

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 25, 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 in the absence of Village Clerk Megan Michael, Deputy Village Clerk Drew Irvin called the roll.

The following were present:

Village President: Kathleen O’Hara

Trustees: Barbara Ankenman
Eric Grenier
Joy Markee
William Meyer

Absent: Regis Charlot, Village Trustee
Aaron Towle, Village Trustee
Megan Michael, Village Clerk

Also Present: Peter Friedman, Village Attorney
Drew Irvin, Village Administrator
Bettina O’Connell, Finance Director
Jeff Hansen, Village Engineer
Mike Croak, Building Codes Supervisor
Mike Hosking, Interim Police Chief
Glen Cole, Assistant to the Village Administrator

2. PLEDGE OF ALLEGIANCE

President O’Hara led the Pledge of Allegiance.

3. CONSIDERATION OF THE MINUTES OF THE NOVEMBER 11, 2019 VILLAGE BOARD MEETING

Trustee Markee moved to approve the November 11, 2019 Board of Trustees Regular Meeting Minutes as presented. Trustee Ankenman seconded the motion. The motion passed on a unanimous voice vote.

4. ITEM #4 – NON-AGENDA ITEMS AND VISITORS

President O’Hara stated the Village President and Board of Trustees allocate fifteen minutes for those individuals who would like the opportunity to address the Village Board on any matter not listed on the

agenda. Each person addressing the Village Board of Trustees is asked to limit their comments to a maximum of five (5) minutes.

Brad Andersen spoke on behalf of the property owners and contract purchaser (Peter Witmer and Todd Altounian) regarding the former PNC Bank site property located at 120 East Scranton Avenue. He said at the November 20th Joint Plan Commission and Zoning Board of Appeals (PCZBA) meeting Mr. Andersen and Mr. Witmer presented a preliminary concept plan for “Block Three.” The purpose of the workshop was to explain their intentions for the vacant site and solicit feedback from the general public and PCZBA. Mr. Andersen said following the presentation he felt the feedback from the PCZBA did not discuss the entire plan and that a few of the commissioners stated the fate of Scranton Avenue had already been decided by the Village Board. Mr. Andersen said he is present this evening to seek direction from the Village Board.

President O’Hara said she watched the PCZBA Meeting in its entirety and complemented the PCZBA on their work as an independent body. However, she thinks there may have been a slight misconception because government does not stand still and any previous decision regarding past projects may not hold true today. She said all petitions submitted to the Village go through a public process, without prejudgment and each proposal should be considered on its own merit.

Following a brief discussion it was the consensus of the Board to defer the matter back to the PCZBA for further consideration.

Lee Nysted, a 40 year resident, said he had previously submitted comments to the Board; however, he agrees with the Board’s action and he looks forward to any future presentations.

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

At the request of those present, Trustee Meyer moved to take Agenda Items #15 and #17 then return to the regular order of the meeting. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

6. ITEM #15 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE ANIMAL HOSPITAL OF WEST LAKE FOREST TO OPERATE AN ANIMAL HOSPITAL IN THE VILLAGE’S L-1 LIGHT INDUSTRY ZONING DISTRICT (999 Sherwood Drive)

President O’Hara reported on October 24, 2019, the Village of Lake Bluff received a zoning relief application from the Animal Hospital of West Lake Forest (“Applicant”) to allow an animal hospital to operate within the north building located at 999 Sherwood Drive in the L-1 Light Industry District. (This is commonly known as the Smedbo property.) The Applicant has requested the Board waive second reading to allow them to finalize their lease agreement with the property owner.

President O’Hara reported at the PCZBA’s November 20 meeting, the PCZBA opened a public hearing concerning the requested special use permit. At the conclusion of the hearing, the PCZBA unanimously recommended the Village Board grant the requested special use permit subject to two special conditions:

- **Trash Enclosure.** Section 10-4-2(H) of the Zoning Regulations requires that “areas utilized for garbage, trash, or refuse disposal and all of the containers therefor shall be screened at all times in such manner as approved by the Architectural Board of Review (ABR).” No such enclosure is

present on the property today. The condition requires the Applicant to provide one prior to commencing the use; and

- **No Outdoor Animal Activities.** Consistent with the special use permit for Forest Bluff Animal Hospital, the Applicant shall not install or maintain kennels, runs, or other facilities for animals on the exterior of the building on the Subject Property.

Trustee Markee disclosed that the Applicant is her veterinarian but this will not impact her vote or objection on this agenda item.

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

Trustee Ankenman commented on why she is reluctant to waive second reading and asked if there have been any concerns received regarding the request. Village Administrator Irvin said a public hearing notice was mailed and there was no negative testimony given at the public hearing.

Following a request from President O’Hara, Doctors David McKenna and Brian DiFuccia, owners of the Animal Hospital of West Lake Forest introduced themselves to the Board. Dr. McKenna said their trying to complete the zoning relief process and address parking issues on the property because the property owner wants them to sign the lease, with no contingencies, by the end of the year.

Dr. DiFuccia commented on the contingencies which must be addressed prior to signing the lease. He asked the Board to consider the waiver because it is his understanding there is a similar business (Forest Bluff Hospital) operating in the same area pursuant to a special use permit.

Following a brief discussion, Trustee Meyer moved to waive second reading of the ordinance. Trustee Grenier seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Ankenman, Grenier, Markee, Meyer and President O’Hara
Nays: (0)
Absent: (2) Charlot and Towle

7. ITEM #17 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT (Bonk – 79 Scranton Avenue, 28 East Center Avenue)

President O’Hara reported on October 25, 2019, the Village of Lake Bluff received a zoning relief application from Center Avenue Partners and Rev Cycles, LLC (jointly, Applicant) to allow the operation of an eating place without drive-in or drive-through facilities within the tenant space addressed as 79 Scranton Avenue. The use would be shared with an existing bicycle shop within the tenant space. President O’Hara reported the Applicant’s dining concept, “BONK”, includes soups, salads, and other fast casual cuisine. The Applicant proposes to occupy the existing bicycle shop with no exterior changes except a new sign (subject to review by the ABR). In the interior, the Applicant proposes to create a new food preparation area; sit-down dining area for 22 customers; and two ADA-accessible bathrooms as required by the Illinois Plumbing Code for a restaurant of this type. Staff understands that some bicycle shop merchandise would remain on the first floor, and that storage and repair would move into the basement. Food would be prepared off-site at the operator’s (John des Rosier) existing commissary at Inovasi Restaurant, located in the same building, and brought to the Restaurant for final preparation and sale.

President O'Hara reported at the PCZBA's November 20 meeting, the PCZBA opened a public hearing concerning the requested special use permit. At the hearing, considerable discussion occurred regarding parking supply and demand in the CBD; employee parking within the CBD at the expense of CBD customers; and the Village's enforcement of parking regulations. She reported at the conclusion of the hearing, the PCZBA recommended 5-1 that the Village Board grant the requested special use permit subject to various special conditions. The dissenting member expressed concern that granting the special use permit would exacerbate existing parking problems in the CBD. The recommendation included the following conditions:

- **Limited Intensity of Use.**
 - The Applicant would not be allowed to establish a commercial kitchen on-site.
 - The Applicant would not be allowed to provide seating for more than 22 customers on site.
 - Either the bicycle shop, or any other permitted use except a food store, must continue to operate in the same space. The Restaurant cannot become the exclusive tenant of the space.
- **Employee Parking at Train Station.** Consistent with other CBD restaurants, the employees of the Restaurant will be required to park at the train station using an annual permit; and
- **Hours of Operation.** Consistent with other CBD restaurants, the Restaurant would not be allowed to operate beyond 10 p.m. at night. (This condition may be amended by the Village Board by resolution without a subsequent application.)

As there were no questions from the Board, Trustee Grenier made a motion to approve first reading of the ordinance. Trustee Ankenman seconded the motion. The motion passed on a unanimous voice vote.

Trustee Grenier made a motion to take Agenda Item #16. Trustee Meyer seconded the motion. The motion passed on a unanimous voice vote.

8. ITEM #16 – AN ORDINANCE GRANTING A VARIATION FROM THE VILLAGE'S MINIMUM SIDE YARD SETBACK AND DAYLIGHT PLANE REGULATIONS (600 East Prospect Avenue)

President O'Hara reported on October 25, 2019, the Village of Lake Bluff received a zoning variation application from Catherine Denckla for two variations necessary to complete a partial demolition, renovation, and expansion of the residence located at 600 East Prospect Avenue as well as the complete demolition of a detached garage and other improvements:

- A 1.66-foot variation (33%) from the minimum side yard setback restrictions set forth in Section 10-5G-2(B) of the Zoning Regulations; and
- An 8.83-foot variation (73.6%) from the daylight plane height restrictions set forth in Section 10-5-5 of the Zoning Regulations.

President O'Hara reported at the Historic Preservation Commission's November 13 meeting, the Commission conducted its significant demolition review of the proposed work and unanimously voted to conclude its review. Chairman Steve Kraus asked the Commission to express its views on the requested relief given the preservation considerations. Each Commissioner expressed their support for the proposed work and the pending application for zoning relief. (Chair Kraus did not himself comment.) President O'Hara reported at the PCZBA's November 20 meeting, the PCZBA opened a public hearing concerning the variations and received written and verbal testimony from four nearby property owners. Following a considerable discussion, four members of the PCZBA voted to recommend approval of the variations,

with one voting nay and one abstaining. The recommendation was made with the understanding that the Village would enforce its ordinary drainage and tree protection requirements, both issues raised during the hearing. The members not voting in favor expressed concern with allowing additional construction to occur so close to a neighboring property line.

In addition, President O'Hara reported following the meeting, Staff was approached by an adjacent property owner who reiterated a prior request that, as part of the project, the Applicant install two air conditioner condensers in an existing non-conforming side yard location (near their common lot line) rather than relocate the condensers to a conforming location that would be more visible from the adjacent owner's property. The Applicant has consented to this requested change and the Applicant's architect has prepared a supplemental plan to show the location of the condensers. Staff has prepared an alternate version of the variation ordinance that would grant this modification.

Trustee Ankenman disclosed that she works for the project architect and recused herself from the discussion (left the room.)

Trustee Meyer expressed his understanding that both property owners have agreed to relocate the air conditioners.

Following a brief discussion, Trustee Grenier made a motion to approve first reading of the ordinance. Trustee Meyer seconded the motion. The passed on a unanimous voice vote.

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

9. ITEM #6A – AMENDED WARRANT REPORT FOR NOVEMBER 16-30, 2019

President O'Hara reported the originally reported expenditures of Village funds for payment of invoices in the amount of \$90,962.74 for November 16-30, 2019 were amended to include \$182,575.50 for the final portion of the debt service payment on the 2011 Bonds which resulted in total expenditures of \$273,550.24.

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

Ayes: (4) Grenier, Markee, Meyer and Ankenman
Nays: (0)
Absent: (2) Charlot and Towle

10. ITEM #6B – OCTOBER 2019 FINANCIAL REPORT

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

- The sales tax revenue on a cash basis for FY20 through August is \$1,185,567, \$68,327 or 6.1% greater than the same reporting period in FY2019;
- Home rule sales tax revenue on a cash basis for FY20 through August is \$345,765, or 5.1% greater than the same reporting period in FY2019, with annual administrative fees totaling \$5,253.05;

- Building Permit revenue for FY20 to date is \$220,310 or \$38,090 greater than last fiscal year for the same time period;
- The May-October FY20 expenditures of \$4,663,776 are \$31,252 less than the expenditures for the same period in FY19; and
- Current expenditures are consistent with or less than the budget.

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

11. ITEM #7 – VILLAGE ADMINISTRATOR’S REPORT

Village Administrator Irvin had no report.

12. ITEM #8 – VILLAGE ATTORNEY’S REPORT

Village Attorney Friedman had no report.

13. ITEM #9 – VILLAGE PRESIDENT’S REPORT

President O’Hara announced that Trustee Grenier will resign from the Village Board after the December 9th meeting because he will be moving to California and she thanked him for his service on both the School and Village Boards. President O’Hara said she intends to appoint former Trustee Mark Dewart to serve out the remainder of Trustee Grenier’s term and noted this should be an easy transition because Mr. Dewart is familiar with the current issues facing Lake Bluff.

President O’Hara reported on the upcoming events, *It’s a Wonderful Life...in Lake Bluff* scheduled for December 7th and Lake Bluff History Museum Christmas Home Tour on December 8th then she wished everyone a happy Holiday Season.

14. ITEM #10 – ACCEPTANCE OF THE CORRESPONDENCE

President O’Hara introduced the correspondence from the Informational Reports on November 7 and 15, 2019.

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

15. ITEM #11 – A PUBLIC HEARING REGARDING 2019 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 2019 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 14, 2019 and on the Village’s website on November 18, 2019.

President O’Hara declared the public hearing open.

Finance Director O’Connell said the 2019 property tax levy presentation is for property tax bills that will be sent to property owners in May 2020.

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); however, a Resolution passed in 2005 committing the Village to abide by the PTELL limit. This means that any increase greater than 5%, or CPI whichever is less 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 the taxing districts, budget and tax levy cycle, assessment valuation, tax bill process and the County Chief Assessor process. She said the County Tax Extension uses the levy to determine the tax amount to be extended against all properties located within the boundaries of the taxing district.

Finance Director O'Connell showed a chart reflecting how tax dollars are used and said the Village represented 9%, Library 2% and, local schools represented the majority of the property tax bill.

Finance Director O'Connell continued the presentation showing a chart reflecting the assessed value by property classification for the past 10 years, along with the tax extension over the same period which also included the library extension. The graphic reveals that the total EAV was peaking prior to 2009 and declined by 25% until more recent years. There are factors that affect the Villages' EAV such as market value, income generating capacity, and new construction or annexation. She noted there has been no annexation of property since 1998 when the Sanctuary Subdivision became part of the municipal boundaries.

Finance Director O'Connell stated the 2019 aggregate total levy calculated under the PTELL is \$4,449,518 compared to the prior year \$4,343,227. The consumer price index factor of 1.9% compared to the prior year of 2.1%. The calculated CPI along with EAV estimated changes could bring about \$106,290 new dollars. The estimated new construction per the Lake county Assessor recent estimates was \$3.2 million and the EAV estimate increased by 4.24%.

Finance Director O'Connell showed a breakdown of the 2019 tax levy estimate and noted the property tax rates are determined by the Lake County Clerk and appears on the property owner's tax bill. The tax rates applies to the properties assessed valuation which determines the amount of money the taxpayer pays to the Village. She showed a chart of the 2019 tax 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. She stated 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.

Finance Director O'Connell said it is important to balance revenue sources between taxes, user fees and other sources to reduce the reliance on any one source then reviewed the long term budget concerns as: sales tax revenue, State shared revenue sources, grant funds, pension contributions, infrastructure improvements and capital equipment reserve funding.

Finance Director O'Connell reviewed the 2019 Village share of the tax bill on a home with a market value of \$600,000 if the rate changed from \$.581 to \$.569 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 4.24% increase in EAV. She showed a chart of surrounding community's comparison market value (EAV, total rate and property tax). A discussion followed.

Following a comment from Village Administrator Irvin, Finance Director O’Connell said Lake County implemented new software this year which required reassessing properties to ensure that the data was accurately represented, and these reassessments changed the Village’s EAV. A discussion followed.

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

16. ITEM #12 – AN ORDINANCE LEVYING PROPERTY TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2019 AND ENDING APRIL 30, 2020 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 recommended that the Village levy \$3,461,807 for the year 2019, which represents a 2.4% increase over the 2018 property tax extension. President O’Hara reported the Lake Bluff Public Library Board has requested a property tax levy of \$987,711 for the year 2019, which is a 2.4% increase over the previous year. The total levy amount of \$4,449,518 is in compliance with the Property Tax Limitation Act and the Truth In Taxation Act was not required for this levy.

As there were no questions, Trustee Meyer made a motion to approve first reading of the ordinance. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

17. ITEM #13 – AN ORDINANCE ABATING 2019 PROPERTY TAXES LEVIED FOR GENERAL OBLIGATION DEBT SERIES 2012, 2019 AND 2019A BONDS FOR THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS

President O’Hara reported the Village currently has Refunding Bonds Series 2012, and 2019 and 2019A General Obligation (“G.O.”) bonds outstanding. Pursuant to Ordinances 2012-13, 2019-18 and 2019-26 the County Clerk is required to extend a property tax levy in an amount sufficient to pay the interest and principal on the bonds. 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 2019 General Obligation Bonds and the 2019A Refunding Bonds. The 2012 Refunding Bond principal and interest payments will be paid by General Fund revenues.

As there were no comments from the Board, Trustee Ankenman made a motion to approve first reading of the ordinance. Trustee Grenier seconded the motion. The motion passed on the following roll call vote.

Ayes: (4) Markee, Meyer, Ankenman and Grenier
Nays: (0)
Absent: (2) Charlot and Towle

18. ITEM #14 – AN ORDINANCE AMENDING CHAPTER 10 OF THE LAKE BLUFF ZONING REGULATIONS (Sign Regulations for the L-1 and L-2 Light Industry Zoning Districts)

President O'Hara reported over the course of the summer, the ABR drafted revisions to the Village's sign code with the assistance of Ms. Arista Strungys of Camiros, a local planning consultant. The revisions modernize the L-1 and L-2 zoning districts and would allow, among other changes:

- Each tenant to have one or more signs in some situations, instead of limiting signs to a maximum number of one sign per lot;
- Property owners to submit and receive approval for a Master Sign Plan, which would eliminate the need to return to the ABR for a new approval for every tenant sign change; and
- Larger wall-mounted address signs based on the linear frontage of each tenant.

President O'Hara reported at its September 3, 2019 meeting, the ABR held a public meeting to review a complete draft of its proposed revisions including notice to affected building owners. At the conclusion of the meeting, the ABR unanimously adopted adoption of the amendments. She further reported at its November 20, 2019 meeting, the PCZBA opened a public hearing to review the draft Ordinance recommended by the ABR. At the conclusion of the meeting, the PCZBA unanimously recommended the Village Board adopt the amendments.

Following a brief discussion, Trustee Meyer made a motion to approve first reading of the ordinance. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

19. ITEM #18 – TRUSTEE'S REPORT

There was no Trustee's report.

20. ITEM #19 – EXECUTIVE SESSION

At 7:45 p.m. Trustee Markee moved to enter into Executive Session for the purpose of discussing Threatened Litigation (5 ILCS 120/2(c)(11)) and Collective Bargaining (5 ILCS 120/2(c)(2)). Trustee Meyer seconded the motion. The motion passed on the following roll call vote.

Ayes: (4) Meyer, Markee, Ankenman and Grenier
Nays: (0)
Absent: (2) Charlot and Towle

There being no further business to discuss, Trustee Meyer moved to adjourn out of executive session. Trustee Ankenman seconded the motion and the motion passed on a unanimous voice vote at 8:18 p.m.

21. ITEM #18 – ADJOURNMENT

Trustee Markee moved to adjourn the regular meeting. Trustee Ankenman seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 8:19 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk