

October 18, 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 October 18, 2010 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 Coblenz and Kent Street, Village Manager.

PLEDGE OF ALLEGIANCE

Jesse Peterson Hall and Hania Fuschetto from Highland Park Hospital led those in attendance in reciting the

Pledge of Allegiance.

PRESENTATION BY HIGHLAND PARK HOSPITAL

Jesse Peterson Hall, President of Highland Park Hospital presented a \$1,500 check to Mayor Rosenthal in support of the senior taxi program. Mayor Rosenthal thanked

Mr. Peterson Hall for his generous contribution on behalf of the Village and its senior citizens.

MINUTES OF PREVIOUS MEETING

Trustee Benton made a motion to approve the minutes from the October 4, 2010 Board of Trustees meeting.

Trustee Seiden seconded the motion. Trustee Oppenheim made corrections on pages 3 and 4. The motion passed unanimously as amended.

BILLS AND PAYROLL

Trustee Seiden made a motion to approve the bills and payroll dated October 18, 2010. Trustee Oppenheim

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

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

NAYS: None (0)

TREASURER'S REPORT

Bob Fialkowski presented highlights from the Treasurer's Report representing five months of the fiscal

year. Sales tax had another positive month and seems to be improving. Electricity tax for two months (July and August) is included. Building permits are ahead of last year, without Takeda's third office building. Most of the building permits have been for residential remodeling. Expenditures are under budget. The gross sales tax for this year vs. last year is down, but the net sales tax is up due to the corporate rebate agreement with Walgreens. Staff held a rating review conference today with Moody's for the upcoming bond issue. The audit is complete for the fiscal year, and he hopes the completed copies will be ready for distribution next week.

PUBLIC COMMENT

Richard Bjorseth, 685 Castlewood Lane, expressed many concerns about the property at 679 Castlewood. He has been in contact with Village code enforcement about this property a number of times in the past 17 years. There is uncontrolled growth of buckthorn and trash. Mr. Bjorseth stated he has made 15 calls to 911 within the past five years. The house is unoccupied and nearly invisible and is a fire hazard. He believes the property values of neighboring homes are being negatively affected by this property. He asks that a resolution be imposed by the Village. The Community Relations Commission was very encouraging. He also spoke with a Pioneer Press reporter. Mr. Bjorseth also noticed some recent graffiti. Last Friday there was more activity from Village staff. He pays taxes in the Village, educated his children in the Village and supports local businesses, and he feels that something needs to be done.

Helene Bjorseth, 685 Castlewood Lane, added that she has lived in Deerfield most of her life. She feels it is a great place to raise a family, and it is a good community. Mrs. Bjorseth has lived next to 679 Castlewood for 17 years. When she purchased the property, she did not realize it was vacant. It is commonly known as the "Deerfield haunted house". As time went by, they were awakened by broken glass and loud children. She was told the home had food and clothing in it. In time, the house has become more and more in disrepair, and it is very disturbing to her. The home is dangerous and a nuisance. There was at least one fire in the house. The house provides a place for crimes to occur, and it is interfering with the enjoyment of living in their home. It is affecting the property value of her home. She was told that realtors would not show her house because of the condition of the neighboring property. She urged the Board to have a vacant home ordinance that requires vacant homes to be registered and maintained.

Rob Waterhouse, 465 Susan Lane, stated the house is a danger to anybody who would enter it. There are a number of teenagers that have entered this house over the years. It is unsafe and unattractive. He believes something tragic will happen in this property and urged the Village to address it.

Marilee Waldron, 660 Sapling, stated the home is a disaster to look at and a disaster waiting to happen.

John Waldron, 660 Sapling, watched Mr. Bjorseth perform landscaping on the property. He knows there are a lot of newspapers in the home. He is afraid of what is in the basement and believes something needs to be done to clean it up.

Pauline Nolen, 574 Castlewood Lane, has lived in her home for 44 years and recalled the owners living at 679 Castlewood prior to it being vacated. She noted it was filled with trash and clothes after they moved out. There are cancelled checks on the floor, the house stinks, and there are birds and animals throughout the entire house. She stated the house is awful and should come down.

Dan Kruss, 725 Castlewood Lane, asked the Village to find a way to make it legal to clean up this property.

Mitch Shapiro 638 Castleswood Lane, has young children. His five year old son is interested in that home, because it is known as a haunted house. Mr. Shapiro is disappointed that the problem has not

been resolved. He believes the Village needs to be more sensitive to the neighbors' concerns. Mr. Shapiro would not want any child to get hurt. The home seems to be a danger.

Mayor Rosenthal stated the Village would hold a Committee of the Whole meeting to review their authority to enter homes and inspect them to determine whether or not they are safety hazards. There will be follow up from the Village staff concerning 679 Castlewood. The Board understands the residents' concerns. The Village took action at the last meeting on another home, and the Board is taking this very seriously. The Board will do their best to get this situation under control.

Brook Fogt spoke in favor of the library referendum. She spoke about the free services that are available to residents from the library. The upgrade and renovation of the library has community-wide appeal. In times of economic stress, it assists those trying to find jobs and provides a place to meet. She urged residents to make an investment in the community by supporting the library referendum on November 2nd.

REPORTS

REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR A SPECIAL USE TO
PERMIT THE ESTABLISHMENT OF
A RESTAURANT AT 483 LAKE COOK
ROAD FOR RISTORANTE ABRUZZO
IN DEERFIELD PARK PLAZA

Mr. Street stated the Plan Commission held a Public Hearing on September 30th to consider a request for a Special Use to permit the establishment of a restaurant at 483 Lake Cook Road for Ristorante Abruzzo in the property formerly occupied by Nick's Fishmarket. The Plan Commission voted 6-0 in favor of granting a waiver of the Deer Park Plaza sign criteria to allow a larger sign on the west wall. The Appearance Review

Commission recommended approval of the signage as well.

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

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

NAYS: None (0)

Trustee Oppenheim asked how the change over would occur. Alberto Oliveri from Ristorante Abruzzo stated they would like to open on November 2nd. If it is delayed, however, they still plan to close the existing location one day and open in the new location the next day.

REPORT AND RECOMMENDATION
OF THE CEMETERY COMMISSION
REGARDING ACCEPTANCE OF DEED
FOR DEERFIELD CEMETERY

Mr. Street stated that recent occurrences at Burr Oaks Cemetery have caused additional regulations to be required for the Village's cemetery. The Cemetery Commission met on September 21st and reported that the Village needs to file a deed accepting ownership of the

cemetery property.

Trustee Farkas made a motion to accept the Report and Recommendation of the Cemetery Commission. 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
RE SITE IMPROVEMENTS TO
WILLMAN PLACE (BOUNDED BY
WAUKEGAN, HAZEL AND JOURNAL)**

This summer, the Village Center Development Commission discussed the condition of the Willman Place property, which is bounded by Waukegan, Hazel and Journal. The VCDC believes the area needs to be upgraded. The Village received an anonymous

donation of a bench for the area. The Appearance Review Commission reviewed the proposed design at their October 7, 2010 workshop meeting as well.

Phil Rosborough, partner with Rosborough Partners, explained the purpose of the design is to increase visibility into the space and the signage. Some of the old plantings obstruct the view into the space. He believes the area can be incorporated into a small gathering space and provide a connection to Jewett Park.

Mr. Rosborough stated that most of the ground covers and perennials could be reused. The design is focused on the south end of the triangle. The main element of the design is an oval brick sitting zone. There will be a concrete walkway leading to the seating zone. The entire space is surrounded with seasonal flowering shrubs and new shade trees. Mr. Rosborough explained that the proposal includes the Appearance Review Commission's suggestion of orienting the bench to the west, so it does not look directly onto Waukegan Road.

Mr. Rosborough discussed timing and implementation of the project. The brick area is relatively small. He believes the trees and shrubs can go in this fall. Perennials and ornamental grasses could wait until spring. Trustee Struthers asked whether people would use the space, because it is small. Mr. Rosborough explained that right now everything runs on the south side of the street. This could create a 14' x 18' memorialized space. Trustee Oppenheim added that the space creates a pathway from Holy Cross to Jewett Park. There is no sidewalk along that part of the triangle and it is a visual space.

Trustee Struthers questioned whether this is the correct time to spend money. Trustee Farkas stated the plan is beautiful, but he does not know if it is necessary to spend this amount of money at this time. If people are looking for a place to congregate, Jewett Park is right there. Trustee Farkas believes the landscaping could be improved, but not at a high cost. He would like the Board to determine a reasonable budget and determine what could be achieved within that budget.

Trustee Struthers would like to see the area upgraded but does not like the \$25,000 price tag. Trustee Oppenheim stated that the Board is considering a conceptual use of the space. She asked if this was the direction the Board would like to take for the area. Mr. Street noted the expenditure is not budgeted for this year. Trustee Farkas thinks this is a beautiful plan and suggested a student group or Cub Scout troop consider it for a fundraising project. He is concerned about the expenditure and would like the funding to come from another source. Trustee Benton explained that if the Board approves the concept, it could be done in stages. Mr. Rosborough noted there were two components to the proposal so it would be easy to break it into two phases.

Trustee Oppenheim made a motion to accept the report and recommendation regarding site improvements to Willman Place. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Mayor Rosenthal added this could be discussed at budget time and how to stage it in the future. Trustee Oppenheim noted this fits in with making the Village more pedestrian friendly.

CONSENT AGENDA

ORDINANCE O-10-30 APPROVING A MODIFICATION OF FENCE HEIGHT FOR 1126 CHESTNUT (HSIANG) -2R An Ordinance approving a fence height modification for the property at 1126 Chestnut. Second Reading.

ORDINANCE GRANTING A SPECIAL USE TO PERMIT LIQUOR SALES IN A DRUG STORE (WALGREENS) – 1R An Ordinance granting a Special Use to permit liquor sales in a drug store. First Reading.

ORDINANCE INCREASING THE NUMBER OF CLASS B LIQUOR LICENSES FROM 0 – 1 (WALGREENS) An Ordinance increasing the number of Class B liquor licenses from 0 – 1. First Reading.

Trustee Oppenheim made a motion to accept the Consent Agenda and adopt the Ordinance. 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

ORDINANCE O-10-31 APPROVING A COMBINED SIDEYARD VARIATION FOR 444 HERMITAGE (MILLER) – 2R An Ordinance approving a combined side yard variation for the property located at 444 Hermitage. Second Reading.

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 (4)

NAYS: Seiden, Struthers (2)

NEW BUSINESS

CRM PROPERTIES APPEAL OF APPEARANCE REVIEW Mr. Street explained the Appearance Review Commission considered a request from Walgreens

COMMISSION VOTE ON SECOND FLOOR TOWER WINDOWS FOR WALGREENS IN DEERFIELD SQUARE

and CRM Properties to allow vintage Walgreens photographs on the second floor tower windows. The Appearance Review Commission voted against allowing vintage photographs on the second floor tower windows at the Walgreens store located at 789 Waukegan Road in Deerfield Square. At the last Board of Trustees meeting, Walgreens stated they would agree with either decision.

Chris Siavelis and Chuck Malk with CRM Properties were present. Mr. Siavelis commented that the request for photos is not considered signage under the Zoning Ordinance or the Window Signage Ordinance. He believes the suggested backlit glazing gives a vacant appearance to the tower. It is not consistent with the original design intent of the building. The second floor glazing was supposed to be clear glazing. He is unsure if the window signage ordinance covers this installation.

Trustee Struthers likes the pictures, noting they are at eye level from Chase Bank and Stony River. She is in favor of the photographs. Trustee Oppenheim agrees. She believes the ARC's argument was that the windows would look busy or cluttered; rather, she believes the tower looks monolithic without the photos. Trustee Oppenheim believes the photographs are stylish and sharp and would be an enhancement. She does not believe it would be damaging or harmful. Trustee Farkas does not believe the Board is ruling on aesthetics; rather, whether it is in violation of an Ordinance. He does not believe the proposed photographs would violate anything. Trustee Farkas believes the appeal was properly made and does not find a reason to stand in the way of what is acceptable.

Mayor Rosenthal explained the Appearance Review Commission gave its opinion. Trustee Oppenheim respects the work of the Appearance Review Commission.

Trustee Benton noted that the photographs would have to be maintained. Mr. Siavelis noted that Walgreens would maintain the photographs.

Trustee Oppenheim made a motion to approve the appeal of the Appearance Review Commission vote on the second floor tower windows for Walgreens located at 789 Waukegan Road and approve vintage photos for the 2nd floor tower windows. Trustee Benton seconded the motion.

Tom Dahlberg, Acting Chairman of the Appearance Review Commission, stated that when the building was designed, the intent was for second floor windows to appear occupied by office space. All second floor windows in the shopping center are opaque. The opaque would not be a film; rather, opaque glass. Another issue considered by the Commission was that this could set a precedent for other second floor establishments to put up pictures in their second floor.

Mayor Rosenthal does not believe this building would set a precedent. Trustee Oppenheim added this is a unique part of Deerfield Square. Mr. Dahlberg noted that could be an argument for any building. Mayor Rosenthal stated the Village considers each case separately as it comes. Mr. Dahlberg noted the issue is not about deteriorating photographs or film, as they will be maintained either way. Trustee Seiden urged the petitioners not to come back for second floor windows above Elizabeth Arden.

The motion passed by the following vote:

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

NAYS: None (0)

**AUTHORIZATION TO CONTRACT
WITH PETER BAKER AND SON TO
COMPLETE PARKING LOT AND
WOODLAND DRIVE/CRABTREE
INTERSECTION RECONFIGURATION**

Mr. Street stated that staff is requesting authorization to perform this season's curb and pavement removal and replacement work as approved by the Village Board for the Village owned parking lot. He has also worked with residents to resolve safety and nuisance issues resulting from the current Woodland/Crabtree

intersection, sidewalk and driveway configurations. A solution to reduce the problems has been developed and the Millers, who live at 1441 Woodland Drive, have agreed to provide 1/3 of the associated costs.

Trustee Seiden made a motion to waive the competitive bidding process and award the contract for parking lot and Woodland Drive/Crabtree reconfiguration to Peter Baker and Son in an amount not to exceed \$45,000. 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 WRF
CONSTRUCTION RELATED SERVICES
AGREEMENT TO STRAND
ASSOCIATES, INC.**

Ms. Little explained the next step in the Wastewater Reclamation Facility improvement project is to authorize the agreement for construction related services. She stated that Strand Associates, Inc. has been involved in the project since 2008. They have submitted an agreement for construction related services

for the next 36 months. The project manager is present and would continue to provide full time project representative services. Construction related services will also include drawing review, response to contractors, and evaluation of contractor's pay requests. Strand's participation will ensure the project is constructed in accordance with the design plans and IEPA requirements. The final construction would be completed in 2013. She noted that Strand has worked well with the Village and has done a thorough job with the design. Ms. Little requested awarding the contract for construction related services for the Wastewater Reclamation Facility to Strand Associates in an amount not to exceed \$2,800,000 plus up to \$50,000 allowance for additional services. She noted both would be billed on an hourly basis.

Trustee Struthers asked for a definition of construction related services. Vern Witthuhn from Strand explained that construction related services are divided into several components including construction observation, general observation services, training plant staff, programming of computer control systems, etc.

Trustee Seiden made a motion to award the Wastewater Reclamation Facility construction related services contract to Strand Associates, Inc. in an amount not to exceed \$2,800,000. Trustee Jester seconded the motion.

Mayor Rosenthal stated the project bid amount was above the estimate and asked about the difference. Mr. Witthuhn responded they underestimated the costs for the removal of excavated material, some underground piping work, and the Hackberry Road sewer improvements.

Trustee Jester reviewed the agreement and stated the scope is complete and appropriate. It includes items that would serve the Village well. He is supportive of the agreement.

Trustee Benton noted the motion did not include the \$50,000 for additional services. Trustee Seiden amended his motion so the amount does not exceed \$2,850,000. Trustee Jester seconded the motion as amended. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

FARMER'S MARKET

Mayor Rosenthal thanked Joan Reed and the Farmers Market committee for this year's Farmers Markets.

Trustee Jester added it was a very good year. The weekend after Labor Day the market had its largest turnout ever.

LEAF PICK UP

Mr. Street stated the leaf pick-up program will start on October 25th. There will be four passes weekly

before the Thanksgiving holiday. Additional information will be provided in D-Tales and on the Village website.

Trustee Seiden noted many people are putting leaves in the street. He asked if something could be added to the website stating where leaves should be placed. Mr. Street stated that the leaves should be placed in the parkway and never in the street. Trustee Benton urged residents to clear inlets close to their houses.

TRICK OR TREAT

Mr. Street stated that the Village's Trick or Treat hours are Sunday, October 31, from 3:30 – 7:00 p.m.

COMMITTEE OF THE WHOLE

Mr. Street reported that the Board will hold a Committee of the Whole meeting on Monday, November 22.

ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 9:07 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk