

September 20, 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 September 20, 2010 at 7:32 p.m. The Clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Alan Farkas
Thomas Jester
Mary Oppenheim
William Seiden
Barbara Struthers

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

PLEDGE OF ALLEGIANCE

Kyle McClintick from Boy Scout Troup 50 led those in attendance in reciting the Pledge of Allegiance. He stated he is trying to earn his communications merit badge, which is required for Eagle Scouts.

MINUTES OF PREVIOUS MEETING

Trustee Benton made a motion to approve the minutes of the September 7, 2010 Board of Trustees meeting, as amended on page 10. Trustee Oppenheim seconded the motion. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Struthers made a motion to accept the Bills and Payroll dated September 20, 2010. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Mayor Rosenthal questioned the large payment to 303 Taxi for tickets. Mr. Street believes the length of time was for more than one month but said he would check into it.

TREASURER'S REPORT

Bob Fialkowski presented highlights from the Treasurer's Report dated August 31, 2010, representing one third of the fiscal year. Mr. Fialkowski noted the sales tax was positive. He observed there have been increases for the past five months, and water and sewer sales picked up this month. Building permits are slightly increased. Hotel tax, though down a little this month, is still up from the prior year. Mr. Fialkowski noted expenditures were slightly below budget, and there has not been anything unusual to report.

Mr. Farkas asked if residential housing sales are being tracked. Mr. Fialkowski noted that there is no Village real estate transfer tax, so it is not tracked.

PUBLIC COMMENT

Marvin Kayne, 1219 Walden Lane, believes it is important to get pensions removed from the property tax bill. He

believes it is important to get a grasp on the taxes. Mr. Kayne is concerned about the expense for the proposed library expansion. He stated the public schools are also looking for additional space. Mr. Kayne advised that he believes that the Village of Northbrook, which has more homes than Deerfield, only has one pension, which is the Park District.

Bob Rosenbacher, 2724 Birchwood Lane, spoke about the library referendum. If the referendum passes, it would allow the library to serve the community both now and in the future. Passing the referendum would address immediate structural issues as well as meet the demand for the next 30 years. It would bring the library in compliance with existing building codes, as well as the Americans with Disabilities Act. There would be increases in space, which are currently too small for the demand. He believes the needs are both real and immediate. With the proposed improvements, the library should meet the needs of the community without adding additional staff. The library is not asking for a grand, expensive structure; rather, an improvement for the community at a moderate cost.

Mayor Rosenthal asked Chief Sliozis to report about traffic during the opening of Wilmot School. Chief Sliozis noted there were some growing pains the first week. In working with the school and parents in the parking lot, they now understand the traffic flow within the lot. The backup caused by the afternoon pick up, which was the issue, has been resolved. The traffic light timing has been altered to assist with traffic flow as well.

Mayor Rosenthal commented about pensions. She stated there have been a lot of discussion and concerns raised about public pensions and compensation. Mayor Rosenthal stated that the Village of Deerfield has a number of dedicated service people. The elected Board and Village advisory commissions do not receive any compensation whatsoever. The Village and its employees contribute to pension funds as required by statute and are in 100% compliance. As part of the annual budget preparation, the Village Board reviews staff compensation levels. The objective of this exercise is to maintain a competitive position in the marketplace.

REPORTS

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: REQUEST FOR A MODIFICATION OF FENCE HEIGHT WITHIN THE REQUIRED FRONT YARD FOR 1126 CHESTNUT	The Board of Zoning Appeals held a Public Hearing on August 17, 2010 to consider a request to construct a four foot fence in lieu of the permitted three foot fence. The Board of Zoning Appeals voted 6-0 in favor of recommending the variance.
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Trustee Jester made a motion to accept the report and recommendation of the Board of Zoning Appeals regarding a request for modification of the fence height within the required front yard for the property located at 1126 Chestnut. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)
NAYS: None (0)

CONSENT AGENDA

ORDINANCE APPROVING A SIGN MODIFICATION FOR LUNA FLOOR GALLERY, 350 LAKE COOK ROAD-1R An Ordinance approving a sign modification for Luna Flooring Gallery located at 350 Lake Cook Road. First Reading.

OLD BUSINESS

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: COMBINED SIDEYARD VARIATION FOR 444 HERMITAGE Mr. Street explained the Board voted at the September 7th meeting to reconsider the request for a combined side yard variation for the property located at 444 Hermitage. He stated the Board of Zoning Appeals reconvened on July 13th to reconsider the request for the side yard variation for a one-story garage addition with a combined side yard of 16'9 in lieu of the minimum 20' side yard setback. The Board of Zoning Appeals voted 5-2 in favor of the variation.

Trustee Benton reported that he was absent when the matter initially came before the Board of Trustees for a vote. He has reviewed all of the relevant data, including the reports, testimony and minutes, and he spoke with Clint Case, Peter Coblenz, Kent Street and those in favor and against the variation before coming to a conclusion. He noted that the initial vote of the Board of Zoning Appeals wound up in a 2-2 tie because of absenteeism. It was confounding to the petitioner that he lost in that way. The Board suggested the petitioner go back to Board of Zoning Appeals, and there was a 5-2 vote in favor of the petition during the second vote. Trustee Benton stated that one complaint about the variation is that the zoning regulations should not be trifled with. The Village has a variance procedure. He is grateful the Board of Zoning Appeals puts time into their decisions. They voted 5-2 to allow the variance. When possible, Trustee Benton likes to defer to their expertise because he believes they have good reasons for how they vote. Trustee Benton does not believe this is a hardship case; however, he is more concerned about not granting the variance. Not granting the variance would move the garage into the petitioner's backyard and add impervious surface to the back yard as well as the driveway. This would increase the amount of water and would, potentially, cause more problems for him and his neighbor. Additionally, there are at least two substantial trees that would have to come down.

Trustee Benton stated the variance procedure is vetted carefully by the Board of Zoning Appeals and the Board of Trustees. Every resident has the right to ask for a variance, and sometimes there are compelling reasons why variances should be granted. Trustee Benton does not believe granting this variance will set a precedent. The petitioner has taken the minimum amount for the garage. The side yard on one side will be 3'2" smaller than what is allowed, but the total setback does meet the Zoning Ordinance. Trustee Benton does not believe granting the variance would have a tremendous impact on the neighbor. He believes the traffic going in and out would cause more hardship to the neighbor next door, if the garage were moved. In looking at all of this, Trustee Benton supports the variance.

Trustee Farkas stated that, based on the information received from the Board of Zoning Appeals, there is a way to address the request. He expressed that if a variation petition is consistent with Village standards, the Village should strive to work with it and accept it. In this case, denying the variance would create a greater impact on the neighbor, create a larger footprint and cause more trees to be lost.

Trustee Farkas made a motion to accept the report and recommendation of the Board of Zoning Appeals regarding the combined side yard setback for the property at 444 Hermitage. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: Seiden (1)

AWARD OF BID FOR THE DEERFIELD ROAD PEDESTRIAN UNDERPASS AND APPROVAL OF RELATED AGREEMENTS Director of Public Works and Engineering, Barbara Little, stated the Village has undertaken several projects to encourage non-motorized traffic in the downtown, including the Streetscape and the pedestrian bridge. As part of the pedestrian bridge project, the Village looked into widening the sidewalk under the pedestrian overpass. The existing underpass is narrow and accommodates two traffic lanes and a narrow, 3 foot sidewalk on each side. Due to width limitation and construction, the sidewalks cannot be widened in their current location. The Village did a feasibility study to build a pedestrian underpass, which would link the residential area on the west side of the tracks and the commercial area on the east side of tracks with a 10 foot wide underpass. It will provide ADA compliant access. Ms. Little noted the project would be substantially funded by outside grants, with the Village providing a local match.

Assistant Village Engineer Bob Phillips made a presentation showing the proposed underpass, which included concrete retaining walls with a faux stone finish. He explained the Appearance Review Commission preferred 1305 Vista Drystack with an anti-graffiti coating for the retaining walls.

Trustee Benton asked if there would be drainage in the tunnel. Mr. Phillips said there would be. Trustee Struthers ensured the lighting would not be overbearing. Mr. Phillips explained they presented a few choices to the Appearance Review Commission, and he believes the lighting would be very subtle. Trustee Oppenheim confirmed the lamps would be LED, for energy efficiency. Trustee Struthers asked about pedestrian and handicap accessibility during construction. Mr. Phillips explained the southern section would be closed, but they expect construction to be detoured around the construction area for a few days during the daytime construction times. During those times, pedestrians would be detoured to the north side.

Mr. Phillips noted the lowest bidder was Herlihy Mid-Continent Company with a bid of \$2,406,694. The project is scheduled to be awarded by IDOT on September 21, 2010, thereby allowing construction to begin as soon as Metra's scheduling permits. The project will be funded by CMAQ, ITEP and Village funds. The Local Agency Agreement notes that the Village is eligible for Federal funds totaling \$2,466,000. \$101,258 in additional Federal funds will also be available for this project; however, the Village's request is not able to be considered by CMAP until their October 21, 2010 meeting. This would bring the Village project cost down from \$743,073 to \$641,814.

Trustee Farkas questioned whether the Village would only be responsible for 20% if there are unforeseen costs. Mr. Phillips explained that in the past, the Village has gone to CMAP and have had favorable outcomes. Trustee Farkas confirmed that the Village's commitment is just what is being requested at this time.

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Trustee Oppenheim asked if the Metra amount was a 'not to exceed' amount. Mr. Phillips explained that Metra would not commit to a 'not to exceed' amount but believes the amount would most likely be less.

Trustee Farkas asked about the project timing. Mr. Phillips explained that timing would depend on the utility relocation, but he hopes the work would begin in January. He noted the completion date in the contract is March 31, 2011. Trustee Benton noted the Lake Cook Road overpass was substantially delayed because of North Shore Gas. He asked if there was any recourse to go back to the utility if something like this happens. Mr. Phillips believes that since the utilities operate under permit from Metra, they need to be diligent about completing their work.

Mr. Phillips noted that the contractor is required to provide railroad liability insurance as part of their bid.

Mayor Rosenthal asked Mr. Coblenz to comment on the Local Agency Agreement for Federal participation. Mr. Coblenz explained the construction contract would be administered by IDOT. It is important that the contractors provide insurance and railroad protective liability coverage. The project has been run through the Village's risk manager, and everyone is in agreement that the proper insurance is being provided. Companies are being required to move the utilities, which is done on a regular basis. These entities all work cooperatively in similar situations.

Trustee Oppenheim asked if the Village has additional, ongoing liability for injuries. Mr. Coblenz explained the Village has premise liability insurance, which is the same as for any Village premise.

Trustee Farkas believes this project would ultimately make the area safer.

Mr. Phillips explained that staff is asking to award the project to Herlihy Mid-Continent Company in an amount not to exceed \$2,406,694 and approval of the associated project agreements with Metra for an amount not to exceed \$394,067, MCI in an amount not to exceed \$93,228, Telecom in an amount not to exceed \$88,409, North Shore Gas in an amount not to exceed \$40,000 and to execute the recommended Local Agency Agreement for Federal participation.

Trustee Seiden explained this project came up in the original budget discussions. At that time, the anticipated project cost was \$1,000,000 and the Village's share would be \$200,000. He opposed the project at that time because he does not think the Village should use Village funds for it. In February, the project cost changed to more than \$2,000,000. Now the cost is \$3,200,000, with the Village paying \$640,000 or \$743,000, depending on the funding. Although he feels this project is a good project, he questioned the need and the timing for the expenditure.

Mayor Rosenthal stated she has spent a lot of time thinking about the financial commitment to this project and believes it would be easy for the Board to vote against the project because money is tight. She asked the Trustees to look toward the future and what this project would bring to the Village. Mayor Rosenthal and the Board are trying to make the Village more pedestrian friendly. She believes this project is a one-time opportunity because of the funding. Staff has worked hard to secure the funding, and it is an integral part of the downtown. Mayor Rosenthal believes the project would create a safe, accessible pedestrian access way to the downtown. As hard as it is to spend \$641,000, she believes

that the opportunity would be lost forever if it is not done now. In the future, the pedestrian underpass will be a great asset to the Village, and Mayor Rosenthal believes it is a worthwhile project.

Trustee Struthers added that this project would put people to work. Trustee Benton believes the project would add to the convenience of the downtown and would provide pedestrian access to Deerfield Square. Trustee Oppenheim stated that she has supported the project from the beginning but also had second thoughts about the financial commitment. She believes the Village needs to approve this project in terms of the future, the big picture and safety. Trustee Farkas believes it is a difficult decision, but if it is not done now, the Village would leave a large chunk of money on the table, that would go to another community. He would rather see the money spent here.

Trustee Farkas made a motion to award the bid for the Deerfield Road pedestrian underpass to Herlihy Mid-Continent Company in an amount not to exceed \$2,406,694 and the associated project agreements as requested. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: Seiden (1)

ORDINANCE O-10-28 APPROVING A SPECIAL USE TO ALLOW CHANGES TO THE VILLAGE-OWNED PUBLIC PARKING LOTS AT 750, 758 AND 800 DEERFIELD ROAD FOR RESTRIPIING AND LANDSCAPING – 1R

Mr. Street noted the Board discussed this project at great length at previous meetings. He requested a waiver of the First Reading of the Ordinance.

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

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Trustee Seiden made a motion to adopt the Ordinance approving a Special Use to allow changes to the Village-owned public parking lots at 750, 758 and 800 Deerfield Road for restriping and landscaping. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Trustee Oppenheim asked about the ash trees in the landscaping plan. Mr. Street noted the Village wants to install similar trees, but not ash trees. Trustee Oppenheim explained that as this is a temporary planting and as ash trees can be purchased at bargain prices, she asked that staff reconsider using them. Staff will consult with Urban Forest Management. Ms. Little noted they were considering honey locust as well, noting there are a number of them in the area.

NEW BUSINESS

AUTHORIZATION FOR VILLAGE MANAGER TO SIGN CONTRACT WITH D&W EVENTS FOR 2011

Assistant to the Village Manager, Jenny Maltas, met with the Fine Arts Commission. They have been very happy with D&W Events in the past and would

FESTIVAL OF FINE ARTS

like to authorize the Village Manager to sign a contract for the 2011 Festival of Fine Arts. Ms. Maltas noted they made small modifications to the contract based on past practices and are now requiring D&W Events to provide overnight security.

Trustee Seiden made a motion to authorize the Village Manager to sign a contract with D&W Events for the 2011 Festival of Fine Arts. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

AUTHORIZATION FOR VILLAGE PRESIDENT TO SIGN SUB-CONTRACT WITH METROPOLITAN MAYORS CAUCUS FOR EECBG FUNDING

Ms. Maltas stated the Village applied for an energy and conservation block grant and received approval to make energy efficient changes to the Village Hall, the Police Department and the Township offices. Trustee Struthers asked what the dollar savings would be. Ms. Maltas explained there would not be a direct expense savings because the Village does not pay for those services. The grant would pay \$33,000, and the remaining amount would be picked up by the Department of Commerce and Economic Opportunity. There would not be a cost to the Village.

Trustee Benton made a motion to authorize the Village President to sign a sub-contract with the Metropolitan Mayors Caucus for EECBG Funding. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

AWARD OF BID FOR DOOR REPLACEMENT AT THE WARWICK STATION

Assistant Director of Public Works, Brad Fink, explained the Warwick Road Station was constructed in 1989. Currently, the doors and hardware have various deterioration and corrosion issues. Staff requested proposals for replacement. The lowest proposal came from Wilson Home Restoration in the amount of \$15,277. Staff performed reference checks, which came out favorably. Staff requests the formal bidding process be waived and the lowest quote for door replacement at the Warwick Station be awarded to Wilson Home Restoration in an amount not to exceed \$15,277.

Trustee Jester made a motion to waive the formal bidding process and award the door replacement at the Warwick Road Station contract to Wilson Home Restoration in an amount not to exceed \$15,277. Trustee Struthers seconded the motion. Mayor Rosenthal asked why the Village sent out a proposal instead of a bid request. Mr. Street explained the bid process would add \$5,000 - \$10,000 in internal costs. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**AWARD OF BID FOR ROOF
REPLACEMENT AT THE DEERFIELD,
WILMOT AND WARWICK ROAD
STATIONS**

Mr. Fink explained the three stations were all built in the mid to late 1980s. The roofs now need to be replaced, which are proposed budget improvements. An RFP was sent out and Correct Roofing and Construction was the low bidder in the amount of \$24,751.14. Staff has worked with

Correct Roofing and Construction in the past and was satisfied with their work. Due to the condition of the existing roofs, the deteriorated sheeting may need to be replaced as well. Staff is requesting an additional expenditure of \$3,000 and a waiver of the formal bidding process.

Trustee Jester made a motion to waive the formal bidding process and award the contract for roof replacement at the Deerfield, Wilmot and Warwick Road Stations to Correct Roofing and Construction in an amount not to exceed \$27,751.14. Trustee Benton seconded the motion. Mr. Street noted that the Village has received competitive proposals. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**REQUEST FOR AUTHORIZATION TO
DEMOLISH DANGEROUS BUILDING
AT 1515 WILMOT**

Mr. Street explained that following a structure fire in 2008, Village code enforcement staff attempted to work with the property owner. After several unsuccessful attempts, staff is asking to demolish the

dangerous structure. Although the Village could place a lien on the property, several other liens currently exist.

Trustee Struthers made a motion to authorize the demolition of a dangerous building located at 1515 Wilmot Road in an amount not to exceed \$20,000. Trustee Oppenheim seconded the motion.

Trustee Farkas noted this home is under foreclosure, which suggests the owner does not have the means to recover the costs. Mr. Case stated the Village has chased the owner for the past two years, and the liens exceed the property value. Trustee Farkas would like to chase after the owner on a personal level, but realizes the Village would spend more time and resources than what would be recovered. Mayor Rosenthal noted the neighbors have been very patient. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**AUTHORIZATION TO AWARD BID
FOR ONE NEW 2010 HYDRAULIC
HAMMER**

Ms. Little explained the mechanic and staff prepared specifications and advertised the purchase of a new concrete breaker on September 15, 2010. Two bids were received, and one did not meet the specifications.

Trustee Seiden made a motion to award the bid for one new 2010 hydraulic hammer to Burris Equipment Co. in an amount not to exceed \$13,900. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

DISCUSSION

HOMECOMING

Mayor Rosenthal reminded residents that Homecoming is this weekend in Deerfield. The Village did some liquor sales compliance checks. She reminded residents that the Village would not tolerate improper behavior and hopes that students, as well as their parents, make safe choices.

HOME APPRAISAL

Trustee Farkas stated that residential home sales are not tracked, but he has some encouraging news. He recently refinanced his home, and the appraisal two years ago was very difficult because there was a lack of sales. His current appraisal showed a 10% increase. Trustee Farkas believes the general outlook is positive. Mayor Rosenthal noted that Mr. Case would get some information about houses and would present the information in his six-month report next month. Trustee Jester noted the information would also be available from the Township.

TRUSTEE IN THE TOWN

Trustee Seiden stated that Mayor Rosenthal and Trustee Struthers would be present at the Farmer's Market on October 2nd for Trustee in the Town.

NOMINATING PETITIONS

Mr. Street reported, as Village Clerk, that nominating petitions for Village Trustee would be available tomorrow. The petitions must be completed and returned between December 13 and December 20, 2010. He noted this was one month earlier than in the past. Mr. Street noted the packets would be available at the front counter at Village Hall.

ADJOURNMENT

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

APPROVED:

Mayor

ATTEST:

Village Clerk