinance reflects the minimum information required for a DSMP and the proposed ordinance will remove the statement “shall include at a minimum” and add “unless the Building Commissioner determines it is not necessary.” Mr. Wynn said he does not believe the proposed changes will provide adequate protection for the surrounding property owners.

Trustee Meyers said one concern he has in the municipal government role is that it takes fair account of the limits and propriety of what it is attempting to regulate. He asked if there were any mandated State or Federal laws regarding asbestos and lead. Mr. Wynn stated a representative of the IL Environmental Protection Agency (EPA) Lead and Asbestos Regulations advised him that the EPA does not regulate residential properties less than one acre. He said if the proposed ordinance is approved it could result in residents filing nuisance legal actions against each other and he does not think that is good public policy. He thinks it is appropriate for the Village, given the entire context of the ordinance, to help its residents achieve those protections. Mr. Wynn said he thinks the Village depends on residents to police projects for compliance and this place residents in an uncomfortable position.

Mr. Wynn expressed his concern regarding environmental and fee requirements which he believes are not being met as well as the Village's response/review of the issues identified. He questioned if the Village wanted to (i) review and assess the facts, (ii) pushback against residents for addressing the facts, (iii) ensure compliance with the existing ordinances and/or remove identified compliance issues, (iv) protect the property rights of all property owners or just the rights of developers, (v) provide an adequate opportunity for residents to respond to Village Code changes. Mr. Wynn said the goals should be for residents and the Village to work together to better Lake Bluff.

In response to questions from Trustee Towle regarding lead and asbestos cost and analysis, Mr. Wynn stated the cost for asbestos testing is minor but remediation fees could be expensive.

Trustee Meyer expressed his desire to better understand future options in regards to historic preservation.

In response to a question from Trustee Meyer, Mr. Wynn explained how a certified landmark property could impact benefits associated with a federally protected district.

Following a request from Village Administrator Irvin, Building Codes Supervisor Mike Croak explained the Village Code requirements pursuant to dust control, lead and asbestos. He stated dust control is required whether lead is present or not for demolition activity. Also, he confirmed that tree surveys are requested and reviewed situational depending on the site conditions of the property.

Mr. Wynn said the documents would be appropriate if they were provided and he thinks asbestos testing and dust protection should be included in documentation submitted for consideration.

In response to questions from Trustee Meyer, Mr. Wynn stated the responses indicated in the asbestos column of his document "environmental review with significant demolition application" indicates either there was a visual asbestos inspection or no asbestos testing was done. Also, it is his belief that record keeping and administrative issues contributed to the issues associated with the 419 East Prospect Avenue application.

Village Administrator Irvin stated that Staff will need to review the materials presented by Mr. Wynn, as it is unclear how he has interpreted and categorized the information provided him through the FOIA request.

Anne Atzeff said she has lived in Lake Bluff for approximately 20 years and she loves the town. She expressed her dismay with the *Lake Bluff Us* website and stated the graphics and comments displayed on the website was an embarrassment to Lake Bluff. She shared comments from people who visited the website and commented posted on Lake Forest/Lake Bluff Facebook website. Ms. Atzeff said she thinks

historic preservation is a worthy cause but the tactics displayed on the website were distasteful and upsetting. It is her opinion that the website developer did not display transparency but hypocrisy.

Following an exchange of comments from the audience, President O'Hara restored the meeting order and asked if there were any other public comments pertinent to the historic preservation discussion.

Stephanie Bjork provided information regarding the type of information subject to Federal Law such as National Register District properties and existing restrictive conservation easements. She commented on her litigation and spoke about Federal easements and the perpetuity requirements. Ms. Bjork expressed her concern regarding the proposed Recreational Institutional and Open Space (RIO) district and explained why she had hoped that if her property qualified, that the Village would pursue a National Register District in the camp-meeting area.

In response to the comments from Ms. Bjork, Village Administrator Irvin stated the conservation easement documents were given to the Village Attorney for further review. The RIO comment is in reference to the upcoming PCZBA hearing regarding a potential RIO zoned district for institutional and open space properties within the Village.

Trustee Meyer said he is confused as to the interplay of Federal, State and Municipal law regarding asbestos, lead and landmarking. He asked if the Village should be examining the ordinance. A discussion regarding applicability of State or Federal regulations ensued.

Trustee Dewart expressed his preference to postpone second reading of the ordinance to allow Staff an opportunity to gather additional data regarding any potential hazardous material regulations and interplay with State and Federal jurisdiction.

Trustee Towle stated if the ordinance is enforced without any discretion that the number of issued violations would increase. The Village should not be afraid to give discretion to a trusted Village Employee. A discussion ensued.

Trustee Dewart stated he needs to understand demolition requirements and the intersection and independence associated with historic preservation. He would be in favor of allowing the Building Commissioner the flexibility needed to perform the job.

President O'Hara said the information presented by Mr. Wynn needs to be reviewed. She commented on the type of information needed to determine historic preservation and architectural significance. She questioned where adequate protection for homeowners, neighboring properties and environmental protection should be required during the process. President O'Hara said the balance between historic preservation, progress and homeowners rights is an issue in Lake Bluff. She stated the current HPC has been directed to review the existing preservation ordinance, educate the community and submit its recommendations based on substance and facts to the Board. President O'Hara said the Village is a neighborhood of people and we do not need to hurt anyone's feelings but be more sensitive to our neighbors and have the best interest of Lake Bluff at heart.

Following an extensive discussion, President O'Hara stated that, if there is no objection, the Board should table second reading of the ordinance to the first meeting in January 2019. There were no objections.

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

17. ITEM #16 – TRUSTEE’S REPORT

Trustee Lemieux thanked Vote Lake Bluff Caucus for doing a good job conducting the town hall meetings and congratulated the slated candidates.

18. ITEM #17 – EXECUTIVE SESSION

At 9:17 p.m. Trustee Lemieux moved to enter into Executive Session for the purpose of discussing Threatened Litigation (5 ILCS 120/2(c)(11)) and Personnel (5 ILCS 120/2(c)(2)) Trustee Meyer 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)

There being no further business to discuss, Trustee Towle moved to adjourn out of executive session. Trustee Meyer seconded the motion and the motion passed on a unanimous voice vote at 9:42 p.m.

19. ITEM #18 – ADJOURNMENT

Trustee Grenier moved to adjourn the regular meeting. Trustee Lemieux seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 9:42 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Joy Markee
Village Clerk