

VILLAGE OF LINDENHURST
2301 E Sand Lake Road

Regular Village Board Meeting Minutes
October 9, 2023
7:00pm

- I. **Call to Order**
- A. Mayor Marturano called the Regular Village Board Meeting to order at 7:00pm.
- II. **Roll Call**
- A. Present were Mayor Dominic Marturano, Trustees Pat Dickson, Pat Dunham, Patty Chybowski, Dawn Suchy, Heath Rosten, and Ron Grace.
- B. Also in attendance were Village Administrator Clay Johnson, Police Chief Tom Jones, Operations Director Kevin Klahs, Utility Systems Manager Charles Hernandez, Assistant to the Village Administrator Karleen Gemady, and Village Clerk Melissa Forsberg.
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
- A. Minutes from the Regular Village Board Meeting of September 25, 2023 were presented for approval.
- B. Trustee Dickson made a motion, seconded by Trustee Chybowski, to approve the minutes from the Regular Village Board Meeting of September 25, 2023 as presented.
1. Voice Vote
Aye - 5
Nay - 0
Abstain - 1
Motion carried.
- V. **Bills Presented for Payment**
- A. Trustee Dunham made a motion, seconded by Trustee Suchy, to approve the first set of bills for the month of October, presented for payment, in the amount of \$507,164.33 for invoices due on or before October 9, 2023. This total included two extra bill runs. The three check runs were: \$488,661.77, \$12,877.56, and \$5,625.00.
1. Roll Call
Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
Nay – 0
Motion carried.
- VI. **Treasurer's Report**
- A. Trustee Dunham read the Treasurer's Report for September 2023. The total for all accounts on September 30, 2023 was \$15,713,862.37.

- B. Trustee Dunham made a motion, seconded by Trustee Grace, to approve the Treasurer's Report for September 2023 as read.
 - 1. Roll Call
 - Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
 - Nay – 0
- Motion carried.

VII. Board & Staff Reports

- A. Trustee Dickson reported there is an Adopt-A-Highway event on October 21, 2023 at 10:00am.
- B. Trustee Dunham reported there is a Veteran Memorial Ceremony on November 11, 2023 at 11:00am.
- C. Mayor Marturano announced this Wednesday is the Lakes High School Homecoming parade.
- D. Police Chief Tom Jones reported on the following:
 - 1. The Charitable Golf Outing raised \$9,100
 - 2. Police Department partnering with First American Bank for a "Season of Giving" Food Drive. The food drive will run thru November 11, 2023. Receptacles are located at First American Bank, Village Hall, and Police Department.
 - 3. As part of fiscal year capital improvement project is the use of body worn cameras. Cameras have been purchased and are being tested and evaluated by officers. It is the intent to have all officers using the cameras by the end of this fiscal year. This is ahead of the January 2025 deadline.
- E. Utility Systems Manager Charles Hernandez reported on the following:
 - 1. Looking and advertising for snow plow drivers. Job opening(s) have been posted.
 - 2. Road resurfacing coming to completion. Striping to be done Wednesday.

VIII. Public Comment on Agenda Items

- A. None.

IX. New Business

- A. Presentation: SWALCO - Commercial Franchise Waste Hauling
 - 1. Walter Willis, SWALCO Executive Director, was in attendance to discuss franchise waster hauling for the business community. As the Village acts as an agent for residential franchising, we are hopeful we can also act as an agent for the commercial sector. This would allow the Village to jointly bid for solid waste and recycling hauling to the lowest responsive and responsible bidder. Lindenhurst was determined to be eligible to begin franchising waste hauling for commercial users after a three year study was completed prior to 2019. Results from a survey of Lindenhurst businesses conducted a few years ago lead Mr Willis to believe franchising waste hauling could save businesses and property owners a minimum of 20% of their current bills. These findings are based on current franchising in Round Lake Beach, Volo, and Lake Bluff.

It is believed by Village staff and Mr Willis that an updated survey would provide a better understanding of the potential cost savings for Lindenhurst businesses and owners.

2. Prior to Village staff undertaking this process, Mr Willis is seeking feedback from the Village Board. Should the Board support this endeavor, Village staff will begin an open and ongoing discussion with local businesses. Anita Archambeau, our Economic Development Specialist will make arrangements for these discussions to commence in November at the new Lindenhurst Center. It is estimated, the overall process for this implementation will take approximately two years to implement. Although all required background steps can be completed in about one year, there is a 15-month delay timeframe for businesses to incorporate with our contract once the final contract is awarded.
- B. Presentation and Action: FY 2022-2023 Financial Audit
1. Representatives of Lauderbach and Amen LLP reported on the outcome of the Village financial audit for fiscal year 2022-2023.
 2. No material defects or other issues were found by the auditors. As discussed in the Management Letter, there are some requirements that will be required by the Governmental Accounting Standards Board regarding public-private partnerships, compensated absences, leases, and information technology. These will be addressed within future audits. It is expected the new requirements will require additional time and expense. This will need to be budgeted for in the future years' audit services.
 3. Trustee Dunham made a motion, seconded by Trustee Chybowski to adopt the FY 2022-2023 Audit as presented and place it on File with the Village Clerk.
 - a. Roll Call
Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
Nay – 0
Motion carried.
- C. Proclamation: Recognizing Domestic Violence Prevention Month
1. October is widely considered to be domestic violence awareness month. Lake County organizations, such as A Safe Place would like an increased awareness, not only of their services, but the many people affected locally by domestic violence. Based in Zion, A Safe Place is Lake County's only provider of services, which exclusively address domestic violence and human trafficking. Last year, A Safe Place served over 23,000 individuals and families with the following:
 - a. 24-house hotline support
 - b. Emergency sheltering
 - c. Permanent/Temporary housing
 - d. Counseling
 2. The goal of this proclamation is to reach more survivors in need and increase the outreach of their services throughout Lake County.
 3. Trustee Suchy made a motion, seconded by Trustee Chybowski to proclaim October 2023 Domestic Violence Prevention Month.
 - a. Roll Call
Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
Nay – 0
Motion carried.

- D. Ordinance 23-10-2275: Approving a Special Use Permit to Allow a Massage Therapy and Day Spa Establishment – 2238 E. Grand Avenue
1. The Plan Commission held a public hearing on September 20, 2023. The hearing pertained to a request for a massage therapy establishment to be located at 2238 E Grand Avenue (Grand Plaza). Their business and future operation plans were discussed, along with proposed future uses. The proposed future uses were more reflective of those of a day spa as well as non-surgical cosmetic procedures. Once the public hearing concluded, the Plan Commission unanimously voted to recommend approval of a special use permit to Healing Hands Spa, located at 2238 E Grand Avenue.
 2. This ordinance would allow for the operation of a massage therapy and day spa. By including the day spa use, the applicant would not need to return for an additional special use permit once their day spa services begin. The ordinance also includes provisions in which the applicant needs to hold a valid state and local business license. Should the licences not be granted or are revoked, the use cannot proceed.
 3. Trustee Dickson made a motion, seconded by Trustee Grace to adopt Ordinance 23-10-2275 approving a special use permit to allow a massage therapy and day spa establishment at 2238 E Grand Avenue.
 - a. Roll Call
Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
Nay – 0
Motion carried.
- E. Approval: FY 2023 Police Pension Required Reporting
1. A report from the Police Pension Board on certain aspects of the Police Pension Funds financial position must be adopted yearly. Currently, the fund has:
 - a. Assets with a market value of \$11,261,458 (+2.4%)
 - b. Total disbursements of \$496,340
 2. The pension gained \$181,092 (+1.63%) in investments this year. The funded ratio of the fund fell to 74.08%.
 3. Trustee Chybowski made a motion, seconded by Trustee Dunham to accept the police pension municipal compliance report for fiscal year 2023.
 - a. Roll Call
Aye – 6 Trustees Dickson, Dunham, Chybowski, Suchy, Rosten, Grace
Nay – 0
Motion carried.
- F. Discussion: Lindenhurst Center Tenant Improvement Allowance
1. Arciterra, the previous owners of what was then called Linden Plaza, were cited for numerous code violations, which went unaddressed. After months of inaction, the violations were brought to court. Arciterra was granted an extension as a way to allow time for them to bring the property into compliance. Arciterra was found liable for lack of addressing the code violations, by the court, and assessed fines exceeding \$87,000. These fines were paid at the closing and the Village deposited these funds into the General Fund.
 2. The Village does not often see fines of this scale. Partly because of its rarity, Village Trustees have made inquiries into potential uses of the fine. Village Administrator Johnson offered the following potential approaches to reinvest the fine proceeds.

- a. The concept of providing an "allowance" to be used towards tenant improvements, which are in compliance with the LEAP program, were discussed with the new Owners. This allowance would only be eligible for permanent improvements to the building. A maximum of 25% would be dedicated toward maintenance items. Per the LEAP program, the following improvements are eligible:
 - (1) Materials for tenant buildout (does not include the cost of labor).
 - (2) Permanent physical improvements to the interior of a building.
 - (3) Permanent physical improvements to the exterior of a building including signage.
 - (4) Maintenance elements may be included, but cannot consist of more than 25% of overall reimbursement amount. Normal maintenance work such as power washing/scraping, painting, tuck pointing, and caulking are ineligible unless part of the larger facade improvement scope.
 - (5) Bonuses of up to \$5,000 are available for pandemic (COVID) business resiliency projects such as outdoor dining, outdoor gathering spaces, or HVAC improvements.
 - (6) Permanent Improvement Examples:
 - (a) Doors
 - (b) Electrical Conduit
 - (c) Masonry
 - (d) Structural Elements
 - (e) Windows
 - (f) Parking Lot Lighting
 - (g) Signage
 - (h) Life Safety and Accessibility
 - (7) Maintenance Element Examples
 - (a) Blasting/Scraping
 - (b) Exterior Electrical Fixture Repair/Replacement and Lighting
 - (c) Landscaping
 - (d) Exterior Painting
 - (e) Parking lot sealcoat, repair, and reconstruction (not striping)
 - (f) Sidewalk repair and reconstruction
- b. As with the LEAP program, the Owner would be reimbursed for eligible improvements. Additionally, additional stipulations such as the following could be added:
 - (1) Funds could only go toward new tenants, but no money would be allocated until the life safety issues at the property are resolved to the satisfaction of the Police Department and Fire Protection District.
 - (2) Current Lindenhurst Center tenants could still apply for LEAP funds the original way for eligible improvements.
 - (3) The amount offered to certain tenants could vary at the landlord's discretion, but in no case could the Village's share of the tenant improvements exceed 50% of the amount offered by the landlord. There wouldn't be a cap, per se, on the total amount offered to a single business (unlike the LEAP program which offers up to \$20k or \$30k, depending on the type of business).

- (4) The Village could also place some parameters on the desired tenants to receive the funds. The establishment of parameters for desired tenants is a sensible way to ensure that the funded businesses contribute to and enhance the character of Lindenhurst Center and attract a demographic consistent with the village's goals. For example, funds couldn't be used for smoke shops, tanning salons, video gaming cafes, or uses explicitly permitted by the Village's zoning code. Another possibility is that the funds could only go towards dining or retail establishments.
- 3. A second, more straightforward option is as follows:
 - a. An approved agreement between the Village and Property Owner in which the funds are used directly for buildingwide repairs that need to be addressed.
 - b. The benefit to this option is it addresses issues propertywide, as opposed to individual tenant spaces, which contributes to the overall attractiveness of the Lindenhurst Center. Improvements could include the following:
 - (1) Modernizing and replacing outdated signage
 - (2) Repairing or resurfacing the parking lot
 - (3) Updating or repairing the sprinkler systems for better fire protection
 - (4) Improving the property's landscaping
 - (5) Energy-efficient updates to reduce the property's environmental impact
 - c. This option would be similar to the existing LEAP agreements. However, with larger scope and costs, the financial threshold would be higher to reflect the fines collected from the previous property owner.

X. **Public Comment**

- A. Members of the community expressed their thoughts on how the Lindenhurst Center allowance should be allocated.

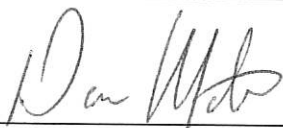
XI. **Executive Session**

- A. None.

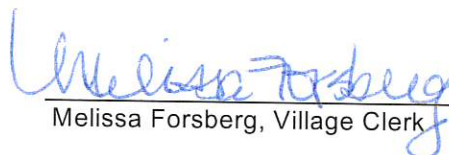
XII. **Adjournment**

- A. Trustee Chybowski made a motion, seconded by Trustee Suchy to adjourn the meeting.
 - 1. Voice Vote
 - Aye - 6
 - Nay - 0Motion carried.
 - 2. The meeting was adjourned at 8:06pm.

Date approved October 23, 2023



Dominic Marturano, Mayor



Melissa Forsberg, Village Clerk

