

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 23, 2019**

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 Megan Michael called the roll.

The following were present:

Village President: Kathleen O’Hara

Trustees: Barbara Ankenman
Eric Grenier
Joy Markee
William Meyer
Aaron Towle

Absent: Regis Charlot, Village Trustee

Also Present: Megan Michael, Village Clerk
Peter Friedman, Village Attorney (VA)
Drew Irvin, Village Administrator
Bettina O’Connell, Finance Director
Jeff Hansen, Village Engineer
Mike Croak, Building Codes Supervisor
Michael Hosking, Interim Police Chief (IPC)
Jake Terlap, Public Works Superintendent
Glen Cole, Assistant to the Village Administrator (AVA)

2. PLEDGE OF ALLEGIANCE

President O’Hara led the Pledge of Allegiance.

3. AWARDS AND PROCLAMATIONS

President O’Hara read the proclamation designating October 2019 as *Fire Prevention Month*.

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

4. CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 9, 2019 VILLAGE BOARD MEETING

Trustee Towle moved to approve the September 9, 2019 Board of Trustees Regular Meeting Minutes as presented. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

5. ITEM #6 – VILLAGE BOARD SETS THE ORDER OF THE MEETING

At the request of those present, Trustee Towle moved to take Agenda Item #16 and #8b then return to the regular order of the meeting. Trustee Meyer seconded the motion. The motion passed on a unanimous voice vote.

6. ITEM #16 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO TWO PAWS UP DOG TRAINING, INC. TO OPERATE A DOG TRAINING BUSINESS IN THE VILLAGE’S L-1 LIGHT INDUSTRY ZONING DISTRICT (968 North Shore Drive)

President O’Hara reported on August 23, 2019, the Village of Lake Bluff received a zoning relief application from Two Paws Up Dog Training, Inc. (Applicant) to allow a dog training business to operate in the L-1 Light Industry District. The Applicant’s Business would be a sublease from Forest Bluff Animal Hospital and located in part of the space authorized for use as a veterinary hospital, dog day care, kennel, boarding, grooming, and training business under Forest Bluff’s special use permit (Ordinance 2018-13). However, Forest Bluff’s special use permit is not transferable and cannot be used by Two Paws Up to authorize this use. A new special use permit is required to authorize their business to open. President O’Hara further reported at its September 18, 2019 meeting, the Joint Plan Commission and Zoning Board of Appeals (PCZBA) conducted a public hearing and unanimously recommended that the Village Board grant the requested special use permit. The PCZBA’s recommendation includes two special conditions consistent with those imposed upon Forest Bluff Animal Hospital:

- The Applicant shall allow Forest Bluff Animal Hospital employees to use the entrance on the north side of the building to access the employee parking lot; and
- The applicant may not install outdoor kennels, runs, or other facilities.

President O’Hara reported the Applicant requested that the Village Board waive second reading and approve the ordinance in order to allow them to expediently occupy the tenant space and open their business.

In response to a question from Trustee Markee, AVA Cole said the parking calculations approved in the SUP were based on the assumption that the space would be occupied by Forest Bluff Animal Hospital and no additional parking is needed for this business.

Village Administrator Irvin commented on the parking analysis associated with the Target Development and said Staff coordinates with applicants/operators during the review process to ensure businesses has adequate parking spaces.

In response to a comment from Trustee Ankenman, AVA Cole said the business will operate similar to other businesses in that area but a SUP is required because the tenant has never occupied the space.

In response to a question from Trustee Markee, AVA Cole said both businesses will function as different entities, veterinarian services and dog training, and he noted the SUP for Forest Bluff Animal Hospital also authorizes dog training, kennel, and boarding.

Trustee Ankenman expressed her concern regarding the request to waive second reading and asked if Staff had received any public feedback or anticipate any pushback regarding the request.

Following a request from President O'Hara, Brenda Belmonte, Owner of Two Paws Up Dog Training, Inc, said logistics are being reviewed to determine if her business could provide a training option for Yuppy Puppy who anticipates a full boarding season. There are no plans to host events or offer large scale classes and the intent is to mirror Forest Bluff Animal Hospital hours of operation. Mrs. Belmonte said employees and clientele will use the rear entrance during the day and she believes any public objections would have been expressed during the initial SUP process.

