

January 3, 2012

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 January 3, 2012 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

Erin Purdy, 2011 IHSA Diving Champion, led those in attendance in reciting the Pledge of

Allegiance.

Doug Foerch, Deerfield High School diving coach, stated that Ms. Purdy had set numerous records and won many events throughout her high school career. At the State meet, Ms. Purdy blew away the competition. She is a great representative, team leader and a very hard worker.

Ms. Purdy thanked everyone for the honor. She will be diving at the University of North Carolina. Mayor Rosenthal presented a road sign honoring Ms. Purdy as the 2011 IHSA Illinois State Diving Champion, which will be at the entrances to the Village.

IN MEMORIAM

Mayor Rosenthal asked those in attendance to observe a moment of silence in memoriam of the passing away of retired Deputy Police Chief John Sebban. Mayor Rosenthal asked those in attendance to observe a moment of silence in memoriam of the passing away of former Deerfield Public Library Director, Jack Hicks.

Trustee Seiden noted that Mr. Hicks did so much for the library and he mentored several people in the area that later became librarians. Mayor Rosenthal mentioned he was very innovative and will truly be missed.

PRESENTATION OF GFOA
DISTINGUISHED BUDGET AWARD

Mayor Rosenthal stated the Village has received the Government Finance Officers Association award for many years. She presented the award to Finance

Director, Bob Fialkowski.

Mr. Fialkowski noted the award is an indication of the Village's financial transparency. He expressed the work of the Village Board is greatly appreciated and sets the guidelines for the budget. Mr. Fialkowski noted the award is a good reflection on the Village.

PRESENTATION BY DISTRICT 113 District 113 Assistant Superintendent, Sue Hebson, invited those living in the district to participate in a survey. There were six study groups, including a market research team that created a survey that will be available to residents to find out their priorities, perceptions and needs. The District 113 Board of Education and a leadership sub-committee will make recommendations and present the future plans. The survey is available on the web and paper copies will also be available at Deerfield and Highland Park libraries, village halls and senior centers. The survey will be available through January 22, 2012.

MINUTES OF PREVIOUS MEETING Trustee Benton made a motion to approve the minutes from the December 19, 2011 Board of Trustees meeting. Trustee Struthers seconded the motion. The motion passed unanimously.

BILLS & PAYROLL Trustee Oppenheim made a motion to approve the Bills and Payroll dated January 3, 2012. Trustee Farkas seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

There was no Public Comment on non-agenda items.

REPORTS

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION RE: REQUEST FOR A TEXT AMENDMENT AND A SPECIAL USE TO ALLOW A CHILD ENRICHMENT CENTER AT 445 PINE STREET FOR STARLAND Mr. Street stated the Plan Commission held a pre-filing conference on August 25, 2011 and a public hearing on November 13, 2011 that was continued on December 8, 2011 to consider a request for a Text Amendment and a Special use to allow a child enrichment center at 445 Pine Street for Starland. The Plan Commission voted 7-0 in favor of sending a favorable recommendation to the Trustees. Rob Nadler from the Plan Commission was present and available to answer questions.

Adam More from Starland stated that staying in Deerfield is a huge priority for them. Starland would like to move to this facility. The hours would be 8:30 a.m. – 8:30 p.m., but most students would be out of the building by 5:00 p.m.

Trustee Struthers noted there appear to be only two handicapped parking spaces in the rear of the building. She would like to see at least one entrance and one restroom made handicapped accessible. She would also like to see the performance area made handicapped accessible.

Trustee Benton stated the interval between classes at the current location was lengthened to minimize congestion. He asked Mr. More if that would be possible in the proposed location. Mr. More explained he plans to continue that practice.

Trustee Jester noted the recommended Special Use would not be transferrable and would only be for Starland. Mr. Coblenz confirmed that is how the Ordinance would be written. He noted that normal changes in corporate structure would be accommodated by the Ordinance.

Mr. More stated the classrooms would take 10,000 square feet in the 25,000 square foot building. They are asking for up to 60 students per hour, with the exception of special performances.

Trustee Struthers asked about the use of a 2003 traffic study plus 10 percent. Luay Aboona, traffic consultant with KLOA, explained they used the traffic study because of the construction on Lake Cook Road. Trustee Oppenheim noted the traffic study in 2003 was done for an entity with a higher capacity. Mr. Aboona explained that the study showed the impact of that use.

Brian Condon, 465 Mallard Lane, shares a property line with the church. He presented a shared message that opposes the proposed text amendment. His group represents 150 Deerfield residents who signed a petition the week before the holidays. He moved to neighborhood five years ago and left a mixed use environment. Having a commercial establishment in this residential neighborhood is not in the best interest of the public. His message is not anti-Starland; rather, it is against having a commercial establishment in a residential neighborhood. Mr. Condon strongly believes this discussion is about approving a text amendment, which by definition, must be in the public interest. He is also concerned about the traffic, safety and precedent being set.

Mayor Rosenthal reported that she was on the Board when Cadwell School was closed. It was leased to a private, for profit day care center. The Board limited the number of kids that could attend the school to alleviate neighborhood traffic congestion concerns and the operation was very successful. Mayor Rosenthal noted the building has not always been a not-for-profit use.

Joanne Kunz, 430 Pine Street, moved to Deerfield 20 years ago to get away from a mixed-use neighborhood. She found what she wanted in Deerfield and wants it to stay that way. If the text amendment moves forward it would open a Pandora's Box. Her main concern is traffic and unlike a school she believes traffic will be generated all day long.

Ms. Kunz also questioned the old traffic study. The traffic study discussed peak hours and was based on a number of 20 – 30 students. In reality, based on the 2011 class schedule, there are more children at peak times.

She is also concerned about safety in the neighborhood. The ice rink is directly across the street from where parents would be dropping off their children. On many occasions, she has witnessed

a hockey puck in the street, being chased after by kids. Ms. Kunz noted there are two parks nearby and she is concerned about the safety of the kids in the neighborhood.

Ms. Kunz spoke with Deputy Chief Keene who noted he would compile traffic data for Pine Street. Ms. Kunz noted this information was not immediately available and asked that this information be reviewed, while taking into consideration the expected increase in traffic from Starland, prior to the Board taking action

Steve Schaffer, 422 Pine Street, attended both Plan Commission meetings. He feels that including a commercial business in a residential area would be a mistake for the entire Village. Mr. Schaffer believes the safety concerns are enough to not allow the text amendment. Mr. Schaffer believes Starland has alternative locations in Deerfield that could be utilized.

Mr. Schaffer does not believe the health and overall safety of the children and Starland staff was properly brought up previously. Anyone who drives to the site will see overgrown plantings, potholes, poorly lit access, and hazardous playgrounds. He would like to see all these items taken care of and properly inspected to ensure they are safe. Mr. Schaffer stated the building smells musty, has stains on the ceilings and leaky pipes. He is unsure if there is mold, but would hope the building is brought up to current building code standards. He wants to ensure it is a safe environment for the kids.

Matt Getter, 301 Pine Street, explained the Zoning Code was designed to protect everyone that lives in Deerfield and there is a distinguishing factor between residential and commercial properties. Mr. Getter moved to Deerfield because it was quiet and safe. There were no businesses in the area. Mr. Getter never expected a business to end up in middle of his neighborhood.

Mr. Getter thinks the long-term implications of the proposal will have negative effects on the neighborhood and the Village. The current Zoning Code does not allow this type of business in a residential area. It could open doors to allow other commercial businesses in residential areas.

Mr. Getter believes this proposal is entirely in the private interest of the applicant. Mr. Getter spoke with Mr. More who stated he was moving to save money, which is in the private interest of the owner and not the public interest of the community. He asked if the Trustees were willing to sacrifice the neighborhood to save Starland money. He asked if the Trustees were willing to compromise the zoning scheme to allow Starland to come into a neighborhood. Mr. Getter does not believe this text amendment is in the best interest of the neighborhood.

He noted this business is more akin to a Sylvan Learning Center or Language Stars, which are typically associated with malls or strip centers. Putting this business in the neighborhood would change the characteristics of the neighborhood. The traffic would become worse and the neighborhood would become less safe.

There has been discussion about how many square feet are in the building. Mr. More stated he would be using 10,000 out of the 25,000 square feet that is available in the building. Mr. Getter

asked what Mr. More would do with the rest of the space in the building. There will be empty space that could be made available to other businesses. Mr. Getter asked the Trustees to think long-term about what this could do to neighborhood and to Deerfield.

Sam Kohl, 50 Burning Tree, lives about 1 mile away. He is a big fan of Starland but is opposed to the Text Amendment. He is concerned about changing the character of the R-1 community in Deerfield. Mr. Kohl stated that Deerfield is a wonderful community because of the core residential areas. He cannot think of another business in the middle of an R-1 residential area. He believes this would be a very special change that would alter the core of Deerfield. He asked the Board to really think hard before agreeing to such a dramatic change to the character of Deerfield.

Beth Levy-Murkes, 555 Mallard Lane, spoke in support of Starland. Her daughter has gone to Starland for three years and they have been very happy. She loves that Starland is in Deerfield and would not be happy to see it leave. Ms. Levy-Murkes lives one block from the proposed site. She believes Mr. More has created an amazing place and would be attentive to any issues that may arise.

Abby Cole, 1312 Central, has patronized Starland since it opened. She does not believe Starland is going to increase traffic severely. The current Starland parking lot holds only 15 – 20 vehicles. She noted it does not matter whether Starland has a for-profit or not-for-profit structure, it is a school. Her daughter has learned a lot from Starland. Starland will refurbish the building and is much better will be much better than keeping a vacant building in the neighborhood.

Aaron Cohen, 241 Forrestway Drive, is a 6th grader in support of Starland, because of what it teaches children. He believes it would be more convenient and accessible, if it moved to the new location. He noted that he has been able to excel in school because of the engineering and computer classes he has taken at Starland.

Sharon Cohen, 241 Forrestway Drive, attended both Plan Commission meetings. She noted the arguments against Starland have continually changed. She noted, if another school or synagogue moved into that location a Special Use would not be required and there would be even higher traffic issue throughout the entire day and seven days a week. She believes Starland is an asset to the community.

Mr. Coblentz clarified that a Special Use does not set a legal precedent for any other Special Use request. He noted that Special Uses are legislative decisions based on the particular situation and must stand on their own merit. A Special Use cannot be granted based on the previous approval of another Special Use. The new user would need to establish their own case.

Trustee Struthers advised that the Deerfield Township assessor indicated that the property values would not be affected by Starland moving into the proposed location. The property would also be on the tax roll, which would be positive.

Trustee Benton explained the Village has a religious citizen that presently occupies the property. If Starland takes the building, the religious organization would benefit and remain on the property as well.

Trustee Oppenheim noted the Zoning Ordinance does not distinguish between not-for-profit and for profit businesses. She noted that other allowed uses include schools, recreational facilities, day care centers and camps. The supposition that the neighborhood would be the only one in Deerfield that connects to a for-profit business is untrue. There are a number of similar situations in town and they work well. Trustee Oppenheim noted this is a land use issue and the way the building would be used is appropriate for the building. The building is currently under utilized. She believes it will be a win-win situation for all involved.

Trustee Jester observed that there have been successions of Special Uses for the property. The specific use currently being looked at is constrained. The building was designed for 300 children. Starland is asking for 60 students at a time, throughout the day. He noted Pine Street is a collector street and this will not change. He believes the proposed use will spread the traffic throughout the day. The location has always been an education facility and Starland is consistent with that theme.

Trustee Oppenheim made a motion to accept the report and recommendation of the Plan Commission and preparation of 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)

CONSENT AGENDA

There was no Consent Agenda.

OLD BUSINESS

ORDINANCE O-12-01 ABATING A
PORTION OF THE 2011 TAX LEVY
REQUIREMENTS FOR THE SERIES
2010 GENERAL OBLIGATION BONDS

Finance Director, Mr. Fialkowski explained that during the tax levy hearing, the Board indicated they were desirous of pursuing an additional abatement. As a result, he amended one Ordinance and added two more. This Ordinance is to abate the non-Wastewater Reclamation Facility portion of the tax levy in an amount of \$499,530.

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

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

NAYS: Jester (1)

NEW BUSINESS

ORDINANCE O-12-02 ABATING ALL OF THE 2011 TAX LEVY REQUIREMENTS FOR THE SERIES 2008 GENERAL OBLIGATION BONDS Mr. Fialkowski noted this Ordinance is to abate the non-Wastewater Reclamation Facility portion of the tax levy in an amount of \$365,600. Trustee Benton 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, Oppenheim, Seiden, Struthers (5)

NAYS: Jester (1)

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

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

NAYS: Jester (1)

ORDINANCE O-12-03 ABATING ALL OF THE 2011 TAX LEVY REQUIREMENTS FOR THE SERIES 2011A GENERAL OBLIGATION BONDS Mr. Fialkowski stated this Ordinance would abate the non Wastewater Reclamation Facility portion of the tax levy in the amount of \$130,947. Trustee Benton 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, Oppenheim, Seiden, Struthers (5)

NAYS: Jester (1)

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

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

NAYS: Jester (1)

RESOLUTION R-12-01 OF THE
VILLAGE OF DEERFIELD, ILLINOIS
DECLARING ITS OFFICIAL INTENT
TO REIMBURSE CERTAIN CAPITAL
EXPENDITURES FROM THE
PROCEEDS OF THE FUTURE DEBT
ISSUE (WRF)

Mr. Fialkowski reported the Village is well on their way of going through the bond proceeds from 2011. The qualified energy conservation bonds are restricted. As a result, the Village is spending non-qualified energy conservation money and needs to reserve the right to reimburse itself with future bond proceeds.

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

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

NAYS: None (0)

DISCUSSION

Mayor Rosenthal questioned the effectiveness of the yellow flashing lights at the Deerfield Road pedestrian crosswalks. She believes it is time to look at signage and safety. Chief Sliozis believes there is some confusion created by the law. He would not want to create a false sense of security for pedestrians and believes it is an educational matter. Mayor Rosenthal noted Deerfield residents can be educated but many vehicles exiting on the tollway are from out of town. Chief Sliozis agreed there needs to be a combination of education and enforcement.

Trustee Benton stated there is a light on Wilmot near South Park School that turns red when pushed. Chief Sliozis stated that light is grandfathered in and no longer permitted. Trustee Farkas asked if it would be possible to have a traffic light that is green except when pushed. Chief Sliozis stated that is not allowed. Ms. Little explained that the traffic does not meet any type of warrant to install a traffic signal. She noted the Village could install a pedestrian signal but it would not meet warrants. Mr. Street added that because the sign is unwarranted the Village would be liable for what happens. Trustee Struthers suggested looking into adding additional street lights to better illuminate the intersection. Mayor Rosenthal believes the intersection needs to be made safer. Trustee Seiden suggested consulting other Village to see how they handle similar situations. Mr. Street suggested looking at it as part of the budget.

Trustee Farkas asked Chief Sliozis to address the cell phone ban and break-ins in that have recently taken place in nearby communities. Chief Sliozis reported that the department has issued more than one hundred warning tickets since the cell phone Ordinance took effect. He explained it is harder to see the violators due to the early sunset. Chief Sliozis noted that residents are aware of the Ordinance and enforcement is progressing well. Chief Sliozis noted that residential burglaries are cyclical and the numbers in Deerfield are less than last year. Throughout the north shore area; however, there has been an increase in the variety of burglaries. Chief Sliozis noted that cyclical burglaries are usually crews. He urged residents to call the police if they see something or someone that seems out of place.

NEXT MEETING

January 17, 2012 due to the Martin Luther King holiday.

Mr. Street reminded residents that the next Board of Trustees meeting would take place on Tuesday,

ADJOURNMENT

meeting. Trustee Struthers seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:38 pm.

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

APPROVED:

Mayor

ATTEST:

Village Clerk