

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 13, 2020**

**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  
Mark Dewart  
Joy Markee  
William Meyer  
Aaron Towle

Absent: Regis Charlot, Village Trustee

Also Present: Megan Michael, Village Clerk  
Peter Friedman, Village Attorney  
Drew Irvin, Village Administrator  
Bettina O’Connell, Finance Director  
Jeff Hansen, Village Engineer  
Mike Croak, Building Codes Supervisor (BCS)  
Mike Hosking, Interim Police Chief  
Thomas Vinson, Police Sergeant  
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 DECEMBER 9, 2019 VILLAGE BOARD MEETING**

Trustee Ankenman moved to approve the December 9, 2019 Board of Trustees Regular Meeting Minutes as presented. Trustee Towle 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.

Terry Bleck a longtime resident said she received what she perceived to be a rather “threatening/bullying” violation letter from the Building Codes Department. The letter stated she could be assessed a fine up to \$750 a day if she did not remove the bird feeders located within the public right of way. She believes that she is being targeted by Staff because there are other people, who have not received a notice, with bird feeders in the public right of way. She asked if Lake Bluff intends to treat its residents/taxpayers in this manner for such a petty issue. Lastly, she said if anyone desires to see what a three story development looks like behind a single family home may view her property.

Village Administrator Drew Irvin said this was a simple code enforcement issue that was reported to the Village and Staff investigated the matter prior to issuing the violation notice.

President O’Hara expressed her concern for anything (signage, bird feeders, etc.) in the public right of way because it is not allowed; however, code enforcement should apply to everyone. She apologized to the resident who felt intimidated by the letter and said she do not believe that was the intent.

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

President O’Hara made a motion to take agenda item #9A then return to the regular order of the meeting. There were no objections from the Board.

**6. ITEM #9A – VILLAGE PRESIDENT’S REPORT: APPOINTMENT AND SWEARING IN OF MARK DEWART AS VILLAGE TRUSTEE**

President O’Hara administered the Oath of Office to Mark Dewart. Following the oath of office, the newly appointed Village Trustee took his position at the dais.

Trustee Meyer made a motion to approve the appointment. Trustee Markee seconded the motion. The motion passed on a unanimous voice vote.

**7. ITEM #6A – WARRANT REPORT FOR DECEMBER 16-31, 2019, JANUARY 1-15, 2020 AND DECEMBER 2019 PAYROLL EXPENDITURES**

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$437,709.31 for December 16-31, 2019. The expenditure of Village funds for payment of invoices in the amount of \$573,482.56 for January 1-15, 2020 were amended to \$602,260.56, in order to include \$28,778.00 for the initial payment of the Lasefiche Document Management project authorized by resolution 2019-61. She further reported expenditure of Village funds for payroll in the amount of \$326,793.10 for December 2019 which resulted in total amended expenditures of \$1,366,762.97.

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

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

**8. ITEM #7A – VILLAGE ADMINISTRATOR’S REPORT: REPORT FROM THE DECEMBER 18, 2019 JOINT PLAN COMMISSION AND ZONING BOARD OF APPEALS MEETING (Block Three Project and Maximum Height Regulation Applicable to Planned Mixed-Use Developments)**

President O’Hara reported at its November and December meetings, the Joint Plan Commission and Zoning Board of Appeals (PCZBA) conducted two workshops related to a proposed development to construct a 20-unit, 3-story condominium project at 120 E. Scranton Avenue, also known as the former PNC Bank site and as Block Three of the Central Business District. She further reported under the Village’s current zoning regulations, the proposal would most likely be pursued by the applicant seeking a Planned Mixed-Use Development (PMD) approval. However, the current PMD ordinance states that a PMD approval may not “allow for the maximum height of any building or structure within the PMD to exceed thirty feet (30’) in height or to exceed two (2) stories.” To proceed as proposed, either a variation would need to be granted or this provision would need to be modified via a text amendment.

President O’Hara reported the PCZBA indicated at the conclusion of its November workshop that it was difficult to make any type of recommendation on the proposal in light of the height restriction in the PMD regulations. Subsequently, members of the Village Board expressed their belief at the Board’s November 25 meeting that the PCZBA should, in fact, continue its evaluation of the proposal. The PCZBA thus took the proposal up again at its December workshop meeting, and at the conclusion of that meeting, the PCZBA took a straw poll and expressed the following items of consensus:

- The PCZBA supports the development concept proposal; and
- The Village Board should initiate an application for a text amendment and required public hearing to consider the removal of the maximum height limit standard from the PMD zoning regulations.

President O’Hara noted that member George Russell was not present at the PCZBA December meeting, but he indicated in writing prior to the meeting that he was not in favor of the proposed development or the removal of the PMD height restriction.

President O’Hara further reported should the Village Board desire to initiate a text amendment on the height restriction, a public hearing could be held at the PCZBA’s February 19, 2020 meeting to consider the proposed amendment.

Village Administrator Irvin clarified that the PCZBA workshop discussions were centered on eliminating the height restriction and zoning variation process.

President O’Hara opened the floor to public comments.

Mickey Collins commented on how she interpreted the PCZBA straw poll and noted Member Russell was the only commissioner that expressed opposition to the proposed development. She said there have been some misleading comments such as the zoning designation (CBD District) for Block Three and noted the site is surrounded on three sides by multi and single family lots. She said the Lake Bluff Library actually complies with the bulk aspects (setbacks, sloping roof, etc.) of the Zoning Code and transitions nicely into the residential neighborhoods. She said there were many unique aspects associated with Block One such as the rear parking lot and the site was sold as one-off this was supposed to be the only time the Village allowed three stories in downtown. Ms. Collins expressed her opinion as to why Block One should not be compared to Block Three, property values should not be compared to Kelmscott Park in the City of Lake Forest, and how eye metric should be viewed in regards to height. Ms. Collins said this should not

be viewed as a single project but from a larger perspective “what do we want to change in downtown and what is the appropriate scale for the CBD.” She thinks the current developer sincerely desires to invest in Lake Bluff but there are limited opportunities in the CBD and she wish that consideration would be given to other areas of the Village such as the L-1 District.

Kate Briand expressed her agreement with the aforementioned comments. She said developers tend to exploit factors which tends to create tension in a community such as revenue and character. It appears there is a battle between the will of the people and development/revenue and she does not think government should go backwards or re-litigate this matter. There have been no circumstantial changes and the Village should not predicate this proposal because of a change of ownership without possibly exposing the Village to possible litigation. Ms. Briand asked the Board to stand by its previous decision “No 3 on 3” in the CBD.

Deborah Fischer a resident and local realtor disclosed that she is not associated with the proposal but testified in favor of the project at the December PCZBA Workshop. Her response to the question “What has changed” is “nothing” because time has proven that no successful development can be built using the current regulations. She believes that community ordinances should be able to be implemented, but no mercenary developer have stepped forward to viably and successfully build pursuant to the current regulations. Ms. Fischer stated in 2018 *Crain’s Chicago Business* named Lake Bluff a hot market, based on market sales at that time, and this is a choice piece of property in a robust downtown. There are currently no two story projects being built along the North Shore which allow for maintenance free living, elevator access, underground parking, enclosed dumpsters, trash removal, buried utilities stormwater management or enhance the neighborhood. It is her opinion that the economy would not allow a development of this type to be successful built along the North Shore or any nearby western community. The current height restrictions applies to PMDs because a homeowner could build, as of right, a single family, 36 ft. flat roof home on the eastern 2/5 of that lot. If allowed she thinks the proposed three story development would be a fitting bookend to Block One. She read the Lake Bluff History Museum description of the former Lake Bluff Children’s Home which was part of the community for over 75 years, located in the middle of downtown, surrounded by single family homes and said she hopes the Board will decide that a three story development could be built on Block Three so the proposed project may be considered by the PCZBA.

Mark Stolzenburg (resident) stated the former Children’s Home was located on a 20 acre parcel and that a gabled roof on a 40 ft. building is different than on a single family home. Previously, the Board unanimously approved a PMD Ordinance applicable to Blocks One, Two and Three which stated there would be “No 3 on 3,” this was a bargain made with the community and he asked “What has changed” that would cause the Village to go back on its bargain.

Brad Andersen expressed his understanding that the discussion this evening was in regards to a possible text amendment that would allow the PCZBA to fairly, without bias, consider the proposed development. He commented on the actions he has taken thus far and said he is hopeful that the Board will allow the PCZBA to feel they have the authority to discuss the proposal without the PMD constraints.

Porter Boggess (resident) said there are limited parking spaces available in the CBD for existing downtown businesses and the proposed development did not submit any plans regarding public parking which he thinks must be addressed.

As there were no further public comments, President O'Hara opened the floor to comments from the Board.

Trustee Meyer said the actions this evening is to allow dialogue associated with a new plan, by a new developer, and provide everyone a fair opportunity to present their views. There was no resjudicata or any other preclusive effect to the previous action taken by the Board, nothing was litigated, and as a legislative body the Village Board is obligated to address changed circumstance and consider new ideas. Trustee Meyer said he has not decided whether he will support or oppose this new plan but he is in favor of allowing the proposed development to go through the PCZBA review process.

Trustee Towle said his vote tonight is not an endorsement for the proposed project because he believes the scale is too large and inappropriate for that site. The PCZBA review process should be allowed to continue with a perspective developer that is willing to make compromises appropriate for the site and he intends to vote in favor of the text amendment.

Trustee Markee said she has reviewed previous discussions and meeting videos regarding this matter and appreciated all the public comments. She feels the Village should be open to the idea of new projects and should consider a text amendment so the proposed development can proceed through the PCZBA review process.

Trustee Dewart said it is useful and practical to allow the PCZBA to consider any current or future creative opportunities which could utilize the Block Three parcels; therefore, he would vote in favor of the text amendment.

In the absence of Trustee Charlot, President O'Hara read his email which stated "I'm in favor of moving forward with the text amendment to allow the PCZBA to continue its discussion."

In response to a question from Trustee Ankenman, Village Administrator Drew Irvin commented on the actions which an Applicant may pursue as opposed to the Board directing Staff to initiate a text amendment, but he it is his belief that the PCZBA specifically asked the Board for its feedback regarding this matter.

Trustee Ankenman said it seems everyone has expressed a desire to continue the discussion. The question has been asked "What is new and what is different" and her answer is "The public comments are more diverse;" therefore, she would be in favor of a text amendment.

In response comments from the Board, Village Attorney Peter Friedman stated the proposed or applied for text amendment would be in regards to a public hearing on whether the height limitation and/or related variation requirements should be amended or removed from the PMD regulations. The Board would be the Applicant for the text amendment which will require a separate vote, apart from the proposed development. He clarified the fact that the Board is initiating a text amendment does not in any way restrict how it may ultimately vote on the text amendment. This is a separate legislative determination and the Board has a lot of discretion with regard to whether or not to grant a PMD and if granted, the conditions and restrictions that are part of that approval. Also, he stated the actions taken this evening will not undermine the Boards authority to deny the proposed plan or any future plans.

Trustee Towle made a motion to direct Staff to submit an application for a text amendment as described. Trustee Meyer seconded the motion. The motion passed on a unanimous voice vote with no one opposing.

**9. ITEM #7B – VILLAGE ADMINISTRATOR’S REPORT: PRESENTATION OF CONGRESS FOR NEW URBANISM ILLINOIS CHAPTER “Third Place” AWARDS TO PRAIRIE ESPRESSO+WINE BAR AND LAKE BLUFF BREWERY**

Village Administrator Irvin stated this agenda item will be tabled until the January 27, 2020 Village Board meeting because the CNU Illinois Representative had fallen ill.

**10. ITEM #7C – VILLAGE ADMINISTRATOR’S REPORT: REPORT FROM THE LAKE BLUFF POLICE DEPARTMENT REGARDING AN AGREEMENT WITH RING HOME SECURITY**

Village Administrator Irvin introduced the agenda item and invited Sergeant Thomas Vinson to the podium to give the presentation.

Sergeant Vinson said Ring/Amazon Home Security desires to partner with law enforcement to create safer communities through the use of its app (Neighbors by Ring). The app would allow its users to report crimes within their neighborhood, upload video and video evidence to warn the local community, receive real-time crime and safety alerts from local law enforcement. The program is free to the Police Department and anyone that desires to download the app and then he provided an overview of the app components. Sergeant Vinson reviewed the privacy aspects associated with the app and noted there is no live access, no databases, only uploaded content can be view by local law enforcement and Ring will not provide an email or physical residential address without the user’s permission. Sergeant Vison said this is a free easy investigative tool which will benefit the Police Department.

In response to questions from the Board, Sergeant Vinson said Google Nest doorbell system will allow residents to upload videos but they will not receive any notifications. The videos loaded through the Ring website will be stored in the cloud for 30 days and only a few officer will have access. The app is an inexpensive investment which have become quite popular throughout the community and the plan is for Staff to use various media sources to provide residents with information regarding this program.

In response to a question from Trustee Dewart, Village Attorney Friedman said users may voluntarily provide video for use by local law enforcement but cannot be compelled to provide a video unless their issued a subpoena.

Interim Police Chief Mike Hosking said there is an element of crime prevention with a ring doorbell and the Lake Bluff Police Department does not endorse ring or sell the doorbell. The door bell has a blue ring at night which could deter criminals so he thinks it is an important piece of crime prevention.

**11. ITEM # 8 – VILLAGE ATTORNEY’S REPORT**

Village Attorney Friedman said Holland and Knight recently gave a presentation seminar to their Police Department clientele regarding the enforcement, enactment and effective of the recreational cannabis statute. The information presented pertained to towns that allowed dispensaries or cannabis businesses within their boundaries and those that have prohibited these businesses. He thanked the Lake Bluff Interim Police Chief for attending the presentation.

**12. ITEM #9 – VILLAGE PRESIDENT’S REPORT CONTINUED**

President O’Hara said prior to the oath she should have read the agenda cover which states that on December 9, 2019 President O’Hara announced that Trustee Eric Grenier needed to resign from his position as Village Trustee due to a move out of town because the remainder of Trustee Grenier unexpired term is less than 28 months, Illinois Law, provides that the Village President must appoint someone with Village Board consent to fill the vacancy for the unexpired portion of the term which will end April 30, 2021. She said Mr. Dewart previously served as Village Trustee from 2011 to 2019 and Finance Committee Chairman. He has served on numerous local Boards and Committees including Alternate Director to the Central Lake County Joint Action Water Agency, Village Board Liaison to the Multi-Jurisdictional Fire-EMS Services Task Force, Chair of the Village Quasiquicentennial Celebration Committee, Administrative Board President and Trustee of Grace United Methodist Church, President and Board Member of Lake Forest-Lake Bluff Rotary Club, Board Member of Lake Bluff History Museum, Chairman of Gorton Community Center and Foundation, President of the Lake Bluff Community Development Association and Lake Bluff representative on the Lake Forest Senior Resources Commission. She further stated in conjunction with this appointment, Trustee Dewart has been asked to return to his role as Alternate Director to the Central Lake County Joint Action Water Agency.

**13. ITEMS # 10, #11, AND #12 – CONSENT AGENDA**

President O’Hara introduced the following Consent Agenda items for consideration:

- 10. Correspondence Delivered in the December 6, 13, 20 and 27, 2019 and January 3, 2020 Informational Reports;
- 11. An Ordinance Appointing a Director and an Alternate Director to Represent the Village of Lake bluff on the Central Lake County Joint Action Water Agency; and
- 12. Second Reading of an Ordinance Amending Title I of the Municipal Code Regarding the Comprehensive Fee Schedule (Water Meter Reading Fee for Manual Reads).

Trustee Meyer moved to approve the consent agenda. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

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

Following a comment from Village Administrator Irvin, Trustee Meyer made a motion to waive second reading of an ordinance appointing a director and an alternate director to represent the Village of Lake Bluff on CLCJAWA. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

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

**14. ITEM #13 – A RESOLUTION AMENDING THE VILLAGE’S BACKYARD BEEKEEPING PILOT PROGRAM REGULATIONS**

President O'Hara reported on January 8, 2018, the Village Board approved two pilot programs to authorize the keeping of chickens and bee hives on residential properties within the Village as a pilot program ending March 1, 2021. At present, there are two chicken permittees and zero bee permittees within the Village. There have been no reported issues with either chicken keeping permit. She further reported after two years of experience administering and overseeing the program, Staff and the Sustainability and Community Enhancement Ad Hoc Committee (SEC) have recommended three minor changes that apply to both programs:

- **Application Fee:** The administrative time necessary to process a renewal has proven to be minimal. The amendments would establish that the fee is only for "initial" applications and not renewals.
- **Form of Notice:** The pilot programs were unique in that they direct the owner to send notice via certified mail of the public meeting for the permit they are seeking. Verifying that these letters are proper as to form and are sent properly has proven more time-consuming than the Village sending letters using its existing systems and workflows. The amendments would have the Village mail notice by first class mail in the same manner as other reviews at public meetings (e.g. zoning).
- **Registration with Illinois Department of Agriculture:** Pilot program participants have reported difficulty satisfying this requirement, as the State's application process is intended for large commercial feeding operations and not small residential coops. At least one permittee has reported that the State has not replied to their registration. The amendments would eliminate the registration requirement for the chicken program. For the bee program, which is subject to mandatory registration under state statute, the permittee would only need to demonstrate that a registration was submitted.

President O'Hara reported as the pilot programs expire on March 1, 2021, both the SEC and the Village Administrator recommend that the Village Board discuss next steps after the conclusion of the pilot program period. These administrative changes require two separate resolutions to implement. This resolution applies these changes to the beekeeping pilot program.

As there were no questions from the Board, Trustee Towle moved to adopt the resolution. Trustee Dewart seconded the motion. The motion passed on a unanimous voice vote.

**15. ITEM #14 – A RESOLUTION AMENDING THE VILLAGE'S BACKYARD CHICKEN PILOT PROGRAM REGULATIONS**

President O'Hara stated this agenda item applies the aforementioned changes to the backyard chicken pilot program.

Village Administrator Irvin said a future Committee of the Whole meeting will be held to discuss the short term rental pilot program which ends April 2020.

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

**16. ITEM #15 – A RESOLUTION APPROVING A SITE PLAN TO ADD EXTERIOR CLADDING TO BEAMS AT THE LAKE BLUFF LIBRARY AT 123 EAST SCRANTON AVENUE**

President O’Hara reported the library has had a problem with water leaks along the beams on the Lake Bluff History Museum side of the building. These beams begin above the roof and run downward into the building. The water infiltrates into the beams outside and then travels down the beams into the building. Engberg Anderson Architects has designed a remedy that involves cladding the exterior portions of the beams with prefinished aluminum, with the coping on the top to be slate gray in color and the fascia on the sides and bottom to be mansard brown. She further reported this item was reviewed by the Architectural Board of Review (ABR) at their meeting on January 7. The ABR voted 6-0 to recommend that the Village Board approve the site plan.

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

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

**17. ITEM #16 – A RESOLUTION APPROVING A SITE PLAN TO EXPAND A PARKING LOT AND LANDSCAPING AT 999 SHERWOOD DRIVE**

President O’Hara reported the Animal Hospital of West Lake Forest is proposing to move into one of the two buildings on the Smedbo property at 999 Sherwood Drive. The Village Board conditionally approved the Special Use Permit for the Animal Hospital at its November 25 meeting; this approval contemplated future ABR consideration of exterior modifications to include a garbage enclosure. At the January 7 ABR meeting, Dr. Brian DiFuccia presented plans for building alterations, a garbage enclosure, rooftop HVAC unit screening, parking lot expansion, and landscaping. After a discussion, the consensus was that he would revise the plans for building alterations, garbage enclosure, and HVAC screening, and return for approval of those at a later date. Signage will also be submitted for review at a later date. She further reported the ABR voted 6-0 to recommend that the Village Board approve the site plan for the parking lot expansion and landscaping.

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

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

**18. ITEM #17 – TRUSTEE’S REPORT**

Trustee Dewart, Chair of the Village Quasiquicentennial Celebration Committee, said he was pleased to see the Police Department wearing the new badges commemorating the Lake Bluff Quasiquicentennial. He said residents will soon receive a calendar with information about upcoming community wide activities in celebration of the Village of Lake Bluff 125<sup>th</sup> Anniversary.

**19. ITEM #18 –EXECUTIVE SESSION**

At 8:18 p.m. Trustee Meyer moved to enter into Executive Session for the purpose of discussing Personnel (5 ILCS 120/2(c)(2)) and Actual Litigation. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

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

There being no further business to discuss, Trustee Ankenman moved to adjourn out of executive session. Trustee Dewart seconded the motion and the motion passed on a unanimous voice vote at 8:58 p.m.

**20. ITEM #19 – ADJOURNMENT**

Trustee Markee moved to adjourn the regular meeting. Trustee Towle seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 8:58 p.m.

Respectfully Submitted,

---

R. Drew Irvin  
Village Administrator

---

Megan Michael  
Village Clerk