Village Administrator Irvin said Staff have not received any public comments and there was no testimony given during the public hearing.

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

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

Ayes: (5) Ankenman, Grenier, Markee, Meyer and Towle
Nays: (0)
Absent: (1) Charlot

7. ITEM #8B – VILLAGE ADMINISTRATOR'S REPORT: RECOMMENDATION OF THE PCZBA REGARDING REGULATION OF RECREATIONAL CANNABIS BUSINESSES

President O'Hara reported at its July meeting and at the direction of the Village Board, the PCZBA opened its public hearing regarding the proposed prohibition of recreational cannabis businesses within the Village. At that time, the PCZBA's consensus was to continue the public hearing to its August meeting to allow the public additional time to participate. As the PCZBA did not meet in August, the hearing was continued to the PCZBA's September regular meeting with multiple forms of notice provided to the public. President O'Hara further reported at this meeting, the PCZBA reviewed research and white papers regarding the local impacts of commercial cannabis and possible effects of dispensaries upon crime; youth and young adult use; characteristics of use; property values; health outcomes; and municipal revenues. The PCZBA also accepted testimony from the Chief of Police and members of the public, both personally and in writing.

President O'Hara reported at the conclusion of the hearing, by a 5-1 vote, the PCZBA recommended that the Village Board authorize recreational cannabis businesses as a special use in the L-1 Light Industry District. Were the Board to be amenable to this course of action, the PCZBA would ask that this issue be remanded to allow a text amendment with specific regulations to be drafted. The PCZBA is prepared to call a special meeting at 6 p.m. on October 3, 2019 if desired to continue these deliberations. She further reported the majority voting in favor expressed, as the basis of their recommendation, its findings that:

- The revenues generated by a retail cannabis dispensary would provide financial support to the Village;
- Allowing a recreational retail dispensary via a special use permit would provide the Village the ability to exert control;

- The presence of retail dispensaries in the Village may suppress illegal (black market) marijuana dealers; and
- Retail dispensaries would serve Lake Bluff residents as a retail amenity, similar to liquor establishments.

President O'Hara reported Chair Peters, the dissenting vote, expressed his opinion that authorizing recreational marijuana businesses would be incompatible with the Village's beliefs, values, and brand. Evidence considered by the PCZBA at its September 13 meeting is attached, as well as the most recent version of an Ordinance drafted to prohibit all recreational cannabis businesses.

Village Administrator Irvin said the PCZBA and Staff are seeking direction from the Village Board. He reviewed the actions which the Board may consider and noted the Board does not have to make a final decision this evening, except he recommended the Board approve the required tax on recreational marijuana sales if the Board desire to consider allowing retail dispensaries at all.

President O'Hara opened the floor for public comments.

Andy Duran, Executive Director of Linking Efforts Against Drugs (LEAD), said he was recently elected to the Lake Bluff School District #65 Board and that his children attend the local school. Mr. Duran said he is shocked, surprised and a bit disappointed at the PCZBA's recommendation because it seems contrary to the spirit of Lake Bluff. The packet he submitted to the PCZBA had information detailing why a commercialized marijuana industry is not a fit for Lake Bluff, and he asked the Board to place the health and well-being of the community over profits. Mr. Duran said he is proud to live in a cultivated town with a family-friendly reputation and home to one of the State's best school districts. However, he is concerned that if the community becomes a hub for recreational marijuana it could weaken Lake Bluff's brand which is more valuable than any amount of tax revenue. Mr. Duran said the study published in *Journal Society* stated that teen and young adults that live within close proximity of a marijuana dispensary are likely to be frequent users. In the States that have legalized or commercialized marijuana, as well as some Illinois communities, approximately 75% of the local municipalities have opted out of marijuana retail sales. Mr. Duran said he believes the industry has grossly over exaggerated tax revenue projections and he does not believe the community values are for sale or that Lake Bluff desires to accept revenue from an industry which profits from addiction. Mr. Duran stated that: (1) marijuana is a harmful addictive substance; (2) 90% of addiction begins in adolescence; (3) Lake Bluff highly values its status as a safe family-friendly town which is a value the Board is entrusted to protect; (4) do not allow Lake Bluff youths to be a test tube as the most prudent approach would be to opt out and learn from the mistakes of other communities; (5) if allowed there will be a significant increase in teen usage which will result in an increase in counselors, social workers, and law enforcement and the marginal tax revenue will not cover the expenses; and (6) youths look to community leaders to set the example. Mr. Duran said opting out would not only safeguard the community but would send the youth a message that the leaders value their well-being. Lastly, Mr. Duran asked the Board to protect the community as well as the north shore from consequences that may detract from this area being an amazing place to live.

Jim Arnold said he has lived in Lake Bluff for 8 years and has a family member that grows cannabis in California and he believes the previous comment was "balderdash." He think youths are rebellious and the argument regarding protecting the children is not accurate. It is his belief that legalization of marijuana does not eliminate local control and decisions should be based on factual data not made-up biases. Mr. Arnold said he does not believe marijuana is a gateway drug like alcohol and that recreational marijuana dispensaries could be allowed in the L-1 District.

Kate Briand said she does not believe that anyone is advocating for a substance that may be harmful to children but that the discussions should be focused on products available to consenting adults. She expressed her concern about values and asked if aspersions are being cast on people that use medical marijuana. Ms. Briand said she does not believe anyone is focused on the Lake Bluff brand because it is a nebulous concept. The Board at its June 2019 meeting sent a message that it was not in favor of these businesses and by recommending a ban it abdicated control to surrounding communities. Ms. Briand said she believes decisions are being made based on fear and outdated research as opposed to factual data. She believes the Village can allow these revenue generating businesses to operate through a SUP, not in the Central Business District (CBD), and educate children to make responsible choices without precluding adult access.

Katherine Driscoll said approximately 10 years ago the Village Board made some really great critical decisions which have since resulted in a vibrant community. She hopes the Board will consider the Village future as it discusses this matter because eventually recreational marijuana will be legal at the State and Federal level. She would hate to see the Village prohibit marijuana dispensaries and not get the tax revenue from these businesses which could ultimately operate in close proximity of Lake Bluff.

Following a request from President O'Hara, IPC Hosking said he cannot comment on the medicinal or hazards associated with recreational marijuana but from a law enforcement perspective he is diametrically opposed to any marijuana dispensary. He thinks the State rushed to legalize marijuana without conducting research as this substance remains a federal offense. IPC Hosking shared criminal statistics associated with the Village of Mundelein's medical marijuana dispensary and said the activities does not sound like a lot but he thinks it will be an additional caseload for the Police Department. IPC Hosking said he thinks that if approved cash based marijuana dispensaries will become a favorable target for criminal activity.

In response to questions from Trustee Grenier, IPC Hosking said he recently attended the North Shore Chiefs meeting and shared information as to why none of the Police Chiefs present supported these businesses. He asked why the rush, why not wait, because as a Police Chief marijuana is either legal or illegal and pursuant to Federal law the substance remains illegal.

Trustee Markee asked if there was any data related to automobile accidents or driving under the influence of marijuana. IPC Hosking said there is no definitive test for cannabis or other toxic aiding compounds, the emphasis will be placed on the Police Officer conducting the field sobriety test to recognize marijuana-impaired drivers.

In response to a question from Trustee Markee, IPC Hosking explained the procedures which Police Officers would follow to determine if an individual is under the influence and noted the statistics for the last two years shows there were approximately 7 arrests made for driving under the influence of cannabis or some other drug.

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

Trustee Meyer said the contemplated marijuana activities are illegal pursuant to the Federal Controlled Substance Act 21USC811. He said his position and vote is that the Village should enact the most restrictive ordinance to control and contain this illegal activity.

Trustee Ankenman said she takes the Lake Bluff guiding principles and vision very serious. She is not concern about looking stupid for missing a possible financial opportunity or casting dispersions. Her

agenda is to take personal responsibility for the quality of our community. The Village has invested in the LEAD Organization to speak wisdom and truth to its youth and their information is based on actual experience, test of time, and rooted in the love for the next generation. Trustee Ankenman said she supports the data provided by the LEAD Organization and the wisdom and love that it shows for the community.

Trustee Markee expressed her agreement with Trustee Ankenman and her belief that children do observe adult behavior. She would prefer to take the “wait-and-see” approach because this would allow the Board to proceed prudently and additional time to better understand the State Law after its finalized.

Trustee Grenier inquired of the difference between the new State marijuana law and current alcohol regulations. President O’Hara responded as the Liquor Commissioner and explained the liquor license process noting that each individual license is approved by the municipality. The Village has limited control over State issued recreational cannabis licenses but tremendous control over liquor licenses because if the provisions are violated there are specific actions which the Village can take to revoke the liquor license.

In response to questions from Trustee Grenier, Village Attorney Friedman explained how the SUP process would apply to these businesses. The State requires that new applicants provide local approval or authority from the municipality where the facility will be located and the regulations imposed on these facilities must be satisfied in order to obtain a State license. There was a legislative determination that these businesses were not to be licensed similar to liquor establishments where there is a local license as well as a State license. A discussion followed.

In response to questions from Trustee Markee, Village Attorney Friedman said he does not believe the Village has ever revoked a SUP. He said if an applicant does not meet the provisions of the SUP, the Board may by ordinance adopted, revoke the SUP and this will revoke the State license because they would not have local zoning authority. Also, the applicant is required to sign an unconditional agreement and consent agreeing to adhere to the provisions in the ordinance.

Trustee Ankenman asked how would certain characteristics that are difficult to quantify, such as an increase in crime, affect an invested business. Village Attorney Friedman said it would be depended on the standards in the SUP and to the extent they are intangible it could lead to a dispute. Trustee Ankenman said it seems the Village would be setting itself up for let us see what the problems are and then see if we can get out of it if it is too bad.

Trustee Towle asked why rush a decision which involves consenting adults. He feels the Village should not be the test case because delaying a decision will not prevent access to residents that desire to partake in recreational cannabis as dispensaries will be allowed in neighboring communities. Trustee Towle expressed his preference to review the matter after the State law has been finalized and Federal laws have change.

Trustee Ankenman said she did not want “wait-and-see” to be just a moratorium. She stated she would rather prohibit it and let other communities deal with the consequences.

Trustee Grenier said he thinks this is inevitable and an issue of timing. He does not like making decisions based on personal biases which is difficult to avoid in regards to this subject. He expressed his concern on

how to enact the regulations and that he is worried that the Village may say “no” but the business would be allowed to operate on the north side of Route 176.

Village Administrator Irvin said the Lake County Board has not started to deliberate this subject yet. He shared information regarding his recent conversations with the Director of the Lake Community Development Department noting the County has convened a countywide task force to examine and create a regularly framework that would apply to unincorporated Lake County areas.

Trustee Grenier said it would be difficult for the Village to have control over this going forward and personal bias will influence the decision. Also he is bothered because this matter cannot be regulated in the same manner as alcohol.

President O’Hara said the Village may reenact changes in the future but this is the first opportunity it has to prohibit recreational cannabis businesses.

In response to a question from Trustee Grenier, Village Administrator Irvin said he does not think feedback was solicited from the School District.

Mr. Duran said he has no knowledge of the School Board formally discussing this subject but School Administrators and Teachers have informed him that their opposed to recreational cannabis businesses. A discussion followed.

President O’Hara commented on IPC Hosking’s aforementioned concerns and expressed her concern about allowing these businesses in the L-1 District because there is an alternate school with approximately 20 teenage students in that area.

An audience member said retail marijuana and liquor establishments operate differently. The member said she have visited various marijuana dispensaries and have never witnessed any children loitering near the establishments.

Trustee Meyer made a motion to direct Staff to prepare a draft ordinance to prohibit any recreational cannabis businesses within the Village limits of Lake Bluff. Trustee Ankenman seconded the motion. The motion passed on a unanimous voice vote and no one opposed the vote.

President O’Hara allowed a brief intermission for audience members to leave the meeting.

8. ITEM #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.

President O’Hara recommended taking Agenda Item #13 then return to the regular order of the meeting. There were no objections from the Board.

9. ITEM #13 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$ GENERAL OBLIGATION REFUNDING BONDS OF THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF SAID VILLAGE, PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS, AUTHORIZING THE EXECUTION OF AN ESCROW LETTER AGREEMENT, AND AUTHORIZING THE SALE OF SAID BONDS TO THE PURCHASER THEREOF (General Obligation Refunding Bond, Series 2019A)

President O’Hara reported given the currently low interest rates, the Village has the opportunity to issue bonds to refinance \$990,000 of the Village’s Series 2011 Refunding Bonds for an anticipated interest savings of approximately \$29k. The sale would be conducted directly with a participating bank, which maximizes the available savings by eliminating the need for a rating, underwriter, and official statement. The Bonds would be issued to capture interest savings only and would not extend the life of the 2011 Bonds beyond their original maturity date of 12/15/2014. President O’Hara further reported the Finance Committee reviewed the proposed refinancing at their September 9, 2019 meeting and unanimously recommended the Village proceed with the transaction.

Following a request from Village Administrator Irvin, Anthony Miceli of Speer Financial, Inc. explained the next steps in the process and said the plan is to select a bank that will produce the most possible savings for the Village.

As there were no questions from the Board, Trustee Towle moved to approve the ordinance. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

10. ITEM #7A – WARRANT REPORT FOR SEPTEMBER 16-30, 2019

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$441,240.07 for September 16-30, 2019 which resulted in total expenditures of \$441,240.07.

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: (5) Grenier, Markee, Meyer, Towle and Ankenman
Nays: (0)
Absent: (1) Charlot

11. ITEM #7B – 2019 AUGUST FINANCE REPORT

At President O’Hara’s request, Finance Director Bettina O’Connell provided a brief summary of the Finance Report highlighting major revenue sources and expenditures for the month of August 2019.

- The sales tax revenue on a cash basis for FY20 through June is \$607,584, \$15,601 or 2.6% greater than the same reporting period in FY2019;
- Home rule sales tax revenue on a cash basis for FY20 through June was \$182,995, or 1.1% less than the same reporting period in FY2019 with annual administrative fees totaling \$2,780.49;
- Building Permit revenue for FY20 to date is \$132,045 or \$2,915 less than last fiscal year for the same time period;

- The May-August FY20 General Fund expenditures of \$3,227,614 are \$250,026 less than the expenditures for the same period in FY19. This decrease represents capital improvements at the train station; and
- Current expenditures are consistent with or less than the budget.

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

Following a request from Village Administrator Irvin, Village Engineer Jeff Hansen provided an update on the West Sheridan Place and Lincoln Avenue storm sewer improvement projects and said the improvements had a positive impact on both areas. He shared information regarding the Village wide storm sewer study and noted the final report will be presented to the Board at a future meeting.

Ms. Briand said the crew from Campanella & Sons and the Village Engineer were very courteous and did an outstanding job.

12. ITEM #8A – VILLAGE ADMINISTRATOR’S REPORT: AN INFORMATIONAL REPORT REGARDING PROPOSED AMENDMENTS TO THE VILLAGE SIGN CODE

Village Administrator Irvin said the ABR is recommending sign code revisions that include changes to make the code more accommodating to multi-tenant buildings, including allowing wall and window signs for each tenant in buildings where each tenant has an exterior entrance. He said the next step in the process will be for the PCZBA to hold a public hearing on the proposed text amendment and then make a recommendation to the Village Board.

13. ITEM #9 – VILLAGE ATTORNEY’S REPORT

Village Attorney Friedman had no report.

14. ITEM #10A – VILLAGE PRESIDENT’S REPORT: APPOINTMENT OF SHEREE DITTMER TO THE ARCHITECTURAL BOARD OF REVIEW

President O’Hara reported subject to the consent of the Board of Trustees, the Village President appoints members to the Village’s various advisory Boards and Commissions. Village President O’Hara recommends the appointment of Sheree Dittmer to fill the last vacancy on the Architectural Board of Review, and if approved, Ms. Dittmer term will expire on April 30, 2021.

Trustee Markee moved to consent to the appointment. Trustee Grenier seconded the motion. The motion passed on a unanimous voice vote.

15. ITEM #11 – ACCEPTANCE OF THE CORRESPONDENCE

President O’Hara introduced the correspondence from the Informational Reports on September 6 and 13, 2019.

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

16. ITEM #12 – A RESOLUTION CREATING A NEW BANK ACCOUNT AND AUTHORIZING CERTAIN VILLAGE OFFICIALS’ SIGNATURES WITH FIRST MIDWEST BANK

President O’Hara reported currently, most financial institutions offer free online payment services for their customers including the option of making payments directly without the need to mail a check. Online bill payment processes generate a check on behalf of the customer that can take five business days to generate. This method of payment creates extra work for the Village as payment stubs are no longer provided with online bank generated check payments creating the need to manually enter account numbers and payment amounts.

President O’Hara reported to improve Village financial processes Finance Director O’Connell recommends implementing First Midwest Bank’s *Payment Consolidation Services*. This service acts as an agent for the electronic collection of bill payments issued via bank checks from on-line banking services. Instead of receiving paper checks, an electronic ACH file is provided daily for the Village to post, eliminating posting errors, saving staff time, and improving revenue recognition. President O’Hara further reported in order to facilitate the ACH deposits from the *Bill Pay Consolidation Service*, a checking account with First Midwest Bank is needed to transfer collected funds to the Village’s primary account at Lake Forest Bank and Trust. Please note that the First Midwest Bank account will not be assessed fees. A banking resolution establishing the new account and authorized signers for the Village is required to initiate the *Bill Pay Consolidation Service*.

In response to a question from Trustee Ankenman, Finance Director O’Connell reviewed the current banking process and said the ACH file for this online service will contain the account information and self- validate.

As there were no further comments from the Board, Trustee Ankenman moved to adopt the resolution. Trustee Meyer seconded the motion. The motion passed on a unanimous voice vote.

17. #14 – AN ORDINANCE AMENDING SECTION 10-13-3 OF THE LAKE BLUFF ZONING REGULATIONS (L-1 District Uses, Physical Fitness Facilities, Use of SIC Codes)

President O’Hara reported at its June and July regular meetings, the PCZBA discussed use regulations in the L-1 District and directed Staff to prepare detailed recommendations concerning (i) permitted and special uses; (ii) the interpretation of SIC codes in the use table; and (iii) administrative interpretations of unlisted uses. These changes are intended to reduce the obstacles to establishing a business within the District. President O’Hara further reported at the direction of the PCZBA in July, the attached Ordinance would amend 68 different uses consistent with the following principles, which are further described in the attached July memorandum to the PCZBA:

- Align the L-1 district’s permitted and special uses to those in the CBD, such that the L-1 District is generally no more restrictive than the CBD;
- Add certain special uses to the L-1 District that are special uses in the L-2 District;
- Add certain uses permitted and special uses recommended by the Waukegan Road Corridor Study;
- Change certain uses from special uses to permitted uses that are similar to uses that would now be permitted due to the above changes;
- Allow physical fitness facilities smaller than 10,000 square feet to be permitted in the L-1 District, and those smaller than 2,000 square feet to be permitted in the CBD; and

- Alter the interpretation of SIC codes in the Zoning Use Table to be advisory.

President O'Hara reported the PCZBA has additionally discussed the implementation of use interpretations within the Zoning Regulations. This mechanism would allow the Building Commissioner to authorize uses not specifically listed in the Zoning Use Table that are substantially similar to permitted or special uses already provided for in the code. These types of unlisted use situations represent many of the text amendments concerning use that the PCZBA considers. Additional time and review is necessary to complete these changes and integrate them with other pending changes. The PCZBA will continue to consider this policy item at future meetings.

As there were no questions from the Board, Trustee Ankenman moved to approve the ordinance. Trustee Towle seconded the motion. The motion passed on a unanimous voice vote.

18. ITEM #15 – AN ORDINANCE AMENDING ORDINANCE 2018-27 REGARDING THE HOURS OF OPERATION OF THE PADDLE TENNIS FACILITY (Blair Park – 355 West Washington)

President O'Hara reported in 2018 the Park District requested an amendment to their special use permit to, one night per week from October 1 to March 31, extend the hours of on-court lighting from 10:15 p.m. for an additional 15 minutes until 10:30 p.m. This extension would facilitate the scheduling of league events by the Chicago Platform Tennis Charities, which governs men's platform tennis leagues in the Chicagoland area. President O'Hara further reported Ordinance 2018-27 granted this request for only the 2018-2019 season, and required the Park District to conduct further outreach to neighbors and report back to the Village on the outcomes of the time extension by January 2019. The Park District submitted said report, which was distributed to the members of the PCZBA and which is attached to the Park District's application.

President O'Hara reported as described in their application, the Park District now seeks to make this change permanent on a once-per-week basis. The District proposes that they would notify the Village of their selection of a given weekday each year to schedule extended League Play. Since the 2018 amendment, Blair Park has been rezoned into the new Recreational, Institutional, and Open Space (RIO) zoning district. The District's regulations provide that the Park District's current special use permit remains in full force and effect. Accordingly, this relief could be granted through either the RIO Development Plan process or by amending the existing special use permit. Given the minor nature of this change, Staff recommended that it be processed as an amendment. President O'Hara further reported at its September 18, 2019 meeting, the PCZBA conducted a public hearing and unanimously recommended that the Village Board grant the requested special use permit amendment.

In response to a question from Trustee Markee, AVA Cole said the resident which testified at the public hearing expressed concern regarding the repeated request from the Park District to adjust the conditions applicable to Blair Park. AVA Cole said he is unsure if the resident was frustrated or asking the PCZBA to view future requests less favorably but he does not think there were any issues with the application at hand or any procedural defect.

As there were no further comments from the Board, Trustee Markee moved to approve the ordinance. Trustee Grenier seconded the motion. The motion passed on a unanimous voice vote.

19. ITEM #17 – TRUSTEE'S REPORT

There was no Trustee's report.

In response to a comment from Trustee Grenier, Village Administrator Irvin said following the recent storm event residents reported that a tree had fallen on Maple Avenue and this caused approximately 200 residents to be without power for an extended period of time. The residents without a backup battery or sump pump could have experienced flooding. However, Staff noticed areas which are usually affected such as West Sheridan Place and Lincoln Avenue did not flood thanks to the new infrastructure.

In response to a question from Trustee Grenier, Village Engineer Hansen explained how the 25 year storm impacted various areas of the Village and said he thinks the biggest issue was the power outage. Also, he does not believe the infrastructure failed but that some sewers may have been obstructed. A discussion followed.

20. ITEM #18 – EXECUTIVE SESSION

At 8:41 p.m. Trustee Ankenman moved to enter into Executive Session for the purpose of discussing Collective Bargaining (5 ILCS 120/2(c)(2)). Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Markee, Meyer, Towle, Ankenman and Grenier
Nays: (0)
Absent: (1) Charlot

There being no further business to discuss, Trustee Meyer moved to adjourn out of executive session. Trustee Towle seconded the motion and the motion passed on a unanimous voice vote at 9:13 p.m.

21. ITEM 19 – CONSIDERATION OF THE SEPTEMBER 9, 2019 EXECUTIVE SESSION MEETING MINUTES

Trustee Grenier moved to approve the September 9, 2019 Board of Trustees Executive Session Meeting Minutes as presented. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

22. ITEM #20 – ADJOURNMENT

Trustee Towle moved to adjourn the regular meeting. Trustee Meyer seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 9:14 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk