

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR VIRTUAL MEETING
APRIL 27, 2020**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O'Hara called the meeting to order at 7:01 p.m. and Village Clerk Megan Michael called the roll.

The following were present:

Village President: Kathleen O'Hara

Trustees: Barbara Ankenman
Regis Charlot
Mark Dewart
Joy Markee
William Meyer
Aaron Towle

Also Present: Megan Michael, Village Clerk
Peter Friedman, Village Attorney
Drew Irvin, Village Administrator
Bettina O'Connell, Finance Director
Jeff Hansen, Village Engineer
Mike Hosking, Police Chief
Glen Cole, Assistant to the Village Administrator (AVA)

Following a request from President O'Hara, Village Attorney Peter Friedman said all of these remote public meetings are in reliance on the Governor's March 16th Executive Order in which he suspended the Open Meetings Act (OMA) requirement that otherwise requires a quorum of the public body to be physically present. That is obviously not advisable now given the public health emergency so the Governor suspended that requirement of the OMA and since then thousands of public bodies including the Village have conducted themselves accordingly. He said yesterday there was a complaint filed in Clay County by a down state representative seeking an injunction enjoining the Governor from enforcing his stay-at-home order against that state representative. Today the judge granted a preliminary injunction against the Governor and the stay-at-home order. Since then we have gotten a lot of questions about how that may impact the ability of public bodies to continue to meet remotely. It is the Village Attorney's opinion that the order from a downstate judge, on a preliminary basis does not invalidate or even deal with the Governor's March 16th order, which is not his stay-at-home order, in which he suspended the rule. Also the injunction was solely brought by one individual, was not a class action, and the order itself only applied by its terms to enjoining the Governor from enforcing the state-at-home order against that individual, so it does not impede the Village from proceeding with the meeting. Village Attorney Friedman restated his answer to the question raised by Trustee Meyer at the Finance Committee meeting -- even in the unlikely event that the Governor's inevitable appeal is denied, he sees no circumstances in

which a court would invalidate actions taken at previous public meetings. At the most the court would just require going forward for public bodies to have a quorum physically present. Village Attorney Friedman said he thinks the Village Board is on solid legal grounds to proceed as planned this evening.

2. PLEDGE OF ALLEGIANCE

President O'Hara led the Pledge of Allegiance.

3. AWARDS AND PROCLAMATIONS

President O'Hara read the proclamation declaring May 2020 *National Preservation Month*.

President O'Hara said the Government Finance Officers Association (GFOA) established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. The Village of Lake Bluff was awarded the Certificate of Achievement for the Excellence in Financial Reporting for its fiscal year 2019 comprehensive annual financial report. This is the highest form of recognition in governmental accounting and financial reporting. President O'Hara said despite receiving this award numerous times, Staff remains committed to continue working on improving the quality of financial documents and maintaining transparency. Staff is appreciative of the Village Board and Finance Committee's support and guidance in these efforts. President O'Hara thanked the Finance Department and Administrative Staff for another achievement award.

Trustee Dewart asked how many awards have the Village received. Village Administrator Drew Irvin said the Village has been receiving these type of awards for decades.

4. CONSIDERATION OF THE MINUTES OF THE APRIL 13, 2020 VILLAGE BOARD MEETING

Following a comment from Village Administrator Irvin, Trustee Dewart moved to approve the April 13, 2020 Board of Trustees Regular Meeting Minutes as amended. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle
Nays: (0)
Absent: (0)

5. 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.

6. ITEM #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 APRIL 16-30, 2020

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$230,413.28 for April 16-30, 2020 for a total amount of \$230,413.28.

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

8. ITEM #7B – MARCH 2020 FINANCIAL REPORT

At President O’Hara’s request, Finance Director Bettina O’Connell provided a brief summary of the March 2020 Finance Report highlighting major revenue sources and expenditures for the period.

- The sales tax revenue on a cash basis for FY20 through December is \$2,368,435, 6.5% or \$144,467 greater than the same reporting period in FY19.
- Home rule sales tax revenue on a cash basis for FY20 through December is \$684,581, or 2.76% greater than the same reporting period in FY19, with annual administrative fees totaling \$10,402.
- Building Permit revenue for FY20 to date is \$352,505 or \$20,666 less than last fiscal year for the same period.
- The May-March FY20 expenditures of \$8,704,482 are \$500,786 less than the expenditures for the same period in FY19.
- Current expenditures are consistent with or less than the budget.

In response to the aforementioned question from Trustee Dewart, Finance Director O’Connell said the Village has received a total of 26 GFOA awards.

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

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot
Nays: (0)
Absent: (0)

9. ITEM #8A – VILLAGE ADMINISTRATOR’S REPORT: CONSIDERATION OF A RESOLUTION ADOPTING THE VILLAGE OF LAKE BLUFF 2020 LOCAL BUSINESS GRANT PROGRAM IN RESPONSE TO THE COVID-19 PANDEMIC TO SUPPORT RECOVERY OF THE LOCAL BUSINESS COMMUNITY

Village Administrator Irvin said this evening the Finance Committee discussed the possible establishment of a grant program to support the economic recovery of local businesses from the COVID-19 Pandemic.

The Finance Committee's recommendation was to approve the program as set forth in the resolution included in the packet and he noted the local stimulus grant program is a **one-time opportunity** for businesses for this initial period. The Finance Committee recommended the Village Board revisit the matter in July 2020 to determine if there is another opportunity for additional programs, and weigh that against other competing Village projects, to determine where revenue is being generated, and if there is any more clarity brought on during this economic downturn. The intent is to clarify between now and the next Board meeting whether or not certain sources of revenue for businesses, namely gift certificates, will be represented on the sales tax, if that would offset some participation by potentially eligible businesses, but to clarify by May, if there are any changes we can bring forward at that time.

Following a comment from Village Administrator Irvin, President O'Hara allowed a brief intermission to allow the public an opportunity to address the Board regarding this matter.

Joanna Rolek, Executive Director of the Lake Forest/Lake Bluff Chamber of Commerce, relayed on behalf of the Board of Directors their support for the approval of this proposed small business grant program. She thanked the Village Board for their leadership, support and participation, and Jeff Urso and other business people in town for spearheading the request. She said the Chamber is happy to work alongside our beloved business community but there are additional challenges that needs to be addressed. She said that the Finance Committee deliberations were terrific and, though we recognize that there are sectors of the economy that are not eligible because they do not generate sales taxes, the Chamber would love to see support for some of the other types of businesses. Ms. Rolek said she understands there are economic challenges to expanding the scope of this support but they respectfully request consideration of the possibility of assistance for businesses that are not sales tax generators. There are many businesses that have been required to cease all operations and their continued existence is of concern to us. Ms. Rolek stated that it is very important that we all continue to support those businesses that are closed and considered non-essential by the Governor's Order. The plan is to continue to sell gift certifications and she hope the public will continue to support them, but if there is anything that can be done for this additional business sectors, after the program is reviewed in July, it will be greatly appreciated.

Susie McMurray said her local business, Floatstone, does generate some sales tax but she has not qualified for any kind of federal stimulus funds. She said the business is her sole means of income and she hopes that some type of funding will be considered for non-sales tax generating businesses.

Following a comment from Trustee Dewart, President O'Hara said funding alternatives will be discussed at a future Finance Committee meeting, keeping in mind the overall Village budgetary concerns.

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

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart
Nays: (0)
Absent: (0)

Village Administrator Irvin expressed his appreciation to staff, public safety workers, and public works personnel and said the team has performed remarkably as it continues to operate in a very uncomfortable and unusual environment.

10. ITEM #9 – VILLAGE ATTORNEY'S REPORT

Village Attorney Peter Friedman had no report.

11. ITEM #10A – VILLAGE PRESIDENT’S REPORT: APPOINTMENTS TO VILLAGE ADVISORY BOARDS AND COMMISSIONS

President O’Hara said the Village recently lost a longtime resident, volunteer and civic leader in the passing of Christine Letchinger. Ms. Letchinger served on the Village Board as a Village Trustee then two terms as Village President (1999 to 2013), Lake Bluff School Board, President of the Mosquito Abatement Board and Director of the Lake Bluff History Museum. She was an expatriate from Paris, France who settled in the Village with her husband and two children approximately 30 years ago and she will be greatly missed. The Village Board observed a moment of silence in her memory.

President O’Hara continued her report by stating the Village President is required by the municipal code to appoint/reappoint members to the Village’s various advisory Boards and Commissions, subject to the consent of the Board of Trustees. The following Village residents are recommended as indicated below:

Architectural Board of Review (2 year term): Timothy Callahan
Robert Hunter
Julie Wehmeyer

Historic Preservation Commission (4 year term): Janie Jerch

Police Pension Fund Board (2 year term) Mark Betz
Tim Morris, Jr.

In addition, President O’Hara said the Village President also recommends reappointment of the following chairpersons and vice chairperson to one year terms:

- Architectural Board of Review Chair – Robert Hunter
- Historic Preservation Commission Chair – Steve Kraus
- Historic Preservation Commission Vice Chair – Cheri Richardson
- Plan Commission and Zoning Board of Appeals Chair – Gary Peters

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

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee
Nays: (0)
Absent: (0)

12. ITEM #10B – VILLAGE PRESIDENT’S REPORT: MOTION TO EXTEND THE VILLAGE PRESIDENT’S DECLARATION OF CIVIL EMERGENCY

President O’Hara reported on March 18, 2020 President O’Hara issued a Declaration of Emergency for the Village of Lake Bluff (“Declaration”) related to the COVID-19 emergency. The Declaration, among other things, provided that: (1) physical fitness facilities and membership sports and recreational clubs must close; (ii) the Village may enter into contracts for the emergency purchase of goods and services; (3) the Village Administrator may implement emergency staffing protocols pursuant to the Village’s

respective collective bargaining agreements; and (4) directed Village officials and employees to cooperate with other government agencies. The Village President had the authority to issue the Declaration pursuant to the enabling provision set forth in the Lake Bluff Municipal Code. She further reported in accordance with Illinois statutes, the Village President's Declaration lasted only for a period of seven days, unless it was extended by action of the Village Board. At its March 18 and April 13 meetings, the Village Board extended the Declaration until the next subsequent Village Board meeting. Because the Village Board will meet on April 27, 2020, the Declaration will expire at the end of that Board meeting unless the Board extends the duration of the Declaration.

President O'Hara reported the agenda for the Board meeting has been prepared in a manner to allow the Board, if it so desires, to extend the term of the Declaration. The extension can be accomplished by a motion, a second, and a roll call vote. No written ordinance or resolution is necessary. If the Village Board desires to extend the Declaration, the motion needs to include an expiration date. President O'Hara requested that the Declaration be extended until the next regular Village Board meeting.

Trustee Meyer made a motion to extend the Declaration to the next regular or emergency Village Board meeting. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Towle, Ankenman, Charlot, Dewart, Markee and Meyer
Nays: (0)
Absent: (0)

13. ITEM #11 – ACCEPTANCE OF THE CORRESPONDENCE

President O'Hara introduced the correspondence from the Informational Reports on April 10 and 17, 2020.

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

14. ITEM #12 – SECOND READING OF AN ORDINANCE AMENDING THE SECOND YEAR OF THE BIENNIAL BUDGET OF THE VILLAGE OF LAKE BLUFF FOR THE FISCAL YEAR BEGINNING MAY 1, 2018 AND ENDING APRIL 30, 2020

President O'Hara reported Staff recommends amending the FY20 Biennial Budget ("Budget") in the amount of \$161,718 to (i) align expenses as authorized by Village Board resolution with budgeted amounts in the second year of the Budget and (ii) reduce the General Fund contributions to the Vehicle Replacement Fund (expense) so as to prepare for anticipated revenue shortfalls due to the COVID-19 pandemic. Specifically, this recommended Budget amendment is related to the following expenses:

- Resolution #2020-10 – Approving the purchase of additional Fire Department turnout gear to include the FEMA Assistance to Firefighters Grant.
- Resolution #2019-60 – Authorizing the additional purchase of rock salt under the Joint Purchasing Program of the State of Illinois.
- Resolution #2019-19 & 71 - Adding contractual costs associated with the Street Non-MFT program.
- Resolution #2019-51 – Approving the change order for the rollover cost related to the Village's block one tree grate project.

- Resolution #2018-45 – Authorized up to \$150,000 for Underpass Storm Relief Study that crossed multiple years and billings were out of sync with budget.
- Resolution #2019-36 & additional Board approval at 3/9/2020 meeting– Approving contractual cost for the Green Bay Road reconstruction in the current fiscal year.
- Reversal of the Vehicle Replacement transfer amounts from the various General Fund Departments.

As there were no questions from the public or Board, Trustee Ankenman moved to approve the ordinance. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle
Nays: (0)
Absent: (0)

15. ITEM #13 – A PUBLIC HEARING CONCERNING THE VILLAGE OF LAKE BLUFF PROPOSED FISCAL YEAR 2021 BIENNIAL BUDGET UPDATE

President O’Hara reported as required by law, the Village must hold a public hearing on the FY2021-2022 Tentative Biennial Budget (“Budget”) after which hearing the fiscal plan may be revised and passed without any further inspection, notice or hearing. Notice of this hearing was published in the *Lake County News-Sun* on March 31, 2020. She further reported the Village Board opened the public hearing at its April 13th Virtual Meeting and continued the hearing to its April 27th meeting to allow additional time for public participation due to the COVID-19 emergency. The Finance Director previously presented a summary report of the Budget on April 13th and will be available to respond to questions at the hearing.

As there were no comments from the public, Board or Staff, President O’Hara closed the public hearing.

16. ITEM #14 – SECOND READING OF AN ORDINANCE ADOPTING THE BIENNIAL BUDGET FOR THE VILLAGE OF LAKE BLUFF FOR THE FISCAL YEARS COMMENCING MAY 1, 2020 AND ENDING APRIL 30, 2022

President O’Hara reported the tentative Biennial Budget for the next two years includes **\$15,752,678** plus **\$1,280,109** in inter-fund transfers for FY2021 and **\$16,237,844** plus **\$1,712,500** in inter-fund transfers for FY2022. She said that these sums include both the Village of Lake Bluff funds and the Lake Bluff Public Library funds. She further reported the Village utilizes a multi-year budget process because it emphasizes long-range planning, budgeting for results, effective program management, and fiscal responsibility. The primary objectives of this budget are to:

- maintain current fund balances at or above Village minimum reserve levels,
- control operational costs,
- continue reinvestment in Village infrastructure, and
- continue to deliver quality and efficient services residents expect from the Village of Lake Bluff.

President O’Hara reported this budget has been assembled with the intention to allocate resources consistent with the 2023 Village Strategic Plan and contemplates capital expenditures of \$2.86 and \$3.36 million for FY2021-22 (respectively) which represents about 20% of the total budget each year. She further reported on March 9, 2020, the Village Finance Committee discussed and recommended approval of this tentative budget document, which was available for public inspection on March 26, 2020 at the

Village Hall, the Public Safety Building as well as on-line at the Village's website at *lakebluff.org*. Modifications to that recommended budget (reduced revenue expectations and deferment of certain capital investment, namely FY20 and FY21 contributions to the Vehicle/Equipment Replacement Fund) are highlighted in the reports and documents.

Following a request from Village Administrator Irvin, AVA Cole explained how members of the public can participate in the meeting pursuant to the video meeting guide then forwarded the queued public comment.

Village Administrator Irvin read the public comment regarding the Lake Bluff stimulus grant program which stated: "Dear Trustees I'm watching this new meeting but new at this and didn't get my comment/request in. I own and earn my full-time income from Fit for Life Rehab and Fitness Clinic in Lake Bluff. We provide physical therapy and fitness programs in a one-on-one environment. I'm in my 25th year of a successful clinic and I am a resident of Lake Bluff. Due to the mandate from the Village of Lake Bluff and my concern for transmission of the COVID-19 virus, until further notice my clinic has been closed since mid-March. I've had no income since then and many business and personal bills to pay monthly. The service businesses in Lake Bluff are an integral part of our community, if we fold, important aspect of the fabric of our community will change also. Please consider and pass a stimulus program for our businesses also. Thank you for your attention to this important issue. I greatly appreciate it as do the other service businesses in Lake Bluff, best regards Susie Duttge, Fit for Life Rehab and Fitness Clinic."

President O'Hara said the Finance Committee will review this matter at its July meeting.

As there were no further comments from the public or Board, Trustee Markee moved to approve the ordinance. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman
Nays: (0)
Absent: (0)

17. ITEM #15 – SECOND READING OF AN ORDINANCE AMENDING TITLE I OF THE MUNICIPAL CODE OF THE VILLAGE OF LAKE BLUFF REGARDING THE COMPREHENSIVE FEE SCHEDULE

President O'Hara reported as part of the budget development process, the Finance Committee reviews the comprehensive fee schedule. At its March 11 meeting, the Committee provided direction to staff regarding fee modifications to promote electric vehicles as well as sustainable construction practices. Based on this direction, the Ordinance would:

- Waive vehicle sticker fees for electric vehicles bearing Illinois "EL" plates until May 1, 2025. (Eligible vehicles would still be required to register annually and receive a Village sticker.)
- Waive building permit fees to install electric vehicle chargers until May 1, 2025. (This would apply to residential as well as commercial projects.)

President O'Hara reported additionally, the Finance Committee indicated that it wished to further consider more targeted incentives in addition to general incentives for sustainable construction practices. If the Village Board wishes to establish these general incentives in the interim, the Ordinance would provide a 25% discount for LEED and PHIUS+ qualified projects. Based on the Finance Committee's direction, this

incentive is specific to residential and institutional projects, and excludes new subdivisions of four lots or greater. Finally, President O’Hara said that the Village Administrator recommends:

- Adding footnotes to the Fee Schedule that formalize the Village Board’s prior direction to waive fees:
 - For water tap size increases necessary to provide retro fit residential fire sprinklers.
 - For storm sewer connections that reduce existing residential flooding problems.
- Minor technical changes to:
 - Note a vehicle sticker discount available to students in the fee schedule.
 - Move a demolition fee from the footnotes to the body of the fee schedule.

As there were no comments from the public or Board, Trustee Dewart moved to approve the ordinance. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot
Nays: (0)
Absent: (0)

18. ITEM #16 – AN ORDINANCE AMENDING TITLE 6 OF THE LAKE BLUFF MUNICIPAL CODE REGARDING PARKING REGULATIONS IN THE VILLAGE

President O’Hara reported the Lake Bluff Municipal Code (“Code”) sets forth certain motor vehicle and parking regulations for the Union Pacific/Metra Commuter Station, the Lake Bluff Commuter Parking Lot, and other vehicle parking areas throughout the Village. A recent review by the Police Department revealed a number of discrepancies between the parking signs posted throughout the Village and the parking regulations within the Code. The recommended amendments to the various parking schedules correct the regulations to make them fully enforceable, as was originally intended, and do not require any changes to the existing posted signage.

In response to a question from Trustee Markee, Village Administrator Irvin said the item could be considered housekeeping but it is important to ensure rules within the code are consistent with on-street signage.

As there were no further questions from the Board, Trustee Charlot moved to approve first reading of the ordinance. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart
Nays: (0)
Absent: (0)

19. ITEM #17 – A RESOLUTION APPROVING THE APPOINTMENT OF THE BUILDING COMMISSIONER AND DEPUTY BUILDING COMMISSIONERS

President O’Hara reported in accordance with Village Code, the Village Board considers the recommendation of the Village Administrator regarding the annual appointment of certain Village Officials (Section 6 of Title I). Pursuant to the Village Code, the positions requiring Village Board consideration on an annual basis are the Building Commissioner and Deputy Building Commissioners. As such, it is recommended that R. Drew Irvin be reappointed as the Village’s Building Commissioner

and Michael Croak and Jeff Hansen be reappointed as Deputy Building Commissioners for the Fiscal Year beginning May 1, 2020 and ending April 30, 2021.

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

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee
 Nays: (0)
 Absent: (0)

20. ITEM #18 – A RESOLUTION APPROVING THE VILLAGE OF LAKE BLUFF 2020-2021 OFFICIAL PAY PLAN

President O’Hara reported attached is a Resolution approving the Village of Lake Bluff Official Pay Plan (Pay Plan) for Fiscal Year beginning May 1, 2020. This document, which is updated annually, establishes the authority and official guidelines by which the Village Administrator may appoint, promote, evaluate and compensate all Village employees except those employees subject to one of the Village’s three collective bargaining agreements (Police Sergeants, Police Officers, and Public Works unions). President O’Hara further reported a main component of the Pay Plan is the schedule of salary ranges for the various Village positions. She stated that actual non-union employee pay increases are strictly performance based; there are no cost of living adjustments. The Fiscal Year 2020 Annual Budget includes a 3% pool for these salary adjustments. Consistent with Village pay policy, the attached Pay Plan reflects adjustments to the ranges for the following positions:

Title	Min	Max
Finance Clerk	\$47,320	\$70,720
Admin. Secretary	\$47,320	\$70,720
Police Records	\$47,320 (<i>Unchanged</i>)	\$70,720
Executive Asst.	\$52,100	\$70,720
Asst. to Village Admin.	\$65,015 (<i>Unchanged</i>)	\$109,200
Deputy Chief of Police	\$115,440	\$150,280
Chief of Police	\$125,320	\$175,240
Finance Director	\$125,320	\$175,240

President O’Hara reported additionally, the pay plan’s hourly pay schedules have been adjusted to reflect automatic changes to the State’s minimum wage. At their March 9th meeting, the Finance Committee reviewed the schedule of salary ranges, a comparison survey of salaries to comparable communities, and recommended approval of the Pay Plan.

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

Ayes: (6) Towle, Ankenman, Charlot, Dewart, Markee and Meyer
 Nays: (0)
 Absent: (0)

21. ITEM #19 – A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BY AND AMONG THE VILLAGE, MIDWOOD, LCC, AND VENCOM RESIDENTIAL HOLDINGS, LLC

President O’Hara reported in August 2018 Midwood, LLC filed suit against the Village and a number of adjacent property owners concerning habitual flooding affecting the property located at 1001 Sheridan Road (an approximately 13-acre estate lying just south of Arbor Drive in the Village). As it concerns the Village, the suit alleges that the Village’s culverts at Arbor Drive and Arden Shores Drive improperly impede the natural flow of water from 1001 Sheridan Road. During the course of litigation, another defendant – Vencom Residential Holdings, LLC – filed a cross-claim against the Village. She further reported the agreement would settle all claims against the Village in the suit provided that:

- The Village agrees to issue permits, if applicable, for to-be-determined stormwater improvements to be constructed benefitting Midwood and other properties along Arbor Drive; and,
- The Village contributes up to \$25,000 towards the cost of the improvements, provided that Midwood obtains a court order allowing it to make their proposed improvements. IRMA, the Village’s insurance provider, has agreed to contribute 50% of these costs.

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

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle
Nays: (0)
Absent: (0)

22. ITEM #20 – TRUSTEE’S REPORT

There was no Trustee’s report.

23. ITEM #21 – EXECUTIVE SESSION

At 7:58 p.m. Trustee Markee moved to enter into Executive Session for the purpose of discussing Threatened Litigation (5 ILCS 120/2(c)(11)) and Purchase of Real Property (5 ILCS 120/2(c)(5)). Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman
Nays: (0)
Absent: (0)

Village Attorney Friedman reviewed the closed session procedures. He stated publicly that there will not be any further business when the Board comes out of closed session but, nonetheless and without objection from the Board, the Village President will return to the public zoom meeting to officially adjourn the open session after executive session. There were no objections from the Board.

There being no further business to discuss, Trustee Towle moved to adjourn out of executive session. Trustee Markee seconded the motion and the motion passed on a unanimous voice vote at 9:34 p.m.

24. ITEM #22 – ADJOURNMENT

President O'Hara adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk