

May 3, 2010

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal in the Council Chambers of the Village Hall on Monday, May 3, 2010 at 7:30 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

Danelle Laumeyer, Amanda Bidlencik and Al Carter from the American Cancer Society/Relay for

Life led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION

Mayor Rosenthal proclaimed that Relay for Life is a celebration of life benefiting the American Cancer

Society. She proclaimed May 15 – May 16 as Relay for Life days in Deerfield and urged citizens to get involved in the Relay which will be held from 6:00 p.m. on May 15 until 6:00 a.m. on May 16.

Trustee Jester made a motion to accept the Proclamation. Trustee Oppenheim seconded the motion. The motion passed unanimously.

Ms. Laumeyer invited everyone to come out and participate in Relay for Life. She thanked the Village for their continued support.

PROCLAMATION

Mayor Rosenthal noted that the Public Works Department provides services that are an integral

part of citizens' everyday lives, including water, sewer, streets, highway and public buildings. She proclaimed the week of May 16 – May 22 as National Public Works week in Deerfield, in recognition of the contributions that public works employees make every day.

Trustee Benton made a motion to accept the Proclamation. Trustee Struthers seconded the motion. The motion passed unanimously.

Director of Public Works and Engineering, Barbara Little, reported that the Deerfield Public Works department has 35 employees who serve the public every day and improve the quality of life for present and future generations.

MINUTES OF PREVIOUS MEETINGS Trustee Struthers made a motion to approve the minutes from the April 19, 2010 Board of Trustees meeting. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Struthers (5)  
NAYS: None (0)

BILLS AND PAYROLL Trustee Oppenheim made a motion to approve the Bills and Payroll dated May 3, 2010. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Struthers (5)  
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 APPROVAL OF A PRELIMINARY PLAT OF SUBDIVISION FOR THE PROPERTY AT 236 DEERFIELD ROAD The Plan Commission held a Public Hearing on April 8, 2010 to consider a request for approval of a preliminary plat of subdivision for the property located at 236 Deerfield Road. The Plan Commission voted 4-1 in favor of the request.

Mr. Coblenz noted the real question is whether the proposed two lot subdivision would create a lot in depth. He explained that a flag lot is not the same as a regular lot in depth, and the regulations are very precise.

Mr. Coblenz reported that the current property is not a lot in depth because it is not located directly behind another lot. The proposed subdivision would not create a lot in depth either, because it would not be located directly behind another lot.

Mr. Coblenz stated the recommendation is for a building line to restrict the west side development of Lot 1. The Deerfield Zoning ordinance establishes yard requirements which are controlled by zoning setback lines. If the property is established as proposed, all future owners/builders would have to comply with both regulations, and the more stringent of the two regulations would control.

Bob Kenny, the petitioner's attorney, reported that Kirk Malcolm is the property owner and would be the resident of the new home. His daughter and her family would move into the existing home. He noted the reason for the proposed subdivision is to allow two homes to be built. The property is zoned R-1 and is much larger than the required lot area. Mr. Kenny confirmed that if the property were subdivided as proposed, the two lots would still comply with the Zoning Ordinance.

Trustee Struthers asked where the front door to the property would be located. Mr. Kenny responded that the entrance would be on the south, and the driveway would be in the front of the house. Trustee Struthers reminded the petitioner that the Village has a 50% maximum impervious surface requirement. Mr. Kenny responded they are aware of the restriction and will comply.

Trustee Oppenheim asked how many trees would be removed. Mr. Kenny responded that three ash trees would be taken down.

Mike Loeffel, 835 Beverly Place, stated he is supportive of the subdivision of property but has concerns related to the setbacks due to flag lot issues. He believes the proposed setbacks did not take the Beverly Place subdivision into consideration. The proposed side lot would be next to the rear yard of a major subdivision where everything else is wooded and not subdivided. He explained the configuration was caused by the zoning, and the Malcolm's house would be located on the southern two-thirds of the lot. The results would include greater tree loss and headlights into the Beverly Place subdivision. Mr. Loeffel asked the Board to consider a plan that would eliminate the northern building line so it better coordinates with the adjacent subdivision.

Kirk Malcolm, 236 Deerfield Road, is pleased with results of the Plan Commission, including the setbacks. He met the requests of the fire chief and is ready to move forward as proposed.

Roger Mandel, 250 Deerfield Road, is in favor of the project and likes the concept of parents allowing their daughter to live in her childhood home.

Larry Bluestone, 825 Beverly, lives in house directly to the south of Mr. Loeffel's house and adjacent to the Malcolm's property. He wants to support the Malcolms and understands what they want to do; however, he believes his family and his business would be adversely affected by the proposal.

Trustee Struthers asked how Mr. Bluestone determined that the proposed subdivision would have a negative financial impact. Mr. Bluestone explained that their view of the woods would be altered, causing their property to lose value.

Mr. Bluestone stated he is trying to work with the petitioner. He believes the property is different because it will be turned sideways, creating a side yard next to a rear yard. He suggested allowing the petitioner to build 16 feet to the north, to eliminate a number of problems. He stated that the current configuration would cause vehicular headlights to go right into their house.

Ryan Johnstone from the Michael Stone Group believes the walnut tree can be protected, and they would follow their best practices on this property. He explained they would not be clearing the woods; rather, they would clean out unhealthy trees, deadwood and unwanted species such as buckthorn. They will leave as much coverage as possible. Mr. Johnstone is interested in keeping a buffer between this lot and the other and would add additional landscaping.

Trustee Oppenheim made a motion to accept the report and recommendation of the Plan Commission, with the conditions of the 28 foot building lot to the west and the widened 14 foot driveway. Trustee Struthers seconded the motion. Trustee Seiden abstained since he knows the petitioner.

The motion passed by the following vote:

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

NAYS: None (0)

ABSTAIN: Seiden (1)

CONSENT AGENDA

ORDINANCE AMENDING ARTICLE 12 (SPECIAL USE PURPOSES BOARDS AND COMMISSIONS) CHAPTER 2 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO ESTABLISH THE SUSTAINABILITY COMMISSION AND TO ELIMINATE THE ENVIRONMENTAL COMMISSION AND THE ENERGY AND RECYCLING COMMISSION – 1R

An Ordinance amending Article 12 of Chapter 2 of the Municipal Code of the Village of Deerfield to establish the Sustainability Commission and to eliminate the Environmental and the Energy and Recycling Commissions. First Reading.

ORDINANCE O-10-13 INCREASING THE NUMBER OF MEMBERS ON THE CEMETERY COMMISSION FROM THREE TO FIVE

An Ordinance increasing the number of members of the Cemetery Commission from three to five.

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, Jester, Oppenheim, Seiden, Struthers (5)

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, Jester, Oppenheim, Seiden, Struthers (5)

NAYS: None (0)

Trustee Oppenheim made a motion to appoint Michael Kramer, John Zobus and Paul Meintzer to the Cemetery Commission. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

OLD BUSINESS

ORDINANCE APPROVING AN  
AMENDMENT TO A SPECIAL USE  
TO PERMIT ADDITIONS AND OTHER  
RENOVATIONS TO WILMOT SCHOOL  
AT 795 WILMOT ROAD – 1R

An Ordinance approving an Amendment to a Special Use to permit additions and other renovations to Wilmot School at 795 Wilmot Road. First Reading.

Michael Miller, 1655 Marcie Court, believes there are alternate solutions that meet at least some of the neighbors' concerns and asked the Board to hold off on voting on the Ordinance. Trustee Struthers asked if Mr. Miller had met with the School Board and the design team. Mr. Miller explained he provided times he was available, but they were unable to meet during those times. Mayor Rosenthal stated this was a First Reading, and the Trustees do not take action until the May 17<sup>th</sup> Board of Trustees meeting when the Ordinance comes back for final action. She encouraged Mr. Miller to do what he could before that meeting. Trustee Struthers also encouraged the school officials to meet with the residents.

Mr. Miller stated that many of the things he was asking for would not be in the Plan Commission minutes. Mr. Street noted that Mr. Miller asked about greater use of the Park District's property. He stated that the Park District was not asked because the School District wants to use its own property for the improvement. Trustee Oppenheim explained that the Village cannot tell the Park District what to do; they are reluctant to give up green space for parking spaces. Trustee Oppenheim stated the agendas of the two bodies are different.

Joe Nogal, 755 Marcie Court, stated his main concern is the traffic flow coming out of the facility. There will be 215 additional vehicles. Last Friday, the left turn lane was backed up all the way. The number of cars would be increased from 145 to 360 during that two hour time. He asked for a diagram on the traffic flow but was told that it would be monitored and adjusted as necessary. Before spending three million dollars on a project, he thinks it should be tested to ensure it would work. He questioned the wisdom of moving traffic from Deerfield Road to Wilmot across from Marcie Court. He does not believe it will be safer.

Mayor Rosenthal asked if Mr. Nogal saw the traffic report. Mr. Nogal believes the traffic report does not show traffic flow or plotting of vehicles. The vehicular traffic will more than double and will back up even more. Common sense does not say it will be safer or more efficient. Mr. Nogal concluded that the logic is flawed. He believes there are safety issues, and the District should work on an alternative plan that works for residents as well as the school.

Steven Schwartz, a member of the District 109 School Board, reported that school representatives met with residents last Monday evening and also offered to meet with them on Sunday morning. They responded to the residents' questions and reviewed the plans. Mr. Schwartz explained they configured the parking lot to allow traffic to flow much better. They have added a longer waiting area, as well as passing lanes. Mr. Schwartz explained the residents on Marcie Court do not want people parking on their street, and they are trying to accommodate that request as well. Mr. Schwartz explained they discussed the resident-submitted alternative plan and submitted a bullet point response on why it would not work.

Mayor Rosenthal stated this would stand as a First Reading of the Ordinance.

Gail Smith, 760 Marcie Court, expressed concern because the Mayor suggested the residents meet with the Wilmot School principal and architect after the meeting, but they left the building. She does not believe they want to talk to or hear from the residents. The Village is asking residents to work with the school, but school representatives are not working with the residents.

Mayor Rosenthal encouraged the residents to speak with school officials. Trustee Struthers added they are an elected board and suggested they attend the School Board meeting at Caruso.

### NEW BUSINESS

ANALYSIS AND AWARD OF BID FOR  
2010 STREET REHABILITATION  
PROJECT

Asst. Village Engineer Bob Phillips reported that the 2010 Street Rehabilitation Project includes four streets: Blackthorn, Walden, Norman and Colwyn Terrace. They also bid the project with a portion of

Hackberry as an alternate. There were six bidders and the low bid came from Peter Baker and Sons. Staff recommends increasing the scope to include alternate A and awarding the contract to Peter Baker and Sons in an amount not to exceed \$997,290.15.

Trustee Jester made a motion to award the contract for the 2010 Street Rehabilitation Project to Peter Baker and Sons in an amount not to exceed \$997,290.15. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-10-14 AMENDING  
SECTION 9-68 OF ARTICLE 10  
(MUNICIPAL ELECTRIC UTILITY  
TAX) OF CHAPTER 9 (FINANCE AND  
TAXATION) OF THE MUNICIPAL  
CODE OF THE VILLAGE OF  
DEERFIELD – 1R

An Ordinance amending Section 9-68 of Article 10 of Chapter 9 of the Municipal Code of the Village of Deerfield. Mr. Street explained that ComEd stated the Village needed a technical change to the Ordinance previously approved. He noted that the rates have not changed; rather there is a clarification on who is paying.

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

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

NAYS: None (0)

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

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

NAYS: None (0)

DISCUSSION

MUNICIPAL CONFERENCE

Trustee Struthers attended a municipal conference last week that presented a lot of information about tax abatements and tax dollars available for making properties more energy efficient. The details are unclear, but she will report back to the Board when additional information is available.

LINDEMANN PROPERTY

Trustee Struthers wants something done with the former Lindemann's property. She spoke with VCDC Chairman Alan Garfield who stated the VCDC would tackle the property if the Board provided parameters. She asked the Trustees to consider this for the next Board of Trustees meeting. She is currently suggesting an improved parking lot.

HAPPY BIRTHDAY

Mayor Rosenthal and the Board of Trustees wished Trustee Struthers a happy birthday.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:55 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk