

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
VIRTUAL MEETING
AUGUST 10, 2020**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O’Hara called the meeting to order at 7:02 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

Absent: Aaron Towle, Village Trustee

Also Present: Megan Michael, Village Clerk
Peter Friedman, Village Attorney
Drew Irvin, Village Administrator
Bettina O’Connell, Finance Director
Mike Croak, Building Codes Supervisor (BCS)
Glen Cole, Assistant to the Village Administrator (ATVA)

President O’Hara said due to the COVID-19 emergency, this meeting will be held primarily virtually. As required by law, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast for members of the public who do not wish to view the virtual meeting from another location. The Board Room can accommodate 13 people, including members of the public body and Village Staff, while maintaining the six feet of social distance between individuals required by Executive Order 2020-43. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a “first come, first-served” basis. She further stated Members of the public may view and participate in the meeting via online lakebluff.org/VirtualMeeting or Dial-in: (312) 626-6799. (Enter meeting ID **884 1619 0394**) Press # when prompted for a Participant ID. Additional instructions are available in the agenda packet immediately following the agenda. Also, the meeting will be live-streamed at lakebluff.org/Channel19, broadcast live on Comcast Channel 19 and once available, a recording of the meeting will be posted on the Village website and periodically rebroadcast on Channel 19.

2. PLEDGE OF ALLEGIANCE

President O’Hara led the Pledge of Allegiance.

3. CONSIDERATION OF THE MINUTES OF THE JULY 27, 2020 VILLAGE BOARD MEETING

Trustee Markee moved to approve the July 27, 2020 Board of Trustees Regular Meeting Minutes as presented. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

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

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.

Following a request from President O’Hara, Village Administrator Drew Irvin said there are no queued requests.

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

There were no requests to change the order of the meeting.

6. ITEM #6A – WARRANT REPORT FOR JULY 28 – AUGUST 10, 2020

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$150,972.88 for July 28 – August 10, 2020 for a total amount of \$150,972.88.

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

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

7. ITEM #7 – VILLAGE ADMINISTRATOR’S REPORT

Village Administrator Drew Irvin said the Board at its July 27 meeting authorized an Intergovernmental Agreement (IA) with the County of Lake regarding CARES Act reimbursements. Since then Staff has submitted the list of Village and Library COVID-19 expenditures to date, totaling in excess of \$90,000, along with the IA to the County for reimbursement. He said Staff also learned that the County have increased the Village allotted per capital expenses to \$180,555 and extended the submission deadline to October 15. He said Staff will continue to track the numbers and keep the Board updated.

Village Administrator Irvin said Finance Committee Chair Ankenman inquired earlier of the local stimulus grant program and he informed her that approximately \$5,000 have been awarded to the four participants enrolled in the program.

In response to a question from Trustee Dewart, Finance Director Bettina O’Connell said the local stimulus grant program was approved by the Village and CARES Act reimbursements cannot be used for those expenditures. Village Administrator Irvin said the CARES Act reimbursement funds are generally used for non-budgeted or unforeseen expenditures due to the COVID19 pandemic.

Village Administrator Irvin continued his report by stating there are an excess of 600 Lake Bluff residents currently without power as a result of the recent storm. He said he does not think there were any injuries but the storm left excess debris, down trees and power lines throughout the Village.

In response to a question from President O’Hara, Village Administrator Irvin shared the update that was provided by the ComEd Community Affairs representative and he noted there is usually a delay in restoring power to Lake Bluff because the location is more periphery and not as dense as other areas.

8. ITEM #8 – VILLAGE ATTORNEY’S REPORT

Village Attorney Peter Friedman had no report.

9. ITEM #9A – 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. Subsequently, the Village President issued an April 23 supplemental order requiring the use of face coverings in the Village; a similar requirement was imposed statewide on May 1 by order of the Governor. The Village President has the authority to issue the Declaration and any supplemental orders pursuant to the enabling provision set forth in the Lake Bluff Municipal Code.

President O’Hara 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, April 13, April 27, May 11, May 27, June 8, June 22, 2020, July 13, 2020, and July 27, 2020 meetings, the Village Board extended the Declaration until the next subsequent Village Board meeting. Because the Village Board will meet on Monday, the Declaration will expire at the end of that Board meeting unless the Board extends the duration of the Declaration.

Following a comment from Village Attorney Friedman, Trustee Charlot made a motion to extend the Declaration until the adjournment of the next regular (August 24) or emergency Village Board meeting. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

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

10. ITEM #10 – ACCEPTANCE OF THE CORRESPONDENCE

President O’Hara introduced the correspondence from the Informational Reports on July 24 and 31, 2020.

Trustee Ankenman made a motion to accept the correspondence as submitted. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

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

11. ITEM #11 – A RESOLUTION APPROVING A SITE PLAN FOR ALTERATIONS NEAR VILLAGE HALL WHICH INCLUDES BRICK PAVERS, LANDSCAPING AND A BENCH

LB125 Quasiquicentennial Committee Members Dewart and Markee recused themselves from the discussion and vote.

President O’Hara reported the LB125 Committee (Committee) is proposing to add paver bricks, landscaping, and a bench near the Village Hall fountain. This will be very similar to a design that Land Design Collaborative did for the Village in 2007, except that the concrete sidewalk will run all the way through to provide a smooth through path for wheelchairs, sidewalk snowplows, etc. The Committee presented the plans to the Architectural Board of Review (ABR) on August 4. By a vote of 4-0, the ABR recommended that the Village Board approve the plans.

Following a request from President O’Hara, Village Administrator Irvin reviewed the proposed site plan and revised drawing showing the location of the proposed street light, bench, and layout of the brick pavers. He said the general layout will be a herringbone pattern (engraved and non-engraved brick pavers) as well as engraved bricks recognizing the groups/individuals which sponsored the project. He commented on the one exception to the plan regarding the alignment of the brick pavers at the end of the existing walkway. Village Administrator Irvin said Mariani Landscape has graciously agreed to modernize the landscaping around the water fountain area using the same textures, layering with a four season visual aesthetic consistent with the 2007 original conceptual plan. He said this wonderful gift will beautify the Central Business District and Village Hall.

President O’Hara said this is a gracious gift from Mariani Landscape and kudos to the Committee for making this happen. She said she thinks it will be a stunning addition to probably the most historic building in town Lake Bluff Village Hall.

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

Ayes: (4) Meyer, Ankenman, Charlot, and President O’Hara
Nays: (0)
Absent: (1) Towle

Trustees Dewart and Markee returned to the zoom meeting.

12. ITEM #12 – A RESOLUTION APPROVING THE TEMPORARY INCREASE IN THE NUMBER OF AUTHORIZED POSITIONS (Police Officer)

President O’Hara reported on April 27, 2020 the Village Board of Trustees approved the Village Official Pay Plan which included the authorized salary ranges and number of regular full-time positions for the FY2020-21 period; specifically, this Pay Plan authorized 10 Patrol Officers and 3 Police Sergeants. It has recently come to the Village’s attention that one of the Patrol Officers will very likely resign by the end of this month to take a new position in a community closer to his extended family; his departure will create a vacancy on one of the Patrol shifts. Because the hiring, training and certification of a new Peace Officer takes upwards of 6 months, the Village Administrator and Chief of Police recommend that the Village Board authorize the temporary increase in the number of Police Officers by one for a period time not to go beyond November 2, 2020. President O’Hara further reported it would be advantageous to fill the vacancy immediately and begin the training process in order to keep the shifts properly staffed without being dependent on overtime. Because the next scheduled Police Academy is not until January of 2021, the Department would like to take advantage of securing a possible Police Academy reservation for a September 14 start. This action will place the organization in the best position to get the new Police Officer trained and on solo patrol in the shortest amount of time.

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

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

13. ITEM #13 – A RESOLUTION APPROVING A SITE PLAN FOR ALTERATIONS AT SUNRISE PARK

President O’Hara reported the Park District is planning to make several improvements to Sunrise Park, funded by a grant from the State. They are planning to add pavers to the upper walkway as well as the south and north entrances, add wood bollards for bike parking, rebuild the stairs with lights and handrails to meet code and match the other stairs in the park, and add native plantings along the top of the bluff. She further reported the plans were presented to the ABR on August 4. By a vote of 4-0, the ABR recommended that the Village Board approve the plans.

As there were no comments from the Board, Park District Representatives or Public, Trustee Dewart moved to adopt the resolution. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

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

14. ITEM #14 – AN ORDINANCE AMENDING THE LAKE BLUFF MUNICIPAL CODE REGARDING SPECIAL EVENTS REGULATIONS FOR VILLAGE-OWNED PROPERTY

President O’Hara reported Lake Bluff has a long history of authorizing and supporting a variety of special events. While special events and large gatherings on Village property create community and provide

entertainment to Village residents, they often require the Village to mobilize Village personnel and other resources to protect the safety of the public, manage traffic, and ensure that such gatherings do not create harm or nuisance to Village residents and businesses. She further reported at the direction of the Village Board, a comprehensive set of regulations and policies were drafted to better enable the Village to plan for such events, avoid scheduling conflicts, and to protect the public safety during the COVID-19 pandemic. As discussed during the August 6, 2020 Committee of the Whole meeting, many of the draft application requirements are similar to current Village practices. Village Attorney Peter Friedman has revised the draft ordinance to reflect the Village Board's direction including:

1. No special event application fee will be required of event sponsors, but a deposit (which may be waived) will be required as determined by the Village Administrator to pay for restoration to Village property if the applicant does not do so.
2. Applicants will be required to provide information about whether they intend to use equipment that amplifies sound.
3. The Village Administrator shall have 21 days to grant or deny a special event permit once submitted.
4. The Public Nuisance (Section 4-1-2 and 5-5-6) language has been modified to narrow the applicability to those persons engaging in activities in an intentional or reckless manner that spread contagious or infectious disease in the Village. Section 4-1-2-10 also has been modified to sunset when the Village President's Emergency Declaration ends.

In response to a comment from Trustee Markee, Trustee Meyer said he suggested the "public nuisance" language be changed to specifically address the concerns raised by citizens, about whether really innocuous non-intentional kind of reasonable activity might be brought within the ambit of this ordinance. He said from his analysis by inserting "intentionally" or "recklessly" this would set a really good standard for court proceedings, if it is litigated and set a policy for the Police Department, that the Village is looking to prohibit activity that carries with it some level of intent or at least enough recklessness to a situation from which one can fairly infer.

Village Attorney Friedman agreed with the aforementioned explanation and added that negligence is defined as "somebody made a mistake and it causes legal harm" and this language goes beyond negligence. The proposed language would also address if somebody makes a mistake and does something that could reasonably cause some spread of the COVID19 virus. This requires a significant step beyond which is an intention or reckless to the extent that it basically is intent.

Trustee Markee said she thinks the proposed language for this type of ordinance makes it more palatable for people concerned about what the Statute actually implies.

President O'Hara said she had some concerns with the original language for "public nuisance" but she thinks the revised language is more precise and the sunset provision makes it a more reasonable ordinance.

In response to a question from Trustee Charlot, Village Attorney Friedman said the "public nuisance" provision in the ordinance is only good as long as the current declaration is enforced and the ordinance must be amended if the current declaration goes away and a new one issued.

Trustee Meyer moved to approve first reading of the ordinance. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

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

As there were no questions from the Board or Public, Trustee Dewart made a motion to waive second reading of the ordinance. Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

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

15. ITEM #15 – TRUSTEE’S REPORT

Trustee Dewart said on behalf of the Committee it is a pleasure to continue to beautify the Village by installing the brick pavers which will accent that portion of Village owned property. He thanked Trustee Markee for her work on the project. Also, he said it has been extremely gratifying to have the Dogs Unleashed public arts display as part of the Committee’s program because he cannot think of anything that has been done lately in the Village that have had such far reaching appreciation and positive public comment.

President O’Hara said the Village of Lake Bluff thanks all the Committee participants. She said the dogs on display are delightful to see and brings a smile to the faces of those observing them.

Trustee Markee thanked Northwestern Medical, Pasquesi Home and Gardens, Krugel Cobble and Mariani Landscape for sponsoring the project. She said she is amazed at the willingness of organizations and companies within Lake Bluff and the City of Lake Forest to assist with community projects.

16. ITEM #17 – CONSIDERATION OF THE JULY 13 AND 27, 2020 EXECUTIVE SESSION MEETING MINUTES

Trustee Markee moved to approve the July 13 and 27, 2020 Board of Trustees Executive Session Meeting Minutes as presented. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

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

17. ITEM #18 – ADJOURNMENT

Trustee Dewart moved to adjourn the regular meeting. Trustee Ankenman seconded the motion and the motion passed on a unanimous roll call vote at 7:39 p.m.

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

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk