

April 17, 2006

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, April 17, 2006 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

Bob Speckman led those in attendance in reciting the Pledge of Allegiance. Dr. Speckman discussed the charge of the Board of Zoning Appeals. He explained the BZA is an advisory board, which meets on Tuesday nights, on demand. They have received several requests for side yard variations during the past year.

APPROVAL OF MINUTES

Trustee Rosenthal made a motion to approve the minutes of the April 3, 2006 Board of Trustees meeting. Trustee Struthers seconded the motion. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Wylie made a motion to approve the bills and payroll dated April 17, 2006. Trustee Seiden 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 March 31, 2006 Treasurer's Report, which represents 92% of the fiscal year. He explained operating expenses are slightly below budget and the general fund and water fund are doing well. Mr. Fialkowski noted they are not getting the Walgreens Rebate information in a timely manner from the Department of Revenue.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Harris announced they have two candidates for board and commission appointments. He recommended the appointment of Laura Hauser to the Safety Council and James Moyer to the Board of Zoning Appeals. Trustee Rosenthal made a motion to approve the board and commission appointments. Trustee Seiden seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

Marvin Kayne, 1219 Walden, believes the mayor did not address his main concern in the letter regarding the village hall reconstruction. Mr. Kayne read a statement requesting information about TIF 2 disbursements.

Ray Craig, First Presbyterian Church, was surprised that the Village Center Development Commission was asked to redevelop village owned property in the northwest quadrant. He explained the conclusions of the comprehensive plan and many other studies have stressed the parking issues. Mr. Craig believes the VCDC will send in a proposal to add a residential or mixed-use development. He believes that would increase traffic and would not be beneficial to the safety of the preschoolers at the church or the park district. Mr. Craig feels action by the board to accept the proposal would go against the comprehensive plan and parking is needed in the northwest quadrant.

Ted Guisler, 610 Warwick, explained there was a call for a sewer line on the corner of his property. There was no consideration given to the tree. The builder does not claim any responsibility to the tree. Mr. Guisler suggests amending the tree ordinance, which would require drip lines to be shown on the drawings. In addition, he would suggest opening an escrow account for a period of 5 years, to care for trees damaged by builders.

Trustee Seiden explained the residential redevelopment task force has looked at the problem closely and there is a provision in the tree ordinance to cover the problem. He suggested looking into the problem further.

Larry Dondeville, 717 Westgate Road, explained Mr. Kayne does not speak for the residents of the village. He requested a list of the people Mr. Kayne supposedly represents and apologized to the board for using his name as a resident.

REPORTS

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: REQUEST FOR FRONT YARD VARIATION FOR 505 KINGSTON TERR. Mr. Franz explained this item has been removed from the agenda at the petitioner's request. The contractor said their intention is to comply.

REPORT AND RECOMMENDATION OF PLAN COMMISSION RE: REQUEST FOR A SPECIAL USE FOR A RETAIL STORE OVER 10,000 SQUARE FEET AND AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT FOR LAKE COOK PLAZA SHOPPING CENTER The Plan Commission held a public hearing on March 23, 2006 to consider a request for a Special Use for a retail store over 10,000 square feet, with a variation to allow 2 parking spaces to project into the required 5 foot setback, sign modifications to permit the proposed east wall sign to be larger than the permitted square footage, the east and north wall

signs to project over the roof deck of the building and an amendment to the sign criteria to allow the letters to be taller than allowed by the sign criteria for the shopping center.

Leigh Behrman, Facilities Manager for The Tile Shop, explained that The Tile Shop is a national retailer specializing in tile and stone. He explained the building is square and it is important that they have storefront signage. He explained they are a destination store and do not advertise heavily. Mr. Behrman explained they propose turning the north area of the store, which was the former outdoor area at Frank's Nursery and Craft, into a parking lot.

The Trustees discussed the reconfigured traffic flow. Peter Lemon from Metro Transportation explained he did the traffic study for both National City and The Tile Shop. He explained there will be additional stop signs on the internal road. Trustee Struthers suggested restriping the area coming south from the 500 Lake Cook Road buildings, because there is not an option to go straight. Don Parker, Lake Cook Partners, agreed to restripe the lanes.

Norman Toberman, Civil Engineer, explained that the new parking lot on the north side of the building is constructed at 2 elevations. They have 2 separate detention ponds and restrictors on the outlets of both ponds. The storm sewer on the west side of the site is connected to the pond. Mr. Toberman noted the site meets the requirements of the sanitation district.

Mr. Behrman explained the Plan Commission requested additional plantings be added. There will be flowering crab trees added for balance as well as junipers and a variety of day lilies.

Trustee Rosenthal made a motion to accept the report and recommendation of the Plan Commission for approval of a Special Use for a retail store over 10,000 square feet and an amendment to a Planned Unit Development for Lake Cook Plaza shopping center and to prepare the ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)
NAYS: None (0)

Mike Burns, 521 Pfingsten Terrace, asked if the motion approved larger signs. Mr. Burns explained the village has regulations and codes for signage for a reason and does not know how increased signage will benefit the residents. Mr. Burns believes other signs are too large and granting a variation will prompt other retailers to ask for larger signs. Trustee Benton explained the topography makes it difficult for shoppers to see the signs. The trustees want the venture to be successful. The village will gain tax revenue if the shop is successful. The shopping center is long and thin. Before recommending a variance, the Plan Commission reviews it to see if it is advantageous.

Mr. Behrman noted the signs are in compliance with the code on the west and north elevations. The sign on the east is larger. Overall, the sign package falls within the total amount of square footage allowed.

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION held a Public Hearing on **PLAN COMMISSION RE: REQUEST FOR APPROVAL OF A SPECIAL USE FOR A BANK AND AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT.** March 23, 2006 to consider a request for a Special Use for a bank with a drive through at 677 Lake Cook Road, an amendment to the Home Depot PUD, a variation to allow 5 stacking spaces instead of 6 spaces, sign modifications to allow the east and west wall signs to exceed the maximum size allowed and to allow the west wall sign to be located above the roof deck.

Trustee Wylie noted some potential conflicts with the private traffic servicing the bank and the people traveling toward the parking lot for Home Depot. He believes the Home Depot traffic should be separated by closing off both areas. He suggested making the median behind the bank continuous, to alleviate the problem. Laura Williamson from Amcore Bank explained they have reduced some of the width by adding the median. She believes it is an improvement to what currently exists. She explained they need customers to exit and believes having a continuous median would force all traffic to exit on the frontage road. Trustee Wylie believes traffic could turn left or right, but the through lane should be closed.

Trustee Struthers asked why another bank is good for Deerfield, while there are currently 6 banks within a half-mile of the proposed location. Trustee Rosenthal believes placing another bank in the shopping center goes against the requirements for a special use. She does not believe a short term fix will assist the village in the long term.

Trustee Benton believes it is up to the residents and the market to determine which business will succeed. If a bank does not provide the services that are wanted by the customers, the bank will not succeed.

Trustee Wylie made a motion to accept the report and recommendation of the Plan Commission regarding a request for approval of a special use for a bank and an amendment to the Planned Unit Development with the modification that the landscape islands are connected to separate traffic from the Home Depot parking lot. A Do Not Enter sign will be added for the drive through lane. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Seiden, Wylie (4)

NAYS: Rosenthal, Struthers (2)

REPORT AND RECOMMENDATION OF RESIDENTIAL REDEVELOPMENT REVIEW TASK FORCE RE: REQUEST FOR PROPOSED CHANGES RELATED

A recommendation by the Residential Redevelopment Review Task Force regarding bulk regulations affecting residential development.

TO THE BULK ORDINANCE

Trustee Seiden explained the task force held 10 meetings since November 2006. The task force wants homeowners to maximize the value of their homes and believes the recommended changes are more user friendly and useful.

The task force believes the lot width measurement; FAR measurement of house and garage attics, inclusion of porches in the FAR and the height of turrets should go to the Plan Commission for public hearing. In addition, impervious surface coverage and driveway width should be addressed in the municipal code.

Trustee Struthers made a motion to accept the report and recommendation of the Residential Redevelopment Review Task Force. Trustee Wylie seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Feldman asked about the other items in the report that were not addressed. Trustee Seiden explained he does not believe the other items were within the guidelines of the task force. Mayor Harris explained Trustee Feldman could ask staff to consider the issues and bring them up to the Board.

Trustee Seiden explained there will be a well written and simple explanation of what contractors can and cannot do in D-tails. The village believes contractors should know the rules.

CONSENT AGENDA

ORDINANCE O-06-15 ADOPTING ANNUAL BUDGET FOR 2006-07 – 2R An ordinance adopting the 2006-07 annual budget. Second reading.

ORDINANCE O-06-16 AMENDING THE WAGE AND SALARY PLAN – 2R An ordinance amending the Wage and Salary Plan. Second reading.

ORDINANCE O-06-17 APPROVING THE FINAL PLAT OF SUBDIVISION FOR 119 FAIRVIEW AND 118 WILLOW – 2R An ordinance approving the final plat of subdivision for the properties at 119 Fairview and 118 Willow. (Horwitch). Second reading.

ORDINANCE O-06-18 AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO PROVIDE FOR CERTAIN WATER RATE INCREASES-2R An ordinance amending the Municipal Code of the Village of Deerfield to provide for certain water rate increases. Second reading.

Trustee Benton made a motion to accept the Consent Agenda and adopt the ordinances. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)
NAYS: None (0)

OLD BUSINESS

There was no old business.

NEW BUSINESS

ORDINANCE O-06-19 RESERVING VOLUME CAP IN CONNECTION WITH PRIVATE ACTIVITY BOND ISSUES AND RELATED MATTERS

An ordinance reserving the volume cap in connection with private activity bond issues and related matters. First reading.

Mr. Fialkowski explained the village goes through the exercise to control allocation for industrial revenue bond financing.

Trustee Rosenthal 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, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)
NAYS: None (0)

Trustee Rosenthal made a motion to adopt ordinance O-06-19 reserving the volume cap in connection with private activity bond issues and related matters. Trustee Wylie seconded the motion. The motion passed by the following vote:

AYES: Benton, Feldman, Rosenthal, Seiden, Struthers, Wylie (6)
NAYS: None (0)

ORDINANCE AMENDING MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO PROVIDE FOR THE ISSUANCE OF BONDS TO FINANCE AND REFINANCE PROJECTS OWNED BY TAX EXEMPT 501(C) 3 ORGANIZATIONS AND AMENDING CHAPTER 9 OF THE MUNICIPAL CODE OF DEERFIELD, ILLINOIS – 1R

An ordinance amending the Municipal Code of the Village of Deerfield to provide for the issuance of bonds to finance and refinance projects owned by tax exempt 501 (c) 3 organizations and amending Chapter 9 of the Municipal Code of Deerfield, Illinois. First reading.

**ORDINANCE AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED
\$30,000,000 BONDS FOR THE
CHICAGOLAND JEWISH HIGH
SCHOOL PROJECT – 1R**

An ordinance authorizing the issuance of Not to Exceed \$30,000,000 Bonds for the Chicagoland Jewish High School project. First reading.

Mr. Fialkowski explained the Chicagoland Conservative Jewish High School is asking the village to be the conduit issuer of bonds and bond issue. Vanessa Albert Lawry explained conduit bond issues are bond issues where the village will not be liable for the repayment of the debt. She explained the village is allowed to issue the bonds that will be tax exempt. The general ordinance will allow bonds for charitable uses. Then, they are asking for a specific ordinance for the Chicagoland Conservative Jewish High School.

Mayor Harris explained this will stand as a first reading and there will be a public hearing on May 1, 2006.

AUTHORIZATION TO SIGN AGREEMENT FOR DESIGN ENGINEERING SERVICES FOR SIDEWALK IMPROVEMENTS ALONG THE SOUTH SIDE OF DEERFIELD ROAD EAST OF ROSEMARY TERRACE

The Director of Public Works and Engineering explained the Deerfield Road sidewalk improvement project starts at Rosemary Terrace and continues to the bridge in Highland Park. She noted the existing sidewalk has many challenges. Due to the significant location of the sidewalk, the village has sought federal funding for the project. The

grant is an 80/20 cost share for engineering and construction. Ms. Little recommends entering into an agreement with Burns and McDonnell in amount not to exceed \$19,355.66 with the village share being \$3871.13.

Trustee Wylie questioned why a 5' wide sidewalk wide was being pursued rather than a 7' wide sidewalk. Mr. Franz explained the village is trying to be realistic. They already have difficulties with the golf course because of the lack of property. If the Board wants the village to pursue a larger sidewalk, the residential properties may feel the change significantly. Trustee Wylie questioned why a bicycle path is not been addressed, because the village is in the juncture of investing funds and design services. Ms. Little explained the norm for a bicycle path is 8 – 10' wide. The minimum is 7' wide with obstructions. Mr. Franz explained the direction is to get the largest sidewalk possible. Staff can ask a consultant what would be involved.

Trustee Seiden made a motion to enter into an agreement with Burns & McDonnell to complete design engineering services for the Deerfield Road Sidewalk Improvement Project in an amount not to exceed \$19,355.66, with the specification that they attempt to design the widest possible sidewalk. Trustee Feldman seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-06-20 DECREASING

An ordinance decreasing the number of Class E

NUMBER OF CLASS E LIQUOR LICEN- liquor licenses from 14 to 13, due to the closure of
SES FROM 14 TO 13 – 1R Banana Moon restaurant.

Trustee Rosenthal made a motion to waive the first reading of the ordinance. Trustee Wylie seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Rosenthal made a motion to adopt the ordinance decreasing the number of Class E liquor licenses from 14 to 13. Trustee Wylie seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

TEARDOWN FEES

Trustee Feldman directed staff to look into the teardown fees for the village.

TRUSTEE IN THE TOWN

Trustee Seiden noted Trustees Benton and Seiden will be at Trustee in the Town on Saturday from 9 –

12.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:20 P.M.

APPROVED:

Mayor

ATTEST:

Village Clerk