

**THE CITY OF LAKE FOREST
CITY COUNCIL AGENDA**
Monday, June 3, 2019 at 6:30 pm
City Hall Council Chambers
220 E. Deerpath, Lake Forest

Honorable Mayor, George Pandaleon

Prudence R. Beidler, Alderman First Ward
James E. Morris, Alderman First Ward
Timothy Newman, Alderman Second Ward
Melanie Rummel, Alderman Second Ward

James Preschlack, Alderman Third Ward
Ara Goshgarian, Alderman Third Ward
Michelle Moreno, Alderman Fourth Ward
Raymond Buschmann, Alderman Fourth Ward

CALL TO ORDER AND ROLL CALL

6:30pm

PLEDGE OF ALLEGIANCE

REPORTS OF CITY OFFICERS

1. COMMENTS BY MAYOR

**A. Approval of a Resolution of Appreciation for Retiring Account Clerk III,
Laronda Haines**

A copy of the Resolution can be found beginning on **page 11**.

**COUNCIL ACTION: Approval of a Resolution of Appreciation for Retiring Account Clerk III,
Laronda Haines**

B. 2019-2020 Board and Commission Appointments and Reappointments

CEMETERY

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
John L. Anderson	Appoint	2

A copy of the Volunteer Profile sheet(s) can be found beginning on **page 12**.

COUNCIL ACTION: Approve the Mayor's Appointments and Reappointments

C. Lake Forest Day Proclamation

A copy of the Proclamation can be found **on page 14**.

D. Statement of Appreciation Regarding IDOT Pronouncement Opposing A Third Rail in the City of Lake Forest and Glenview

2. COMMENTS BY CITY MANAGER

- A. Community Spotlight**
- History Center of Lake Forest and Lake Bluff
-Carol Summerfield, Executive Director

3. COMMITTEE REPORTS

4. OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

5. ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. Approval of the May 20, 2019 First Session of the City Council Meeting Minutes

A copy of the minutes can be found beginning on **page 15**.

COUNCIL ACTION: Approval of the May 20, 2019 First Session of the City Council Meeting Minutes.

2. Approval of the May 20, 2019 Second Session of the City Council Meeting Minutes

A copy of the minutes can be found beginning on **page 19**.

COUNCIL ACTION: Approval of the May 20, 2019 Second Session of the City Council Meeting Minutes.

3. Approval of the Check Register for the Period of May 4-24, 2019

STAFF CONTACT: *Elizabeth Holleb, Finance Director (847-810-3612)*

BACKGROUND/DISCUSSION: City Code Section 38.02 sets forth payment procedures of the City. The Director of Finance is to prepare a monthly summary of all warrants to be drawn on the City treasury for the payment of all sums due from the City (including all warrants relating to payroll and invoice payments) by fund and shall prepare a detailed list of invoice payments which denotes the person to whom the warrant is payable. The warrant list detail of invoice payments shall be presented for review to the Chairperson of the City Council Finance Committee for review and recommendation. All items on the warrant list detail recommended for payment by the Finance Committee Chairperson shall be presented in summary form to the City Council for approval or ratification. Any member of the City Council shall, upon request to the City Manager or Director of Finance, receive a copy of the warrant list detail as recommended by the Finance Committee Chairperson. The City

Council may approve the warrant list as so recommended by the Finance Committee Chairperson by a concurrence of the majority of the City Council as recorded through a roll call vote.

The Council action requested is to ratify the payments as summarized below. The associated payroll and invoice payments have been released during the check register period noted.

Following is the summary of warrants as recommended by the Finance Committee Chairperson:

Check Register for May 4 - 24, 2019

	Fund	Invoice	Payroll	Total
101	General	500,369	678,775	1,179,144
501	Water & Sewer	94,236	84,511	178,747
220	Parks & Recreation	224,947	206,625	431,573
311	Capital Improvements	1,024,440	0	1,024,440
202	Motor Fuel Tax	0	0	0
230	Cemetery	141,478	17,399	158,877
210	Senior Resources	10,265	12,351	22,616
510	Deerpath Golf Course	10,085	1,222	11,307
601	Fleet	71,791	23,835	95,626
416 - 433	Debt Funds	1,000	0	1,000
248	Housing Trust	0	0	0
201	Park & Public Land	0	0	0
	All other Funds	986,591	77,576	1,064,168
		\$3,065,202	\$1,102,296	\$4,167,497

The total for All Other Funds includes expenses in the Emergency Telephone Fund and Police Restricted Funds (radios), as well as the Water and Sewer Capital Fund (water plant improvements). A change has been made for FY20 to include in this line medical and dental claim payments associated with the City's Self Insurance Fund.

COUNCIL ACTION: Approval of the Check Register for May 4-24, 2019.

4. Consideration of an Ordinance Approving a Recommendation from the Historic Preservation Commission. (First Reading and if Desired by the City Council, Final Approval)

*STAFF CONTACT: Catherine Czerniak,
Director of Community Development (810-3504)*

The following recommendation from the Historic Preservation Commission is presented to the City Council for consideration as part of the Omnibus Agenda.

1050 Meadow Lane – The Historic Preservation Commission recommended approval of the design aspects of a one bay addition to the existing garage. The garage is located at the rear of the residence, away from the streetscape. The Commission also recommended approval of the associated building scale variance. No testimony was presented to the Commission on this petition. (Approved 7-0)

The ordinance approving the petition, with key exhibits attached, is included in the Council's packet beginning on **page 25**. The Ordinance, with complete exhibits, is available for review in the Community Development Department.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading and grant final approval of the Ordinance approving the petition in accordance with the Historic Preservation Commission's recommendation.

COUNCIL ACTION: Approval of the four (4) Omnibus items as presented

6. ORDINANCES

- 1. Consideration of a Recommendation from the Plan Commission in Support of a Special Use Permit for Scouts, a Family Friendly Restaurant, in the Existing Building at Westwood Center, 950 N. Western Avenue. (If desired by the Council, Waive First Reading and Grant Final Approval of the Ordinance.)**

*PRESENTED BY: Catherine Czerniak,
Director of Community Development (810-3504)*

PURPOSE AND ACTION REQUESTED: The following recommendation from the Plan Commission is presented to the City Council for consideration and final action.

BACKGROUND/DISCUSSION: This is a request for a Special Use Permit to allow a new restaurant to locate in an existing commercial development, on the southwest corner of Western Avenue and Woodland Road. The City Code classifies restaurants located within 150' of residential zoning districts as special uses; restaurants located further away from residential properties are permitted outright. Special uses proposed in the City's business districts require consideration by the Plan Commission through the public hearing process, and must be evaluated based on the applicable criteria in the Code. In addition, restaurants must also comply with the performance standards specifically for restaurants detailed in the Code. The review process assures that the proposed use is considered in the contexts of both the nearby residential neighborhood and the business district, and provides the opportunity for public input. Often, special uses are approved subject to conditions and limitations as is the case with this petition.

The Westwood Center development, previously referred to as Westwood Square, was recently acquired by a new owner, a local family. Significant improvements on the site, both inside the building and out, are underway with more work planned in the coming months. A mix of old and new tenants; including offices, restaurants and service businesses, will occupy the updated building returning activity to this previously underutilized and deteriorating property and providing an amenity for residents who live within walking distance of the business district as well as to the larger community and visitors.

Recently, the Council, based on a recommendation from the Plan Commission, granted a Special Use Permit authorizing Kuro, a new sushi restaurant, to locate at Westwood Center in a space previously occupied by other restaurants. A second full service restaurant, Scouts, is

now proposed in the portion of the building furthest from the adjacent residential neighborhood, fronting on Western Avenue, occupying the tenant spaces currently occupied by service businesses. Only a portion of the space that will be occupied by Scouts is within 150 feet of the adjacent residential neighborhood. Scouts will be owned and operated by a local resident, an experienced restaurateur. Details of the proposed restaurant and a floor plan are included in the Council's packet. This restaurant, in addition to the new sushi restaurant and Little Tails in the Waukegan Road business district, respond directly to requests heard frequently from residents for more dining options in the community.

During the public hearing, the Commission received a presentation from the petitioner and heard testimony from adjacent residents expressing concern about potential impacts on the closet neighbors. After deliberation, the Commission concluded that the proposed restaurant, operated in compliance with 12 conditions of approval, meets the applicable performance standards and Special Use Permit criteria. The conditions as recommended by the Commission are detailed in the ordinance which is included in the Council packet beginning on **page 35**. In summary, the conditions address enhancements to the overall site, hours of operation, parking, noise, outdoor dining, ventilation, deliveries and use of the alley.

The Commission voted 6 to 0 to recommend approval of the Special Use Permit for Scouts. The Commission's report and minutes from the meeting at which this petition was considered are also included in the Council's packet to provide the Council with complete background information in support of the recommendation and insight into the Commission's deliberations.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading and grant final approval of the Ordinance approving a Special Use Permit for Scouts, a new family friendly restaurant at Westwood Center, 950 N. Western Avenue in accordance with the Plan Commission's recommendation

7. NEW BUSINESS

1. Approval of a Construction Administration Agreement for Telecommunications Facilities with MCImetro Access Transmission Services Corporation

PRESENTED BY: *Mike Strong, Assistant to the City Manager (810-3680)*

PURPOSE AND ACTION REQUESTED: City Staff requests approving a Construction Administration Agreement for Telecommunications Facilities ("Agreement") with MCImetro Access Transmission Services Corporation, d/b/a Verizon Access Transmission Services ("MCImetro"), to install and operate underground fiber optic telecommunications cables within the City's rights-of-way.

BACKGROUND/DISCUSSION: MCImetro, on behalf of Verizon Access Transmission Services, has requested the use of the City's public right-of-way for the purpose of placing underground fiber optics to support its telecommunications services. As an authorized telecommunications company within the State of Illinois, MCImetro has the right to install its infrastructure within dedicated rights-of-way. A Construction Administration Agreement

between the City of Lake Forest and the telecommunications company memorializes the respective rights and responsibilities of both parties.

This past winter, MCImetro expressed a desire to engage in a wide scale, multi-year construction project in Lake Forest for the purposes of installing and extending its telecommunications facilities within the City's rights-of-way. The Agreement, a copy of which is included on **page 59**, grants a non-exclusive revocable license to MCImetro to locate, construct and install their fiber optic network. MCImetro will still need to apply for all required permits prior to construction, and all work with the City's rights-of-way must comply with the City's Code of Ordinances regulating construction of utility facilities in the public rights-of-way, detailed in Chapter 98 of the City Code. In accordance with these regulations, MCImetro is required to restore all disturbed areas of rights-of-way within ten (10) days of completing construction.

This request and Agreement allows the City to work cooperatively with MCImetro to streamline the permit application process for their anticipated construction work, in exchange for engaging in annual construction planning and coordination of projects. The Agreement is a three-year term, with an automatic three-year renewal unless either party desires to terminate with 60-day notice prior to expiration.

BUDGET/FISCAL IMPACT: None.

COUNCIL ACTION: Approval of a Construction Administration Agreement (in substantially the form attached) for Telecommunications Facilities with MCImetro Access Transmission Services Corporation and Authorize and direct the City Manager, in consultation with the City Attorney, to finalize the terms of the Agreement.

2. Approval of the 2019 Parks & Recreation Department 10-Year Strategic Master Plan Document

PRESENTED BY: *Joe Mobile, Superintendent of Recreation, (847-810-3941)*

PURPOSE AND ACTION REQUESTED: The Parks & Recreation Board requests approval of the 2019 10-Year Strategic Master Plan Document as a working document for the future planning and development for the Parks and Recreation Department.

BACKGROUND/DISCUSSION: The Chart our Future 10-year Strategic Master Plan project was a joint effort between the Parks and Recreation Department and the Friends of Lake Forest Parks and Recreation Foundation. The final document was approved by the Friends of Lake Forest Parks and Recreation Foundation on February 14, 2019 and the Parks and Recreation Board on February 19, 2019. The Master Plan will be sent under separate cover and can be found at this link, https://hitchcockdesigngroup-my.sharepoint.com/:f:/p/bsafferman/Eomt7O_oIgzBikZGgNIwRa0BZiWI9eRK1_t8QBQn7xpnOg?e=aReOu4.

This plan provides the Parks and Recreation Department a document for planning growth into the future based on resident input as well as provides the Friends Foundation with potential fundraising opportunities to enhance parks and recreation opportunities throughout the community moving forward over the next ten years.

The Chart our Future 10-year Strategic Master Plan has been a year in the making and is the roadmap for the City of Lake Forest Parks and Recreation key stakeholders to align and drive continual growth and improvement of open space, facilities, recreation systems, and services. A coordinated team from the Lake Forest Parks and Recreation Department (LFPRD) and the Friends of Lake Forest Parks and Recreation Foundation drove and funded this planning project. The team listened carefully and are thrilled by how the community helped shape this vision, including its purpose-driven Action Plan to guide development. The Parks and Recreation Department adopted its previous plan in 1995 and issued an update in 2008. This plan was instrumental in developing the successful parks and recreation system enjoyed by Lake Forest residents today.

The goal of this new 2019-2029 10-Year Strategic Master Plan is to expand on the previous plan's success and outline how our community and key stakeholders, led by LFPRD, will continue to provide quality parks, facilities, and services to current and future Lake Forest residents. The planning process identified infrastructure requirements, recreation trends, community needs, and resident expectations through an extensive data-gathering and community outreach process. This process included public workshops, focus groups, and surveys with over 740 Lake Forest residents participating. The focus groups also included key individuals in the community with 13 participants representing 9 organizations including program/athletic associations and other public or not-for profit agencies.

The Parks and Recreation Board, as well as Staff, believe Chart our Future accurately responds to the City of Lake Forest Parks and Recreation Department's current context, and future position in the community. As Chart our Future is implemented over the next ten years, it will continue to support the City's mission to "be the best-managed, fiscally responsible, and appealing community which promotes a community spirit of trust, respect, and citizen involvement". Residents are encouraged to provide ongoing feedback, which will be incorporated as the plan advances.

PROJECT REVIEW/RECOMMENDATIONS:

Reviewed	Date	Comments
Parks and Recreation Board	2/19/19	Approval of Master Plan
Parks and Recreation Board and Friends of Lake Forest Parks & Recreation Foundation	12/4/18	Joint workshop for final input to Master Plan

BUDGET/FISCAL IMPACT: N/A at this time. As items in the Master Plan are determined for implementation Staff will bring those items forward to City Council for the appropriate approvals at a time that is appropriate.

COUNCIL ACTION: Approval of the 2019 Parks & Recreation Department 10-Year Strategic Master Plan Document

A. Reconsideration and Rescission of Approval of a First Amendment to the Restated Agreement Relating to the Gorton Property

PRESENTED BY: *Julie Tappendorf, City Attorney*

PURPOSE AND ACTION REQUESTED: Staff requests that the City Council reconsider and rescind its previous approval of the First Amendment to the Restated Agreement Relating to the Gorton Property.

BACKGROUND/DISCUSSION: "At the May 20, 2019 City Council meeting, the City Council approved a First Amendment to the Restated Agreement Relating to the Gorton Property to modify various provisions of that agreement, including submittal of financial reports, the number of GCC Board members, and various other provisions. Subsequent to the approval of the First Amendment, staff learned of several issues and non-substantive changes that were not encompassed, and is recommending that the best course of action is to ask that the City Council reconsider and rescind its previous action on the First Amendment."

In order to address other questions and comments about the First Amendment that were raised at the May 20 City Council meeting, staff is not presenting the First Amendment for reapproval by the City Council at this time. Instead, staff will work on incorporating these additional comments and will present a revised Amendment to the City Council for action at a future meeting. The revised Amendment will also need to be presented to the Gorton Board of Directors for approval.

BUDGET/FISCAL IMPACT: N/A

Beginning on **page 71** of your packet, you will find a copy of the approved First Amendment to the Restated Agreement Relating to the Gorton Property that is being presented for reconsideration and rescission.

COUNCIL ACTION: Reconsideration and Rescission of Approval of a First Amendment to the Restated Agreement Relating to the Gorton Property

9. ADJOURNMENT

A copy of the Decision Making Parameters can be found beginning on **page 10** of this packet.

Office of the City Manager

May 29, 2019

The City of Lake Forest is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are required to contact City Manager Jason Wicha, at (847) 234-2600 promptly to allow the City to make reasonable accommodations for those persons.





THE CITY OF LAKE FOREST

DECISION-MAKING PARAMETERS FOR CITY COUNCIL, AND APPOINTED BOARDS & COMMISSIONS

Adopted June 18, 2018

The City of Lake Forest Mission Statement:

"Be the best-managed, fiscally-responsible and appealing community and promote a community spirit of trust, respect and citizen involvement."

The Lake Forest City Council, with the advice and recommendations of its appointed advisory Boards and Commissions, Lake Forest Citizens, and City Staff, is responsible for policy formulation and approval. Implementation of adopted strategy, policy, budgets, and other directives of Council is the responsibility of City Staff, led by the City Manager and Senior Staff. The Mayor and Aldermen, and appointed members of Boards and Commissions should address matters in a timely, deliberate, objective and process-driven manner, making decisions guided by the City of Lake Forest Strategic and Comprehensive Plans, the City's Codes, policies and procedures, and the following parameters:

- Motions and votes should comprise what is in the best long-term interests of all Lake Forest citizens, measured in decades, being mindful of proven precedents and new precedents that may be created.
- All points of view should be listened to and considered in making decisions with the long-term benefit to Lake Forest's general public welfare being the highest priority.
- Funding decisions should support effectiveness and economy in providing services and programs, while mindful of the number of citizens benefitting from such expenditures.
- New initiatives should be quantified, qualified, and evaluated for their long-term merit and overall fiscal impact and other consequences to the community.
- Decision makers should be proactive and timely in addressing strategic planning initiatives, external forces not under control of the City, and other opportunities and challenges to the community.

Community trust in, and support of, government is fostered by maintaining the integrity of these decision-making parameters.

The City of Lake Forest's Decision-Making Parameters shall be reviewed by the City Council on an annual basis and shall be included on all agendas of the City Council and Boards and Commissions.



RESOLUTION

WHEREAS, LARONDA E. HAINES has been a dedicated employee of The City of Lake Forest since **July 31, 2006**; and

WHEREAS, LARONDA HAINES will honorably retire from the City on **May 23, 2019**; and

WHEREAS, LARONDA HAINES served as an Account Clerk III in the Finance/IT Department during her dedicated career; and

WHEREAS, LARONDA HAINES service highlights include the following:

- processing of over two hundred ninty thousand (290,000) utility bills,
- assisting customers with a variety of questions regarding their utility bills,
- assisting with analysis and implementation of the City's tiered water rate structure,
- supporting the implementation and maintenance of the City's water meter monitoring program,
- supporting the implementation and maintenance of online water bill payments, improving customer service to residents,
- implementation of a new sanitation fee and new public safety pension fee for inclusion on the quarterly utility bill to minimize administrative costs,
- providing significant support with the recent implementation of a new utility billing software, working with several 3rd party applications to ensure a seamless transition, and
- compiling and distributing City Council Finance Committee and Audit Committee meeting packets, as well as preparing the electronic and hard copies of the annual budget book for distribution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE FOREST that the Council, on behalf of the administration and residents of the community, hereby expresses its appreciation and gratitude to **LARONDA E. HAINES** for a public service faithfully performed; and

BE IT FURTHER RESOLVED that this Resolution be appropriately inscribed and conveyed to **LARONDA**, with a copy to be included in the official minutes of the June, 3rd 2019 meeting of the Lake Forest City Council.

Contact Info

First Name: **John L**
 Last Name: **Anderson**
 E-mail: **janderson@meridiancp.com**
 Title:
 Organization:
 Address: **1212 Turicum Road**
 Address Line 2:
 City: **Lake Forest**
 State: **IL**
 Zip: **60045**
 Mobile Phone: **847-682-1782**
 Home Phone: **847-615-0217**
 Notes: **appointed 11/11, initial apt 5/12, reappt 5/14, 5/16 term limit 2018**

Resident Data/Stats

Ward: **Ward 2**
 Precinct:
 US Citizen:
 Registered Voter:
 Lake Forest Resident since(YYYY): **24**
 Business Name: **Meridian Compensation Partners LLC**
 Type of Business: **Consulting - executive compensation and corporate governance**
 Business Phone: **847-235-361**
 Position: **Partner and senior consultant**
 Date of Birth (Optional): [REDACTED]
 Education: **BA 1976 - Northwestern University (College of Arts & Sciences), Evanston, IL - major: Urban Economics**
MBA 1977 - Northwestern University (Kellogg Graduate School of Management), Evanston, IL - major: Accounting and Finance
Also: Certified Public Accountant (1978)
 Spouse's Name: **Megan (Paynter) Anderson**
 Children's Birth Years: **Kristen (30) and Erik (27)**

Interest in Community Positions

Mayor: **No Interest at this time**
 Alderman: **No Interest at this time**
 #67 School Board: **No Interest at this time**
 #115 School Board: **No Interest at this time**
 Caucus Committee: **No Interest at this time**
 Audit Committee: **No Interest at this time**
 Board of Fire & Police Commissioners: **No Interest at this time**
 Building Review Board (BRB): **No Interest at this time**
 Cemetery Commission: **I am currently applying / Consider me for this position in the future**
 Committee Representing Our Young Adults (CROYA): **No Interest at this time**
 Construction Codes Commission: **No Interest at this time**
 Elawa Farm Commission: **No Interest at this time**
 Fireman's Pension Fund - Board of Trustees: **No Interest at this time**
 Gorton Community Center Board of Directors: **No Interest at this time**
 Historic Preservation Commission: **No Interest at this time**
 Legal Committee: **No Interest at this time**
 Library Board: **No Interest at this time**
 Park & Recreation Board: **No Interest at this time**
 Planning Commission Labels: **I am currently applying / Consider me for this position in the future**
 Police Pension Fund - Board of Trustees: **No Interest at this time**
 Senior Resources Commission: **No Interest at this time**
 Zoning Board of Appeals (ZBA): **No Interest at this time**
 Other Positions: **My professional expertise for over 30 years is in executive compensation, HR and leadership development (work directly with boards of directors of large U.S. and Canadian public companies). Have very strong financial, business, tax, accounting and board governance background and skills. Also have a very strong interest in community development and local economic sustainability (undergrad degree and continuing interest in Urban Economics).**

Other Considerations

Please list any regular commitments or travel that would interfere with your attendance at scheduled meetings:

I have some business travel but it's generally manageable around a regular, pre-set meeting schedule.

Please list any current or previous community service activities, interests, directorships, etc. -- public or private. For each activity please indicate years served and positions held:

Current:

- 1) Board of Trustees and member of the Executive Committee, Ravinia Festival Association, Highland Park, IL (2004 - current)**
- 2) Board of Trustees and Board Chairman, McCormick Theological Seminary (Presbyterian), Chicago (Hyde Park), IL (15+ years)**
- 3) Board of Trustees and former founding Board chair, Lake County Community Foundation, Waukegan, IL (2003 - current)**

Former:

Board of Trustees and former Board Chair, Boys & Girls Club of Lake County, Waukegan (2003 - 2011)
Also, elder and deacon at First Presbyterian Church, Lake Forest (former chair of Personnel Committee)

Please list other activities, specialized skills, knowledge, or professional experience that would contribute to your effectiveness in the position(s) for which you are applying or expressing possible future interest:

My professional expertise for over 30 years is in executive compensation, HR and leadership development (work directly with boards of directors of large U.S. and Canadian public companies). Have very strong financial, business, tax, accounting and board governance background and skills. Also have a very strong interest in community development and local economic sustainability (undergrad degree and continuing interest in Urban Economics).

References (Optional):

Please state briefly why you are volunteering to serve The City of Lake Forest:

Long-time Lake Forest resident and very committed to our community's future strength/viability and our unique amenities - both as a strong residential community and local business community. Not only am I a long-term resident here, but my business is now also located in Lake Forest (Conway Park).

Please list any interests or activities that could lead to, or BE PERCEIVED as, a conflict of interest if you become a candidate or appointee.:

n/a



PROCLAMATION

WHEREAS, the McKinlock Post 264 of the American Legion has undertaken to provide appropriate exercises and entertainment in celebration of LAKE FOREST DAY on WEDNESDAY, AUGUST 7, 2019 with a view to bringing together the people of our City in the furtherance of civic interest and advancement of community fellowship; and

WHEREAS, the McKinlock Post 264 of the American Legion honors Lake Forest residents, employees, neighbors and friends by adopting the theme *"Lake Forest American Legion Supporting Veterans and Community for 100 years"*

THEREFORE, be it hereby proclaimed that said LAKE FOREST DAY celebration is declared to be a City Fair and in pursuance thereof, and Tuesday, August 6, 2019, and Wednesday, August 7, 2019, shall be observed as a holiday in The City of Lake Forest and our people are urged to forsake their ordinary pursuits and gather in West Park in a spirit of comradeship and good will in support of the ideals of our City.

George A. Pandaleon, Mayor

The City of Lake Forest
CITY COUNCIL
Proceedings of the Monday, May 20, 2019
FIRST SESSION
City Council Meeting - City Council Chambers

CALL TO ORDER AND ROLL CALL: Honorable Mayor Lansing called the meeting to order at 6:30pm, and the City Clerk, Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Lansing, Alderman Beidler, Alderman Morris, Alderman Newman, Alderman Rummel, Alderman Reisenberg, Alderman Preschlack, Alderman Moreno and Alderman Buschmann.

Absent: None

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE was recited by all those present in the Chamber.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

A. Resolution of Appreciation for John Tadel, owner of Smith's Mens' Store

Mayor Lansing read and presented the Resolution to Mr. Tadel.

COUNCIL ACTION: Approval of the Resolution

Alderman Reisenberg made a motion to approve the resolution, seconded by Alderman Newman. Motion carried unanimously by voice vote.

B. Approval of a First Amendment to the Restated Agreement Relating to the Gorton Property

Alderman Morris gave an overview of the amendment. The City Council had lengthy discussion. Mayor Lansing asked if there was anyone from the audience who wanted to comment on this item. Seeing none, he asked for a motion.

COUNCIL ACTION: Approval of the First Amendment to the Restated Agreement Relating to the Gorton Property

Alderman Preschlack made a motion to approve the First Amendment to the Restated Agreement Relating to the Gorton Property, seconded by Alderman Moreno. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

COMMENTS BY CITY MANAGER

COMMITTEE REPORTS

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

Dan Rogers, a resident of Lake Bluff offered his thoughts to the Council on the shared Fire Service IGA with Lake Bluff, Knollwood and Libertyville.

ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. Approval of the April 15, 2019 City Council Meeting Minutes
2. Approval of the Check Register for the Period of March 23 to May 3, 2019
3. Approval of the FY20 Personnel Policies, Administrative Directives
4. Consideration of a Resolution Authorizing the City Manager to Execute a Conservation Easement Assignment Relating to Lot 4 of the McCormick Nature Preserve Subdivision. (Approve by motion.)
5. Authorization for the City Manager to enter into a Professional Services Agreement with MIST Environment for Sustainability Consultant Services for a Period of Three Years.
6. Award of Bid in the Amount of \$32,520 to Henricksen for the Replacement of Sixty-Five (65) City Hall Chairs
7. Approval of an amended contract for FY20 GIS Services to MGP, Inc. in the not-to-exceed amount of \$203,422.
8. Approval to Execute a Grant Agreement by and between the Illinois Department of Natural Resources and the City of Lake Forest, through the Open Space Land Acquisition and Development (OSLAD) Program, to Complete an Improvement Project at South Park.
9. Authorization for the City Manager to enter into a Professional Services Agreement with Hitchcock Design Group for Professional Landscape Architectural Services Associated with the South Park OSLAD Grant Improvement Project, for an amount not to exceed \$70,000
10. Approval of Tennis Court Usage Policy
11. ~~Approval of 2019 10 Year Strategic Master Plan Document~~ Item removed
12. Consideration of Ordinances Approving Recommendations from the Building Review Board. (First Reading and if Desired by the City Council, Final Approval)
13. Consideration of an Ordinance Approving a Recommendation from the Zoning Board of Appeals. (First Reading, and if Desired by the City Council, Final Approval)
14. Consideration of an Ordinance Approving a Recommendation from the Historic Preservation Commission. (First Reading and if Desired by the City Council, Final Approval)
15. Authorization for the City Manager to enter into a three-year Professional Services Agreement with Lake County Press, Inc. in an amount not to exceed \$26,760.00 per fiscal

year for professional services related to the printing and mailing of the City Dialogue Community-Wide Newsletter.

- 16. City Council Approval to Waive Competitive Bidding Requirements and Authorize the Purchase up to \$57,000 in Seed and Plant Material for the North Beach Ravine via Multiple Vendors**

COUNCIL ACTION: Approval of the sixteen (16) Omnibus items as presented

Mayor Lansing asked members of the Council if they would like to remove any item or take it separately.

The City Council had discussion on items #11. On a motion from Alderman Reisenberg and a second from Alderman Newman, #11 was removed and rescheduled for a future City Council date. The City Council was given a brief overview of item # 16. Mayor Lansing again asked members of the Council if they would like to remove any item or take it separately. Seeing none, Mayor Lansing asked for a motion to approve the fifteen (15) Omnibus items as presented.

Alderman Preschlack made a motion to approve the fifteen (15) Omnibus items as presented, seconded by Alderman Moreno. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

ORDINANCES

NEW BUSINESS

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION/COMMENTS BY COUNCIL MEMBERS
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- 1. Presentation of Fabulous Gifts and Prizes**
- Jason Wicha, City Manager

Jason Wicha, City Manager, presented Alderman Reisenberg and Mayor Lansing with certificates for a tree to be planted in their honor and personalized City street signs.

- 2. Final words for departing Council Members from remaining Council Members**

Each Alderman expressed sincere gratitude for the service of retiring Alderman Reisenberg and Mayor Lansing.

- 3. Final comments from Alderman Reisenberg and Mayor Lansing**

Alderman Reisenberg and Mayor Lansing made closing remarks to the Council, Residents and Staff.

ADJOURNMENT

There being no further business Mayor Lansing asked for a motion. Alderman Reisenberg made a motion to adjourn, seconded by Alderman Beidler. Motion carried unanimously by voice vote at 7:45 pm.

Respectfully Submitted
Margaret Boyer, City Clerk

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The City of Lake Forest
CITY COUNCIL
Proceedings of the Monday, May 20, 2019
SECOND SESSION
City Council Meeting - City Council Chambers

CALL FOR ORGANIZATION OF THE 2019-2020 LAKE FOREST CITY COUNCIL

At 8pm. City Clerk Margaret Boyer called for the Organization of the 2019-2020 City Council

CITY CLERK MARGARET BOYER ADMINISTERS THE OATH OF OFFICE TO:

Mayor Elect—George A. Pandaleon

First Ward Alderman-Elect - - James E. Morris

Second Ward Alderman-Elect - - Melanie K. Rummel

Third Ward Alderman-Elect - - Ara C. Goshgarian

Fourth Ward Alderman-Elect - - Raymond P. Buschmann

CALL TO ORDER AND ROLL CALL: Honorable Mayor Pandaleon called the second session meeting to order at 8:02 pm, and City Clerk Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Pandaleon, Alderman Beidler, Alderman Morris, Alderman Newman, Alderman Rummel, Alderman Preschlack, Alderman Goshgarian, Alderman Moreno and Alderman Buschmann.

Absent: None.

Honorable Mayor, George Pandaleon

Prudence R. Beidler, Alderman First Ward

James E. Morris, Alderman First Ward

Timothy Newman, Alderman Second Ward

Melanie Rummel, Alderman Second Ward

James Preschlack, Alderman Third Ward

Ara Goshgarian, Alderman Third Ward

Michelle Moreno, Alderman Fourth Ward

Raymond Buschmann, Alderman Fourth Ward

ELECTION AND APPOINTMENT OF CITY OFFICERS

Mayor Pandaleon made the following appointments:

1. ELECTION BY THE CITY COUNCIL AND APPOINTMENTS BY THE MAYOR AS REQUIRED BY CHARTER AND CITY CODE

City Treasurer

City Supervisor

City Marshal & Collector

City Attorney

City Clerk

City Surveyor and Engineer

Elizabeth Holleb

Jason Wicha

Karl Walldorf

Julie Tappendorf

Margaret Boyer

Gewalt Hamilton Associates

COUNCIL ACTION: Approve the Mayor's Appointments

Alderman Preschlack made a motion to approve the Mayor's appointment, seconded by Alderman Morris. Motion carried unanimously by voice vote.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

A. Resolution of Appreciation for Ward 3 Alderman Jack Reisenberg

Mayor Pandaleon read the Resolution, presented it to the Alderman and photos were taken.

COUNCIL ACTION: Approve the Resolution

Alderman Rummel made a motion to approve the Resolution, seconded by Alderman Moreno. Motion carried unanimously by voice vote.

B. Resolution of Appreciation for Mayor Robert T.E. Lansing

Mayor Pandaleon read the Resolution, presented it to the Mayor, and photos were taken.

COUNCIL ACTION: Approve the Resolution

Alderman Buschmann made a motion to approve Resolution, seconded by Alderman Newman. Motion carried unanimously by voice vote.

C. 2019-2020 Board and Commission Appointments and Reappointments

Mayor Pandaleon made the following appointments and reappointments:

BUILDING REVIEW BOARD

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
John Looby III	Appoint	4
Joanne Bluhm	Appoint	4
James Sykora	Reappoint	2
Chris Bires	Reappoint	2
James Diamond	Reappoint as Chair	3

CEMETERY

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Eileen Looby Weber	Appoint	4
David Hooke	Reappoint	3
Dennis O'Brien	Reappoint as Chair	2

HISTORIC PRESERVATION COMMISSION

NAME OF MEMBER	APPOINT/REAPPOINT	WARD

Steve Lamontagne	Appoint	2
Carol Gayle	Reappoint	1
Janet Gibson	Reappoint	3

LEGAL

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
David Michael	Appoint	2
Joy Guscott-Mueller	Appoint	3

PARKS & RECREATION BOARD

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Jared Rhoads	Appoint	4
Shannon Maguire	Reappoint	3
Melanie Walsh	Reappoint	1
Paul Best	Reappoint as Chair	2
Will Elliot	Students on Boards	N/A

LIBRARY

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Germaine Arnson	Reappoint	2
Elizabeth Grob	Reappoint	2
Beth Parsons	Reappoint	1

PLAN COMMISSION

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
John Dixon	Appoint	1
Michael Freeman	Reappoint	2
Stephen Douglass	Reappoint	1
Rosemary Kehr	Reappoint	2

ZONING BOARD OF APPEALS

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Laurie Rose	Appoint	4
Lisa Nehering	Reappoint	3

James Moorhead	Reappoint	1
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CROYA

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Carolyn Bielski	Reappoint	LB
Jennifer Riley	Reappoint	3
Jennifer Durberg	Reappoint	2
Jennifer Karris	Reappoint as Chair	1

SENIOR RESOURCES COMMISSION

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Ed Richardson	Appoint	LB

BOARD OF POLICE AND FIRE COMMISSIONERS

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Greg Nikitas	Reappoint	2
Steve Kernahan	Reappoint	N/A

BOARD OF TRUSTEES POLICE PENSION FUND

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
M. Jay Trees	Reappoint	N/A

HOUSING TRUST FUND BOARD

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Charles King	Reappoint	1
Don Schoenheider	Reappoint as Chair	3

COUNCIL ACTION: Approve the Mayors Appointments and Reappointments

Alderman Moreno made a motion to approve the Mayor's Appointments and Reappointments, seconded by Alderman Beidler. Motion carried unanimously by voice vote.

D. Approval of a Resolution of Appreciation for Retiring Members of Boards and Commissions as follows:

BOARD, COMMISSION OR COMMITTEE	NAME OF MEMBERS(S)

BUILDING REVIEW BOARD	Robert Reda, Ted Notz and Ross Friedman
CEMETERY COMMISSION	Patrick Looby
HISTORIC PRESERVATION COMMISSION	Robert Alfe
LEGAL COMMITTEE	Ken Weinberger and Jason Maxwell
PARKS & RECREATION BOARD	Charles Kohlmeyer
PLAN COMMISSION	Guy Berg
ZONING BOARD OF APPEALS	Richard Plonsker
BOARD OF TRUSTEES POLICE PENSION FUND	Colleen Chandler
SENIOR RESOURCES COMMISSION	Steve Potsic

COUNCIL ACTION: Approve the Resolution

Alderman Newman made a motion to approve the Mayor's Appointments and Reappointments, seconded by Alderman Preschlack. Motion carried unanimously by voice vote.

E. Announcement of City Council Committee Appointments

Mayor Pandaleon gave a brief overview of Committee Appointments.

F. Swear in Firefighter Paramedic Zach Amrein

Mayor Pandaleon swore in Firefighter Paramedic Zach Amrein.

COMMENTS BY CITY MANAGER

City Manager Wicha reported that an update on the Hughes Gateway would take place on a monthly basis at the City Council meeting until completed.

- A. Update on Hughes Gateway/North Beach Access Road**
- Sally Swarthout, Director of Parks & Recreation and
 - Michael Thomas, Director of Public Works

Director of Public Works, Michael Thomas gave a progress report to the City Council.

COMMITTEE REPORTS

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. Approval of the Regularly Scheduled Meetings of the Lake Forest City Council for the year 2020
2. Authorization for the City Manager to enter into a Professional Services Agreement with Craig Bergmann Landscape Design, Inc. and Mariani Landscape for Professional Landscape Architectural Services for a period of three years
3. Authorization to Dispose of City Property

COUNCIL ACTION: Approval of the three (3) Omnibus items as presented

Mayor Pandaleon asked members of the Council if they would like to remove any item or take it separately. Seeing none, Mayor Pandaleon asked for a motion to approve the three (3) Omnibus items as presented.

Alderman Moreno made a motion to approve the three (3) Omnibus items as presented, seconded by Alderman Preschlack. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Preschlack, Goshgarian, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

ORDINANCES

NEW BUSINESS

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION/COMMENTS BY COUNCIL MEMBERS
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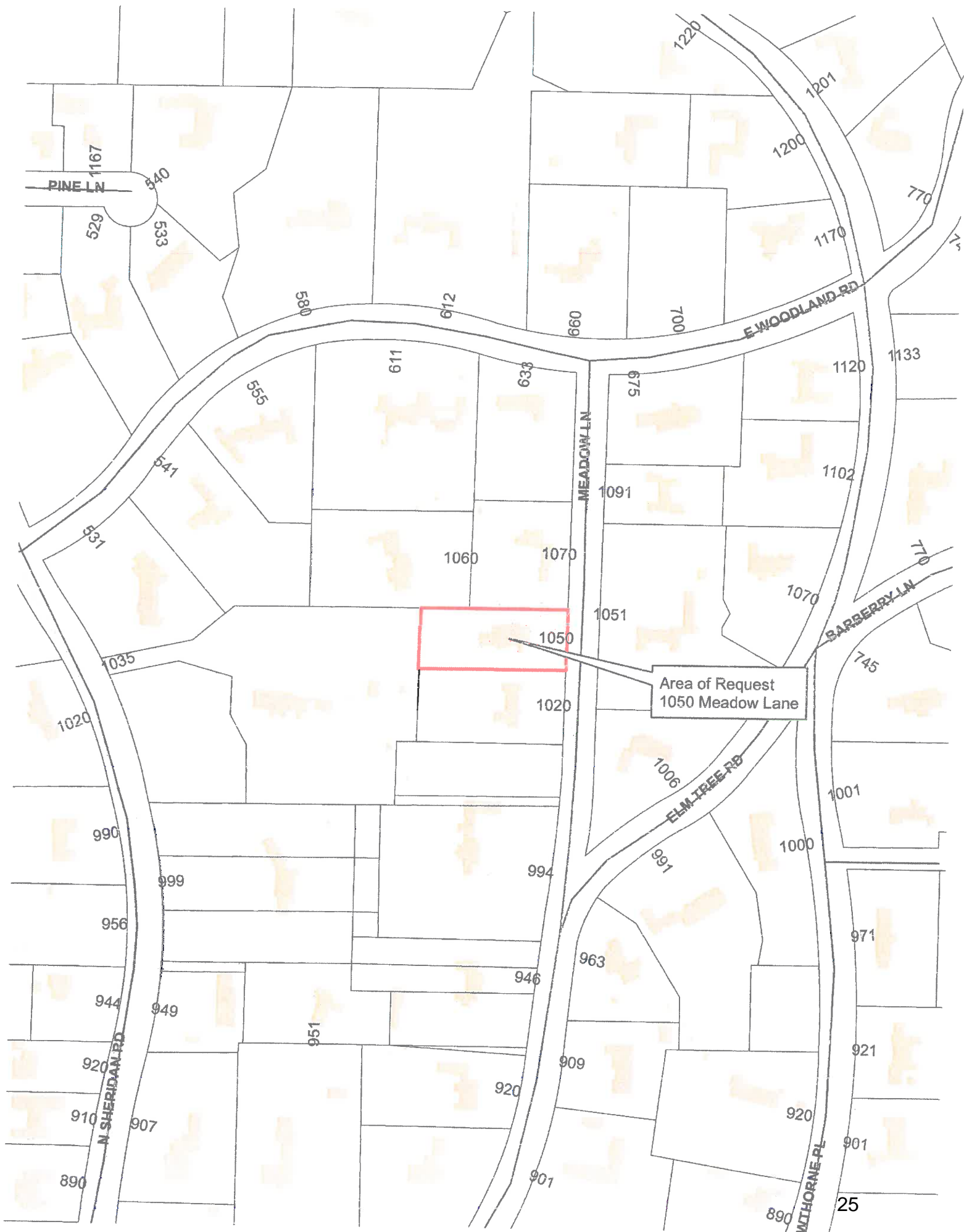
Mayor Pandaleon and Alderman Goshgarian expressed their appreciation for being able to serve The City of Lake Forest.

ADJOURNMENT

There being no further business Mayor Lansing asked for a motion. Alderman Reisenberg made a motion to adjourn, seconded by Alderman Beidler. Motion carried unanimously by voice vote at 8:37 pm.

Respectfully Submitted
Margaret Boyer, City Clerk

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THE CITY OF LAKE FOREST

ORDINANCE NO. 2019 - ____

AN ORDINANCE GRANTING A FLOOR AREA EXCEPTION FOR
THE PROPERTY LOCATED AT 1050 MEADOW LANE

WHEREAS, Alton and Shannon Shader ("**Owners**") are the owners of that certain real property commonly known as 1050 Meadow Lane, Lake Forest, Illinois and legally described in Exhibit A, attached hereto ("**Property**"); and

WHEREAS, the Property has been designated as a Local Landmark or included in a Local Historic District pursuant to Chapter 155 of the City Code; and

WHEREAS, the Property is located in the R-4, Single Family Residence Zoning District; and

WHEREAS, the Owners desire to construct various improvements, including a rear, single bay garage addition and limited associated alterations to the existing residence ("**Improvements**") as depicted on the site plan and architectural drawings that are attached hereto as Group Exhibit B ("**Plans**"); and

WHEREAS, in order to construct the Improvements, Section 155.07 of the City Code requires the Owners to obtain a Certificate of Appropriateness ("**CoA**") from the Historic Preservation Commission ("**HPC**");

WHEREAS, the Improvements as depicted on the Plans would exceed the maximum floor area allowances set forth in Section 150.148(D), which apply to new construction on, or additions and alterations to existing construction on, residential property; and

WHEREAS, pursuant to notice duly published, the HPC reviewed and evaluated the Plans at a public hearing held on April 24, 2019; and

WHEREAS, the HPC, having fully heard and having considered the evidence and testimony by all those attending the public hearing who wished to testify, made the following findings:

1. the Property is located within the R-4 District under the City Code,
2. Owners propose to construct the Improvements as depicted on the Plans,
3. as depicted on the Plans, the Improvements exceed the maximum floor area allowances set forth in Section 150-148(D) of the City Code,
4. the Improvements are consistent with the design standards in Section 150.147 of the City Code,
5. the Property is located in a local historic district or is designated as a Local Landmark and the Improvements are consistent with the standards in the Historic Preservation Ordinance, and approval of the Improvements as depicted on the Plans would further the purpose of the Historic Preservation Ordinance,
6. the HPC has determined that the Plans qualify for a CoA under the standards set forth in Section 155.08 of the City Code;
7. the location, massing and architectural detailing of the Improvements will mitigate the appearance of excessive height and mass of the structures and as a result, the proposed development of the Improvements as set forth on the Plans is in keeping with the streetscape and overall neighborhood,
8. the Improvements are sited in a manner that minimizes the appearance of mass from the streetscape or neighboring residences due to the placement at the rear of the property and existing vegetation. In addition, the proposed Improvements will not have a significant negative impact on the light to and views from neighboring homes.
9. the height and mass of the Improvements will generally be compatible with the height and mass of structures on adjacent lots, buildings on the street and on adjacent streets, and other residences and garages in the same subdivision,
10. the evidence presented indicates that the construction of the Improvements, if undertaken in conformity with this Ordinance, the recommended conditions, and the Plans, will meet the standards and requirements of Sections 150.147 and 150.148 of the City Code,

and recommended that the City Council approve the Application and the Plans and grant an exception to the maximum allowable floor area consistent with the Plans, subject to the terms and conditions hereinafter set forth; and

WHEREAS, the Mayor and City Council, having considered Owners' request for exceptions to the maximum floor area requirements set forth in Section 150.148 of the City Code and the findings and recommendations of the HPC, have determined that it is in the best interests of the City and its residents to grant such exceptions, subject to the terms and conditions hereinafter set forth; and

WHEREAS, the Mayor and City Council further determine in the exercise of the City's home rule powers that it is in the best interests of the City and its residents to grant Owners' request for exceptions to the otherwise applicable maximum floor area requirements, subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAKE FOREST, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Maximum Floor Area Exception Granted. Pursuant to Section 155.08 of the City Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the City Council does hereby grant an exception to the maximum floor area requirements set forth in Section 150.148(D) of the City Code, as more fully depicted on the Plans, by allowing the Improvements which together with other structures on the Property will have a maximum square footage not to exceed 5,519 square feet, 22% over the allowable square footage.

SECTION THREE: Conditions on Approval. The approval granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following

conditions, the violation of any of which shall, in the discretion of the Mayor and City Council, render void the approvals granted by this Ordinance:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. Compliance with Laws. Chapters 150, regarding building, 156, regarding subdivisions, 159, regarding zoning, and 155, regarding historic preservation, of the City Code, and all other applicable ordinances and regulations of the City shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. Tree Preservation. The Owners will fully comply with Chapter 99 of the City Code, regarding trees, as it relates to the construction of the Improvements.
- D. Compliance with the Plans. The Improvements must be developed on the Property in substantial compliance with the Plans.
- E. Fees and Costs. The Owners shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the City Code. In addition, the Owners shall reimburse the City for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the City shall have the right to foreclose such lien in the name of the City as in the case of foreclosure of liens against real estate.
- F. Other Conditions. The improvements shall be substantially in conformance with the Commission's deliberations as reflected on Exhibit C, Certification of Appropriateness, attached hereto.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the City Council, be of no force or effect if Owners have not (i) executed and (ii) thereafter filed with the City Clerk, within 60 days following the passage of this Ordinance, the unconditional agreement and consent, in the form

attached hereto as Exhibit D and by this reference made a part hereof, to accept and abide by each and all of the terms, conditions, and limitations set forth herein. The City Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS __ DAY OF _____, 2019.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTAIN: ()

PASSED THIS __ DAY OF _____, 2019.

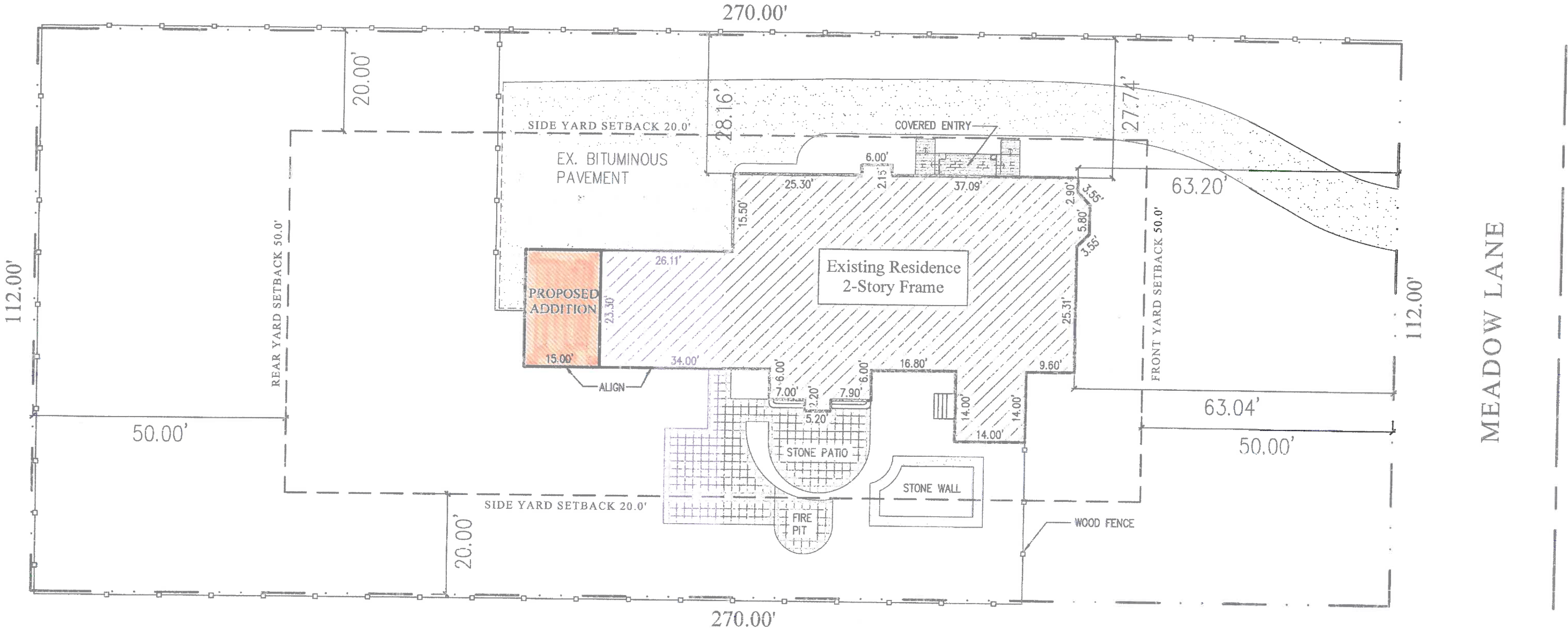
ATTEST:

Mayor

City Clerk

The Plans

PROPOSED SITE PLAN



Proposed Site Plan

SCALE: 1" = 20'-0"

PROPERTY SETBACKS	SITE PLAN KEY
FRONT YARD - 50.0'	■ - 1 STORY ADDITION
SIDE YARD - 20.0'	▨ - EXISTING STRUCTURE
REAR YARD - 50.0'	▤ - EXISTING IMPERVIOUS SURFACE ASPHALT/CONCRETE

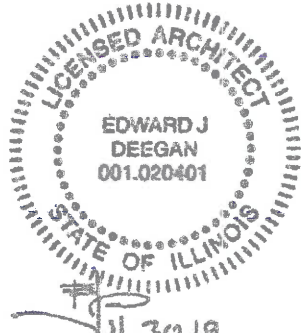
THE SHADER RESIDENCE

1050 Meadow Lane
Lake Forest, IL 60045

EDWARD
DEEGAN
ARCHITECTS

503 Park Drive, Suite #4
Kenilworth, IL 60043
(847) 906 - 4110
www.edwarddeeganarchitects.com

PROJECT 17.06
05.03.2019
ZONING INQUIRY



The Plan's

Architectural elevation drawing of a two-story house with a new addition. The drawing shows the front facade with a central entrance, multiple windows, and a chimney. A new addition is shown on the right, highlighted in green. Annotations include level markers (Attic, Second, First, Basement), window/door heights, and labels for existing and new elements. A person is shown standing next to the new addition for scale.

Level Markers (Left Side):

- WINDOW/DOOR H.H. EXISTING - V.L.F.
- ATTIC LEVEL (F.F.) EXISTING - V.L.F.
- CEILING (FINISH) EXISTING - V.L.F.
- WINDOW/DOOR H.H. EXISTING - V.L.F.
- SECOND LEVEL (F.F.) EXISTING - V.L.F.
- CEILING (FINISH) EXISTING - V.L.F.
- WINDOW/DOOR H.H. EXISTING - V.L.F.
- FIRST LEVEL (F.F.) EXISTING - V.L.F.
- GRADE - VARIES EXISTING
- BASEMENT LEVEL (F.F.) EXISTING - V.L.F.

Dimensions (Left Side):

- 7'-0" V.L.F.
- 7'-10" V.L.F.
- 5'-0" V.L.F.
- 5'-0" V.L.F.
- 7'-0" V.L.F.

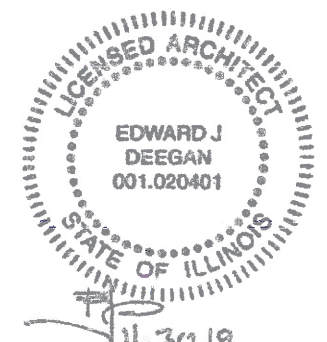
Labels and Annotations:

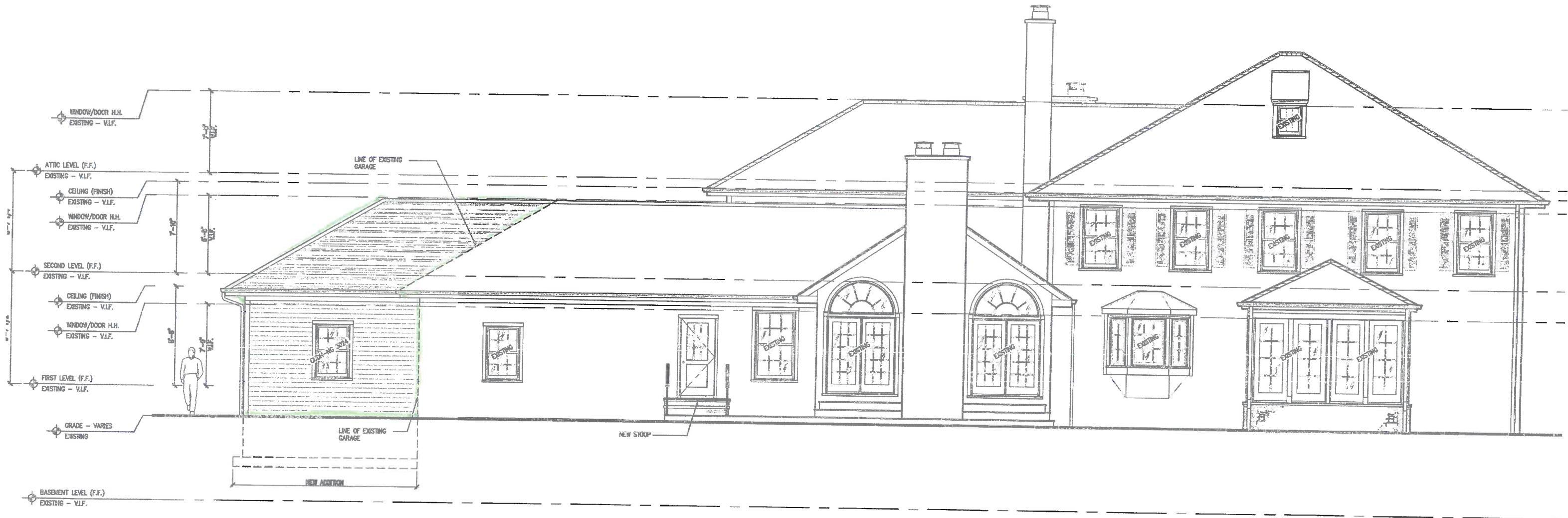
- EXISTING (multiple locations on windows and doors)
- NEW RAILING T.M.E.
- NEW BRICK STEPS/STOOP T.M.E.
- LINE OF EXISTING GARAGE
- NEW ADDITION



North Elevation - Proposed

SCALE: 1/8" = 1'-0"





South Elevation - Proposed

SCALE: 1/8" = 1'-0"

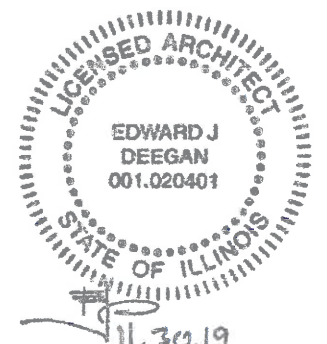
THE SHADER RESIDENCE

1050 Meadow Lane
Lake Forest, IL 60045

EDWARD
DEEGAN
ARCHITECTS

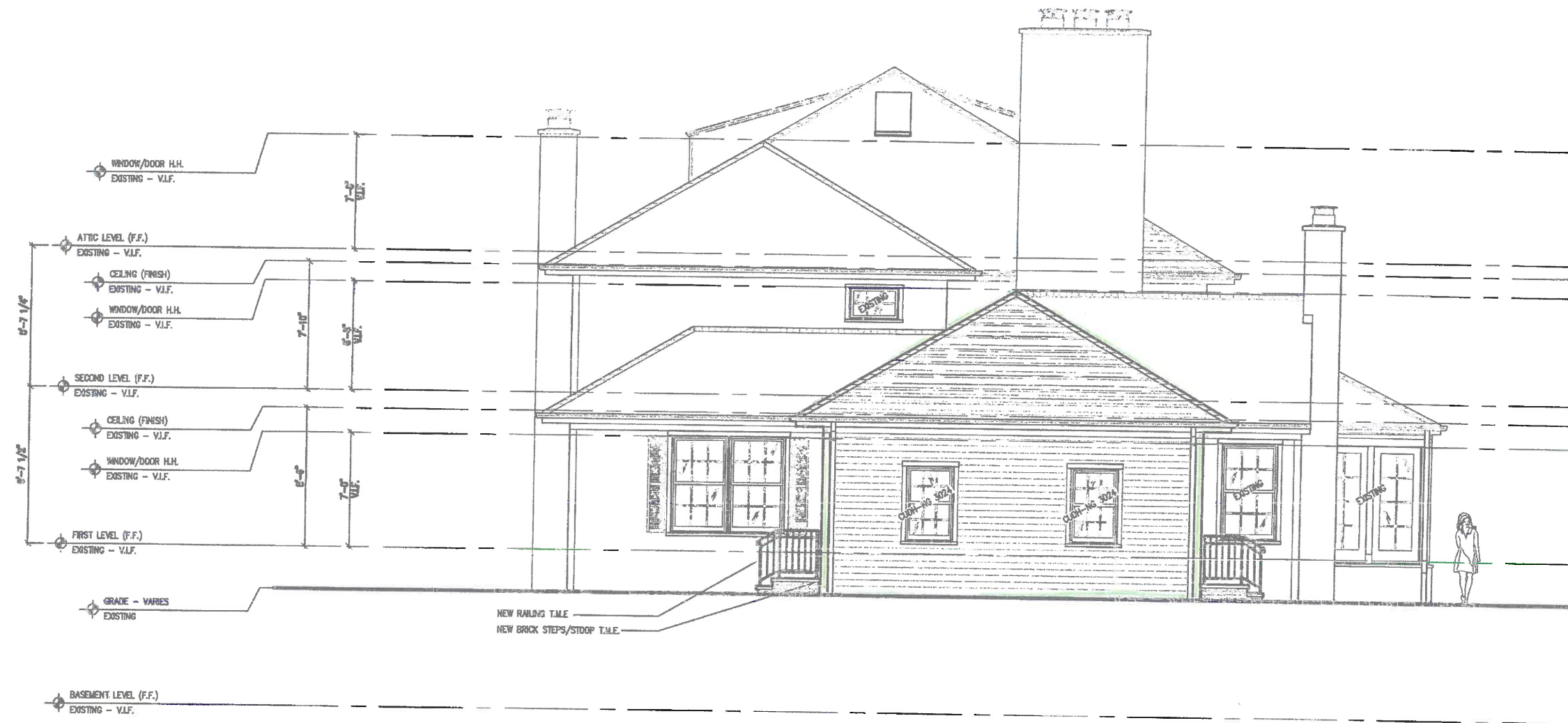
503 Park Drive, Suite #4
Kenilworth, IL 60043
(847) 906 - 4110
www.edwarddeeganarchitects.com

PROJECT 17.06
05.03.2019
ZONING INQUIRY



The Plans

PROPOSED WEST ELEVATION



West Elevation - Proposed

SCALE: 1/8" = 1'-0"

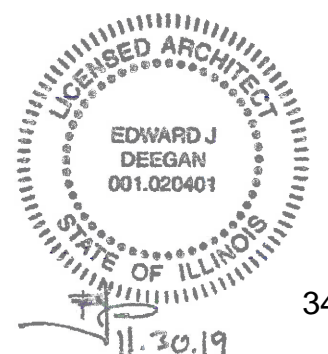
THE SHADER RESIDENCE

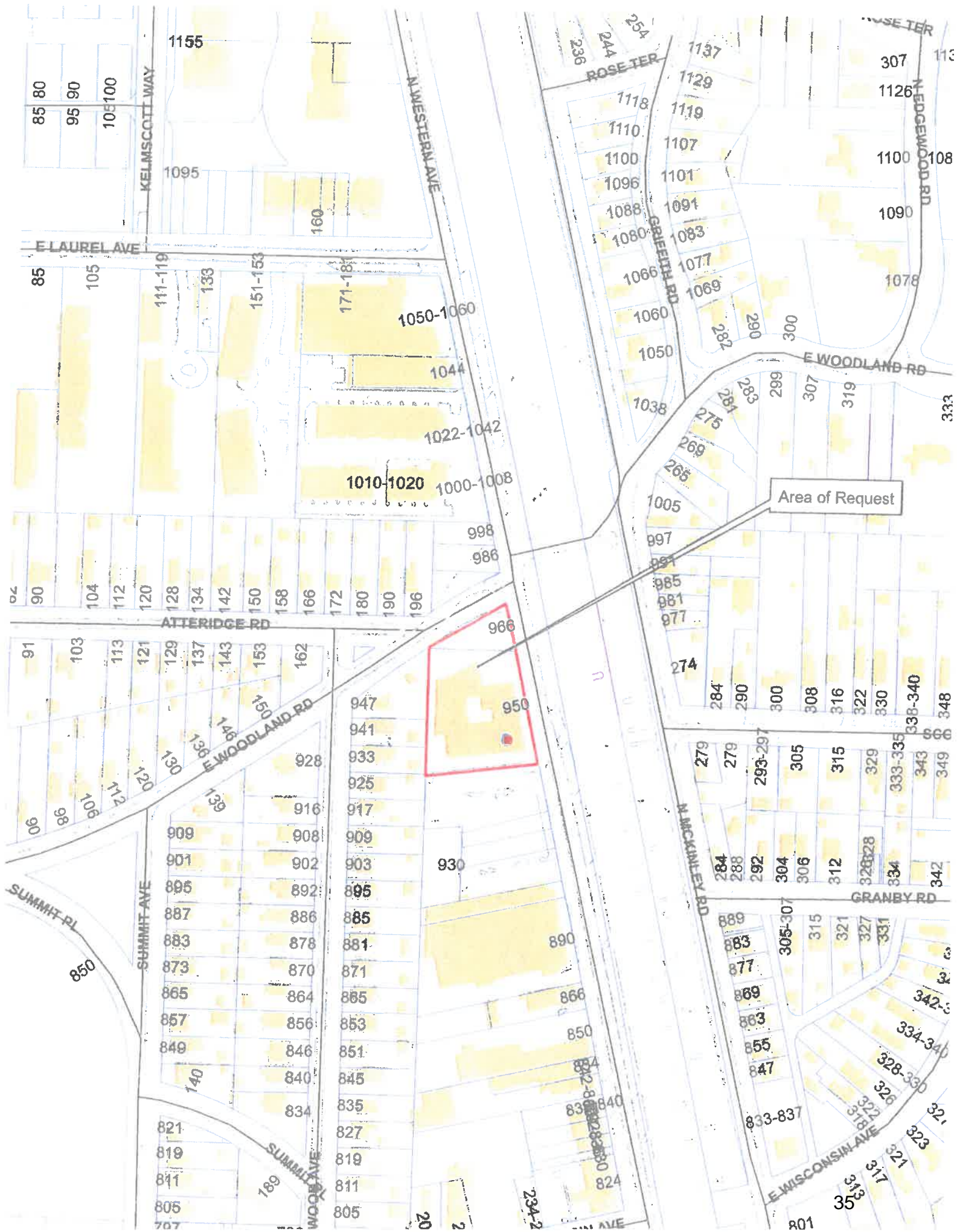
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EDWARD
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PROJECT 17.06
05.03.2019
ZONING INQUIRY





WOODLAND ROAD

Area of Request

WESTERN AVENUE

THE CITY OF LAKE FOREST

ORDINANCE NO. 2019-_____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AUTHORIZING SCOUTS, A FULL SERVICE RESTAURANT TO OPERATE AT 950 N. WESTERN AVENUE, PARTIALLY WITHIN 150 FEET OF A RESIDENTIAL ZONING DISTRICT

WHEREAS, Westwood Square LLC, Todd Altounian 25%, Nicole Altounian 25%, Jennifer Bianchi 25%, James Altounian II 25% (collectively, the "**Owners**") are the owners of that certain real property commonly known as 950 N. Western Avenue Lake Forest, Illinois and legally described in Exhibit A, attached hereto (the "**Property**"); and

WHEREAS, and Jason Akemann, is the owner and operator of the proposed restaurant (the "**Tenant**"); and

WHEREAS, the Owner has filed a petition (the "**Petition**") requesting approval of a Special Use Permit ("**SUP**") to authorize a new restaurant, Scouts, and its location and operation partially within 150 feet of a residential zoning district, with the Plan Commission for its evaluation and recommendation; and

WHEREAS, the Petition was filed in accordance with the regulations of Section 159.045, Special Uses, of the Lake Forest Zoning Code; and

WHEREAS, the Plan Commission did conduct a properly noticed public hearing on the Petition on March 13, 2019 and, after having fully heard and having considered the evidence and testimony by all those who wished to testify and after deliberating, voted 6 to 0, to recommend approval of the request subject to the terms and conditions of approval hereinafter set forth and made findings as detailed on Exhibit B, attached hereto and made a part hereof; and

WHEREAS, the City Council (i) concurs with the findings of the Plan Commission, (ii) finds that the uses and Improvements as authorized herein will satisfy the requirements of Sections 159.045 and 159.111(C) of the Zoning Code, and (iii) subject to the terms and conditions herein set forth, finds and determines that it is in the best interests of the City and its residents to approve the Petition and grant the SUP as set forth in the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY MAYOR AND THE CITY COUNCIL OF THE CITY OF LAKE FOREST, ILLINOIS, as follows:

SECTION ONE. Recitals: The foregoing recitals are incorporated into this Ordinance as if fully set forth.

SECTION TWO. Approval of Amendment to SUP: Pursuant to Sections 159.045 and 159.111(C) of the Zoning Code and subject to the limitations set forth in the City Code and the conditions set forth in Section Three of this Ordinance, the City Council hereby approves the Petition and grants the SUP authorizing the establishment and operation of Scouts, a full service, family friendly restaurant, on the Property generally in conformance with the plans as depicted on Group Exhibit C attached hereto and made a part hereof.

SECTION THREE: Conditions on Approval. The approval granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the Mayor and City Council, render void the approvals granted by this Ordinance:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after

all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

- B. Compliance with Laws. Chapters 150, regarding building and construction, 156, regarding subdivisions, and 159, regarding zoning, of the City Code, and all other applicable ordinances and regulations of the City shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. Compliance with the Plans. The Improvements must be developed on the Property in substantial compliance with the Plans, as recommended by the Building Review Board and previously approved by the City Council.
- D. Fees and Costs. The Owners shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the City Code. In addition, the Owners shall reimburse the City for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the City shall have the right to foreclose such lien in the name of the City as in the case of foreclosure of liens against real estate.
- E. Conditions Pertaining to the Overall Westwood Square Development.
 - 1. Perimeter fencing, retaining walls and landscaping at the north and west boundaries of the site shall be regularly inspected and maintained by the property owner. The fence must remain sturdy and in a full upright position, with all fence panels in place and in good condition. The retaining wall must remain in a solid and sturdy condition; any loose materials must be replaced. Landscaping along Woodland Road and Western Avenue must be maintained in good condition and replaced as necessary, subject to the determination of the City's Certified Arborist, to provide substantial screening along the fence.
 - 2. Vegetation along the public sidewalk on Woodland Road must be kept trimmed and may not obstruct or endanger pedestrian or bicycle traffic on the sidewalk.
 - 3. Use of the alley on the south and west sides of the building shall be limited as follows:
 - a. The alley shall be used only for deliveries, trash pick-up and by emergency and security vehicles.
 - b. No parking, standing or staging of vehicles, other than for the purposes noted above, is permitted.

- c. No portion of the alley shall be used as a drive thru or staging area for pick up by individuals, delivery services or by restaurant delivery personnel.
 - d. No gathering, loitering or smoking in the alley is permitted.
 - e. A sign shall remain posted stating that deliveries and trash pickup is permitted only between the hours of 7 a.m. and 6 p.m., on weekdays.
4. The property owner is responsible for establishing parking policies that give priority to customer parking, rather than employee parking, on the site. The property owner is responsible for monitoring parking activities and working with the tenants on an ongoing basis to assure compliance with the policies. The policies shall address the following:
 - a. Employees shall park off site in the Central Business District employee parking lot on McKinley Road during peak customer times.
 - b. No employee parking shall be permitted on Western Avenue.
 - c. No parking by employees or customers shall be permitted on residential streets.
 5. Existing exterior lighting shall be reviewed and modified as necessary to prevent views of the source of the light from off of the site and to minimize light impacts on the neighboring homes.
 - a. Modifications to existing lighting may include, but are not limited to, replacing fixtures, adding light restricting drop down panels or reducing the intensity of lighting if so directed by the City.
 - b. Only essential security lighting, with the light source shielded from direct view, is permitted to remain on after operating hours.
 - c. City approval and permits are required prior to the addition or modification of exterior lighting on the site.

F. Conditions Specific to Scouts Restaurant.

6. Signage, if not consistent with the previously approved signage, shall be subject to review and approval by the Building Review Board.
7. Documentation of maintenance and inspection of the ventilation system must be submitted to the City on a regular basis after installation and after the opening of the restaurant.
8. Valet services during certain times may be required at the direction of the City based on an ongoing evaluation of activity levels at the site. If valet services are offered, staging shall occur on Western Avenue, away from the neighboring residences.
9. All activity in the outdoor courtyard shall end no later than 11 p.m. including clean-up of the area consistent with the permitted hours for the Kuro patio.

10. Any amplified sound in the courtyard shall be at a level so that the sound is not audible at any location off of the site, at any time.
11. During peak hours, the restaurant owners are responsible for assuring regular monitoring of the parking lots and neighboring residential streets to verify that parking is occurring consistent with the established policies and to take corrective action if necessary.
12. The property owners and restaurant owners are responsible for informing and directing employees and customers to appropriate parking areas. As necessary, the owners shall inform City staff of recurring parking or circulation issues on the site and corrective action shall be taken.

SECTION FOUR: Amendment to Ordinance. Any amendments to the terms, conditions, or provisions of this Ordinance that may be requested after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in Section 159.045 of the Zoning Code, or by an amendment to the SUP itself in the manner provided in the Zoning Code and by applicable law.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the City Council, be of no force or effect if Owners have not (i) executed and (ii) thereafter filed with the City Clerk, within 60 days following the passage of this Ordinance, the unconditional agreement and consent, in the form attached hereto as Exhibit D and by this reference made a part hereof, to accept and abide by each and all of the terms, conditions, and limitations set forth herein. The City Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS ____ DAY OF _____, 2019.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2019.

MAYOR

ATTEST:

City Clerk

EXHIBIT B

Findings of Fact

Restaurant Performance Standards

Performance Standard - Availability of parking

Westwood Center differs from many other developments and commercial buildings located in the Central Business District because there are a significant number of parking spaces on site. In addition to the surface parking lot on the northern portion of the site, which has 24 spaces, there is parking underneath the building for about 60 cars.

The spaces in the surface lot and in the underground garage are shared by all of the tenants in the building. The majority of businesses in the development are daytime businesses so in the evenings, most of the spaces on the site will be available for customers of the new restaurants. Public parking for customers is also available on both sides of Western Avenue. Currently in the evenings, the Western Avenue parking spaces in this immediate area and to the south are unused with the exception of the spaces closer to the entrance to Jewel. Employee permit parking, and parking for valet service offered by Scouts restaurant, is available on the east side of the railroad tracks, no permits are required for parking in these lots in the late afternoons and evenings.

Importantly, given the convenient location, it is expected that some customers, from the surrounding residential areas, will walk to the restaurant.

The owners of Westwood Center will be responsible for advising all tenants that the on site parking, both the surface parking and underground parking, is intended for customers first and foremost, not employees. During peak customer hours, the building management must require employees of all of the businesses in Westwood Center to park in the Central Business District employee permit parking lot on the east side of the railroad tracks. Westwood Center has a distinct advantage over many other businesses in the Central Business District because employees will have only a short walk along Woodland Road, under the lighted viaduct, to the off site employee parking lot on McKinley Road, east of the railroad tracks.

No employee or customer parking is permitted on streets in the adjacent residential neighborhoods. Community Development staff will work with the property and business owners and the City's Police Department to assure that parking for Westwood Center does not occur on residential streets. With the available parking on the site, on Western Avenue and in the parking lot on the east side of the railroad tracks, parking in adjacent residential neighborhoods has not been an issue in the past. If parking by employees or customers of the restaurants, offices or other businesses in Westwood Center does occur on residential streets, the City will take action promptly to stop that activity. This staff report includes a recommendation prohibiting employee and customer parking on residential streets.

Performance Standard – Building Review Board Approval

As noted above, exterior renovations to the overall building are proposed and will require review and approval by the Building Review Board. Signage, landscaping and any additional exterior lighting will also require review by the Building Review Board.

Performance Standard – Issuance of a Liquor License

The City Council has jurisdiction over issuing liquor licenses and determining whether businesses should or should not be permitted to serve or sell alcohol. Application for a liquor license is made to City Hall and the request for liquor licenses, in this case, will be considered by the City Council at a later date.

Liquor licenses granted by the City Council establish hours during which liquor can be sold. Most liquor licenses allow the sale of alcohol between the hours of 11 a.m. and midnight. In the case of outdoor patios, conditions of a Special Use Permit could limit hours of use and the liquor license would be aligned to those hours.

Performance Standard – Ventilation Systems

The City Code requires the installation of high quality air filtration systems and ventilation systems for all restaurants. A new ventilation system will be installed to serve the new Scouts restaurant. Plans for the system will need to be submitted to the City for review and approval prior to the issuance of a building permit to allow buildout of the restaurant to proceed. The system will be inspected and must pass City inspections prior to the issuance of a Certificate of Occupancy to allow the restaurant to open.

The Code requires the submittal of confirmation of regular maintenance and cleaning of the ventilation systems in restaurants to the City on an ongoing basis.

Performance Standard – Amplified Sound

Scouts proposes amplified sound seasonally, in the courtyard area, at a level that does not permit the sound to be audible off of the site, at any location.

Performance Standard – Schedules for deliveries and trash pickup

Hours for deliveries to restaurants and trash pickup for the overall Westwood Center development are limited to 7 a.m. to 6 p.m. The owner of the new restaurant will be required to adhere to those hours. The restaurant operator indicated that most deliveries to Scouts will occur between the hours of 8 a.m. and 4 p.m. Deliveries will be made on the south side of the building or through the front door, off of Western Avenue, away from the neighboring homes.

Although the Performance Standards in the Code do not specifically address deliveries from the restaurant to customers, with the variety of delivery services available today, delivery service will likely be used by some customers at times. The conditions as recommended by the Commission prohibit delivery drivers from staging in the alley to the west of the restaurant. The alley is immediately adjacent to the rear yards and private spaces of adjacent homes. In the past, activity in the alley by

delivery drivers and employees of past businesses located in Westwood Center has resulted in complaints from neighboring residents.

The trash from the restaurant will be housed in the dumpster alcove on the south side of the building. Per City Code, trash must be kept in a closed container. Trash will be collected on a daily basis. There will be no outdoor grease container. The grease will be stored in the basement at the southeast corner of the building, using a new technology, and will be pumped from that location and taken off site.

Performance Standard – Minimizing impacts on single family homes: light, noise, traffic

The proposed restaurant will be located in an existing commercial building. Delivery trucks and other users of the alley shall only enter the alley from Woodland Road and exit on to Western Avenue to minimize the impact of headlights and noise on the neighborhood. The building owner shall provide appropriate signage and is responsible for enforcement. As noted above, conditions are proposed at the end of this report prohibiting the use of the alley as a staging area for deliveries or a break area for employees from any of the businesses at Westwood Center. Various conditions of approval as recommended at the end of this report are proposed in an effort to minimize impacts on the adjacent residential neighborhood.

Provided below is an evaluation of the **Criteria for Special Use Permits** in the City Code.

Special Use Permit Criteria #1: The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed restaurant is consistent with other uses in the Central Business District and is not unlike other uses that are located in proximity to the residential neighborhoods that border the full length of the City's business. In general, the business and residential uses have been able to co-exist for many years. Issues do come up at various locations from time to time and efforts are made to resolve them by working with all parties to assure that both the residential neighborhoods and the business district thrive.

The continued operation of Westwood Center as an upgraded and fully occupied commercial development, with increased attention to operations and maintenance, will not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

Special Use Permit Criteria

Special Use Permit Criteria #2: The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.

The proposed new restaurant is consistent with the commercial nature of the Westwood Center development and generally consistent with the type of uses that have existed at this location in the past. The proposed use, if operated consistent with the recommended conditions of approval, will not be injurious to the use and enjoyment or value of properties in the immediate area. Importantly, the restaurant operator is experienced and well respected in the restaurant business and, is a local resident. The proposed restaurant will be prominent on the streetscape, across from the railroad tracks, and will be an amenity to the neighboring residential area and add vitality to the City's business district.

Consistently, resident surveys have indicated an interest in bringing new restaurants into the City's business district. In addition, the most recent strategic planning exercise held by the City Council placed a high priority on encouraging new businesses to support the long term health of the City's business district, bring increased activity into the City's core and support property values throughout the community.

Special Use Permit Criteria #3: The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. In business districts, the special use will not negatively affect the overall character of the area or detract from the primary retail nature of the district.

The surrounding area is already developed. The proposed restaurant will likely help to attract other tenants to Westwood Center to meet the needs and interests of the growing residential population located within walking distance of this commercial development and to in turn, support the new restaurants. The proposed restaurant will add to the vitality of the Central Business District and offer an additional dining option in the City's core area. The proposed restaurant, if operated consistent with the proposed conditions of approval, will not negatively affect the overall character of the area and will support and enhance the business district.

Special Use Permit Criteria #4: The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with existing buildings, sites, the larger neighborhood or district so as to cause a substantial depreciation in the property values.

No new buildings are proposed. Exterior renovations to the building are planned and will require review and approval by the Building Review Board.

Special Use Permit Criteria #5: Adequate utilities, access roads, drainage and or necessary facilities have been or are being provided.

Adequate utilities and other infrastructure are in place to serve the new restaurant which will be located in an existing commercial development.

Special Use Permit Criteria #6: Adequate measures have been or will be taken to provide ingress and egress.

This is an existing commercial site. No changes are planned to the location or configuration of the curb cuts. Development of an on site circulation plan is recommended as a condition of approval designating the alley for one-way travel, allowing entry to the alley from the north and exit on to Western Avenue, into the commercial district, rather than into the residential neighborhood.

Special Use Permit Criteria #7: The special use shall conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the City Council as part of the Special Use Permit.

As recommended, the Special Use Permit for the proposed restaurant will allow operation of the restaurant in a manner consistent with the regulations of the B-2, Community Commercial Business District. No variances from the regulations of the district are requested and the recommended conditions of approval will put operating parameters in place for the new restaurant and the overall Westwood Center. The conditions recommended below are generally consistent with those established for Kuro, the recently approved sushi restaurant.

JDLAND ROAD

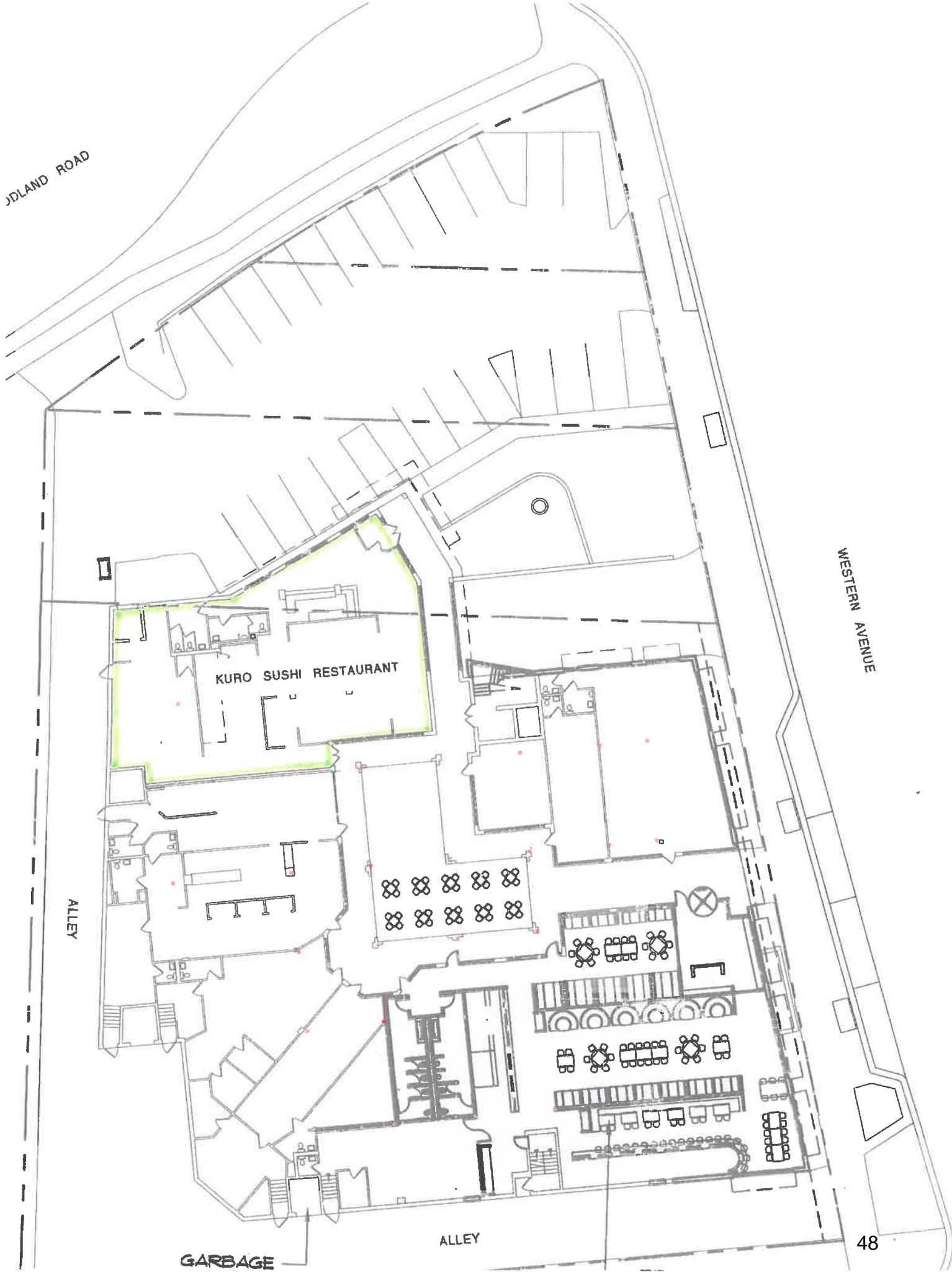
WESTERN AVENUE

ALLEY

KURO SUSHI RESTAURANT

GARBAGE

ALLEY





Scouts



PLAN COMMISSION REPORT AND RECOMMENDATION

TO:	Honorable Mayor Pandaleon and members of the Council
DATE:	March 13, 2019
FROM:	Chairman Kehr and members of the Plan Commission
SUBJECT:	<i>Special Use Permit for – New Restaurant in Westwood Center, 950 N. Western Avenue</i>

Property Owner

Westwood Square LLC
13110 W. Highway 137
Lake Bluff, IL 60044
(Todd Altounian 25%,
Nicole Altounian 25%,
Jennifer Bianchi 25%
James Altounian II 25%)

Property Location

950 N. Western Avenue

Zoning District

B-2, Community Commercial

Tenant – Restaurant Owner

Scouts, Jason Akemann

Commission Recommendation

After conducting a public hearing on March 13, 2019, the Plan Commission voted 6 to 0 to recommend approval of the granting of a Special Use Permit to authorize Scouts Restaurant to locate and operate at Westwood Center, 950 N. Western Avenue, subject to 12 conditions of approval as detailed in the Ordinance presented to the Council for consideration.

Summary of Request

This is a request for a Special Use Permit to allow Scouts, a new full service restaurant, to occupy space fronting on Western Avenue, in the Westwood Center commercial development. Westwood Center, formerly known as Westwood Square, is a multi-tenant, mixed use development located on the southwest corner of Western Avenue and Woodland Road, in the B-2 Community Commercial District. The new restaurant is proposed in the tenant spaces currently occupied by a cleaners and foot spa.

Restaurants and bars are permitted outright in the B-2 zoning district except when located within 150 feet of property zoned for residential use. Restaurants proposed within 150 feet of a residential zoning district may only be authorized through a Special Use Permit. Only a portion of the proposed Scouts Restaurant is located within 150 of the residential zoning district to the west nevertheless, this petition was presented to the Commission for consideration of a Special Use Permit consistent with the Code requirement.

The Special Use Permit process provides for a public hearing before the Plan Commission. The Commission is required to evaluate special use requests for restaurants based on the standard Special Use Permit criteria and on the performance standards that apply specifically to

restaurants. The criteria and standards are reviewed later in this report. As part of the special use process, the Plan Commission often recommends conditions to the City Council if the Commission determines that approval of the request, with some limitations and requirements, is appropriate. Conditions of approval as part of a Special Use Permit can impose a higher bar for restaurants located within 150 feet of residentially zoned properties than for restaurants located more centrally within the business district. Conditions of approval were established for the previous restaurants that operated in Westwood Center to mitigate the impacts of light, noise and general activity on neighboring homes.

In December, 2018, the Plan Commission held a public hearing on a request for a Special Use Permit for a new sushi restaurant, Kuro, proposed to be located in another space in Westwood Center. Based on the Commission's recommendation, the City Council approved a Special Use Permit for Kuro which is anticipated to open later this year. Scouts is proposed as a second restaurant in Westwood Center as part of the revitalization of the overall development by the new owners.

Interior upgrades of the second floor office spaces at Westwood Center are currently underway to provide updated space to attract new tenants and significant exterior building renovations are also planned.

Background

Westwood Center has been home to a variety of retail uses, service businesses, restaurants and office tenants over the years. This development is located toward the northern end of the City's Central Business District, a short walk from the new residential development at Laurel and Western Avenues which includes apartments, condominiums and single family homes. The West Park residential neighborhood is immediately adjacent to Westwood Center to the west and to the north. Regent's Row, a row house development is located further to the north on Western Avenue with MLG, another full service restaurant, located just north of Regent's Row. Crystal Point condominiums and other multi-family developments and single family homes are located further north along Western Avenue. To the east, residential neighborhoods are located within a short walk or drive of Westwood Center. In summary, there is a significant population of residents within walking distance of this commercial development providing a strong customer base for both Kuro and Scouts in addition to the larger community.

The development is located on a frequently used route to Lake Forest High School, the new restaurant's name, "Scouts" is intended to provide a strong tie to the community.

Westwood Center has frontage on Western Avenue and Scouts will occupy a prominent, highly visible space in the development. The exterior alterations as proposed will allow views into the restaurant space from the sidewalk and street adding to the vitality of the streetscape and Central Business District. The City's business district extends both to the north and south of Westwood Center.

Westwood Center in its entirety, was recently acquired by a new, locally based entity. In recent years, the development suffered from a lack of attention to maintenance by the previous owner and as a result, many tenants vacated the development and there were some conflicts with the adjacent residential neighbors. The new owners have already taken action to upgrade the overall development and are successfully attracting new tenants to the development, such as Lake Forest

resident Jason Akemann an experienced restaurateur. The new owners are reactivating the center with a mix of tenants to meet the needs of the growing number of residents living in the area, provide services and amenities to the larger Lake Forest community, and attract visitors from outside the community to patronize local businesses.

Westwood Center, like many locations within the City's linear Central Business District, abuts single family homes. This juxtaposition can create conflicts while at the same time, providing a unique amenity to residents in the neighborhood who are able to walk to restaurants, retail stores and service businesses. Together, the residential neighborhoods and the Central Business District create a character that is uniquely Lake Forest. Establishing operating parameters that allow the adjacent uses to co-exist is facilitated through the special use process.

As with all areas where different types of uses abut each other, there are advantages and disadvantages. The Westwood Center property is zoned for and has a history of commercial use and the proposed restaurant is consistent with the intent of the B-2 zoning district. The details of how the site operates and is maintained on a daily basis are keys to compatibility with the neighboring uses.

Overview of Scouts Restaurant

As noted above, a new full service restaurant, Scouts, is proposed to occupy space that is currently configured as two tenant spaces with Western Avenue street frontage. The restaurant space totals approximately 6,300 square feet and will offer seating for about 200 people. The cleaners, the tenant currently located at the southeast corner of the building, and the foot spa will be relocated to spaces more internal to the site.

Scouts will be operated by an experienced restaurateur, a Lake Forest resident. The restaurant is intended to have a unique Lake Forest appeal starting with the name, "Scouts" which creates an immediate connection with Lake Forest High School students, alumni and the overall community. The restaurant menu will feature Contemporary American foods, with traditional preparations. The restaurant will feature a full bar as well. The restaurant is intended to appeal to all ages.

The restaurant will operate seven days a week, serving lunch and dinner, from 11:30 a.m. to 11:30 p.m. depending on customer demand. As the weather permits, outdoor dining will be available in the center of the Westwood Center complex. The reconfigured and updated courtyard will offer open air dining but in a location encircled by the existing building which will buffer noise, light and activity from the neighboring homes to the west and north. The opportunity for music in the courtyard is planned with the limitation that sound levels would be such that music are not be heard off site.

Excerpt
The City of Lake Forest
Plan Commission
Proceedings of the March 13, 2019 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday, March 13, 2019, at 6:30 p.m., at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Commission members present: Chairman Kehr and Commissioners Michael Freeman, Monica Ruggles, Guy Berg, Stephen Douglass and Susan Athenson

Commissioners absent: Commissioner Remo Picchietti

Staff present: Catherine Czerniak, Director of Community Development

- 5. Public Hearing and Action:** Consideration of a request for a Special Use Permit to authorize Scouts, a casual restaurant, to occupy space in an existing building at **950 N. Western Avenue**, commonly known as Westwood Square. A portion of the proposed restaurant is located within 150 feet of property zoned for residential use.

Property Owners: Westwood Center LLC (Todd Altounian 25%, Nicole Altounian 25%, Jennifer Bianchi 25%, James Altounian II 25%)

Tenant: Scouts, Jason Akemann, Bottleneck Management, partner

Representative: Peter Witmer, architect

Chairman Kehr asked the Commission to declare any conflicts of interest or Ex Parte contacts. Hearing none, she swore in all those intending to speak.

Mr. Akeman introduced the petition and himself noting that he moved to Lake Forest two years ago and lives about 300 yards from the proposed restaurant. He stated that he was born into the restaurant business and started washing dishes in his family's restaurant four start restaurant at seven years old. He stated that he has worked every position in various restaurants and has been involved in restaurant projects all over the Country. He stated that he now works for himself. He stated that at the age of 25, he opened a bar across from Wrigley Field which he just sold earlier this year. He stated that he has built a business with 42 corporate employees and 1,500 restaurant employees. He stated that he has restaurants in seven different states and five restaurants currently under construction, including one in Disney Springs, Orlando. He stated that today, his business has 16 operating restaurants as an outgrowth of that original bar. He stated that this project for him is not about any of that, it is a "solo album". He stated that this restaurant is his attempt to give back to this community in the best way that he knows how and fill a gap that he sees in the community. He stated that today, there are two distinct

types of restaurants in town. He stated that the Central Business District is the place for restaurants, not the outskirts of the community. He stated that restaurants are revitalizing neighborhoods and towns if they are invested in properly. He said that he sees an opportunity for a restaurant at this location that serves the family community as well as the restaurant diner. He stated that a multi-generational restaurant is possible if it is designed properly and serves approachable, accessible and casual food at a price point that allows many residents to participate. He stated that he has three children under seven and knows that it is difficult to find a restaurant that works well for his family. He stated that he first got involved in this project after Mr. Altounian consulted him about the viability of a restaurant at this location. He stated that he kept looking at the space and driving by and became more and more interested. He noted that he came to the conclusion that it could work and then developed a plan that makes sense for the type of operation that he wants to bring to Lake Forest. He stated that it was never a question of whether he was going to open a restaurant in Lake Forest, but a question of when and where. He described the restaurant noting that as proposed, it is a little over 6,000 square feet and will seat 200 to 210 inside and seasonally, 40 to 50 outside. He explained that a 60 seat restaurant in the City equals a 200 seat restaurant in the suburbs because there is only one peak time and not as much opportunity to turn tables over for a second seating in the suburbs. He said that he carefully thought about the right size for this restaurant and what is needed to make it work without overreaching. He noted the location of the restaurant in the building on the Western Avenue street frontage, in the portion of the building that is furthest away from the adjacent residential development. He stated that he gave careful consideration to the location of services needed to support the restaurant and the potential for noise and traffic impacts on nearby residents. He stated that deliveries of major items will occur once or twice a week, between 8 a.m. and 4 p.m. He stated that he does not plan to have employees in the restaurant earlier than 8 a.m. He stated that the building configuration provides the opportunity to take deliveries in the alley without blocking the street or alley. He noted that trucks will be able to turn off their engines while parked on the south side of the building, away from the neighboring homes. He stated that the one-way alley, entering from Woodland Road and existing on to Western Avenue, will make it clear to truck drivers how to move through the site. He stated that the building is well set up for garbage removal with the collection areas located off the alley, around the building, adding that they are sufficient in size to handle dumpsters. He stated that he anticipates garbage pickup every day, except Sunday, adding that mid-afternoon pickups are best for his business. He stated that he will have between 20 to 30 employees on site at any one time and stated that employees will be required to use the public lots on the east side of the railroad tracks noting that he will likely purchase permits at least for management staff. He stated that he is experienced in enforcing employee parking regulations and reiterated that he lives just a couple blocks from the site and he will be watching. He noted that although there is not a large parking lot near the entrance to the building, there are 20 surface parking spaces on the site and 40 more spaces under the building. He added that there are plenty of parking spaces along both sides of Western Avenue for customer parking noting that the

Lantern and Authentico only have the street parking to rely on for customers. He stated that based on his experience, the available parking is sufficient to meet the needs of the restaurant. He stated his intention to have on site valet service available on the weekends and other times if needed. He provided some specifics about the restaurant noting that it is intended to be a relaxed and casual space that will appeal to all generations. He stated the intent to offer meals for \$12.00 to \$24.00 dollars per person. He explained that the seating will accommodate large groups with booths and tables that are easy to push together for families. He stated that tables will accommodate high chairs and toddlers. He stated his intent to bring successful elements of his other restaurants to Lake Forest, elements that are not currently available here. He stated that the bar will be appropriately sized to accommodate people who are waiting for tables. He said that the kitchen will be visible from inside the restaurant. He pointed out that the entry area is wide and welcoming adding that he is not trying to maximize tables and seats. He commented that most tables will be low, again, to accommodate families, with fewer high tops. He stated that seasonally, tables will be available in the courtyard, internal to the site, within the four walls of the building. He stated that appropriate lighting will be added to the courtyard with perhaps a water or fire feature. He stated that lunch and dinner will be served adding that the anticipated hours are 11:30 a.m. to 11:30 p.m., depending on customer traffic. He stated that the name "Scouts" is intended to connect with the community explaining that he would like to use his experience to serve the community in which he has decided to raise his family.

Ms. Czerniak explained that the proposed restaurant is before the Commission for consideration because restaurants within 150 feet of property zoned for residential use require consideration through the Special Use Permit process. She stated that a portion of the proposed restaurant is within 150 feet of a residential zoning district. She reminded the Commission that a few months ago Kuro, a Sushi restaurant proposed in Westwood Center, was before the Commission for consideration. She stated that the space in which Kuro will be located is wholly within the 150 foot boundary. She stated that Scouts, the restaurant now proposed, is partially located within the 150 foot area. She noted that if the restaurant was outside of the 150 foot area, it would be allowed by right and would not require consideration through the Special Use Permit process or action by the Commission.

Chairman Kehr invited questions from the Commission to the petitioner or staff.

In response to questions from Commissioner Athenson, Mr. Altounian confirmed that on-site parking, in combination with street parking on Western Avenue, will be sufficient to meet the needs of the restaurant during the day, on week days. He stated that as noted, valet parking and use of the public parking lots on the east side of the railroad tracks will likely be needed on weekends. He stated that the goal will be to make it easy for customers. He confirmed that the valet drop off and pick up area will be configured to avoid blocking the flow of traffic on Western Avenue.

In response to questions from Commissioner Athenson, Mr. Akemann stated that proposed restaurant will likely be a level above Chiefs and The Lantern, and below the Deerpath Inn and Market House. He stated that his restaurant will be more casual than MLG and, like The Silo, will fill a niche that is welcoming to families. He noted that niche is filled by restaurants outside of the community, but could be met within the community. He stated that the proposed restaurant will be casual, a place to go after a soccer game.

In response to questions from Commissioner Berg, Mr. Witmer confirmed that the face of the building will be removed and replaced with upgraded materials. He confirmed that windows will be added to wrap around the corner of the building, to the south elevation. He stated that the Building Review Board is scheduled to review the plans for the building at the next meeting. He stated that a substantial investment will be made into the building.

In response to questions from Commissioner Friedman, Mr. Akemann confirmed that he is comfortable with the conditions as proposed by staff.

On behalf of the Commission, Chairman Kehr thanked Mr. Akemann for his interest in the community and for his enthusiasm.

In response to questions from Chairman Kehr, Mr. Akemann stated that parking spaces for pick up services will be located in the surface parking lot on the site or in the below grade parking lot.

In response to questions from Chairman Kehr, Mr. Altounian stated that during the day, about six of the below grade parking spaces may be dedicated to employees in the second floor offices. He stated that in the evenings, and on the weekends, all of the underground spaces will be open and available for customers.

In response to questions from Commissioner Berg, Mr. Altounian confirmed that there is an elevator that provides access from the below grade parking to both the ground level and the second floor. He confirmed that the planter boxes in the courtyard will be removed.

Hearing no further questions from the Commission, Chairman Kehr invited public testimony.

Nicholas Boyaris, 947 Oakwood Avenue, stated that he recently received the notice of the public hearing by Certified Mail. He stated that the letter stated different hours of operation than those stated by Mr. Akemann. He noted that the use of the courtyard for 40 additional seats and the request to allow amplified sound in the court yard were also surprises. He stated that the restaurant as proposed appears to be quite large. He expressed concern about exterior lighting in the alley noting that any lighting should be subdued and directed downward. He expressed concern about people parking in the neighborhood noting that with two restaurants

at this location, parking may be tight. He reiterated his concern about the size of the restaurant and potential of impact on his home. He stated that he is not supportive of the proposed restaurant.

Roberta Boyaris, 947 Oakwood Avenue, stated that she lives in the house located closest to the restaurant. She expressed concern about outdoor dining in the courtyard noting that when Donati's was located in the development, they could hear noise from activity in the courtyard. She asked that consideration be given to ways to buffer the noise. She expressed surprise at the proposed hours of operation.

Hearing no further requests to speak, Chairman Kehr closed the public hearing and invited final questions and comments from the Commission.

In response to questions from Commissioner Athenson, Ms. Czerniak, noted that the staff report includes a condition that speaks to noise from the courtyard and exterior lighting on the site. She explained that ultimately, it is the property owner's responsibility to insure that the conditions of approval are followed. She stated that in the event the conditions are not followed, the City will notify the property and business owners and request that corrective action be taken. She stated that if the conditions are violated on an ongoing basis, the Special Use Permit may be revoked or brought back to the Plan Commission for review. She stated that liquor licenses issued by the City allow restaurants to remain open until midnight however she noted that most restaurants in the community close much earlier than midnight simply because there is no customer interest late in the evening.

In response to questions from Commissioner Athenson, Mr. Akemann explained that there is a grease containment system in the basement adding that the proposed restaurant will not generate the volume of grease generated by a fast food restaurant. He stated that his busiest restaurants require pumping of the grease containment system once a month unlike fast food restaurants which require pumping each week. He stated that pumping the grease will take about 30 minutes and pointed out that he can specify the time the trucks arrive.

In response to questions from Commissioner Freeman, Ms. Czerniak said that the Code requires service of alcohol in outdoor areas to end at midnight or when the main restaurant closes. She noted that for instance, restaurant employees cannot gather on the patio for drinks after hours.

Chairman Kehr noted that a condition in the staff report recommends that all activity on the outdoor patio end by 11:00 p.m. She asked if there was any further Commission discussion on the hours requested by the petitioner.

Commissioner Berg noted that the courtyard and restaurant are shielded from the neighboring homes.

Commissioner Douglass noted that there is a condition that limits noise from the courtyard that is disruptive off of the site. He added that the two restaurants have different exposure as it relates to the neighborhood.

Hearing no further comments, Chairman Kehr summarized that the Commission is supportive of the hours as requested by the petitioner with the provision that if there is ongoing disruption of the neighborhood, the hours will be subject to further review. Hearing no further comments from the Commission, Chairman Kehr invited a motion.

Commissioner Freeman made a motion to recommend approval of a Special Use Permit to authorize a full service restaurant, Scouts, partially within 150 feet of properties zoned for residential use. He added that Scouts will be located 950 N. Western Avenue, in Westwood Center. He noted that the motion is subject to 12 conditions. *(The conditions are detailed in the Ordinance.)*

**CITY OF LAKE FOREST
LAKE COUNTY, ILLINOIS**

**CONSTRUCTION ADMINISTRATION AGREEMENT
FOR TELECOMMUNICATIONS FACILITIES**

This Construction Administration Agreement (“Agreement”) is this _____ day of _____, 2019, hereby entered by and between the City of Lake Forest, an Illinois home rule municipal corporation (the “Authority”) and MCImetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services (the “Facility Owner”). The Authority and Facility Owner may be referred to herein singularly as a “Party” and collectively as the “Parties.”

WHEREAS, the City of Lake Forest is an Illinois home rule municipal corporation operating under power and authority granted by the laws and Constitution of the State of Illinois; and

WHEREAS, the City of Lake Forest is a highway authority with respect to such rights-of-way located within the boundaries of the City and not otherwise operated and maintained by the County of Lake or State of Illinois; and

WHEREAS, the Authority has heretofore adopted Sections 98.105 through and including 98.999 of the City of Lake Forest Code of Ordinances, entitled, “Construction of Utility Facilities in the Public Rights-of-Way,” (Sections 98.105 through and including 98.999, as amended, are hereafter referred to as the “Regulations”); and

WHEREAS, the Regulations provide for telecommunications retailers that desire to construct utility facilities in the right-of-way to provide, as a condition of being awarded each permit, proof of insurance and a security fund; and

WHEREAS, the Regulations provide that the Authority, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of

locating their facilities within the Authority rights-of-way and, in such an agreement, the Authority may provide for terms and conditions inconsistent with the Regulations; and

WHEREAS, Facility Owner operates and is registered with the Illinois Department of Revenue as a Telecommunications Retailer under the Telecommunications Infrastructure Maintenance Fee Act (TIMFA) (35 ILCS 635/10 and following); and

WHEREAS, the Facility Owner intends and desires to engage in a widescale, multi-year construction project for the purpose of installing telecommunication facilities within the Authority rights-of-way (the “Project”);

WHEREAS, the Authority and the Facility Owner desire to facilitate the mutually convenient and efficient administration of the Project to minimize the cost to the Facility Owner and the inconvenience to the public; and

WHEREAS, the Authority and Facility Owner desire for this Agreement to supersede the Regulations to the extent of any conflict.

NOW, THEREFORE, IN CONSIDERATION OF the foregoing recitals, the mutual covenants and obligations herein described, and other good and valuable consideration, the Authority and Facility Owner hereby agree as follows:

1. Recitals. The Parties hereby confirm the validity of the representations and recitals set forth in the foregoing recitals. The parties acknowledge that said recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement, as though they were fully set forth in this Section 1 and that they shall continue for as long as this Agreement is in full force and effect.

2. Police Powers. Nothing in this Agreement shall be construed as an abrogation by the Authority of any of its police powers to adopt and enforce generally applicable ordinances

deemed necessary by the Authority for the health, safety, and welfare of the public, and the Facility Owner shall comply with all generally applicable laws, codes and ordinances enacted by the Authority pursuant to such police power.

3. Term of Agreement; Renewal.

- a. The term of the Agreement granted hereunder shall be three (3) years unless the Agreement is renewed or is lawfully terminated in accordance with the terms of this Agreement and/or applicable law.
- b. The term of this Agreement shall automatically renew for additional three (3) year terms unless either party delivers notice of intent not to renew no later than sixty (60) days prior to the expiration of the then current term.

4. Reservation of Authority. Nothing in this Franchise Agreement shall (A) abrogate the right of the Authority to authorize the use of rights-of-way for public purposes or to perform any public works or public improvements of any description, (B) be construed as a waiver of any laws, codes or ordinances of general applicability promulgated or enforceable by the Authority, or (C) be construed as a waiver or release of the rights of the Authority in and to the rights-of-way.

5. Construction Standards. Except as otherwise provided in this Agreement, Facility Owner shall comply with all the requirements established in the Regulations.

6. Modified Application Requirements.

- a. Insurance. For the term of this Agreement, the Facility Owner shall be deemed to satisfy the requirements described in §98.112 and §98.108(C)(8) of the Regulations

if the Facility Owner annually files evidence with the Authority that the Facility Owner, at its own cost and expense, maintains insurance coverages which comply with §98.112 of the Regulations. Provided the Facility Owner annually files such evidence of insurance, the Facility Owner shall not be required to include proof of insurance with each permit application.

b. Security. For the term of this Agreement, the Facility Owner shall be deemed to satisfy the requirements described in §98.114 and §98.108(C)(9) of the Regulations if the Facility Owner deposits with the Authority a surety construction bond equal to \$250,000. In the event the Authority withdraws from the Security Fund in the manner described in §98.114(D), the Facility Owner shall not be compliance with this section unless the Facility Owner restores the full value of the Security Fund within fourteen (14) days from receipt of notice from the Authority of the amount withdrawn from the Security Fund and the reasons therefor. Provided the Facility Owner maintains the Security Fund in compliance with this section, the Facility Owner shall not be required to deposit a separate security fund with each permit application. The Security Fund shall not be closed and returned to the Facility Owner until the expiration or earlier termination of this Agreement.

c. Project Plans. For the term of this Agreement, the Facility Owner shall be deemed to satisfy the requirements described in §98.108(C)(4) of the Regulations if the Facility Owner annually files with the Authority, on or before the date of the construction administration meeting described in Section 7 of this Agreement, a general description of all proposed work the Facility Owner intends to perform during the next twelve (12) months and the purposes and intent of the facility and

the uses to which the facility will be put (the “Project Plans”). The scope and detail of such Project Plans shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed, especially including, but not limited to, any adjacent residential uses. Where the Facility Owner intends to construct or where the Project Plans clearly require, additional aboveground facilities in the rights-of-way, the Project Plans shall include a proposed facilities plan showing the type and location of facilities intended or required. Provided the Facility Owner annually files the aforementioned Project Plans in compliance with this section, the Facility Owner shall not be required to deposit a separate plans with each permit application.

7. Construction Administration Meeting. In consideration for the benefits granted the Facility Owner under this Agreement, the Facility Owner agrees to meet with the Authority’s designated representatives annually, on or before November 15 each year, to (i) review the Facility Owner’s Project Plans for the succeeding year, (ii) coordinate and schedule the parties’ respective construction projects for the succeeding year to avoid conflicts and increase opportunities for concurrent work in the rights-of-way, and (iii) agree upon changes to the Facility Owner’s Project Plans to minimize the degree of incompatibility between the Facility Owner’s facilities and Authority-owned facilities or adjacent land uses.

If the Facility Owner desires to modify its Project Plans in any manner the parties have not jointly memorialized following the Construction Administrative Meeting, the Facility Owner may not modify such Project Plans without advance written approval from the Authority.

8. Notice of Violation or Default. In the event the Authority believes that the Facility Owner has not complied with the terms of the Agreement, it shall notify the Facility Owner in writing with specific details regarding the nature of the alleged noncompliance or violation.

9. Facility Owner's Right to Cure. The Facility Owner shall have thirty (30) days from the receipt of the Authority's written notice of violation to cure such noncompliance; or in the event that, by nature of the default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Authority of the steps being taken and the projected date that the cure will be completed and request additional time from the Authority to complete the cure.

10. Enforcement. In the event the Facility Owner fails to cure a violation within the applicable cure period, the Facility Owner shall be deemed in default of this Agreement. If the Facility Owner is in default of any provision of the Agreement, the Authority may:

- a. seek specific performance of any provision that reasonably lends itself to such remedy as an alternative to damages, or seek other relief available in equity including declaratory or injunctive relief; or
- b. in the case of either a frequently recurring default or a substantial default of a material provision of the Agreement, declare the Agreement to be revoked, terminated and no further force and effect.

11. Remedies Not Exclusive. In addition to the remedies set forth in Section 10, the Facility Owner acknowledges the Authority's ability to enforce the requirements and standards, and the penalties for non-compliance with such standards consistent with the Regulations and any

other applicable provision of the City Code. Notwithstanding the foregoing, nothing in this Agreement shall be interpreted to permit the Authority to exercise such rights and remedies in a manner that permits duplicative recovery from, or payments by, the Facility Owner. Such remedies may be exercised from time to time and as often and in such order as may be deemed expedient by the Authority.

12. Force Majeure. The Facility Owner shall not be held in default under, or in noncompliance with, the provisions of the Agreement, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Agreement), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, hurricane, tornado or other catastrophic act of nature, labor disputes, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the Facility Owner's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Facility Owner's equipment is attached.

13. Notice. All notices, consents, approvals, requests, and other communications required or permitted under this Agreement shall be in writing and shall be sufficiently given and served upon the other party by (a) hand delivery, (b) first class mail, registered or certified, return receipt requested, postage prepaid, or (c) reputable overnight courier service and addressed as follows:

To the Authority:

The City of Lake Forest
220 E. Deerpath
Lake Forest, Illinois 60045
ATTN: City Manager
E-mail:

To the Facility Owner:

MCImetro Access Transmission Services Corp.
d/b/a: Verizon Access Transmission Services
ATTN: Franchise Manager
600 Hidden Ridge
Irving, TX 75038

With Copies to (except for invoices):

Verizon
1320 North Courthouse Road, Suite 900
Arlington, VA 22201
Attn: Vice President and Deputy General Counsel, Network Services

Invoices:

Verizon
ATTN: Contract Admin.
6929 N. Lakewood Ave. MD 5.3-4009
Tulsa, OK. 74117

24-Hour Emergency Contact:

1-800-MCI-WORK

Either party may change its address and addressee for notice by notice to the other party under this Section. Notice by hand delivery, and notice by overnight courier service shall be deemed received when delivered, and notice by mail shall be deemed delivered three days after placing in the United States Mail.

Notwithstanding the notice procedures herein above described, when notice is required between the parties with respect to any matter likely to have cause imminent impact on public health, safety or welfare, the parties may initially communicate using e-mail, provided such notice is followed in a manner otherwise required by this Agreement.

14. Notwithstanding anything in the Regulations, Facility Owner shall not be required to pay any additional fees or compensation to the City under this Agreement including for site

specific permits, application, inspection, and review fees, so long as 1) Facilities Owner maintains its status as a Telecommunications Retailer under the Telecommunications Municipal Infrastructure Maintenance Fee Act (TMIFMA) (35 ILCS 635/) and 2) timely pays the taxes imposed by the Simplified Municipal Telecommunications Tax Act (SMTT) (35 ILCS 636/5) to the State of Illinois.

15. Entire Agreement. This Agreement embodies the entire understanding and agreement of the Authority and the Facility Owner with respect to the subject matter of this Agreement and supersedes all prior agreements, understandings, negotiations and communications, whether written or oral, and there are no representations or agreements among the parties except as specifically set forth in this Agreement. All ordinances or parts of ordinances related to the construction of telecommunications facilities that are in conflict with or otherwise impose obligations different from the provisions of this Agreement are superseded by this Agreement.

16. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Agreement is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority with jurisdiction over the parties, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect. In the event any provision hereof is nonetheless found by a final, non-appealable judicial order to be invalid or unenforceable in the manner in which it is applied or implemented by the parties hereto, the parties agree that the change in interpretation and performance of this Agreement shall be solely prospective from the effective date of the order and shall not give rise to any retroactive claims for a party's actions in reliance on this Agreement preceding the date of

such order unless such order clearly addresses the retroactive and prospective application of such order. If any material provision of this Agreement is found to be unenforceable in a final judicial or administrative proceeding, either party may notify the other in writing that the Agreement has been materially altered by the finding of unenforceability and elect to terminate the Agreement.

17. Governing Law. This Agreement shall be deemed to be executed in the State of Illinois, and shall be governed by the laws of the State of Illinois, without regard to conflict of laws, except where superseded by Federal law.

18. Venue. Except as to any matter within the exclusive jurisdiction of the federal courts or the FCC, all judicial actions relating to any interpretation, enforcement, dispute resolution or any other aspect of this Agreement shall be brought in the Circuit Court of the State of Illinois, Lake County, Illinois. Any matter brought pursuant to the jurisdiction of the federal court shall be brought in the United States District Court of the Northern District of Illinois.

19. Modification. No provision of this Agreement shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the Authority and the Facility Owner, which amendment shall be authorized on behalf of the Authority through the adoption of an ordinance by the City Council, as required by applicable law.

20. No Third-Party Beneficiaries. Nothing in this Agreement is intended to confer third-party beneficiary status on any person, individual, corporation or member of the public not a signatory to this Agreement to enforce the terms of this Agreement.

21. City's Contract Rights; Exercise of Home Rule Authority. The parties hereby acknowledge and agree that the City's execution and enforcement of this Agreement, and the grant

of such benefits given to the Facility Owner in consideration for the same, are an exercise of the City's home rule authority to enter into contracts having a bearing on the local government and affairs of the City to the extent granted or permitted by Article VII, Section 6 of the Illinois Constitution.

22. No Disqualifications

- a. Patriot Act. The Facility Owner represents and warrants that it is not acting, directly or indirectly, for or on behalf of any person, group, entity, or nation named by the United States Treasury Department as a Specially Designated National and Blocked Person, or for or on behalf of any person, group, entity, or nation designated in Presidential Executive Order 13224 as a person who commits, threatens to commit, or supports terrorism; and that it is not engaged in this transaction directly or indirectly on behalf of, or facilitating this transaction directly or indirectly on behalf of, any such person, group, entity, or nation.
- b. Debarment. The Facility Owner hereby certifies that it is not barred from entering into this Agreement as a result of a violation of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code and that the Facility Owner has a written sexual harassment policy in place in full compliance with 775 ILCS 5/2-105(A)(4).

{Intentionally Left Blank—Signature Page Follows}

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

AUTHORITY:

City of Lake Forest

FACILITY OWNER:

MCImetro Access Transmission Services Corp.
d/b/a: Verizon Access Transmission Services

By: George A. Pandaleon
Mayor

By: Robert J. Hayes
Its: Senior Manager – Network Engineering &
Operations

ATTEST:

By: Margaret Boyer
City Clerk

**FIRST AMENDMENT TO RESTATED AGREEMENT
RELATING TO THE GORTON PROPERTY**

THIS FIRST AMENDMENT is made as of the ____ day of _____, 2019, by and between **THE CITY OF LAKE FOREST**, an Illinois charter and home rule municipal corporation (the “*City*”), and the **GORTON COMMUNITY CENTER**, an Illinois not-for-profit corporation (“*GCC*”);

W I T N E S S E T H:

WHEREAS, the City is the owner of certain real property at the site of the former Gorton School located at 400 East Illinois Road in Lake Forest, Illinois (“*Property*”); and

WHEREAS, the Property is improved with a building operated as a community center for the purposes of promoting activities of public interest and bringing together organizations for the benefit and enjoyment of the entire Lake Forest community; and

WHEREAS, GCC is a not-for-profit entity with its own board of directors; and

WHEREAS, on July 1, 2013, the City and GCC entered into that certain Restated Agreement Relating to the Gorton Property (“*Agreement*”) to fully define their respective roles and responsibilities to each other and with respect to the Property, including the terms and conditions for the development, use, operation, and management of the Property; and

WHEREAS, the Agreement allows the City to appoint a varying number of members to the GCC board of directors and requires GCC to annually budget a certain amount of funds for the upkeep, maintenance, repair, and replacement of building systems; and

WHEREAS, the City and GCC now desire to amend the Agreement to, among other things, a) modify the number of City-appointed directors on the GCC board of directors and b) describe the required sharing of GCC’s financial information with the City, as more fully set forth in this First Amendment;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements set forth below and other good and valuable consideration, the sufficiency of which the parties hereto acknowledge, the parties hereby agree to amend the Agreement as follows:

Section 1. **Recitals.** The foregoing recitals are material to this First Amendment and are incorporated therein as if fully set forth in this Section 1.

Section 2. **Amendment to Subsection 10.B.** Subsection 10.B, entitled “Reports,” of Section 10, entitled “Finances,” is hereby amended as follows:

“B. Reports. The GCC shall submit to the City Audit Committee, on an annual basis, (i) an audited financial statement undertaken in accordance with generally accepted accounting principles of the GCC’s most recently completed fiscal year, (ii) a status report on fundraising receipts for the benefit of GCC, and (iii) a report or reports regarding the GCC’s maintenance, operation, and repair activities on the Property (including the amounts expended on such activities).”

Section 3. Amendment to Subsection 10.C. Subsection C, entitled “Budget Review and Approval,” of Section 10, entitled “Finances,” is hereby amended as follows:

“C. Budget Review and Approval.

1. Amendment to GCC’s By-Laws. As soon as practical after the signing of the First Amendment, GCC agrees to amend its by-laws (the “***GCC By-Laws***”) to provide that the City shall have the right to appoint three of the GCC board of directors (“***GCC Board***”) (which members appointed by the City shall hereinafter be referred to as the “***City GCC Board Members***”). The City GCC Board Members shall serve three-year terms, which terms may be renewed in the discretion of the City Council for one additional three-year term. The City GCC Board Member position Description is attached as Exhibit A. The GCC By-Laws shall also continue to provide for a sub-committee, known as the “***Finance and Operations Sub-Committee***,” which shall be comprised of the City GCC Board Members, the GCC Chairperson, and the GCC Treasurer. The GCC By-Laws shall further provide that: (a) the Finance and Operations Sub-Committee shall i) oversee the preparation of the annual operating and capital budgets and audit; ii) review monthly GCC financial statements and review periodically GCC’s accounting and cash management policies; iii) oversee GCC’s strategies relating to operations, staffing, building maintenance and repair, space rental, general programming, and theater programming; and iv) oversee and review a long-range financial plan for GCC; (b) the City GCC Board Members shall be full voting members of the GCC Board; (c) a City GCC Board Member shall serve as the chairman of the Finance and Operations Sub-Committee and the chair shall be a member of the GCC Executive Committee; and (d) the City Manager shall be a non-voting participant of the GCC Board. The GCC shall submit the foregoing amendment of the GCC By-Laws to the City Manager for review and written approval, and, following such approval, the GCC shall not further amend the GCC By-Laws in any way that alters, directly or indirectly, the amendments set forth in this Section 10.C.1.

2. City Director Appointment. Following the approval of the amendments to the GCC By-Laws as set forth in Section 10.C.1 of this Agreement, the Membership Committee, with the approval of the City Manager, shall realign the GCC Board to result in its having three City GCC Board Members (from among those that are currently City Directors or newly appointed City Directors).

3. Annual Budget.

- a. On an annual basis, the Finance and Operations Sub-Committee and the GCC Executive Director (who shall report to the GCC Board) shall submit to the City Audit Committee for review and approval, the GCC's annual budget and plans

for the use of and programming at the Property (the “**Annual Budget and Plan**”). The Annual Budget and Plan shall set forth, *inter alia*, fees and charges for the use and occupancy of the Property, as well as projected additional revenues and expenditures, and identification of specific programs and occupants (to the extent known) of various spaces within the Property. The Annual Budget and Plan shall also include at least the "Minimum Annual GCC Maintenance Investment" (as hereinafter defined). In addition, the Annual Budget and Plan shall include a five-year financial forecast.

- b. In connection with the City's review of the Annual Budget and Plan, the Parties shall review the capital needs of the Building for a five-year period, capital budgets of GCC and the City, the maintenance contracts of the GCC, as well as any adjustments that may be appropriate to the "Listing of Infrastructure Replacement Responsibilities" (as hereinafter defined). Nothing in this Section 10 precludes the GCC from seeking contributions from the City for any significant Building infrastructure costs that the GCC has incurred or anticipates incurring as part of the Annual Budget and Plan process.
- c. Following such review (which may include interim comments with suggested revisions to the Annual Budget and Plan), the City shall submit its recommendation for approval, approval with modification, or rejection of the Annual Budget and Plan to the full City Council. The City Council shall have the right to approve, approve subject to modifications, or reject the Annual Budget and Plan.
- d. The GCC shall only be authorized to use and occupy the Property in accordance with an approved Annual Budget and Plan. In the event that the City Council does not approve an Annual Budget and Plan as presented by the GCC, the GCC shall only be authorized to Operate and occupy the Property in accordance with the Annual Budget and Plan last approved by the City Council [subject to rate adjustments not exceeding the change in the Consumer Price Index as defined in 35 ILCS 200/18-185 (the “**CPI**”) since the Effective Date of this Agreement].
- e. The Finance and Operations Sub-Committee shall from time-to-time establish guidelines for the GCC regarding the contents of such Annual Budget and Plan, including a timetable for its submission to and review by the City, which

guidelines shall be subject to the approval of the City Manager.”

Section 4. Amendment to Section 10.D.1.b., GCC Maintenance Obligations.

Subparagraph b of Paragraph 1, entitled “GCC’s Responsibilities,” of Subsection D, entitled “Upkeep, Maintenance, Repair and Replacement,” of Section 10, entitled “Finances,” is hereby amended as follows:

- “b. With respect to the upkeep, maintenance, repair, and replacement of the HVAC, elevator, electrical, plumbing, and fire suppression and alarm systems (but not replacement of lighting and plumbing fixtures) in the Building and any accessory buildings and structures on the Property (collectively, the “***GCC Maintenance Obligations***”), GCC shall be required to include in its Annual Budget and Plan sufficient funding to satisfy the GCC Maintenance Obligations each year. In any year in which GCC’s endowment falls below \$2,000,000.00. GCC shall be required to include in its Annual Budget and Plan at least \$25,000.00 in that year, which amount must be maintained each year until the GCC’s Endowment again reaches \$2,000,000.00 (“***GCC Maintenance Reserve***”). To the extent GCC does not expend the approved maintenance funding to satisfy the GCC Maintenance Obligations in any fiscal year, such remaining amount shall be placed in a separate account (the “***GCC Maintenance Reserve***”), which GCC Maintenance Reserve (plus any interest earned thereon) shall be used only for satisfying GCC Maintenance Obligations. If, in any year, the cost of the GCC Maintenance Obligations exceeds the maintenance funding amount included in the approved Annual Budget and Plan}, then GCC shall use such moneys that are available in the GCC Maintenance Reserve to undertake any necessary GCC Maintenance Obligations.

To the extent the GCC undertakes repair work on the Property for which the City receives proceeds under an applicable insurance policy or similar coverage, the City shall reimburse the GCC for its actual repair costs, but in no event more than the insurance proceeds that the City has actually received. Any such reimbursement amounts shall be deposited in the GCC Maintenance Reserve if it is in place per the preceding paragraph.

Notwithstanding the GCC’s obligations pursuant to this Section 10.D.1, the GCC shall not be required to undertake any GCC Maintenance Obligations in excess of the amounts set forth in the approved Annual Budget and Plan.”

Section 5. Remaining Provisions. The terms and provisions of the Agreement not specifically modified by this Amendment shall remain in full force and effect and shall not be construed to have been modified, waived, discharged or otherwise altered by this Amendment.

IN WITNESS WHEREOF, the City and GCC have executed this Amendment as of the date first above written.

GORTON COMMUNITY CENTER, an
Illinois not-for-profit corporation

ATTEST:

By: _____

Its: _____

THE CITY OF LAKE FOREST, an Illinois
municipal corporation

ATTEST:

By: _____

Its: _____

Exhibit A

City GCC Board Member Position Description

A Gorton Community Center (sometimes abbreviated “GCC”) City of Lake Forest (“City”) Director (also referred to as a “City GCC Board Member”) is appointed to the Gorton Board of Directors by the City Mayor with the concurrence of the City Council for a term of three years and up to two terms.

City GCC Board Members

A City GCC Board Member shall be a full voting member of the GCC Board of Directors, the Finance Committee and such other committees as appointed to by the Board President.

A City GCC Board Member is expected to:

- a. Devote special attention to the interests of the City in maintaining a viable and financially sound institution that operates for the benefit of the City and neighboring communities.
- b. Participate in Gorton’s finance and operations strategies to include:
 1. oversee the preparation of the annual operating and capital budgets and audit;
 2. review monthly Gorton’s financial statements and review periodically Gorton’s accounting and cash management policies;
 3. oversee Gorton’s strategies relating to operations, staffing, building maintenance and repair, space rental, general programming, and theater programming; and
 4. oversee and review a long-range financial plan for Gorton.
- c. Bring to the attention of the GCC Board any matters related to the governance of the Gorton Community Center that may be detrimental to the City. If the City GCC Board Member feels that GCC Board action on the matter (whether action on the matter is taken or not taken) is insufficient, the City GCC Board Member shall bring the matter to the attention of the Finance Committee Chair of the City Council.

City GCC Board Members Qualifications

Qualifications for a City GCC Board Member should include:

- Strong communication skills
- Knowledge of finance and organization management
- No conflicts of interest with GCC operations

And may include:

- Experience serving on other non-profit boards or City boards and commissions
- Non-profit management experience
- Specialized knowledge of GCC services and operational requirements