

September 19, 2011

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 September 19, 2011 at 7:30 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

Deerfield High School principal Audris Griffith led those in attendance in reciting the Pledge of

Allegiance.

MINUTES OF PREVIOUS MEETING

Trustee Farkas made a motion to approve the minutes from the September 6, 2011 Board of

Trustees meeting. Trustee Benton seconded the motion. Trustee Benton made an amendment to the minutes. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Oppenheim made a motion to approve the Bills and Payroll dated September 19, 2011.

Trustee Struthers seconded the motion. The motion passed by the following vote

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

NAYS: None (0)

TREASURER'S REPORT

Finance Director, Bob Fialkowski presented highlights from the Treasurer's Report representing

the first third of the fiscal year, through August 31, 2011. He noted a slight decrease in monthly sales tax and hotel tax while building permits and water revenue increased.

Mr. Fialkowski reported that Moody's Investor Services affirmed the Village's Aaa bond rating. Mr. Fialkowski noted that many factors contributed to the Village receiving the highest possible bond rating including a healthy fund balance and full contributions to the pension fund and Illinois Municipal Retirement Fund.

Mayor Rosenthal noted the Illinois Finance Authority recently approved a \$13 million allocation to the Village of Qualified Energy Conservation Bonds. She thanked Mr. Fialkowski and Mr. Burk for their hard work in attaining this allocation. Mayor Rosenthal also thanked State Senator Susan Garret for her critical assistance.

PUBLIC COMMENT

There was no Public Comment.

REPORTS

PUBLIC HEARING RE: TRUSTEE JESTER MADE A MOTION TO OPEN THE PUBLIC
RESTRUCTURING OF EDUCATION HEARING. TRUSTEE OPPENHEIM SECONDED THE MOTION,
FACILITY REVENUE BONDS The motion passed unanimously.

Michael Small, President of Chicagoland Jewish High School, reported the court unanimously approved the bond restructuring last week. Mr. Small summarized the revenue bond program that was discussed by the Board in August. He stated the Chicagoland Jewish High School continues to grow and currently enrolls 167 students, many of which will go on to attend prestigious colleges and universities.

Mr. Lee, Counsel to the Village from Greenberg Traurig, noted this bond restructuring would not have a negative effect on the Village. Mayor Rosenthal questioned if this bond issuance would hurt the Village in getting bank-qualified loans? Mr. Lee reassured the Board that investors will recognize that the Village is not liable for this debt and confirmed this does not have any impact on the Village's ability to issue debt.

Trustee Benton made a motion to close the Public Hearing. Trustee Struthers seconded the motion. The motion passed unanimously.

ORDINANCE O-11-29 APPROVING AN ORDINANCE APPROVING THE RESTRUCTURING OF
RESTRUCTURING OF EDUCATION EDUCATION FACILITY REVENUE BONDS. TRUSTEE SEIDEN
FACILITY REVENUE BONDS 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, Struthers (6)
NAYS: None (0)

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

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

**REPORT OF THE FAMILY DAYS
COMMISSION AND AUTHORIZATION
FOR VILLAGE MANAGER TO SIGN
CONTRACT WITH FUN SERVICES
FOR 2012 FAMILY DAYS**

Family Days co-chairs, Barbara Reich and John Coughenour reported the Family Days Commission met in September and adopted a budget for 2012. They will be making some changes to improve Family Days while reducing costs. Trustee Struthers noted there are a number of volunteers that enjoy

working during the pancake breakfast and was wondering if there would be other opportunities for volunteers if the pancake breakfast was modified. Ms. Reich explained there are always opportunities for volunteers. Mayor Rosenthal noted that nothing has been finalized and the Commission is still looking at a number of different options. Co-Chair Reich reminded residents to visit the Village website for information about the event.

Trustee Oppenheim made a motion to accept the report of the Family Days Commission and to authorize the Village Manager to sign a contract with Fun Services for Family Days 2012.

Trustee Farkas seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

**REPORT AND RECOMMENDATION OF
PLAN COMMISSION RE: REQUEST
FOR A TEXT AMENDMENT FOR
PROPOSED ADVERTISING SIGNS ON
SPORTS FENCES FOR DEERFIELD
HIGH SCHOOL – 1959 WAUKEGAN**

Mr. Street reported the Plan Commission considered the petition at pre-filing hearings on June 23, 2011 and July 28, 2011. They held a Public Hearing on August 25, 2011 and voted 5-0 in favor of sending a favorable recommendation to the Board with the caveat that the petitioner appear before the Plan Commission for approval on

their final scoreboard design.

Assistant #113 Superintendent of Finance, Barry Bolek and DHS Principal Audris Griffith, made a presentation showing the proposed improvements and stated the school is interested in installing flex fence as an added safety feature. The proposed advertising would be a new source of revenue for the school and their intention is to increase visibility of local establishments and encourage parents, students, visitors and members of the community to shop and eat at local businesses.

Mr. Bolek noted the scoreboard would be an additional request that the school will not pursue for a few years. The scoreboard would be a digital sign and would only be turned on when there are games or activities at the stadium. The proposed fence for softball and baseball would have 3x5' panels using half of the panels for advertising. The color scheme would provide a consistent and attractive visual layout with no more than three colors allowed in an advertisement.

The proposed flex fence for football will have 4x10' aluminum framed panels which are more durable and safer than the current snow fences and metal fence posts.

Trustee Struthers questioned how they will determine which advertisements are displayed. Mr. Bolek explained the DHS Booster Club would be selling the panels and they will offer it to local

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businesses first. Trustee Struthers stated she believes the school can get more than \$60,000 from the advertisements. Mr. Bolek explained that they are selling the panels the first two years to establish it in this difficult economic time.

Mr. Bolek noted that Deerfield High School supports 29 athletic programs. They have reduced their sport programming by more than \$250,000 and rely on fundraising and the support from Boosters and other supporting organizations. The school needs alternative sources of revenue to support athletics and other activities.

Mr. Bolek explained he has heard the concerns of neighboring residents and feels that setback distance, the parked cars, foliage and fencing will buffer the signs. He noted that when the foliage is gone for the winter the fences will be taken down as no sports will be taking place.

Mr. Bolek reviewed the inaugural terms of the advertisements and estimates the advertisements to yield \$339,000 over a five-year period.

Trustee Seiden asked if there were any restrictions on the type of advertising. Mr. Pollack explained the School Board has strict policies and would not allow any inappropriate advertisements that would go against the Board's policies.

Trustee Struthers expressed concern about setting a precedent, because there are a number of athletic fields in Deerfield. She noted approving this advertising could open the door for advertising on athletic fields throughout Deerfield which would create a more commercial appearance than she would like to see in the Village.

Mr. Coblenz explained the text amendment would only apply to Deerfield High School. Trustee Jester asked what would happen if the Park District or elementary school district made a similar request. Trustee Oppenheim noted they would need to come to the Board for permission.

Mr. Bolek reported they would not restrict the advertising to local businesses; however, they would offer advertising space to local businesses first. Mayor Rosenthal noted that other businesses would still have to meet the School District's standards.

Trustee Oppenheim believes the buffering between the softball field and the neighbors is adequate. She applauded the school for wanting a consistent, appealing look. Trustee Oppenheim also thinks the fences will be safer for students and likes the flexibility.

Trustee Oppenheim made a motion to accept the report and recommendation of the Plan Commission. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: Struthers (1)

Plan Commission member Larry Berg explained that only two neighbors voiced concerns. The Plan Commission looked into it carefully, and believes there is enough buffering and it would

have minimal impact. The safety features, revenue for the school and revenue for local business far exceeded any negative impact.

REPORT AND RECOMMENDATION OF Al Bromberg, Chairman of the Safety Council,
THE SAFETY COUNCIL RE: REQUEST explained he was approached by Julie Morrison to
TO PROHIBIT HANDHELD DEVICES assist with the Don't Text and Drive campaign.
WHILE DRIVING The Safety Council discussed it at great length and
expanded it to include prohibition of handheld
devices while driving. The Safety Council feels it would be appropriate to enact an ordinance
similar to one enacted recently by Highland Park.

Trustee Oppenheim asked about the enforcement and penalties. Chief Sliozis explained a determination would need to be made as to whether this ordinance would be a primary or secondary offense. He also noted the fines would be up to the Board. He did note that other communities have started to enforce this and believes making it a primary offense would be appropriate. Chief Sliozis explained this matter is truly a State issue and his first preference would be for statewide legislation.

Chief Sliozis noted that other communities have put together informational campaigns following passage of similar ordinances to inform the public. Mayor Rosenthal expressed concern that they would need to put up signage at the entrances of the Village and Mr. Coblentz concurred.

Ch. Bromberg believes enforcing a ban on all handheld devices would be easier to enforce than just a texting ban. Trustee Oppenheim asked if the Safety Council did any research on other communities that have handheld device or texting bans. Ch. Bromberg explained the Safety Council looked at Winnetka, Evanston and Chicago.

Chief Sliozis explained that one of the most successful campaigns is the seatbelt campaign. The campaign consisted of education followed by enforcement. Mayor Rosenthal explained that at one point, the curfew in Deerfield was different than the surrounding communities and similarly a ban on handheld devices will require education before enforcement.

Larry Dondanville, 717 Westgate Road believes that the cell phone and communications lobby is working to oppose this type of legislation. His research indicates it is the conversation rather than actually holding the device in your hand that impairs the driver. Mr. Dondanville noted this is a serious issue as evidenced by the 1.6 million accidents in the United States annually according to the National Safety Council. He believes the Village should prohibit the use of hands free as well as handheld devices while driving. Mr. Dondanville applauds the Safety Council for bringing this to the Board.

Trustee Farkas made a motion to accept the report and recommendation of the Safety Council. Trustee Struthers seconded the motion. Mayor Rosenthal added that the Village already has a personnel policy in place with the exemption of emergency responses. Trustee Oppenheim asked if Mr. Coblentz would look at Highland Park's ordinance before writing an ordinance for Deerfield. Mr. Coblentz explained he would look at Highland Park and other neighboring

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communities. Mr. Dondanville suggested Mr. Coblenz look at the recommendations from the National Safety Council and other groups as well.

The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS FOR A FRONT AND SIDE YARD VARIATION 966 CHESTNUT

Mr. Street reported the petition was withdrawn by the petitioner.

CONSENT AGENDA

ORDINANCE O-11-30 APPROVING A SIX MONTH EXTENSION TO MARCH 1, 2012 OF TEMPORARY ZONING RELIEF FOR HONQUEST FURNITURE

An Ordinance approving a six-month extension of temporary zoning relief for Honquest Furniture, to March 1, 2012. Second Reading.

ORDINANCE O-11-31 APPROVING A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A ONE-ON-ONE LEARNING AND TUTORING CENTER

An Ordinance approving a special use to permit the establishment of a one-on-one learning and tutoring center for Lindamood-Bell. Second Reading.

ORDINANCE O-11-32 APPROVING AN AMENDMENT TO A SPECIAL USE FOR THE DEERFIELD PUBLIC LIBRARY RENOVATIONS – 2R

An Ordinance approving an amendment to a special use for the Deerfield Public Library renovations. Second Reading.

RESOLUTION R-11-12 AUTHORIZING THE VILLAGE'S CONTINUED PARTICIPATION IN THE SUBURBAN TREE CONSORTIUM

A Resolution authorizing the Village's continued participation in the Suburban Tree Consortium.

Trustee Struthers made a motion to approve the Consent Agenda and adopt the Ordinances. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

OLD BUSINESS

ORDINANCE O-11-33 AMENDING THE ZONING ORDINANCE OF THE

An Ordinance amending the Zoning Ordinance of the Village of Deerfield to establish a maximum

VILLAGE OF DEERFIELD TO
ESTABLISH A MAXIMUM
ALLOWABLE SIZE FOR A BUSINESS
WALL SIGN IN THE COMMERCIAL
ZONING DISTRICTS – 2R

allowable size for a business wall sign in the commercial zoning districts. Second Reading.

Mr. Street explained the Board considered this at great length during a previous meeting, but was waiting for a full Board before holding the Second Reading.

Trustee Farkas made a motion to adopt the Ordinance. Trustee Struthers seconded the motion. Trustee Jester noted the Village has regulations in place and dealt with businesses on an exception basis and this ordinance is too overreaching.

The motion passed by the following vote:

AYES: Benton, Farkas, Seiden, Struthers (4)

NAYS: Jester, Oppenheim (2)

NEW BUSINESS

ORDINANCE O-11-34 APPROVING A
SPECIAL USE TO PERMIT THE
ESTABLISHMENT OF OUTDOOR
DINING AREAS, AND INCREASE IN
THE HEIGHT OF A PREVIOUSLY
APPROVED GROUND SIGN FOR
ROSEBUD ITALIAN COUNTRY
HOUSE AND PIZZERIA

An Ordinance approving a special use to permit the establishment of outdoor dining areas, and an increase in the height of a previously approved ground sign for Rosebud Italian Country House and Pizzeria.

Trustee Farkas made a motion to waive the First Reading of the Ordinance. Trustee Struthers seconded the motion. Trustee Struthers would love

to see them open, but does not want to make a habit of waiving the First Reading of ordinances. Trustee Farkas agrees, stating they could have been more responsible but in this particular climate the Village needs to demonstrate willingness to assist businesses. Trustee Benton is conflicted by the waiver request. He explained that the Commissions have spent a lot of time on this petition and do a lot of work and he does not believe it helps the process when there is a recommendation and the petitioner continues to make changes. He noted the Board has a general policy to not provide a waiver for commercial petitions.

Trustee Seiden noted that unless it is demonstrated how the Village gains from denying the waiver he would vote to accommodate the petitioner's request. Mayor Rosenthal explained the Village is welcoming a new business into the community and believes they need to start on a business-friendly basis. Trustee Oppenheim believes the Board should be consistent and supportive of the procedures. She noted there is a reason the Village has First and Second Readings. She does not see a reason to make an exception. Mayor Rosenthal explained they have made exceptions for commercial businesses in the past and the reason for First and Second Readings is to allow for public input.

The motion passed by the following vote:

AYES: Farkas, Jester, Seiden, Rosenthal (4)

NAYS: Benton, Oppenheim, Struthers (3)

Trustee Farkas made a motion to adopt the Ordinance. Trustee Seiden seconded the motion.

The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE INCREASING THE
NUMBER OF CLASS C LIQUOR
LICENSES FROM 5 TO 6 FOR
NOODLES & COMPANY – 1R

An Ordinance increasing the number of Class C liquor licenses from 5-6 for Noodles & Company. Adam Sonenshein , the General Manager of Noodles & Company in Deerfield reported they will serve four wines and four beers. All managers are

required to be BASSET certified and their company policy dictates that only managers can ring up customers purchasing alcohol. He also noted that everyone is carded. Mayor Rosenthal welcomed Noodles and Company to the Village and First Reading was held.

ORDINANCE AMENDING THE 2011
WAGE AND SALARY PLAN – 1R

Mr. Street explained the Village proposes reducing the entry level Police Department Social Worker annual salary by \$20,000.

AUTHORIZATION TO PURCHASE
TRAILER MOUNTED EMERGENCY
GENERATOR FOR THE WASTEWATER
RECLAMATION FACILITY SATELLITE
FACILITIES

Brad Fink, Assistant Director of Public Works and Engineering, explained the Village had an extended power outage in June. Typically, the Village rents generators from suppliers; however, due to the extent of the last outage the Village was unable to rent a generator for its satellite wastewater

treatment facilities. Fortunately, a Wastewater Reclamation Facility contractor was able to loan the Village their generator for 27 hours. Staff is requesting authorization to purchase a generator and has solicited proposals. The lowest proposal came from Burriss Equipment in the amount of \$19,470. The generator could be used at all the satellite facilities without a generator on site. Mr. Fink is requesting the competitive bidding process be waived and the Village authorize the purchase of a generator from Burriss Equipment in an amount not to exceed \$19,470.

Trustee Struthers made a motion to waive the competitive bidding process and authorize the purchase of a generator from Burriss Equipment in an amount not to exceed \$19,470. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD
CONTRACT FOR VILLAGE OF
DEERFIELD WATER SYSTEM SCADA
UPGRADE TO AUTOMATIC CONTROL
SERVICES

Mr. Fink reported the Village uses a SCADA system to monitor and control the Village water distribution system. The system is comprised of various hardware and software designed to meet the needs of the Village. The Village's current SCADA system was installed in 1998. The system runs well

but they are running into issues with the obsolete equipment causing expensive repairs. The current years budget includes \$20,000 to update the system. Mr. Fink noted the Village has used Automatic Control Services in the past.

Trustee Jester made a motion to award the contract for the SCADA upgrade to Automatic Control Services in an amount not to exceed \$20,045. 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 suggested going to market and seeing what is available next time, as the Village has been using Automatic Control Services since 1998. Mr. Fink explained they looked into it when designing the Wastewater Reclamation Facility and found that Automatic Control Services was very competitive. Staff will note to look at alternatives next time the system needs replacement.

AUTHORIZATION TO AWARD
CONTRACT FOR THE VILLAGE OF
DEERFIELD INFLOW AND
INFILTRATION REDUCTION
PROGRAM

Mr. Fink explained that in 2008, the Village commissioned RJN to do a study on rainwater entering the Village's sanitary system. The first year focused on the northeast quadrant of the Village. In 2010, RJN completed inspection of the northeast quadrant and provided the Village with a report and

recommendations for private and public sector issues. The Village is currently addressing public sector issues. Mr. Fink would like the Board to authorize smoke testing in the northwest quadrant and develop a private sector pilot program for the northeast quadrant. RJN has submitted an engineering service agreement for the next phase, which was discussed at great length at the Committee of the Whole meeting on August 29, 2011. If the Board approves this, staff would move ahead with smoke testing. The private sector program will come back before the Board for review prior to implementation. Mayor Rosenthal noted the \$221,180 includes the private sector pilot program. Mr. Fink noted the Village would only be charged for the work performed, should they decide to only go forward with part of it.

Trustee Farkas made a motion to authorize the contract for the Deerfield inflow and infiltration reduction program to RJN in an amount not to exceed \$221,180. 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 ADDITIONAL
WORK FOR THE CARLISLE AVENUE
AND CARRIAGE WAY
INFRASTRUCTURE
REHABILITATION PROJECT**

Assistant Village Engineer, Bob Phillips, explained that in 2010 the Village awarded projects to Bolder Contractors. As the project moved forward, they realized the Village would be over budget due to unsuitable subgrade materials. He came to the Board with an additional fund request which was

approved. Unfortunately, soil conditions did not improve and a number of unidentified field tiles that need to be reconnected along Carriage Way. They put a lot of material in including road and utilities. The proposed budget for the project was \$4,275,733 completion (\$112,814 over the already amended budget). To help offset the added costs, Mr. Phillips suggested reducing the lighting project for this year. Mayor Rosenthal noted the residents who live on Carriage Way are happy with the project. Trustee Oppenheim asked about the impact of postponing the lighting project. Mr. Phillips explained they planned on doing \$50,000 in lighting every year and they would push the lighting work back until next year.

Trustee Jester noted the field tile issue and soil condition was a surprise. Trustee Jester believes the program should be reviewed with the engineer to find out how it could have been done better.

Trustee Farkas made a motion to authorize the additional work for the Carlisle Avenue and Carriage Way infrastructure rehabilitation project. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

**APPROVAL OF WASTEWATER
RECLAMATION FACILITY
IMPROVEMENT PROJECT CHANGE
ORDER #5**

Mr. Fink explained they have three items within the change order, which total \$13,132. Strand Associates reviewed the materials and verified everything is accurate. To date, the project is 34 percent complete. The change order will not

change the final completion date of February 2013. Staff recommends authorizing the adjustment in the amount of \$13,132.

Trustee Seiden made a motion to approve the Wastewater Reclamation Facility improvement project change order #4 in an amount of \$13,132. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

MOBILE BILLBOARDS

Trustee Farkas spoke with Jeff Ryckaert about mobile billboards. Trustee Farkas would like to give businesses the opportunity to self-police these types of vehicles before passing an ordinance. Trustee Struthers expressed concern when mobile signs come in from out of town and

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directly compete with a Village business. Trustee Benton noted there are ordinances banning signs on a public way, so there may be something regulating mobile billboards in an existing ordinance.

SPECIAL BOARD OF TRUSTEES
MEETING

Mr. Street explained there would be a special Board of Trustees meeting on Monday, September 26, 2011 to consider the bond issue.

WARRANT STUDY

Mr. Street noted the Village is conducting a warrant study for the intersection of Robert York and

Osterman Avenue.

FEMA CHECK

Mayor Rosenthal was pleased to announce the Village received a check for \$71,500 from FEMA

for 75 percent of the cost for the blizzard this past February.

ADJOURNMENT

There being no further business or discussion, Trustee Farkas made a motion to adjourn the

meeting. Trustee Oppenheim seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:30 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk