

December 6, 2010

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Rosenthal in the Council Chambers of the Village Hall on Monday December 6, 2010 at 7:30 p.m. The Clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Alan Farkas (arrived 7:40 pm)
Thomas Jester
Mary Oppenheim
William Seiden

Absent: Barbara Struthers

and that a quorum was present and in attendance. Also present were Village Attorney Peter Coblenz and Kent Street, Village Manager.

CONDOLENCES

Mayor Rosenthal noted that lifelong resident and Village historian John Willman passed away last week. Mr. Willman was also instrumental in preserving and improving the Deerfield Cemetery, and he will be missed by all. Those in attendance observed a moment of silence.

PLEDGE OF ALLEGIANCE

Cher Hanson from Parents. The Anti Drug led those in attendance in reciting the Pledge of Allegiance. Ms. Hanson stated Parents. The Anti Drug serves all the areas that feed into School District 113. Their executive board members have students in schools within the communities of Deerfield, Highland Park, Riverwoods, Bannockburn and Highwood. Ms. Hanson stated that their main goal is to prevent the use of alcohol and marijuana, which are the gateway for other drugs. She stated that parents are the number one influence in a child's life. Ms. Hanson stated they send out monthly emails to parents in all five communities with tips for talking and conversation starters, local data, scientific research about alcohol and drugs, reminders and updates on local policies and laws and additional resources for parents. They have a new website: www.parentstheantidrug.org.

Trustee Oppenheim asked if the organization has utilized the public access television channels. Ms. Hanson stated they hoped to be using school resources and posting video clips going forward.

PROCLAMATION

Mayor Rosenthal recognized Parents. The Anti-Drug for their outstanding contributions to the Village of Deerfield. Trustee Oppenheim made a motion to approve the proclamation. Trustee Benton seconded the motion. The motion passed unanimously.

MINUTES OF PREVIOUS MEETING

Trustee Oppenheim made a motion to approve the Minutes from the November 15, 2010 Board of Trustees meeting. Trustee Benton seconded the motion. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Seiden made a motion to approve the Bills and Payroll dated December 6, 2010. Trustee Farkas seconded the motion. The motion passed with the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

PRESENTATION OF GFOA
DISTINGUISHED BUDGET AWARD

Mayor Rosenthal announced that the Government Finance Officers Association presented the Distinguished Budget Award to the Village for the fiscal year beginning May 1, 2010. Mr. Fialkowski stated the Village has received this award since May 1, 1991. He explained the award, combined with the accounting award for comprehensive financial reporting, represent the highest possible clarity and transparency in how the budget and financial reports are presented. He thanked the entire finance department for their part in putting together the documents required for this award, including highlighting the goals of the year.

PUBLIC COMMENT

There was no Public Comment.

REPORTS

REPORT AND RECOMMENDATION
FROM THE FAMILY DAYS
COMMISSION RE: BUDGET AND
CHANGES FOR 2011 FAMILY DAYS

Jenny Maltas, Assistant to the Village Manager, reported the Family Days Commission has instituted monthly meetings. They have two co-chairs, Barbara Reich and John Coughenour who, along with their committee, put together a budget and parameters for Family Days 2011. Ms. Maltas stated they have also discussed some changes they want made for the 2011 Family Days event.

Co-Chair Barbara Reich explained they would like to better organize their efforts going forward. She said they created a budget and would look into cutting some things that are not needed. They will also try to increase revenues by looking for corporate sponsors. Co-Chair Reich hopes to also bring in other donations from community.

Trustee Jester asked about revenue from the pancake breakfast. Co-Chair Reich explained the Family Days Commission does not get that revenue; rather, it goes to the Patty Turner Center.

Mayor Rosenthal noticed the Commission is trying to increase the number of food vendors. Co-Chair Reich explained they will change their tactics by making the event more of a Taste of Deerfield. Food vendors will be charged a nominal fee. The Village will no longer provide generators or electricity. They are trying to make the food vendors feel like a part of Family Days. They support the community in many ways, and this would be an opportunity to showcase their wares and advertise their businesses. The food vendors will be present both July 3rd and July 4th and the expanded offerings will be publicized. Mayor Rosenthal noted that Family Days is a Village highlight. Co-Chair Reich also noted the Family Days Commission has four vacancies and encouraged residents that want to get involved to apply.

Trustee Oppenheim made a motion to accept the report and recommendation of the Family Days Commission regarding the budget and proposed changes for the 2011 Family Days. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR A SPECIAL USE TO
PERMIT THE ESTABLISHMENT OF A
RESTAURANT AT 649 LAKE COOK
ROAD FOR D.C. SARNIES IN THE
DEERFIELD DEPOT/HOME DEPOT
DEVELOPMENT

The Plan Commission held a Public Hearing on November 18, 2010 to consider a request for a Special Use to permit the establishment of a restaurant at 649 Lake Cook Road for D.C. Sarnies in the Deerfield Depot/Home Depot development. The Plan Commission voted 6-0 in favor of the recommendation. The Appearance Review Commission held a preliminary review on November 22, 2010 and the plans, including the

proposed sign variance, were well received by ARC members.

Robert LaPata, Managing Partner with D.C. Sarnies; Lillian Reyes-Brahar, Project Coordinator with Aria Group Architects, Inc.; and Stu Rosen, Vice President of Highland Baking Company were present. Mr. Rosen explained that D.C. Sarnies would be an affiliate of the family business of Highland Baking Company. He explained that 15% of their business is fresh baked product that goes to restaurants in the Chicago area, and 85% is sent out frozen to major restaurant chains across the country. He explained the purpose of D.C. Sarnies is twofold. They want to present a testing ground for their products and allow the chains to test their own products as well.

Mr. Rosen discussed the proposed changes for the restaurant. He explained their theme would be classic with a twist. They will do a little work in the inside of the restaurant, and will also provide outdoor seating. They will have a carry-out area. Breads will not be baked in the restaurant, but in their Northbrook bakery. It will have upscale, casual dining, with a sandwich and bread focus.

Trustee Oppenheim noted the exterior looks very sharp.

Trustee Farkas made a motion to accept the report and recommendation of the Plan Commission regarding the request for a Special Use to permit the establishment of a restaurant at 649 Lake Cook Road for D.C. Sarnies in the Deerfield Depot/Home Depot development. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

CONSENT AGENDA

ORDINANCE APPROVING A TOM &
EDDIE'S RESTAURANT AT
DEERFIELD SQUARE – 1R

An Ordinance approving a Tom & Eddie's Restaurant at Deerfield Square. First Reading.

OLD BUSINESS

ORDINANCE O-10-36 PERMITTING A FRONT YARD VARIATION FOR 1105 CHERRY STREET An Ordinance permitting a front yard variation for the property located at 1105 Cherry Street.

Trustee Oppenheim made a motion to waive the First Reading of the Ordinance. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

Trustee Farkas made a motion to adopt the Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

NEW BUSINESS

PUBLIC HEARING ON THE PROPOSED 2010 TAX LEVY Trustee Seiden made a motion to open the Public Hearing. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

Mr. Fialkowski discussed the proposed 2010 Property Tax Levy, including the Deerfield Public Library. Based on the budget approved in April and the discussion of the levy by the Library Board, a total combined levy (pre-abatement) of \$7,971,894 was identified for both entities. The Village's proposed levy is broken into four parts; the General Fund is \$2,140,000, the Scavenger Fund is \$883,428, the Infrastructure Fund is \$45,000 and the Debt Services Fund is \$1,853,466. Mr. Fialkowski noted that Exhibit A in the levy report breaks down the numbers and indicates the proposed abatement, which is a reduction in the levy by \$1,350,982 for the debt services fund. The abatement consists of payments for the 2003 Water Improvement bonds, the 2008 corporate bonds and the 2010 bonds. These will be abated with funds from the General Fund. The net Debt Service levy will consist of the debt service that will be used for the treatment plant bond issue. The Village levy is an 18% increase over last year's levy. The library's levy would increase just over 5%. The net levy would be just over 11% higher. There are increases of \$155,000 to the General Fund levy and \$42,000 to the Scavenger Fund levy. The Scavenger Fund is slightly negative in net assets. The Scavenger Fund is based on usage fees and property tax. The estimate of property tax rate is projected at .223 compared to .191 for the Village. The library will be .191 vs. .183. The net effect on a typical \$500,000 home will be about \$55, from \$318 to \$372 for the Village. Most of the increase is going to the treatment plant. The total annual cost for the sewer operations is about \$280 usage fee. Other towns have an approximate usage fee of \$550 for sewage treatment. The total proposed levy after abatements for the Village is \$3,570,912 and the library is \$3,050,000.

Mr. Fialkowski stated the referendum approved library debt service for capital services will not appear on the tax bill until 2012.

Mayor Rosenthal asked why the scavenger levy was put on the taxes. Mr. Fialkowski noted historically it gives residents the opportunity to use the deduction on their own taxes, and the commercial EAV supports the amount paid for the service provided to residential property.

Trustee Jester asked if commercial recycling would change the levy. Mr. Street explained that if the Village implemented commercial recycling, it could potentially help offset some of the costs. He noted that the State implemented a 15-month waiting period for commercial waste franchises.

Trustee Oppenheim commended Mr. Fialkowski for providing the Board with a readable report that is clear, complete and thorough. She noted it is available for residents to view and see how their money is being used. She thought Exhibit F comparing wastewater treatment costs puts into perspective how well Deerfield ranks and takes care of the residents.

Trustee Benton noted the largest part of the levy increase is the water filtration plant. He congratulated the Public Works and Engineering Departments, architects and consultants on the plant and the new, improved pollution controls. He believes this will help the Village and provide great benefits into the future. Trustee Seiden congratulated the Deerfield Library on the passage of the referendum.

Trustee Benton made a motion to close the Public Hearing. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

ORDINANCE LEVYING TAXES FOR CORPORATE PURPOSES FOR THE CURRENT FISCAL YEAR, COMMENCING ON THE FIRST DAY OF MAY 2010 AND ENDING ON THE THIRTIETH DAY OF APRIL 2011, FOR THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES – 1R

An Ordinance levying taxes for corporate purposes for the current fiscal year, commencing on the first day of May 2010 and ending on the thirtieth day of April 2011 for the Village of Deerfield, Lake and Cook Counties. First Reading.

ORDINANCE ABATING ALL OF THE 2010 TAX LEVY REQUIREMENTS FOR THE SERIES 2003 GENERAL OBLIGATION REFUNDING BONDS-1R

An Ordinance abating all of the 2010 tax levy requirements for the Series 2003 General Obligation Refunding Bonds. First Reading.

ORDINANCE ABATING ALL OF THE 2010 TAX LEVY REQUIREMENTS FOR THE SERIES 2008 GENERAL OBLIGATION REFUNDING BONDS-1R

An Ordinance abating all of the 2010 tax levy requirements for the Series 2008 General Obligation Refunding Bonds. First Reading.

ORDINANCE ABATING ALL OF THE 2010 TAX LEVY REQUIREMENTS FOR THE SERIES 2010 GENERAL OBLIGATION REFUNDING BONDS-1R

An Ordinance abating all of the 2010 tax levy requirements for the Series 2010 General Obligation Refunding Bonds. First Reading.

AWARD OF PHASE II ENGINEERING DESIGN SERVICES CONTRACT FOR THE LAKE ELEANOR DRIVE AND THE HEATHER ROAD RECONSTRUCTION PROJECTS

Assistant Village Engineer Bob Phillips explained that every year the Public Works and Engineering Departments look for projects they can begin to design to keep infrastructure projects coming from year to year. They discussed two projects for Phase II engineering this year. The first is Heather Road

between Deerfield Road and Manor and Lake Eleanor between Wilmot and the end. Mr. Phillips explained the objective of Phase II engineering is to include a refined scope of the project and prepare cost estimates, bidding documents and design plans. Mr. Phillips explained these projects are part of the 2012 Capital Improvement Plan. He stated the design takes between 12 and 18 months. Most of the roadways have deteriorated and have had many water main breaks. They are beyond their useful design life and need to be replaced.

The Village budgeted \$100,000 for the design of both projects. Three proposals were received. The most cost effective and comprehensive approach was received from Gewalt Hamilton in the amount of \$81,000.

Trustee Farkas noted there was a lower bidder, but the difference was not substantial. Mr. Phillips explained that Gewalt Hamilton will give the Village the most work for the money, as their proposal had a more comprehensive approach.

Trustee Jester made a motion to award the Phase II Engineering Design Services contract for the Lake Eleanor Drive and the Heather Road reconstruction projects to Gewalt Hamilton in an amount not to exceed \$81,000. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

AUTHORIZATION TO AWARD THE PHASE I ENGINEERING SERVICES CONTRACT FOR DEERFIELD ROAD RECONSTRUCTION

Mr. Phillips reported that the Village has had discussions with the Lake County Division of Transportation, who have expressed interest in a Judicial Transfer of Deerfield Road within the Village of Deerfield. A Judicial Transfer would give ownership of

Deerfield Road to the County once construction is complete. Traffic signal maintenance, utility operations and snow/ice removal would remain the responsibility of the Village. Mr. Phillips explained the County is interested in high volume routes because they can better manage the traffic control timing and repairs. Mayor Rosenthal stated that the Village stays on top of the roads in Deerfield because we realize the importance of keeping up with them. She asked how this would play out with Lake County having jurisdiction over the road. Mr. Phillips explained that major repairs would be the County's responsibility, while routine maintenance and plowing would be the Village's.

Trustee Oppenheim asked if the County would also get jurisdiction in Highland Park. Mr. Phillips explained they were talking to Highland Park as well, and they already have jurisdiction up to Wilmot Road from the west. They have expressed interest in jurisdiction from Wilmot Road east to Highland Park.

Trustee Benton noted the Board is reacting to issues the Village has had with Cook County. Mr. Phillips believes that Lake County will live up to their bargain. Trustee Jester asked if federal funding would be available without the Judicial Transfer. Mr. Phillips explained that federal funding comes through the State and County. The Phase I Engineering Study would go through the environmental impacts and is required for all federally funded projects. Mr. Phillips noted that federal funding is usually contingent upon the County.

Trustee Oppenheim noted the Village would pay for the Phase I Engineering Study and would get grant money for the construction. Mr. Phillips explained that the Wilmot Road project was funded that way. He explained that the Lake County Council of Mayors requires that the Village pay for Phase I and Phase II Engineering, so they know that the Village has a commitment to the construction.

Trustee Benton asked if the Village could get some assistance moving utility poles from the sidewalk to get the widened highway. Mr. Phillips explained they were trying to move the power lines underground, but the cost is very high.

Trustee Jester asked if Lake County standards are different than the Village of Deerfield standards. Mr. Phillips explained the traffic signals could vary because IDOT has different standards than Lake County, but most are IDOT standards we share with Lake County.

Trustee Seiden asked if maintenance would be done by the County, once the Jurisdiction Transfer was completed. Mr. Phillips explained it would need to be worked out, but major construction and patching would fall under Lake County jurisdiction. Trustee Seiden asked if overhead cameras would be installed. Mr. Phillips explained that is a Lake County standard. Trustee Jester asked if the south side sidewalk would be put on hold. Mr. Phillips explained it would be put on hold until 2013, to minimize the impact on residents. Mayor Rosenthal asked if the County would consider moving up the project. Mr. Phillips explained the Phase I study could take one year and would still need approval. The Phase II study could not begin until after approval of Phase I, so the project is three years out.

Mr. Phillips noted that Christopher Burke Engineering Ltd. provided the most comprehensive and cost effective project scope. The Director of Public Works and Engineering recommends that the Phase I Engineering Services Contract for Deerfield Road reconstruction be awarded to Christopher Burke Engineering Ltd., in an amount not to exceed \$168,560.

Trustee Jester made a motion to award the Phase I Engineering Services Contract for Deerfield Road reconstruction to Christopher Burke Engineering Ltd., in an amount not to exceed \$168,560. Trustee Benton seconded the motion.

Mayor Rosenthal noted the Village budgeted \$75,000 in 2010-2011 and asked how this would stay in budget. Mr. Phillips explained they would spend a portion of the money in January, and the second part of the expense would be in the next budget.

Trustee Seiden asked if Christopher Burke Engineering Ltd. has performed any work within the Village. Mr. Phillips explained they have done a lot of work in the Chicago area. They have an excellent design team and are very well known.

Mayor Rosenthal noted that people expected the sidewalks would be completed next year. Now, it will be five years from when it was promised. The Village identified a danger and now is saying it can wait. Mr. Street explained that staff would look at doing the south sidewalk sooner. He noted the Village also should look at the cost to redo Deerfield Road. Mr. Phillips noted the estimated cost is \$5 – 10 million. Trustee Jester noted that project could impact the recently completed sidewalks. Trustee Oppenheim noted the engineering study could have an impact on what is done with the sidewalks. She believes it should be done together.

Barbara Little explained that the Village is unable to move forward on the Deerfield Road sidewalk project because of delays at IDOT. They can look at alternatives to the sidewalks where there is sufficient right-of-way.

The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

APPROVAL OF PROPOSED PUBLIC COMMENT POLICY

Mayor Rosenthal reported that the Illinois General Assembly passed a bill that requires municipalities to have a Public Comment section during their public meetings. The Board had reviewed the proposed policy at the November 22, 2010 Committee of the Whole meeting.

Trustee Jester made a motion to approve the Public Comment policy. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

ORDINANCE O-10-37 AMENDING THE MUNICIPAL CODE TO ALLOW DRUG AND GROCERY STORES TO REMAIN OPEN BEYOND THE HOURS THEY ARE PERMITTED TO SELL ALCOHOLIC BEVERAGES

Mr. Coblenz reported that Walgreens and staff noted that a portion of the Liquor Code stated that liquor dealers could not remain open for business after liquor closing hours. Walgreens is a 24-hour operation, and the Jewel-Osco in Deerbrook remains open past 11:00 p.m. as well. The Village's ordinance includes exceptions for hotels and restaurants.

The proposed amendment would add retail drug stores that operate during liquor closing hours and grocery stores to the list of exceptions.

Trustee Seiden made a motion to waive the First Reading of the Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

Trustee Oppenheim made a motion to adopt the Ordinance amending the Municipal Code to allow drug and grocery stores to remain open beyond the hours they are permitted to sell alcoholic beverages. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden (5)

NAYS: None (0)

Mayor Rosenthal commented that the Walgreens windows look nice.

DISCUSSION

THANK YOU

Mayor Rosenthal thanked everyone who worked so hard on the holiday celebration the past weekend. It was a great weekend, and she hopes everyone had a good time. She also thanked the Public Works Department for removing the snow from the first snowfall.

ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 9:12 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk