

June 21, 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 June 21, 2010 at 7:35 p.m. The Clerk called the roll and announced that the following were:

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

Absent: Alan Farkas

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

PLEDGE OF ALLEGIANCE

Jesse Peterson Hall and Hania Fuschetto of Highland Park Hospital led those in attendance in

reciting the Pledge of Allegiance.

PRESENTATION

Jesse Peterson Hall, President of Highland Park Hospital, spoke about the North Shore University

Health System, which is comprised of Evanston Hospital, Glenbrook Hospital, Skokie Hospital, Highland Park Hospital, North Shore Medical Group, North Shore Research Institute and North Shore Foundation. North Shore Health System is the primary teaching affiliate of the University of Chicago Pritzker School of Medicine. Highland Park Hospital, the closest hospital to Deerfield, has received Magnet Recognition for Nursing Excellence and is certified as a Primary Stroke Center. Highland Park Hospital houses the Kellogg Cancer Center, the LIFE Program which provides care for post-treatment cancer survivors, cardiovascular services, women's services, a surgery center, a wound care center and a pelvic health center. Highland Park Hospital was recognized as one of the Top 100 Hospitals and Top 15 Major Teaching Hospitals by *Thomas Reuters and Modern Healthcare Magazine*.

Mayor Rosenthal stated the Village assists senior residents that need taxi service to go to Highland Park Hospital. She wants to make it easier for residents that do not drive to get to the hospital. Mr. Street reported he is participating on the Hospital Advisory Committee.

Mayor Rosenthal thanked Mr. Hall for the presentation and expressed appreciation for the hospital's service to many Deerfield residents.

MINUTES OF PREVIOUS MEETING

Trustee Oppenheim made a motion to approve the minutes of the June 7, 2010 Board of Trustees

Meeting. Trustee Benton seconded the motion. Trustee Struthers noted corrections on pages 2 and 4. The minutes were approved unanimously, as corrected.

BILLS AND PAYROLL

Trustee Benton made a motion to approve the Bills and Payroll dated June 21, 2010. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

TREASURER'S REPORT

Bob Fialkowski presented highlights from the Treasurer's Report for the fiscal year through May 31, 2010, representing the first month of the fiscal year. Mr. Fialkowski noted that sales tax for the month of February showed improvement over the same month last year. Mr. Fialkowski stated that water and sewer revenues were down because of the abundance of rain. He stated that building permits were up for the month.

PUBLIC COMMENT

Eric Hogberg spoke on behalf of the Deerfield Caucus, which is celebrating 55 years of serving and assisting residents to get involved in the Village. He announced the Caucus is currently accepting nomination petitions for the next election. Petitions are available online at www.deerfieldcaucus.org, Village Hall and the Deerfield Library. The Town Hall meeting will take place on January 11, 2011. Mr. Hogberg encouraged people to participate in the Caucus and noted that up to 45 residents may participate on the nominating committee. Caucus representatives will be available at the July 3rd farmers market.

Marvin Kayne, 1219 Walden Lane, is sad to see residents walking on the streets instead of on sidewalks. The street where he lives leads to Walden School. Kids are unable to walk on the three foot sidewalks. He requested the Board look into installing five foot sidewalks to make them safer.

Mr. Kayne also expressed his view that the Sachs Center is competing with Bally's Fitness Center and urged the Village Board to work with the Park District to reduce and minimize taxes, especially in the tight economy.

REPORTS

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: A COMBINED SIDE YARD VARIATION FOR 444 HERMITAGE

Mr. Street reported the Board of Zoning Appeals held a Public Hearing on May 4 which was continued to May 18 to consider the request of Dr. William Miller for a 3'4" combined side yard variation.

Bob Speckmann, Chairman of the Board of Zoning Appeals, advised he did not realize during the BZA hearing process that the petitioner was asking for something that would have less impact than that which he is entitled to do.

Dr. Miller, 444 Hermitage, explained he originally needed one vehicle but will eventually need up to four vehicles. Dr. Miller stated his neighbor's argument is that it would affect her privacy; however, Dr. Miller believes a garage would be less invasive than having vehicles frequently moved if a driveway went around to the back. He is requesting the variance for a 20 foot wide garage and does not want to put in a substandard garage. Dr. Miller stated there are a number of houses in Poets Corner that have garages up to the property line.

Mayor Rosenthal asked if Dr. Miller tried discussing the proposal with his neighbor. Dr. Miller explained he did speak with his neighbor, but she does not want the change.

Marvin Ehlers, 1650 Tall Tree, advised he is representing Lorraine Larson who lives next door to Dr. Miller at 450 Hermitage. Ms. Larson is concerned about moving the garage closer to the property line because her house is only seven feet from the property line. She believes there is a privacy issue because her bedrooms face the petitioner's property. Mr. Ehlers questioned why the rules should not be followed. The petitioner currently has a sidewalk which accesses his backyard. If the garage is moved, they would add a gravel or concrete path alongside the garage to maintain backyard access. Mr. Ehlers believes the issue is future occupants, because there is no control or information on how they will use the property. Mr. Ehlers explained that is the reason the 20 foot rule is in place. He does not believe the move is justified; rather, it is for the petitioner's convenience. Mr. Ehlers explained there is no hardship situation, and he does not believe a rule should be broken unless there is demonstrated hardship.

Trustee Benton noted there was a mention in the Public Hearing minutes that the Board of Zoning Appeals would try to get a full meeting together. Ch. Speckmann explained they gave the petitioner the opportunity but he chose not to have a second continuance. The Public Hearing was initially continued because the Board did not have enough information to adequately review the request.

Trustee Oppenheim explained the issue arises because the east side setback is much less than the required eight feet minimum. Even though the requested setback on the west side is 9.5 feet, the two side yard setbacks combined do not add up to 20 feet. She noted the house built to the east of the property was a newer tear down. Ch. Speckmann explained that when the house was built it had a 10% minimum side yard setback, which was 7.5 feet. The proposed variation would still maintain an eight foot setback on one side. Trustee Oppenheim explained she lives on a non-conforming lot, and her house is less than eight feet from her neighbors. She believes this is prevalent in Poets Corner.

Trustee Struthers explained the Residential Redevelopment Task Force looked at non-conforming lots and decided that if there was any new construction, the new setbacks would have to be met. Mayor Rosenthal noted that because there is not a positive recommendation before the Trustees, there must be four positive votes from the Trustees to approve the variation. She suggested that Dr. Miller withdraw the petition and go back to the Board of Zoning Appeals to get a full BZA to consider the matter. Dr. Miller stated he appreciates the process but did not want to continue the Public Hearing because he was unsure when the Board of Zoning Appeals would have a full meeting.

Trustee Seiden noted he was the Chairman of the Residential Redevelopment Task Force. They were concerned about the large homes in Deerfield and wanted to ensure adequate space between homes. The Task Force ran into a problem in Poets Corner because the lot sizes are smaller than in other areas in Deerfield. They knew there would be variance requests and they have, traditionally, worked with petitioners on a case by case basis. Trustee Seiden does not view this variation request the same way, however, because Dr. Miller came to the Village only two years ago and should have better anticipated his needs. Dr. Miller is requesting a two-car garage with a driveway, but this can be achieved by locating it in the rear of the house with a long driveway.

Mayor Rosenthal noted that when the Board of Zoning Appeals looks at this type of matter, there needs to be a hardship. She questioned whether that was established at the Board of Zoning Appeals

meeting. Ch. Speckmann explained the Board of Zoning Appeals uses uniqueness rather than hardship. In this case, they are looking at how the petition adversely affects the house and the neighborhood, in view of the setback requirement that was changed after the subdivision was developed.

Trustee Benton suggested the Board of Zoning Appeals may assist in mitigating with the neighbor and bring forward a positive recommendation.

Dr. Miller requested the petition be referred back to the BZA for further consideration.

Trustee Benton made a motion to refer the petition back to the Board of Zoning Appeals. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

**REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR APPROVAL OF A
FINAL PLAT OF SUBDIVISION FOR
THE PROPERTY AT 236 DEERFIELD**

Mr. Street reported that the Plan Commission held a workshop meeting on May 13th and found that the configuration of the subdivision and the size of the lots are substantially the same as the preliminary plat. Trustee Struthers made a motion to accept the report and recommendation of the Plan Commission and Trustee Oppenheim seconded the motion. The motion passed by

approve the Final Plat as presented. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

**REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR APPROVAL OF A
SPECIAL USE FOR AN OPTOMETRIST
OFFICE AT 720 WAUKEGAN ROAD IN
DEERFIELD SQUARE**

Mr. Street reported that the Plan Commission held a public hearing on June 10th to consider a request for approval of a Special Use for an optometrist office at 720 Waukegan Road in Deerfield Square. The Plan Commission voted 6-0 in support of the petition and found the 900 square foot service use request was in compliance with the Deerfield Square

redevelopment agreement.

**REPORT AND RECOMMENDATION
OF THE VILLAGE CENTER
DEVELOPMENT COMMISSION RE:
REQUEST FOR APPROVAL OF A
SPECIAL USE FOR AN OPTOMETRIST
OFFICE AT 720 WAUKEGAN ROAD IN
DEERFIELD SQUARE**

Mr. Street also reported that the VCDC held a workshop meeting on June 2nd to consider the request for approval of a Special Use for an optometrist office at 720 Waukegan Road in Deerfield Square. The VCDC voted 5-0 in favor of the petition.

Trustee Struthers moved to accept the reports and recommendations of the Plan Commission and the VCDC regarding the request for approval of a

Special Use for an optometrist office at 720 Waukegan Road in Deerfield Square. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSENT AGENDA

ORDINANCE O-10-17 GRANTING AN AVERAGE SETBACK VARIATION FOR 638 CAROLINE COURT – 1R An Ordinance granting an average setback variation for the property located at 638 Caroline Court. First Reading.

ORDINANCE APPROVING A DEVELOPMENT PLAN FOR A CHILD CARE CENTER FOR TAKEDA EMPLOYEES – 1R An Ordinance approving a development plan for a child care center for Takeda Pharmaceuticals employees. First Reading.

ORDINANCE AMENDING SECTION 22-163 (EXHIBIT C, YIELD RIGHT-OF-WAY STREETS) OF THE DEERFIELD MUNICIPAL CODE TO AUTHORIZE YIELD SIGNS ON PARK LANE AT LAUREL AVENUE – 1R An Ordinance amending Section 22-163 (exhibit C, yield right-of-way streets) of the Deerfield Municipal Code to authorize yield signs on Park Lane at Laurel Avenue. First Reading.

RESOLUTION R-10-10 RE: CLOSURE OF WAUKEGAN ROAD FOR PARADE A Resolution approving the closure of Waukegan Road for the Fourth of July parade.

Trustee Oppenheim made a motion to waive the First Reading of the ordinance granting an average setback variation for 638 Caroline Court. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Oppenheim made a motion to accept the Consent Agenda and adopt the ordinance granting an average setback variation for the property located at 638 Caroline Court. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

OLD BUSINESS

REPORT AND RECOMMENDATION OF STAFF RE: TEMPORARY STRIPING PLAN FOR VILLAGE OF DEERFIELD OWNED PARKING LOTS ALONG DEERFIELD ROAD Mr. Street reported that, following Board discussions staff coordinated changes to the original striping plan for the Village-owned parking lots along Deerfield Road. Staff came up with two temporary striping patterns. Plan A reflects resident Larry Dondanville's suggestion

and has 87 parking spaces, the VCDC suggested 18 foot wide landscape buffer and four disabled parking spaces. The estimated project cost is \$51,700. Plan B has 140 parking spaces, five feet of landscape buffer, four disabled spaces and two bicycle racks. The estimated project cost is \$40,000.

Mr. Street noted the proposed plans are meant to be temporary. He also noted that the Plan Commission believes both concept plans should be considered through the Public Hearing process. The concept plans were also forwarded to VCDC members. Mr. Street stated that neighboring property owners prefer Plan B, with more parking spaces.

Trustee Benton noted that both plans indicate church parking that is not specified. He questioned whether those spaces would remain. Mr. Street explained the church suggested adding two more handicapped spaces, but they are not shown in the count because those spaces are located on church property. Mayor Rosenthal suggested sending the plans back to the Plan Commission for a Public Hearing. Trustee Benton suggested having a joint Plan Commission and Village Center Development Commission meeting, if appropriate. Mayor Rosenthal noted that would be up to the two commissions.

Trustee Jester explained the Village cannot get into all the issues. Although everyone wants to negotiate, the hearing and discussion should strictly focus on how to stripe the parking lot. Trustee Jester explained that once the library finalizes their decisions, they will have increased parking needs as well. Trustee Oppenheim noted that, aside from the striping, there is also the issue of the landscape area. She suggested asking the Plan Commission and the Village Center Development Commission to comment on both plans. Mayor Rosenthal believes the plans should be sent to both commissions, with the caveat that the Village is not redesigning the parking lot for the future; rather, looking at temporary parking, striping, safety and landscaping.

Trustee Seiden made a motion to send both proposals to the Plan Commission and the VCDC with the caveat that they should only look at parking, striping, safety and landscaping. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Mr. Dondanville questioned whether the Board recommends sending recommendations for Public Hearings when they cannot make up their minds. He asked which neighboring parties need more parking and asked whether they have a vested interest or if they just cannot provide their own parking. Mayor Rosenthal explained a Public Hearing is necessary because the Village is looking at substantially reducing the number of parking spaces.

Trustee Seiden asked if the Plan Commission could come up with another alternative. Trustee Oppenheim explained that when petitions come before the Plan Commission they consider what is proposed. Mr. Coblenz added the Plan Commission would only be discussing the Village owned property.

ORDINANCE APPROVING AN
AMENDMENT TO A SPECIAL USE TO
PERMIT RENOVATIONS TO
WOODLAND PARK, THE REZONING

Mr. Street reported that the Village received letters from two Crabtree Lane residents opposing the installation of sidewalks along Crabtree extending from Greenwood to Wodland Park. Mayor Rosenthal

OF PROPERTIES AT 1313 WILMOT ROAD AND THE REAR PORTION OF 1331 WILMOT ROAD FROM R-1 SINGLE FAMILY RESIDENCE DISTRICT TO P-1 PUBLIC LANDS DISTRICT AND A VACATION OF A PORTION OF CRABTREE LANE IN WOODLAND PARK – 1R

noted the proposed ordinance has a turn around, not sidewalks, as recommended by the Plan Commission.

The Ordinance will stand on First Reading.

NEW BUSINESS

AWARD OF CONTRACT FOR BLOWER REPAIR AT THE WASTEWATER RECLAMATION FACILITY

The Director of Public Works and Engineering requests the Board waive the competitive bidding process and award the contract for blower repair at the Wastewater Reclamation Facility to Natoma

Electric Co., Inc. in an amount not to exceed \$15,000.

Trustee Jester made a motion to waive the competitive bidding process and award the contract for blower repair at the Wastewater Reclamation Facility to Natoma Electric Co., Inc. in an amount not to exceed \$15,000. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

RED LIGHT CAMERAS

Mayor Rosenthal asked the Village attorney to prepare a resolution opting out of Cook County's red light camera program. The Village has been informed that they have the ability to do so. Cook County decided to consider installing red light cameras at the intersection of Lake Cook and Waukegan Roads.

FOURTH OF JULY

Mayor Rosenthal invited residents to attend the Village's great fireworks display at Brickyard Park on July 3rd. Family Days will be held at Jewett Park on July 4th, starting with a race sponsored by the Rotary Club. Entry forms are available at Village Hall and the Deerfield Library. Breakfast, which will be cooked by senior residents, will begin at 7:00. Mr. Street added the schedule will be posted in D-Tales and in the soon to be delivered programming guide.

DEERFIELD LIBRARY

Trustee Jester asked what would trigger an RFP to look at northwest quadrant pedestrian and vehicle access issues that may be caused by changes made to the library. Mr. Street explained the Library Board has discussed potential changes to the parking lot. If they are proposing changes in the traffic patterns or parking lot, it may change the pedestrian access to the library as well. Mr. Street requested time to develop concepts that could be included in an RFP. He believes that would give some structure to the discussions. Without the concept plan, the Village may not get the desired results. Trustee Jester suggested allowing the Board to provide comments as well. Mr. Street will put together a report

summary, which may generate more discussion. Trustee Seiden urged the Village to not ignore the studies that have been previously completed.

TRUSTEE IN THE TOWN

Trustee Seiden reported that Mayor Rosenthal and Trustee Benton will be at the Farmers Market on Saturday from 9 – noon. Trustee Benton noted that he is delighted to have the Farmers Market back and reminded residents not to park in restricted spaces.

EMERGENCY PARKING

Mr. Street noted the Police Chief's written report concerning emergency parking restrictions for the 1200 block of Crabtree Lane. He noted this would be temporary during baseball season.

INCLEMENT WEATHER

Mr. Street noted there were several power outages caused by the thunderstorms on Friday. Downed trees have been cleared by Public Works, and there were no sewer calls.

LIBRARY OPEN HOUSES

The Deerfield Library will hold open houses re their facility renovation on June 26th at 3:00 and on June 29th at 7:00.

NEXT MEETING

Village offices will be closed on Monday July 5th. Therefore, the next Board of Trustees meeting will be held on Tuesday July 6th.

ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 9:15 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk