

Monday, June 6, 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 Monday June 6, 2011 at 7:37 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 Coblenz and Kent Street, Village Manager.

PLEDGE OF ALLEGIANCE

Jason Price led those in attendance in reciting the Pledge of Allegiance. Mr. Price, a junior at Deerfield High School, was the winner of the second annual Farmer's Market poster contest. Joan Reed stated the poster captures the spirit of the Deerfield Farmer's Market. Ms. Reed informed residents that the Farmer's Market will begin on June 18.

PROCLAMATION

Mayor Rosenthal proclaimed Relay for Life Days in Deerfield. The events will be held from 6:00 p.m. June 11 to 6:00 a.m. June 12 in Highland Park. Al Carter, a corporate employee of Walgreens in Deerfield, accepted the Proclamation. He has worked with Relay for Life in Deerfield and Highland Park for five years. Mayor Rosenthal recognized Barbara Reich for her work on this program as well.

PRESENTATION

Bob Fialkowski stated the Village has received the Certificate of Achievement for Excellence in Financial Reporting award for 27 years. He stated that Eric Burk, Rich Jett and staff were responsible for the report. The award is given for annual financial reports that meet specific criteria so people can more easily understand them. Mr. Fialkowski thanked the Trustees for their support.

MINUTES OF PREVIOUS MEETING

Following changes on pages 2 and 3, Trustee Struthers made a motion to approve the minutes from the May 16, 2011 Board of Trustees meeting. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Oppenheim, Seiden, Struthers (4)
NAYS: None (0)
ABSTAIN: Farkas, Jester (2)

Trustee Benton made a motion to approve the minutes from the May 16, 2011 Committee of the Whole meeting. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ABSTAIN: Farkas, Jester (2)

BILLS AND PAYROLL

Trustee Seiden made a motion to approve the Bills and Payroll dated June 6, 2011. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

Jim Packey, 1645 Central, has been a Deerfield resident for 39 years. Mr. Packey stated that Central had road construction a few years ago, but the street is falling apart. In front of his house there are seven pot holes and 13 holes that have been patched. Mr. Packey stated that last fall a youngster fell off her bicycle because of the road condition. Two of the pot holes that were repaired three weeks ago are already starting to fail. Mr. Packey asked if the Village has any recourse against A-Lamp Construction. He would like the patch to be redone. Mayor Rosenthal thanked Mr. Packey for letting the Village know and asked Ms. Little to look into the situation.

Richard and Louise Sachs, 510 Briar Hill Road and Richard Weisberg, 448 Briar Hill discussed the coyote issue near Briarwood Golf Course. Mr. Sachs stated coyotes were streaming through their yards during daytime hours. He is fearful that a tragedy will happen. Deputy Chief Wilk did some research and stated there have not been any attacks in this area. Mr. Sachs stated there have been attacks elsewhere, however, and he believes something needs to be done. He noted there was a coyote attack on a pet in the area. Mr. Sachs feels like a prisoner in his own property. Mrs. Sachs stated the coyotes go through the yard while she is gardening and she is afraid to be in her own backyard. They asked for the Village assistance in relocating the coyote population.

Mr. Weisberg stated a coyote came to his yard in the middle of the day. He also frequently hears them screeching and howling through the night. They awaken with pools of blood in their backyard from prey. Mr. Weisberg said there are many people in other subdivisions that have the same issues. He does not believe fencing would help the situation because the coyotes are becoming progressively more aggressive. Mr. Weisberg added that they are afraid to let their pets go outside.

Mayor Rosenthal noted the Village will look into the situation and see what can be done.

Trustee Oppenheim asked if the residents have discussed the situation with Briarwood Country Club. Mr. Weisberg stated the den is not in the country club; rather, the den is on a vacant property.

REPORTS

REPORT AND RECOMMENDATION
OF PLAN COMMISSION RE
REQUEST FOR APPROVAL OF A

Mr. Street reported the Plan Commission held a Public Hearing for a multi-tenant sign along the tollway. The Plan Commission voted 5-0 in

TOLLWAY SIGN FOR THE PARKWAY
NORTH CENTER DEVELOPMENT AT
DEERFIELD ROAD AND SAUNDERS
ROAD INCLUDING SIGN
MODIFICATIONS

favor of recommending approval of a sign that includes Parkway North and the Marriott Suites. The Plan Commission voted to not send a favorable recommendation for three additional tenant signs included on the recommended sign by a 3-2 vote. The Plan Commission voted 4-1 in favor of sending a favorable recommendation for the tollway sign plus two additional tenants.

Bill Rolander, representing Parkway North Center Owners' Association, reiterated the current and future situation of Parkway North Center because of the future Astellas relocation to Glenview. In the past, Mr. Rolander requested three different signs; one at the entrance to the business park and one at entrances to the buildings. The last is the tollway sign. The existing sign is set back, dated and not very visible. He feels a new sign would help attract new tenants and increase the taxes.

The proposed sign is larger and higher than the existing sign, making it more visible from the tollway. The base of the sign would match the approved signs in the center, and the clutter and quantity of signs will be reduced. The illumination would be white, so there would not be any corporate colors illuminated on the sign.

Mayor Rosenthal noted the petitioner requested the Marriott Suites sign and three tenant signs. The Plan Commission approved two tenant signs plus the Marriott Suites. Mr. Rolander explained they would prefer to have three tenant signs plus the Marriott Suites sign. Trustee Oppenheim noted the Trustees asked to see the potential signs after Plan Commission recommendation.

Mr. Rolander requested the Trustees consider the Marriott Suites and three tenants along with the Parkway North Center sign. Trustee Farkas noted the initial sign that came to the Trustees was for six tenant signs. He questioned the Plan Commission's decision and does not believe two tenant panels versus three tenant panels would make a difference.

Dan Shapiro from the Plan Commission stated there was a lot of debate at the Public Hearing. On one side, they discussed the promotion of business. On the other side was aesthetics and having a possibly cluttered sign. Mr. Shapiro believes that having three tenants does a disservice, because the letters are smaller and not as visible. Having two tenants will give more visibility to those tenants. Mayor Rosenthal believes the Parkway North Center lettering is very large. She expressed concern about clutter and reading the sign quickly. She believes the Parkway North Center and Marriott Suites signs are visible, but the other three tenant signs are not as readable.

Mark Brown, 1557 Oakwood, has worked with the John Buck Company for many years. He explained that the real estate market is struggling and could get much worse. He believes the sign will give the John Buck Company the opportunity to grow the center. They are looking for the ability to communicate with corporate boards.

Trustee Jester noted this is an exception, but it does set a precedent. One of the issues is that there are desperate times in real estate throughout the Village, not only with Parkway North Center. Although he understands the issues with Aestellas moving, the John Buck Company does not currently have a

tenant that would fill that space. He expressed concern that another major tenant may want even more signage.

Trustee Benton made a motion to accept the report and recommendation of the Plan Commission for a tollway sign with Parkway Center North, the Marriott Suites and two tenant names. Trustee Struthers seconded the motion. The motion did not pass by the following vote:

AYES: Benton, Jester (2)

NAYS: Farkas, Oppenheim, Seiden, Struthers (4)

Trustee Farkas made a motion to amend the Plan Commission's recommendation to allow a tollway sign with Parkway North, the Marriott Suites and three tenant names. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: Jester (1)

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE REQUEST FOR SIDE YARD VARIATION FOR 1038 OXFORD ROAD The Board of Zoning Appeals held a Public Hearing on May 3, 2011 to consider the request of Timothy Kanter for a side yard variation for the property located at 1038 Oxford Road. The BZA 5-0 in favor of sending a positive recommendation to the Board. Trustee Jester made a motion to accept the report and recommendation of the Board of Zoning Appeals regarding a request for a side yard variation for the property located at 1038 Oxford Road. Trustee Seiden 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 APPROVAL OF LANDSCAPING AND LIGHTING IMPROVEMENTS TO THE REAR PARKING LOT OF DEERBROOK MALL SHOPPING CENTER The Plan Commission held a Public Hearing to consider the request for approval of landscaping and lighting improvements to the rear parking lot of Deerbrook Mall Shopping Center. The Plan Commission voted 5-0 in favor of the recommendation. The Appearance Review Commission considered the request and asked for additional landscaping and the elimination of four parking spaces. Under the ARC plan, there would be 2079 spaces, while on the Plan Commission exhibit there would be 2083 parking spaces (including the three spaces they agreed to give up.)

Patricia Mahony Vice President of Mid-America Asset Management, Inc., property management, Nathan Groff, Project Engineer with V3 Company, civil engineer, and Wendy Schulenberg, principal with Daniel Weinbach & Partners, Ltd., landscape architects, were present. Ms. Mahoney stated the Village came to her last year and asked for two parking spaces. The plan went through the Plan Commission and Board of Trustees and was ultimately approved. The Plan Commission asked them to come back for lighting and landscaping approval. They then appeared before the Appearance

Review Commission who asked for four additional parking spaces and additional landscaping. The property owner does not want to give up any additional parking spaces. Trustee Oppenheim confirmed the property owner was in agreement to give up the additional three spaces for the landscape along the two story building. Trustee Struthers thinks the planting is an improvement. Trustee Oppenheim believes the ARC plan would break up the sea of asphalt.

Village Planner Jean Spagnoli noted the Appearance Review Commission was also concerned with the lease agreements, of which they do not have knowledge.

Mayor Rosenthal summarized that the Plan Commission recommendation includes less landscaping and the ARC recommendation includes three fewer parking spaces. Ms. Spagnoli noted that the additional four spaces requested by the ARC were to be discussed by the Board. The plan with three spaces was approved by the ARC. The Appearance Review Commission approval is final, unless there is an appeal. The approved plan with the three parking spaces has more landscaping than the Plan Commission recommendation. The additional four spaces requested by the ARC were in excess of what is required by code. Ms. Mahoney explained the original plan was approved by the Plan Commission. At the Appearance Review Commission meeting, they agreed to add six additional trees and an additional landscape island, as well as moving the handicapped spaces. She noted the property owner does not want to give up the additional four spaces, which are over and above what was agreed upon at the ARC meeting.

Trustee Jester asked if Ms. Mahoney agreed to the initial Appearance Review Commission proposal. Ms. Mahoney stated the parking count and layout were approved in January.

Trustee Oppenheim made a motion to approve 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, Struthers (6)

NAYS: None (0)

Trustee Oppenheim made a motion to approve the report and recommendation of the ARC. Trustee Benton 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 TEXT
AMENDMENT TO ZONING
ORDINANCE TO REMOVE THE
LENGTH OF TIME FOR POLITICAL
SIGNS ON RESIDENTIAL PROPERTIES**

Mr. Street explained this was a Text Amendment to the Zoning Ordinance that is necessary in order to comply with State regulations. The Plan Commission voted 5-2 in favor of a positive recommendation.

Trustee Benton asked for clarification of the State law.

Mr. Coblentz explained that State law says there cannot be time limits on political signs. The proposed text amendment would put the Village in compliance with State law.

Trustee Seiden made a motion to accept the Report and Recommendation of the Plan Commission. Trustee Struthers 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 SPECIAL USE TO PERMIT AN OUTDOOR SEATING AREA FOR RISTORANTE ABRUZZO AT 483 LAKE COOK ROAD An Ordinance approving a Special Use to permit an outdoor seating area for Ristorante Abruzzo at 483 Lake Cook Road. First Reading.

RESOLUTION R-11-08 RE CLOSURE OF WAUKEGAN ROAD FOR FOURTH OF JULY PARADE A Resolution allowing Waukegan Road to be closed for the Fourth of July parade.

Trustee Oppenheim made a motion to accept the Consent Agenda and 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)

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

ORDINANCE O-11-19 INCREASING THE NUMBER OF CLASS C LIQUOR LICENSES FROM 4 TO 5 – 1R Mr. Street stated this would be for Tom & Eddie's. He noted they have complied with background checks.

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

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

NAYS: None (0)

AUTHORIZATION TO PURCHASE
COMPUTERS FOR POLICE
DEPARTMENT

Computer System Coordinator Matt Weiss reported the police department computers have been in service for at five years. They are requesting 16 new computers. The budgeted amount was \$17,600. The bid came in under

budget at \$12,096.

Trustee Oppenheim made a motion to authorize the purchase of 16 computers for the police department in an amount not to exceed \$12,096. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO PURCHASE
POLICE SQUAD CAR

Chief Sliozis explained a police car was involved in an accident on May 2, and was determined to be damaged beyond repair. The replacement will be paid by insurance. Chief Sliozis explained they would like a 2010 Crown Victoria because it is the same style as the existing vehicles, and the existing equipment would be reused. He noted they would like to purchase the vehicle from Curry Ford, because of time constraints and vehicle availability. The amount is consistent with the State bid.

Trustee Benton made a motion to waive the competitive bidding process and authorize the purchase of a new 2010 Crown Victoria squad car in an amount not to exceed \$21,972. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-11-9 ADOPTING AN
IDENTITY PROTECTION POLICY

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

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

NAYS: None (0)

AWARD OF CONTRACT FOR 2011
STREET REHABILITATION PROJECT

Assistant Village Engineer Bob Phillips explained the Village annually awards a contract for street rehabilitation. This year, the Village selected four streets for resurfacing, sidewalks, curb replacement, etc. Seven sealed bids were received. The lowest bid was from A-Lamp Construction for \$1,273,000. The Village budget was \$1,200,000. Staff trimmed back to the budgeted amount. There is a need for extraordinary maintenance on Deerfield Road. Staff is requesting an additional \$29,622 for Deerfield Road rehabilitation.

Trustee Struthers noted the residents have been through a lot with all the road closings. She asked if the pedestrian underpass would be completed before Hazel would be closed.

Trustee Struthers made a motion to award the contract for the 2011 street rehabilitation project to A-Lamp Construction in an amount not to exceed \$1,229,622 plus \$85,187 for the park district. Trustee Farkas seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AWARD OF CONTRACT FOR 2011
CRACK SEALING PROGRAM

Mr. Phillips reported the Village requested bids last year, and North Suburban Asphalt was the low bidder. In their contract, the Village can extend the

contract for multiple years with a union wage increase. Staff proposes extending the contract to \$17,600 for 40,000 linear feet plus pavement sweeping.

Trustee Seiden made a motion to award the 2011 crack sealing contract to North Suburban Asphalt in an amount not to exceed \$17,600. 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 AMENDED
INTERGOVERNMENTAL
AGREEMENT FOR TRAFFIC SIGNAL
MAINTENANCE BETWEEN THE
VILLAGE OF DEERFIELD AND IDOT

Trustee Jester made a motion to amend the intergovernmental agreement for traffic signal maintenance between the Village of Deerfield and the Illinois Department of Transportation. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION FOR
SUPPLEMENTAL ENGINEERING
SERVICES FOR DEERFIELD ROAD
PEDESTRIAN UNDERPASS
CONSTRUCTION ENGINEERING

Mr. Phillips reported the project started in October 2010, and a lot of utility work has been done. Three utilities have been moved to coordinate with Metra. He noted utilities are complicated, and Metra added some requirements that would not allow work to be done during the winter. The delays and time restrictions

have caused increases in costs up to \$6,000 per hour. The Village has not awarded any additional payment and has received 140 letters from them. Mayor Rosenthal asked if Metra has any responsibility or if it was Village error. Mr. Phillips explained the complications were on the Village, because we wanted to know the costs and package things together. He noted the utility relocation has not worked out as well as the Village wanted, making the Village 150 days over.

Trustee Struthers asked when the tunnel would be completed, to stop the road closures. Mr. Phillips hopes the road would be open for July Fourth weekend. Trustee Struthers would not want the construction on Hazel to begin until Deerfield Road was open completely. Mr. Phillips explained the

bridge construction would not begin until September. Mayor Rosenthal noted the Lake Cook Road construction was not a Village project.

Trustee Jester asked if there was a full-time engineering consultant. Mr. Phillips explained the resident engineer was in approximately 20 – 30 hours per week. The consultant is now full time and will go back to part time once the majority of the construction is completed.

Trustee Benton noted the Board is voting on an expenditure of \$97,644, but the Village's share would be \$19,529. Trustee Seiden asked if the amounts were definite. Mr. Phillips noted that with a project of this complexity, a number of contingencies may happen and it is difficult to get a precise cost before being closer to completion. Right now, the construction budget is slightly under budget and the engineering budget is slightly over budget. Mayor Rosenthal ensured the 80/20 split. Mr. Phillips explained the only caveat would be if the project goes grossly over budget. Trustee Jester asked if total claims have been run. Mr. Phillips explained IDOT has not awarded additional funds.

Trustee Farkas made a motion to authorize supplemental engineering services for the Deerfield Road pedestrian underpass construction engineering in an amount not to exceed \$97,644. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ABSTAIN: Seiden (1)

AWARD OF PHASE II ENGINEERING
DESIGN SERVICES CONTRACT FOR
THE LINDEN AVENUE
RECONSTRUCTION PROJECT

Mr. Phillips explained this is part of the 2012 budget. The estimated budget for the total project will be approximately \$800,000 - \$1,100,000. The budgeted amount for engineering design services is \$40,000. Gewalt Hamilton provided the lowest bid, in an amount of \$35,000. Staff recommends awarding the design services contract for the Linden Avenue reconstruction project to Gewalt Hamilton.

Trustee Struthers made a motion to award the phase II engineering design services contract for the Linden Avenue reconstruction project to Gewalt Hamilton in an amount not to exceed \$35,000. Trustee Benton 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 NUMBER 3

Director of Public Works and Engineering, Barb Little, explained this is the third change order for the Wastewater Reclamation Facility. This change order is comprised of seven items resulting in a credit adjustment of \$43,793.85. Overall, this credit would reduce the overall contract to the amount of \$29,436,349 which is .05% lower than the original contract value. The second part of this request is for an extension of the contract completion date by 28 days, because of delayed excavation.

Trustee Oppenheim made a motion to approve the Wastewater Reclamation Facility improvement project change order number three. Trustee Benton 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 MITCHELL PARK
COURT MAINTENANCE AND
REPLACEMENT

Trustee Farkas made a motion to waive the competitive bidding process and authorize the contract for Mitchell Park Court maintenance and replacement to Olson Brothers Recreational Surfaces in a combined amount of \$121,935. Trustee

Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE AMENDING THE
ANNUAL BUDGET RE
INFRASTRUCTURE REPLACEMENT
FUND AND WATER FUND

Mr. Street explained staff wants to bring the budget amendments to the Board as they know the elements and costs. First Reading

DISCUSSION

SOFTBALL GAME

Trustee Farkas stated the Village versus the DBR Chamber of Commerce softball game will take place in

Maplewood Park Friday at 5:00.

SNOW DUMPING

Trustee Farkas would like the Board to review our ordinances regarding dumping snow on private

property. He noted there are a few plows that like to cover sidewalks.

IN MEMORIAM

Trustee Jester noted the passing of Ron Miller who was the co-founder of Common Ground in

Deerfield.

NON-PROFIT USER FEES

Trustee Seiden noted that churches and other not-for-profit agencies have fees in connection with electric

and telecommunications taxes. He would like to see how much money these organizations pay and the legal implications of waiving the taxes. He noted they do not pay real estate taxes right now. Trustee Seiden would like to investigate what other towns do as well.

FINE ARTS FESTIVAL

Mayor Rosenthal thanked the Fine Arts Commission for the great job they did at the Fine Arts Festival. She

also noted they made a purchase for the Village.

MEMORIAL DAY SERVICE

Mayor Rosenthal thanked the American Legion and Sons of the American Legion for the wonderful job they did at the Memorial Day service. The Village is very fortunate to have that group participate in the activities each year.

THREE GUYS AND A TRUCK

Mayor Rosenthal stated the Three Guys and a Truck event was this past week. Julie Morrison from Deerfield Township said they had the most contributions of any year.

RIB COOK-OFF

Mayor Rosenthal invited residents to the Police and Fire Department Cook Off. This year it will take place outside Whole Foods, who is sponsoring the event.

ADJOURNMENT

There being no further business or discussion, Trustee Struthers made a motion to adjourn the meeting. Trustee Oppenheim seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:40 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk