

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 28, 2022**

**APPROVED MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

Village President Charlot called the meeting to order at 7:03 p.m. and Village Clerk Katharine Hatch called the roll.

The following were present:

Village President: Regis Charlot

Trustees: Barbara Ankenman  
Kate Briand  
Taryn Fisher  
Joy Markee  
Stephen Rappin  
Susan Rider

Also Present: Katharine Hatch, Village Clerk  
Ben Schuster, Village Attorney  
Drew Irvin, Village Administrator  
Bettina O'Connell, Finance Director  
Jeff Hansen, Village Engineer (VE)  
Mike Croak, Building Codes Supervisor (BCS)  
Mike Hosking, Police Chief  
David Graf, Fire Chief  
Jake Terlap, Public Works Superintendent  
Glen Cole, Assistant to the Village Administrator (AVA)

**2. PLEDGE OF ALLEGIANCE**

President Charlot led the Pledge of Allegiance.

**3. CONSIDERATION OF THE MINUTES OF THE MARCH 14, 2022 VILLAGE BOARD MEETING**

Trustee Markee moved to approve the March 14, 2022 Board of Trustees Regular Meeting Minutes as amended. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Briand, Fisher, Markee, Rappin, Rider, Ankenman  
Nays: (0)  
Absent: (0)

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

President Charlot 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.

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

President Charlot stated he would, if there were no objections, take the Consent Agenda and Agenda Item #16 then return to the regular order of the meeting. There were no objections from the Board.

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

President Charlot introduced the following Consent Agenda items for consideration:

- 10. Correspondence Delivered in the March 11 and 18, 2022 Informational Reports;
- 11. Second Reading of an Ordinance Comprehensively Amending the Village’s Historic Preservation Regulations and the Regulations Governing the Historic Preservation Commission (Title 2 and Title 9, Chapter 14 of the Municipal Code);
- 12. Second Reading of an Ordinance Granting a Special Use Permit to CMP Management, LLC to Operate a Membership Sports and Recreation Club at 42 Sherwood Terrace, Suite #2 (The Farm); and
- 13. An Ordinance Declaring Personal Property Owned by the Village of Lake Bluff as Surplus.

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

Ayes: (6) Fisher, Markee, Rider, Rappin, Ankenman, Briand  
Nays: (0)  
Absent: (0)

**7. ITEM #16 – AN ORDINANCE GRANTING VARIATIONS FROM THE VILLAGE’S FLOOR AREA RATIO AND BUILDING COVERAGE RESTRICTIONS (562 Sunrise Avenue)**

President Charlot said on January 20, 2022, the Village of Lake Bluff received a zoning variation application from Donald Shoemaker and Kim Parkerson (jointly, Applicant) for zoning relief necessary to renovate the interior and exterior of the property and add a covered screened-in porch to the rear of the single-family residence located at 562 Sunrise Avenue. The existing building does not conform with the

Village's floor area ratio limitation, and the proposed work would increase both the floor area (62% variation) and building coverage (4% variation) of the building beyond the maximums established by the Zoning Regulations. President Charlot further said at its March 10 meeting, the Joint Plan Commission and Zoning Board of Appeals (PCZBA) conducted a public hearing to consider the variations and unanimously recommended that the Village Board grant the requested relief with no special conditions. At its March 14 meeting, members of the Village Board expressed concern with the nature of the variation request and deferred first reading approval in order to allow the applicant to appear before the Board. Staff understands that the Applicant will participate in Monday's Board meeting and be available to answer any questions.

Following an invite from President Charlot, Donald Shoemaker came forward and introduced himself and his wife (Kim Shoemaker) to the Board. He shared personal and background information regarding the subject property and said he is thrilled to be back in Lake Bluff living in the house he purchased from his mother. He said renovations (garage and upstairs addition) were done to the home in the 1980s and since that time the exterior siding has deteriorated amongst other construction issues, and it is his opinion the home is ready to either be torn down or renovated. Mr. Shoemaker said he loves the midcentury modern style home, recognizes that he lives in a very special place in Lake Bluff, and he is trying to get the house ready for the next generation. He continued by stating he understands there was some concern with the lot line and said the plans were shared with their neighbors who support the proposed improvements. He said he has thoughtfully kept the architecture intact, considered appropriate rear and porch improvements, been a good neighbor, and he thinks the proposed changes will be good for the house and neighborhood.

Following a request from President Charlot, Monica Muialowski (project manager) and Fred Wilson (architect) introduced themselves to the Board. Ms. Muialowski said the existing nonconforming house as of today exceeds the allowable FAR then commented on why the house, decks, and basement are inclusive to FAR rules. She said the proposed screen porch takes over the existing open screen porches that count towards FAR, and they want to make it more of a consolidated space that works better for the family, and the transom windows ties into the architecture features of the home.

Mr. Wilson said the house has a flat roof so there is no attic space for storage and the proposal consists of a weather protected storage area beneath the screened porch; then he commented on the aesthetic, transom windows, and structural components. Mr. Wilson said he loves that this is an iconic home on the lake front walkway that will be passed down to future generations and he think people would be sad if the house was torn down. Mr. Wilson continued by commenting on the hardship, practical difficulty and unique physical conditions for variation and said he thinks the proposed exterior improvements will add value to the neighborhood and will not impair any adjacent property. Lastly, he stated the request does not include a pool variation because, if built, it would comply with the impervious surface requirements.

Trustee Rider said she spoke earlier in favor of this request, despite the fact that the variation exceeds the FAR requirement (62%). The 20 feet tall structure is essentially a 1.5 story home and to her, if we can modernize this house she thinks we have done the community a service. Trustee Rider said despite the variation, she thinks the Board should exercise a subjective view of whether or not the reasons for the bulk restrictions are impaired here and it is her assessment they are not. She expressed her opinion that the structure is an unusual physical condition as such this enables her to support the request despite the fact that it exceeds the FAR requirement, and in most other circumstances she is not sure it would be appropriate for approval.

Trustee Rappin said he is in support of moving forward with the request which in his opinion should be viewed as “grandfathered” and noted that the Applicants had shared the plans with their neighbors.

Trustee Markee said she lives in a split-level home, understands FAR calculations, and likes the design. She said the Board should not overlook the fact that the Applicants have chosen to update the home or its history. She said she likes the fact that the home is different, reflects a unique nature of Lake Bluff, the neighbors are comfortable with the proposed improvements, not a looming structure and the requested variation is a small percentage.

Trustee Fisher said she thinks the character and charm of our town is reflected in the proposed design. She said she is supportive of the request for all the reasons stated and she would be more concerned with what would happen if the house was torn down.

Trustee Briand expressed her opinion that the Board duty is to manage expectations for the community and if this is allowed it could create a slippery slope. She commented on the previous discussion and said this might not be allowed in other circumstances and she is worried that people will look at this as an example of what they can do. She said this is a beautiful example of a midcentury home then commented on the current FAR and noted that the proposed variation is a de minimis amount. Trustee Briand said she would prefer to get a better understanding of the request because the exterior improvements seem significant. Also, she never got the impression that demolition was an option, if the request was not approved. Trustee Briand asked if the request was denied, would the Applicant move ahead with the project, even if there is no storage space. Mr. Shoemaker said they would like to keep the structure and move forward with the proposed improvements. Trustee Briand said she is torn because the Board has to always be mindful of its real role, which is in this particular case is to manage expectation, and she asked would this same type of request be allowed for any other property.

Trustee Ankenman said she wonders if the Applicant had explored other opportunities that would not compromise the structure and utilization of the space or exceed the FAR requirements. She commented on how the FAR could be decreased and said she would prefer to hear from the Applicant regarding this request. Mr. Wilson said plans were explored to determine how the spaces would function then he commented on how the complexity regarding FAR and bulk applies to this specific request.

In response to questions from the Trustee Ankenman, Mr. Shoemaker said the basement is combined livable and unused space. He continued that, if the proposed transom windows for the screen porch were omitted, it would change the architectural features as the plan it to make it consistent with the existing transom windows in the dining area. Trustee Ankenman said she understands the beauty and aesthetic, but the Board has denied other Applicants with similar strategy. She understands the Applicants desire to live in Lake Bluff but she does not think the argument presented this evening is relevant nor could the standards be applied to other applicants. She said she feels uncomfortable that the value, location and architecture is being considered and this request would put a burden on her to then not be able to say “no” or when to say “no” to another case. Trustee Ankenman said she loves everything being proposed and wishes the FAR calculations were different, but she does not see how saying “yes” to the proposal would not create a burden moving forward. Mr. Shoemaker said they hired a talented architectural firm to maintain the character of the home and not create any negative impact on the neighborhood and he thinks the improvements will be a nice addition to Lake Bluff.

Trustee Rider said she respects the Board’s comments regarding the danger of setting a precedent but she thinks subjective evaluation of the zoning standards for variation should be considered given the timing when the house was built, unique physical condition, whether it is a reality now or in the future, and the risk that something more enormous could be built.

Trustee Briand said the standard for variation shall require proof that the variation being sought satisfied each of the following standards and she thinks this request constitutes special privilege. The comments presented this evening were personal in nature and she feels the Board should manage these expectations. Trustee Briand said she loves the aesthetic and architectural features but stated that we have to be objective because if we are subjective then different zoning standards would be applied.

Trustee Markee commented on the recent historic preservation discussions and said she understands that FAR requirements must be considered but to her the structure should also be considered as it is significant to the community. She said she feels the intent is to make the structure livable for today and understands this could be an emotional decision, but she supports the request because she was under the impression that the previous discussion pertained to preserving significant structures and making them livable in the modern era.

Trustee Fisher commented on why she thinks the standards for variation, unique physical condition, could be highly subjective. It is her opinion the language was drafted in a broad manner to allow the Board to make decision regarding these types of requests. She said she thinks this is a unique circumstance which meets the standards for variations and her opinion of the house has no bearing on her decision. Trustee Fisher said she is not certain what the Board could be doing as far as enforcing because the structure already exceeds the allowable FAR, and said she thinks the number is incredibly subjective.

Trustee Markee moved to approved first reading of the ordinance. Trustee Rappin seconded the motion. The motion passed on a voice vote.

**8. ITEM #6A – WARRANT REPORT FOR MARCH 1 – MARCH 14, 2022 AND FEBRUARY 2022 PAYROLL EXPENDITURES**

President Charlot reported expenditure of Village funds for payment of invoices in the amount of \$227,448.89 for March 15 – March 28, 2022 for a total amount of \$227,448.89. He said the Invoice Register Report shows checks with a status of “open” or “paid”. All checks with the status of “open” are computer generated checks for the Board’s final approval. Checks with the status of “paid” are manual checks processed.

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

Ayes: (6) Ankenman, Briand, Fisher, Markee, Rappin, Rider  
Nays: (0)  
Absent: (0)

**9. ITEM #6B – FEBRUARY 2022 FINANCIAL REPORT**

At President Charlot’s request, Finance Director Bettina O’Connell provided a brief summary of the February 2022 Financial Report highlighting major revenue sources and expenditures for the period.

- The monthly sales tax revenue on a cash basis for February of FY22 is \$304,630, which is \$15,877 or 5.5% greater than FY21 cash basis receipts of \$288,753. FY22 year to date sales tax revenue is \$519,110 greater than the May-February FY21 cash basis receipts.
- Building Permit revenue for FY22 to date is \$334,218, \$44,293 greater than the same reporting period last fiscal year.
- General Fund FY22 total revenues of \$10,323,357 are \$1,699,370 or 19.7% greater than January FY21 year to date revenues.
- FY22 current expenditures are consistent with or less than budgeted for the total General Fund; the FY year to date expenditures of \$9,648,853 are \$1,935,992 greater than the expenditures for the same period in FY21.

In response to a comment from Trustee Markee, Finance Director O’Connell said the Village is definitely seeing fallout from the COVID pandemic in regards to changes in projects that were paused and also those whose rolled over which has increased expenditures year to date in comparison to the prior year.

In response to a comment from Trustee Fisher, Finance Director O’Connell commented on how the majority of the increased expenses are related to the public works street/sewer projects.

In response to request from Trustee Briand, Finance Director O’Connell commented on the sales tax by commercial sector chart provided in the packet. She explained how the Illinois Department of Revenue reporting requires that there be at least four taxpayers in a given category to protect confidentiality, she said that if there are less than four their respective sales tax is reported in the “agriculture and all others” category. In January 2022 changes to sales tax reporting changes so now it is required for remote sellers with no physical presence to pay sales tax to the community where the on-line sale occurred to be reported. These new retailers reports have increased the number of businesses in the given categories causing them to be categorized differently.

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

**10. ITEM #7 – VILLAGE ADMINISTRATOR’S REPORT**

Village Administrator Irvin had no report.

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

Village Attorney Ben Schuster had no report.

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

President Charlot had no report.

**14. ITEM #14 – CONTINUED PUBLIC HEARING CONCERNING THE VILLAGE OF LAKE BLUFF PROPOSED FISCAL YEAR 2023-2024 BIENNIAL BUDGET**

President Charlot said as required by law, the Village must hold a public hearing on the FY2023-2024 Tentative Biennial Budget (Budget) after which 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 3, 2022. He further stated the Village Board opened the public hearing at its March 14 meeting and continued the hearing to its March 28 meeting to allow additional time for public participation. The Finance Director previously presented a summary report of the Budget on March 14 and will be available to respond to questions at the hearing.

As there were no comments from the public and Board, President Charlot closed the public hearing.

**15. ITEM #15 – SECOND READING OF AN ORDINANCE ADOPTING THE BIENNIAL BUDGET FOR THE VILLAGE OF LAKE BLUFF FOR THE FISCAL YEARS COMMENCING MAY 1, 2022 AND ENDING APRIL 30, 2024.**

President Charlot said the tentative Biennial Budget for the next two years includes **\$15,657,009** plus **\$2,555,000** in inter-fund transfers for FY2023 and **\$17,326,712** plus **\$2,147,000** in inter-fund transfers for FY2024, these sums include the Village of Lake Bluff funds and the Lake Bluff Public Library funds. The Village utilizes a multi-year budget process as it emphasizes long-range planning, budgeting for results, effective program management, and fiscal responsibility. President Charlot further stated specifically, the primary objectives of this budget are to: (i) maintain current fund balances at or above Village minimum reserve levels, (ii) control operational costs, (iii) continue reinvestment in Village infrastructure, and (iv) continue to deliver quality and efficient services. Additionally, this budget has been assembled with the intention to allocate resources consistent with the 2023 Village Strategic Plan.

President Charlot said the operating budget (all costs except capital and contingency) for the Village and the Library is \$12.87 million for FY2023, representing a 4.16% increase when compared to FY2022, this increase is largely attributed to increased contract/commodities expenses. The FY2024 operating costs are relatively consistent with a less than 1% increase as one-time contract cost reductions offset the personnel service increase for the year. Property taxes and sales taxes continue to be the two largest sources of revenue at \$4.55 million and \$3.2 million respectively in FY2023. Sales tax revenue projections are conservatively estimated to return to FY2020 pre-COVID levels as consumer supply chain issues may slow the growth contribution based on consumption. Prior year budget modifications reduced revenue expectations and deferred certain capital investments, namely contributions to the Vehicle/Equipment Replacement Fund (VERF) and Capital Fund. The FY23-24 Biennial Budget fully reinstates contributions of \$380k to the VERF and \$1 million to Capital Fund balances. President Charlot further stated on February 14, 2022 the Village Finance Committee discussed and recommended approval of this tentative biennial budget document; a draft was available for public inspection on March 3, 2022 at the Village Hall, the Public Safety Building, and Library as well as on-line at the Village's website at [lakebluff.org](http://lakebluff.org). The Village Board approved first reading of the ordinance at its March 14 meeting.

In response to a comment from Trustee Briand, Finance Director O’Connell said home rule sales taxes are included in the revenue analysis, sales taxes revenue, and shown in the major revenue sources chart.

Trustee Rappin moved to approved the ordinance. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Rappin, Rider, Ankenman, Briand, Fisher  
Nays: (0)  
Absent: (0)

**16. ITEM #17 – A RESOLUTION WAIVING COMPETITIVE BIDDING AND APPROVING AN AGREEMENT WITH AT&T FOR INTERNET SERVICE**

President Charlot said the Village currently pays about \$165 monthly (or about \$2,000 annually) for internet service through Comcast Business with speeds of 150 mbps down and 15-30 mbps up. Service is provided through a cable modem and is in many ways comparable to what could be obtained at a Village residence. The Village is implementing a number of technology and infrastructure improvements in the coming fiscal year that will increase the utilization of the Village’s internet connection. These include police body cameras, redundant disaster backups, and continued remote work and virtual Village meetings. The Village’s existing internet connection does not have the upload capacity to support these applications. Due to the Village’s location, a provider would likely be required to extend a new fiber line to Village’s facilities in order to deliver a higher level of service.

President Charlot said following the March 14 Board meeting, Staff continued to engage in negotiations and recommends entering into a 24-month contract with AT&T as providing the best value for the Village. The contract would provide 500mbps download and upload speeds for \$1,487.25 monthly or about \$18,000 annually. The Village would retain its current Comcast service as a second connection and redundant backup, yielding a total spend of about \$20,000 annually. The relevant expense line item has been increased in the draft FY23 budget. President Charlot further said while Staff anticipates that no provider other than those contacted could economically serve the Village, the Village’s current Purchasing Policy and Procedure Manual nevertheless requires a waiver of the formal competitive bidding process prior to awarding the contract. This, in turn, requires a two-thirds affirmative vote of the Board of Trustees to approve.

In response to questions from Trustee Ankenman, Village Administrator Irvin said an agreement with Comcast was initially considered as they are able to provide the larger level of service, but the Village IT provider stated that two different service providers, equipment and pathway for the Village would provide safety and reliable service. Also, he said quotes were obtained from Comcast then commented on the comparison in regards to cost.

In response to a question from Trustee Markee, Village Administrator Irvin commented on the service level objectives and said he thinks the service provide would had 30 days to complete the installation.

President Charlot differentiated between internet services noting the existing Comcast line is basically for residential service, and this solution would allow the Village to maintain internet services in the event that

one service provider equipment fails. President Charlot said certain internet providers does not guarantee quality service and the proposed agreement has a guarantee of service and credit clause.

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

Ayes: (6) Rappin, Rider, Ankenman, Briand, Fisher, Markee  
Nays: (0)  
Absent: (0)

**17. ITEM #18 – A RESOLUTION APPROVING AN AGREEMENT TO TERMINATE A DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND SB 2011, LCC (Stonebridge)**

President Charlot said on November 22, 2021, the Village Board of Trustees approved a settlement agreement with SB 2011, LLC, the owner of the Stonebridge Development at 136 Green Bay Road a.k.a. 0-391 Jensen Lane, in order to settle pending litigation regarding the maintenance and future development of the property. Section 4(G) of the Settlement Agreement requires the Village to undertake a number of actions, including, to adopt a resolution approving an agreement officially terminating the Development Agreement. President Charlot further stated SB 2011, LLC and the Village continue to implement the various provisions of the Settlement Agreement. Accordingly, the Village Attorney recommends that the Village Board approve the attached Resolution, which simply approves an Agreement to terminate the Development Agreement and authorizes the Village President to execute that Agreement on behalf of the Village.

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

Ayes: (6) Rider, Ankenman, Briand, Fisher, Markee, Rappin  
Nays: (0)  
Absent: (0)

**18. ITEM #19 – TRUSTEE’S REPORT**

There was no Trustee’s report.

**19. ITEM #20 – EXECUTIVE SESSION**

At 8:05 p.m. Trustee Briand moved to enter into Executive Session for the purpose of discussing Personnel (5 ILCS 120/2(c)(2)). Trustee Fisher seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Briand, Fisher, Markee, Rappin, Rider  
Nays: (0)  
Absent: (0)

There being no further business to discuss, Trustee Ankenman moved to adjourn out of executive session. Trustee Fisher seconded the motion and at 8:37 p.m. the motion passed on the following roll call vote:

Ayes: (6) Briand, Fisher, Markee, Rappin, Rider, Ankenman  
Nays: (0)  
Absent: (0)

**23. ITEM #21 – ADJOURNMENT**

Trustee Ankenman moved to adjourn the regular meeting. Trustee Rider seconded the motion and the motion passed on a unanimous voice vote at 8:38 p.m.

Respectfully Submitted,

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R. Drew Irvin  
Village Administrator

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Katharine Hatch  
Village Clerk