

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 14, 2013**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President Letchinger called the meeting to order at 7:00 p.m., in the Lake Bluff Village Hall Board Room, and Village Clerk William Meyer called the roll.

The following were present:

Village President: Christine Letchinger

Trustees: Marina Carney
Steve Christensen
Mark Dewart
John Josephitis
Kathleen O'Hara
Brian Renner

Also Present: William Meyer, Village Clerk
Drew Irvin, Village Administrator
Peter Friedman, Village Attorney
Susan Griffin, Finance Director
Jake Terlap, Public Works Superintendent
David Belmonte, Deputy Police Chief
William Gallagher, Police Chief
Gerald Nellessen, Building Codes Supervisor
Brandon Stanick, Assistant to the Village Administrator

2. PLEDGE OF ALLEGIANCE

President Letchinger led the Pledge of Allegiance.

3. AWARDS AND PROCLAMATIONS

President Letchinger reported the Village has been awarded the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the 20th consecutive year. The award recognizes governments whose comprehensive annual financial reports go beyond the requirements of generally accepted accounting principles and are prepared in the spirit of transparency and full disclosure.

4. CONSIDERATION OF THE MINUTES

Trustee Carney moved to jointly approve the December 10, 2012 Board of Trustees Regular

Meeting Minutes and the December 11, 2012 Board of Trustees Special Meeting Minutes as presented. Trustee O'Hara seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Rener
Nays: (0)
Absent: (0)

5. NON-AGENDA ITEMS AND VISITORS

President Letchinger stated the Board of Trustees allocates 15 minutes for those individuals who would like the opportunity to address the Village Board on any matter not listed on the agenda.

Mr. David Barkhausen (714 E. Prospect Avenue) expressed his concern regarding unsolicited materials and commercial solicitation deposited on Village streets and public right-of-ways and asked if there was a nuisance ordinance that could be expanded to address this particular matter.

In response to Mr. Barkhausen's comment regarding legal implications regulating the deposit of newspapers, Village Attorney Peter Friedman stated newspapers are subject to reasonable time, place and manner restrictions and there are ways to regulate unsolicited newspapers especially if they are landing on Village property as opposed to private property.

6. VILLAGE BOARD SETS THE ORDER OF THE MEETING

At the request of those present, Trustee Josephitis moved to take Agenda Items #12, #13, #14, #15, #16 and #17 then return to the regular order of the meeting. Trustee O'Hara seconded the motion. The motion passed on a unanimous voice vote.

7. ITEM #12 – A RESOLUTION HONORING THE PUBLIC SERVICE OF FORMER POLICE COMMANDER DEBBY L. HARTWIG

President Letchinger read the resolution honoring the public service of Debby L. Hartwig and presented her with a framed copy of the resolution. Deputy Police Chief David Belmonte presented her with a service ward and a certificate from Governor Pat Quinn expressing his appreciation for her service and recognizing her retirement from the Lake Bluff Police Department.

Commander Hartwig expressed her appreciation to the Village Board, Police Department and thanked her family for their support. She stated it was an honor and privilege serving the residents of Lake Bluff for the past 30 years.

Deputy Police Chief Belmonte, on behalf of Police Chief William Gallagher, spoke of the many contributions Commander Hartwig made to the Village. Lastly, he stated that Commander Hartwig was the second female supervisor in the history of the 116 year old Police Department and the first female Commander in the Department's history.

Trustee O'Hara expressed her appreciation to former Commander Hartwig for her dedication to the community and for upholding the highest honors as a Commander.

Trustee Dewart moved to adopt the resolution. Trustee Christensen seconded the motion. The motion passed on a unanimous voice vote.

President Letchinger allowed a brief intermission.

8. ITEM #13 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO PASTA PALOOZA, INC. TO PERMIT OPERATION OF AN EATING PLACE AT 18 AND 20 E. SCRANTON AVENUE

President Letchinger reported on November 28, 2012 the Village received a zoning application from business owner Michael Moore (Petitioner) seeking a special use permit (SUP) to operate a food establishment without a drive through facility at 18 and 20 E. Scranton Avenue known as Pasta Palooza, Inc., a family-friendly Italian restaurant. On December 19, 2012 the Plan Commission and Zoning Board of Appeals (PCZBA) conducted a public hearing to consider the request and unanimously recommended the Village Board grant the request for a SUP to operate the restaurant during the following hours:

- Sunday through Thursday, 11:00 a.m. to 11:00 p.m.
- Friday and Saturday, 11:00 a.m. to 12:00 a.m.

President Letchinger reported the proposed restaurant will also have carry out service, wine service for dine-in patrons and will also offer outdoor dining along E. Scranton Avenue. The Petitioner plans to open Pasta Palooza in the beginning of March.

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

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Renner
Nays: (0)
Absent: (0)

9. ITEM #14 – AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 3 OF THE LAKE BLUFF MUNICIPAL CODE REGARDING LIQUOR CONTROL (Number of Licenses)

President Letchinger reported on January 7, 2013 Pasta Palooza, Inc. (Applicant) has also submitted a liquor license application seeking a Class V Liquor License. As part of this application process the Police Department conducted a review of the application which included a background check of the applicant and individuals with a 5% stake in the business and the background check was successful.

President Letchinger reported Section 3-2-10 of the Village's liquor regulations establishes the maximum number of alcoholic beverage licenses (by classification) available for

issuance. Currently the liquor regulations allow for only one Class V license (held by Inovasi). Therefore, it is recommended that Section 3-2-10 of the Liquor Ordinance be amended to increase the number of licenses for Class V to two.

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

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Renner
Nays: (0)
Absent: (0)

10. ITEM #15 – A RESOLUTION GRANTING APPROVAL TO USE THE RIGHT-OF-WAY FOR AN OUTDOOR DINING SERVICE AREA FOR THE PASTA PALOOZA (18-20 E. Scranton Avenue)

President Letchinger reported Pasta Palooza, Inc. (Petitioner) has also requested permission to establish an outdoor dining service area immediately adjacent to the storefront. The Village shared a plan with the Architectural Board of Review (ABR) in May 2010, and after receiving some feedback, resulted in the proposed site plan attached for the Board's reference. The Petitioner desires to use the same plan as the previous restaurant tenant. The proposed resolution authorizing the use of the Village's sidewalk for an outdoor dining area is conditioned on the following:

- The outdoor service period will be from April 1st through October 31st (consistent with former and existing establishments);
- The Petitioner is solely responsible for cleaning and maintaining the outdoor dining facilities;
- Adequate pedestrian access must be maintained; and
- The Petitioner shall provide an attendant to oversee outdoor dining service activities.

In response to a comment from Trustee Josephitis regarding the proposed outdoor dining area, Village Administrator Drew Irvin stated the proposed plan is the same as the Noodle Bar and there have been no public safety issues regarding the outdoor service area.

Trustee Christensen moved to adopt the resolution. Trustee Renner seconded the motion. The motion passed on a unanimous voice vote.

11. ITEM #16 – A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE VILLAGE OF LAKE BLUFF AND LULU'S FROZEN DELIGHTS TO OPERATE A RETAIL/SERVICE ESTABLISHMENT IN THE SOUTHWEST SPACE OF THE LAKE BLUFF TRAIN STATION AND WAIVING COMPETITIVE BID REQUIREMENTS

President Letchinger reported on October 23, 2012, the Village of Lake Bluff issued a request for proposal (RFP) inviting interested parties to submit proposals for the operation of a retail/service establishment within approximately 120 sq. ft. of space on the southwest side of the Metra Train Station. The Village received three responses by the November 19th

deadline and one response following the deadline. She further noted following an evaluation of the bids, it is recommended the Village pursue a lease agreement with LuLu's Frozen Delights (LuLu's). LuLu's will offer for sell coffee, donuts and other breakfast items.

President Letchinger reported the lease is structured with a one year term starting February 1, 2013; renewal terms are annually and subject to mutual agreement between the Village and the tenant. The rent amount is \$210 per month (\$2,520 annually) during the lease term. For comparison purposes, the previous train station vendor, Café Metro, sold coffee and pre-packaged food items during the morning hours and paid \$100 per month. Since LuLu's submitted a proposal after the deadline, it is recommended the Village Board reject all proposals pursuant to Section 6 of the RFP and approve a concessionaire agreement with LuLu's Frozen Delights.

President Letchinger inquired of the action to be taken at tonight's meeting. Village Attorney Friedman stated the Village Board would reject all proposals and enter into an agreement with LuLu's Frozen Delights.

Mr. Reggie Ash asked if sandwiches and beverage drinks could be sold during evening hours. Village Attorney Friedman confirmed the items could be sold.

Trustee Josephitis moved to adopt the resolution. Trustee Carney seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Renner
Nays: (0)
Absent: (0)

12. ITEM #17 – A RESOLUTION APPROVING A SIGN EXEMPTION REQUEST FOR 917 SHERWOOD DRIVE (Lake Forest Pediatrics Associates)

President Letchinger reported the Village received an application for permanent signage from Lake Forest Pediatric Associates ("Petitioner"), currently located in Lake Forest, for a modification to the approved ground sign and the addition of a wall sign for the building located at 917 Sherwood Drive. This building is located in the L-1 Industrial District. The request is for a wall sign that will exceed the 20 feet in height (from grade) allowed for wall signs, and the ground sign will exceed 64 square feet as permitted by code. She further noted on January 2, 2013 the ABR heard the request for both signs and recommended approval of both signs with the following conditions to the submittals: (i) as for the wall sign, the height of the sign shall be at least 3 courses of brick above the top of the roll lock above the window which would be 19'8" from grade to the top of the window and 32" above the top of the window or 22' 4" above grade (2' 4" above the 20 foot allowable height) to the top of the logo. Additionally, the raceway behind the sign shall blend in color with the wall brick, the brightness of the sign shall be dimmed as much as possible, the capping on the letters can be white, and the sign will be turned off between the hours of 11:00 pm and 6:00 am; and (ii) as for the ground sign, the ground is double faced, which necessitates an exemption from the requirements. The only conditions the Architectural Board of Review placed on this sign was that the building address on the sign shall be

moved from the base of the sign to the north side of the sign facing the street and the address shall be internally illuminated.

President Letchinger asked why the sign could not be shut off prior to 11:00 p.m. Building Codes Supervisor Gerald Nellessen stated the current code reflects the hours for signage located within 150 feet of and facing a residential area. The proposed signage is facing north and not towards the residential area and would not fall under the non-illumination requirement allowing the sign to remain illuminated all night.

Trustee Renner expressed his opinion the proposed hours are appropriate for the industrial park area.

Ms. Ellen Janes (931 Carroll Road, Lake Forest, IL) expressed her concerns regarding refuse pick-up and delivery of materials at the location during the early morning hours. She stated there is an existing sign within the vicinity of the location and is illuminated 24 hours a day and expressed her preference not to allow any additional signage. Village Administrator Irvin stated public notices were sent to residents because of the concern expressed regarding the Chevrolet Exchange signage. He stated the Village has discussed a preliminary process with the City of Lake Forest Community Development Director Cathy Czerniak to find ways for managing the area as it continues to redevelop overtime. Lastly, he suggested that Ms. Janes contact Ms. Czerniak to express her concerns.

Trustee Dewart moved to adopt the resolution. Trustee Christensen seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Renner
Nays: (0)
Absent: (0)

13. ITEM #7A – WARRANT REPORTS FOR DECEMBER 16-31, 2012 AND JANUARY 1-15, 2013 AND DECEMBER 2012 PAYROLL EXPENDITURES

President Letchinger reported that expenditure of Village funds for payment of invoices in the amount of \$828,467.41 for December 16-31, 2012.

President Letchinger reported expenditure of Village funds for payment of invoices in the amount of \$657,350.49 for January 1-15, 2013.

President Letchinger reported expenditure of Village funds for payroll in the amount of \$394,953.36 for December 2012.

As such, the total expenditures for this period is in the amount of \$1,880,771.26.

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

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O'Hara and Renner
Nays: (0)
Absent: (0)

14. ITEM #7B – DECEMBER 2012 FINANCIAL REPORT

Finance Director Susan Griffin stated that the North Chicago sales tax sharing for the period of July through September 2012 has declined approximately 58% from the same period as the previous year due to the relocation of Axel Automotive to Lake Bluff and the other shared vendors' sales have declined dramatically.

Trustee O'Hara moved to approve the Financial Report. Trustee Carney seconded the motion. The motion passed on a unanimous voice vote.

15. ITEM #8 – VILLAGE ADMINISTRATOR'S REPORT

Village Administrator Drew Irvin summarized the informational update regarding the conversion of paper documents into electronic files. A series of files have been converted and Staff will coordinate disposal pursuant to State law, presuming there are no concerns. There were no concerns or objections expressed by the Village Board.

16. ITEM #9 – VILLAGE ATTORNEY'S REPORT

Village Attorney Peter Friedman had nothing to report.

17. ITEM #10 – VILLAGE PRESIDENT'S REPORT

President Letchinger reported the Village President is required by the municipal code to appoint 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 for appointment:

Police Pension Fund Board:	Michael Inman
Senior Resources Commission:	Steven Potsic

Trustee Christensen moved to approve the appointment of Michael Inman to the Police Pension Fund Board and Steven Potsic to the Senior Resources Commission. Trustee Josephitis seconded the motion. The motion passed on a unanimous voice vote.

18. ITEM #11 – CORRESPONDENCE

President Letchinger introduced the correspondence from the Informational Reports on December 7, 14, 21, 28, 2012 and January 4, 2013 for consideration by the Board.

Trustee Christensen moved to approve the correspondence as submitted. Trustee O'Hara seconded the motion. The motion passed on a unanimous voice vote.

19. ITEM #18 – AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS REGARDING SOLAR ENERGY SYSTEMS

President Letchinger reported over the course of the past year, the PCZBA has reviewed and discussed regulations regarding solar energy systems during the required public hearing held on April 18, July 18, August 15, September 19 and December 19, 2012. Following its comprehensive review, the PCZBA recommended a set of regulations governing the use of solar energy systems that seek to protect the interests of homeowners and encourage sustainable energy use and facilitate energy cost savings for all property owners. The proposed solar energy system regulations:

- Allow building-integrated systems as a permitted use in all zoning districts;
- Allow self-contained systems as a permitted use in all zoning districts;
- Allow building-mounted systems as a permitted use in the Automotive Park and Industrial Zoning Districts and require special use permits in all other zoning districts; and
- Allow ground-mounted systems as a special use in all zoning district.

President Letchinger reported the proposed ordinance also requires all building-mounted systems, commercial and residential, to obtain site plan approval from the ABR. Generally, the ABR reviews proposed changes to the exterior of a non-residential building except for those buildings in the R-5 Zoning District (multi-family structures) and forwards a recommendation to the Village Board for final approval. As drafted, the proposed ordinance grants the ABR the final authority in approving site plans relating to building-mounted systems.

Trustee Renner asked if there were requirements for emergency shut off devices on solar systems in the electrical code. Building Codes Supervisor Nellessen stated the requirements are covered in the 2011 version of NFPA70 and will be a part of the current 2012 Building Code updates.

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

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O’Hara and Renner
Nays: (0)
Absent: (0)

20. ITEM #19 – EXECUTIVE SESSION

At 7:54 p.m. Trustee Carney moved to enter into Executive Session for the purpose of discussing Disposition of Property (5 ILCS 120/2(c)(6)) and Executive Session Meeting Minutes (5 ILCS 120/2(c)(21)). Trustee Josephitis seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O’Hara and Renner
Nays: (0)
Absent: (0)

There being no further business to discuss, Trustee Carney moved to adjourn out of executive session. Trustee Dewart seconded the motion and the motion passed on a unanimous voice vote at 7:56 p.m.

21. ITEM #20 – CONSIDERATION OF THE MINUTES OF THE DECEMBER 10, 2012 EXECUTIVE SESSION MEETING

Trustee Dewart moved to approve the December 10, 2012 Executive Session Meeting Minutes as presented. Trustee Carney seconded the motion. The Meeting Minutes were approved on the following roll call vote:

Ayes: (6) Carney, Christensen, Dewart, Josephitis, O’Hara and Renner
Nays: (0)
Absent: (0)

22. ITEM #21 – ADJOURNMENT

As there was nothing further to come before the Board, Trustee Carney moved to adjourn the regular meeting. Trustee Renner seconded the motion and the motion passed on a unanimous voice vote. The meeting adjourned at 7:57 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator

William Meyer
Village Clerk