

August 15, 2005

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harris in the council chamber of the village hall on Monday, August 15, 2005 at 7:30 P.M. The Clerk called the roll and announced that the following were:

Present: Steve Harris, Mayor
Robert Benton
Michelle Feldman
Harriet Rosenthal
William Seiden
Barbara Struthers
Matthew Wylie

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

PLEDGE OF ALLEGIANCE

Mayor Harris asked Joanne Kunz, co-manager of the Deerfield Farmers Market, to lead those in attendance in reciting the Pledge of Allegiance. Ms. Kunz said the Farmers Market Committee has a lot of exciting events coming up. Grill Fest is August 27th. There will be an apple pie baking contest on September 24th. Entry forms are due August 22nd. Prizes will be awarded.

APPROVAL OF MINUTES

Trustee Benton made a motion to approve the minutes of the 8/1/05 Board of Trustees meeting. Trustee Rosenthal seconded the motion. The motion passed unanimously. Trustee Benton made a motion to approve the minutes of the 8/4/05 Committee of the Whole meeting. Trustee Struthers seconded the motion. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Benton made a motion to approve the Bills and Payroll dated 8/15/05. Trustee Rosenthal seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

TREASURER'S REPORT

Bob Fialkowski presented highlights from the 7/31/05 Treasurer's Report. He said the month was an exceptional sales tax month and that hotel motel tax is getting back to the budgeted amount. Other items are pretty much on budget.

REPORT ON DEPARTMENTAL OBJECTIVES – POLICE DEPARTMENT

Chief Sliozis presented highlights of the semi annual report. He noted there has been a slight increase in index crimes but it is related to the number of theft cases. He explained those crimes are cyclical. There was an increase in the

number of burglaries. In the commercial sector, half had occurred the same night. He explained that surrounding communities were hit as well. Chief Sliozis explained that vandalism is down significantly, which is also cyclical. Traffic accidents are also down slightly, but are statistically similar to other years. There was no gang related activity.

PUBLIC COMMENT

Gil Antokol, President of the Deerfield Park District, reminded everyone about the next Deerfield Community Blood Drive on Sunday 9/11/05 at the Jewett Park Community Center from 8:00 – 1:00 in the Pine Room. He urged residents to make blood donation a part of their regularly scheduled activities.

Mr. Antokol announced that in May the Chicago Building Congress presented the Patty Turner Senior Center with a Merit Award for Outstanding Design and Construction. This was part of a community partnership between the park district, the village, Fred Turner, the senior council and the senior center. On behalf of the Deerfield Park District, Mr. Antokol presented a plaque to the village.

Jan Brengel, 390 Castlewood, spoke in support of the Public Works department. Ms. Brengel praised the department for the phenomenal responsiveness they have shown the village. She voiced her concern about the possible privatization of the water treatment facility.

Jim Creighton, 402 Locust Place, a village employee, expressed concern about the possible sale of the water treatment plant. He said that the village would lose about 14 employees, which represents roughly 10% of village employees. If the plant were sold, it would be disconnected from the village. The village still needs the service, however. The village would lose a revenue stream. Once the plant is sold, the village cannot get it back and the revenue flow would stop. There is a unique relationship between the village and its residents.

Ken Edwards, Attorney with Local 150 Labor Union for Public Works, emphasized that the down side of privatization of the water treatment plant is the loss of jobs.

Tom Brengel, 390 Castlewood Lane, explained he has worked with Public Works for two summers. He said the workers are very dedicated and work hard. They take the initiative to fix problems that are not required. He does not believe a private company will care about the residents and urged the Mayor and Board of Trustees to consider that fact when thinking about the water treatment facility.

Margie Stone, 531 Hermitage, asked the Mayor and Board of Trustees to look into smoking regulation laws. She submitted a written request for a smoking ban in enclosed public places and places of employment. She believes it is the duty of the government to protect its residents. The board agreed to discuss the issue at the next Committee of the Whole meeting.

Howard Rubenstein, 1227 Woodruff, mentioned that tear downs in the village are getting out of hand. Workmen are doing whatever they want. They start at 7:00 a.m. even though the starting time is 7:30. In addition, they do not clean up after themselves. He does not believe the police department is enforcing the laws. He suggested companies be required to post a bond which would not be refunded if laws and ordinances were broken.

Mayor Harris asked to change the order of the meeting and consider the Change Order for Stratford Road first.

OLD BUSINESS

AUTHORIZATION FOR APPROVAL OF
CHANGE ORDER FOR STRATFORD
ROAD IMPROVEMENT PROJECT
(TABLED 7/18/05)

Mr. Coblentz explained the project has been approved for 28' pavement, including curb and gutter but without sidewalks. The change order would reduce the size of the road pavement to 23' and add a 5' carriage walk within the 28' footprint.

Mayor Harris opened the issue to public comment but asked residents to only discuss new ideas, not reiterate what the board has already heard.

A few residents commented that they believe the sentiment of the concerned residents has been well addressed. One resident expressed her support for a sidewalk on Stratford and other village streets. She noted the nature of the community is changing, and safety is a major issue. Another resident stated that she went to village hall on Monday morning and asked to see the documents pertaining to Stratford Road and was told there were no documents. She later learned the trustees received a ten page document pertaining to the issue. Mr. Franz said the material should have been included in the meeting book and apologized that it was not made available for public view before the meeting.

Trustee Rosenthal moved to take the Stratford Road change order authorization off the table. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Seiden, Struthers, Wylie (5)
NAYS: Rosenthal (1)

Trustee Seiden discussed the history of Stratford Road. He voted against the original proposal in February 2005 because he considered the survey of residents and did not believe sidewalks were wanted. In July, the suggestion to look at a 23' street with a 5' carriage walk was proposed. He dislikes the idea of a 28' street for Stratford. He looked at streets with carriage walks and saw that children did not use sidewalks or carriage walks but, rather, took the shortest route. Trustee Seiden suggested a compromise, to make

Stratford Road 25', which is the same width as Woodland Drive. He stated his intention to make that motion after the vote on the change order.

Trustee Wylie moved to approve the change order for the Stratford Road improvements to incorporate a 5' wide carriage walk within the original design of a 28' wide street. Trustee Benton seconded the motion. The motion failed by the following vote:

AYES: Wylie (1)

NAYS: Benton, Feldman, Rosenthal, Seiden, Struthers (5)

Trustee Seiden made a motion to reduce Stratford Road from 28' to the same width as Woodland Drive (25'.) There was no second for the motion. The motion therefore failed.

REPORTS

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION FOR APPROVAL OF A REZONING FROM R3 SINGLE FAMILY RESIDENCE DISTRICT TO R4 SINGLE FAMILY AND TWO FAMILY RESIDENCE DISTRICT AND APPROVAL OF AN AMENDMENT TO COMPREHENSIVE PLAN IN ORDER TO DEVELOP THE PROPERTY WITH A TWO FAMILY DWELLING UNIT – 710 ORCHARD (GREENVIEW HOMES)

The Plan Commission held a Public Hearing on July 14, 2005 to consider the request for a rezoning of the property at 710 Orchard Street from R-3 Single-Family Residential District to R-4 Single and Two Family District and an amendment to the Comprehensive Plan.

Marvin Kayne, 1219 Walden Lane, asked questions about how allowing this multi-family dwelling would affect Deerfield. He does not see any benefits and believes there are detrimental aspects to making the property a condominium building.

Trustee Rosenthal moved to approve the report and recommendation of the Plan Commission and to direct preparation of an ordinance to rezone the property at 710 Orchard Street from R-3 Single-Family Residential to R-4 Single and Two Family Residential and amend the Comprehensive Plan. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Rosenthal, Seiden, Struthers, Wylie (5)

NAYS: Feldman (1)

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: REQUEST OF MICHAEL JAKOBY AND IRIT ELRAD, FOR A VARIATION FOR THEIR PROPERTY AT 1051 WARRINGTON ROAD.

The Board of Zoning Appeals held a Public Hearing on 7/19/05 to reconsider the request of petitioners Michael Jakoby and Irit Elrad for a variation to allow the construction of a one story garage which would decrease the north side yard setback to 5.13 feet in lieu of the minimum 8 feet, creating a

combined side yard of 15.03 feet in lieu of the minimum 20 feet as specified in the Zoning Ordinance. The variation, if granted, would allow for the extension of the north wall of the existing structure west an additional 24.456 feet and east 7.583 feet parallel to and within 5.13 feet of the side lot.

Trustee Rosenthal moved to approve the report and recommendation of the Board of Zoning Appeals regarding a variation for the property at 1051 Warrington Road and to direct preparation of an ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

REPORT AND RECOMMENDATION OF BOARD OF ZONING APPEALS RE: REQUEST OF TINA LAVALLIERE FOR A VARIATION FOR THE PROPERTY AT 515 JONQUIL TERRACE. The Board of Zoning Appeals held a Public Hearing to consider the request of petitioner Tina Lavalliere for a variation to allow the construction of a one story, 2-car garage which would encroach 2 feet into the minimum required 8 foot side yard and a master bedroom/kitchen addition extending to within 10.74 feet of the south side property line. The newly created combined side yard would total 16.74 feet in lieu of the minimum 20 feet specified in the Zoning Ordinance.

Andrew Venamore of Airoom, Inc. explained that the minimum size for a two car garage is 20' x 20'. They have narrowed the depth of the garage to 18'8" but cannot make further reductions to the size.

Shelly and James Kohl, 1031 Brookside Lane, explained they were notified the property would encroach 18" into the minimum required side yard, not 24". Ms. Kohl said the driveway is proposed to move from the south to the north side of the property and this concerns them from a safety standpoint

Trustee Struthers noted there is a mature tree on the property. The Kohls and Faros (1021 Brookside Lane) have both expressed concern about the tree. Mr. Venamore said the tree is a major concern. The work will impact approximately 25% of the root zone. The forester said the Silver Maple is a hearty tree and, if treated with care throughout the process, there is a good chance the tree would be saved.

Trustee Seiden noted that when issues like this come up, the choice is whether to remodel or tear down. He would prefer more residents remodel rather than tear down existing residences. Trustee Rosenthal said there are ordinances for a reason. People cannot always do what they want on their property.

Trustee Rosenthal moved to approve the variation to allow the construction of a one story 2-car garage which would encroach 2 feet into the

minimum required 8 foot side yard and a master bedroom/kitchen addition extending to within 10.74 feet of the south side property line. Trustee Seiden seconded the motion. The motion failed by the following vote:

AYES: Seiden (1)

NAYS: Benton, Feldman, Rosenthal, Struthers, Wylie (5)

REPORT AND RECOMMENDATION
OF PLAN COMMISSION REGARDING
REQUEST FOR APPROVAL OF AN
AMENDMENT TO A SPECIAL USE
PLANNED UNIT DEVELOPMENT
FOR RENOVATIONS TO THE MIDDLE
PORTION OF DEERBROOK MALL

RREEF Management is requesting an amendment to a Special Use Planned Unit Development to allow for renovations to the middle portion of Deerbrook Mall.

Charlotte Sweetland, District Manager, RREEF Management, explained they want to bring the open air concept into Deerbrook Mall by removing the roof. Peter Uliasz, Partner OKW Architects, explained the theater would be demolished, the roof would be removed on the north/south corridor, and the corridors would be renovated with loading docks to accommodate the retail spaces. They propose additional landscaping along the new wall of TJ Maxx, as well as near the loading docks. The proposal includes planters, lighting and pedestrian benches. The proposed architecture will be renovated to match the newly renovated walls on the front of the shopping center.

Mayor Harris asked what is happening with the Great Indoors space and the cross access easement. Ms. Sweetland explained that RREEF does not have control over who is selected to sublet by The Great Indoors. The lease states the space could be subdivided for up to three tenants. Mayor Harris noted that some prospective tenants would need village approval.

Ms. Sweetland explained that they have had several meetings regarding the cross access agreement. RREEF Management and Lake Cook Plaza have hired the same engineering company which is also working closely with National City Bank to expedite the plan. They have preliminary designs.

Trustee Rosenthal moved to approve the report and recommendation of the Plan Commission regarding a request for an amendment to a Special Use Planned Unit Development for renovations to the middle portion of Deerbrook Mall and to direct preparation of an ordinance. The recommendation is contingent upon the execution of the cross easement agreement. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

CONSENT AGENDA

ORDINANCE O-05-32 AMENDING THE ZONING ORDINANCE TO AUTHORIZE RELIGIOUS EDUCATIONAL ACTIVITIES ACCESSORY TO A RELIGIOUS OFFICE USE AS A SPECIAL USE IN THE I-1 OFFICE, RESEARCH AND RESTRICTED INDUSTRIAL DISTRICT _____ An ordinance amending the Zoning Ordinance to authorize religious activities accessory to a religious office use as a Special Use in the I-1 office, research and restricted industrial district. Second Reading.

ORDINANCE O-05-33 AUTHORIZING A SPECIAL USE FOR THE NORTH SUBURBAN EVANGELICAL FREE CHURCH AT 750 ESTATE DRIVE _____ An ordinance authorizing a special use for the North Suburban Evangelical Free Church at 750 Estate Drive. Second Reading.

ORDINANCE AMENDING MUNICIPAL CODE TO INCREASE NUMBER OF CLASS E LIQUOR LICENSES (MASCK RESTAURANT) _____ Mr. Franz explained the issue does not have to be addressed because there is a Class E liquor license available due to Filippo's closing.

ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ADDING THE WEST DEERFIELD TOWNSHIP PROPERTY AT 601 DEERFIELD ROAD TO THE VILLAGE CENTER DISTRICT PLANNING AREA _____ An ordinance expanding the Village Center District Planning Area to include the West Deerfield Township property at 601 Deerfield Road. First Reading.

Trustee Seiden moved for approval of the Consent Agenda and adoption of the ordinances. Trustee Feldman seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

NEW BUSINESS

AUTHORIZATION FOR MAYOR TO SIGN AN EASEMENT AGREEMENT WITH ST.GREGORY EPISCOPAL CHURCH FOR INSTALLING A NEW SIDEWALK ON DEERFIELD ROAD _____ The Village has negotiated with St. Gregory Church an easement agreement for a sidewalk replacement project along church property on Deerfield Road. The primary benefit of this improvement is to construct a wider sidewalk further away from the street to enhance pedestrian safety. Although not yet executed by the church, it has been approved in principle by their congregation.

Mr. Franz explained that the Board met with the church on 6/20/05. The village will do the driveway entrance work as part of the Deerfield Road project. The church will do the parking lot work and will be reimbursed in the amount of \$5,500.

Trustee Rosenthal moved to authorize the Mayor to sign an easement agreement with St. Gregory Episcopal Church for installing a new sidewalk on Deerfield Road. Trustee Wylie seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

DIRECTION TO PLAN COMMISSION
TO HOLD A PUBLIC HEARING RE:
BANKS IN THE C-2 DISTRICT AS
SPECIAL USES

The Plan Commission is requesting that the Board direct them to hold a public hearing to amend the text of the Zoning Ordinance to change banks without drive-throughs from a Permitted Use to a Special Use in the C-2 Outlying Commercial

District.

Trustee Rosenthal moved to direct the Plan Commission to hold a public hearing to change banks without drive-throughs from a Permitted Use to a Special Use in the C-2 outlying commercial district. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)

NAYS: None (0)

ORDINANCE AMENDING CHAPTER 3
OF THE MUNICIPAL CODE TO
INCREASE THE NUMBER OF
CLASS E LIQUOR LICENSES
(BANANA MOON RESTAURANT, 730
WAUKEGAN ROAD)

Banana Moon is scheduled to open a restaurant in September in the Deerfield Square space vacated by MASCK Restaurant. Co-owner Mark Stein was in attendance and described the restaurant. This will stand as a First Reading.

DISCUSSION

SMOKING ORDINANCE

Trustee Feldman suggested the Board direct the Safety Commission to look into a smoking ordinance. Mayor Harris explained that this is out of the realm of the Safety Commission and suggested the issue be addressed in open forum at the next Committee of the Whole meeting.

VIDEO TAPES

Trustee Feldman said she spoke with Mayor Harris and Bob Franz and was assured that it is never the policy of the village to alter or change any tapes of board meetings. Trustee Rosenthal noted that

Deerfield is one of the few communities in the area that broadcasts meetings live. It shows the integrity of the board. She would encourage other boards (school boards and park district boards) to videotape their meetings.

INFORMATION PACKETS

Trustee Feldman said she was embarrassed that she told residents to go to village hall to obtain information in the packets distributed to the Board of Trustees and the information was not there. If she were a resident, she would not have known to ask Bob Franz. She stated that the Board has nothing to hide and does not believe anything can be done if an honest mistake is made. In response to her question as to how to avoid this problem in the future, the manager responded that he will check the public packet each Monday morning.

TRUSTEE IN THE TOWN

Trustee Seiden reported Trustee in the Town will be held this Saturday from 8 – 12 at the Farmers Market. Trustees Feldman and Rosenthal will attend.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:00 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk