

December 4, 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, December 4, 2006 at 7:33 p.m. The Clerk called the roll and announced that the following were:

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

Absent: Robert Benton

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

PLEDGE OF ALLEGIANCE

Ben Hirshhaut, a 5th grade student at Wilmot Elementary School and winner of the history hunt project, led those in attendance in reciting the Pledge of Allegiance. He briefly discussed his project and the impact the Sara Lee factory had on the village. He thanked Trustee Benton for his help with the historical facts.

APPROVAL OF MINUTES

Trustee Wylie made a motion to approve the minutes from the November 20, 2006 board of trustees meeting. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Feldman, Seiden, Struthers, Wylie (4)
NAYS: None (0)
ABSTENTIONS: Rosenthal (1)

BILLS & PAYROLL

Trustee Wylie made a motion to approve the Bills and Payroll dated December 4, 2006. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Feldman, Rosenthal, Seiden, Struthers, Wylie (5)
NAYS: None (0)

PUBLIC COMMENT

Oscar Adler, 59 Eastwood, thanked the Public Works Department for doing a wonderful job with snow removal after last week's storm. Mr. Adler also announced that Mayor Harris is this month's guest on Adler's Alley, which will air on Tuesdays at 8:00 p.m. on channel 10 and Thursdays at 6:30 p.m. on channel 19.

STATE TENNIS CHAMPION

Mayor Harris congratulated Rachael White, a sophomore at Deerfield High School, who won the girls' singles state tennis championship. With a record of 32 and 2, Rachael is the first individual champion in the history of the Deerfield High School girls' tennis program. Jeff Gluck, Ms. White's coach, briefly discussed her outstanding achievement. He commented that the team finished in 2nd place this year and had three all-state entries. The team was also both sectional and conference champion. Coach Gluck thanked the village for its continued support of the program. Mayor Harris presented a road showing Rachael White as I.H.S.A. 2006 Girls Singles Tennis Champion. The sign will be erected at one of the entrances to the village.

REPORTS

REPORT AND RECOMMENDATION
OF BOARD OF ZONING APPEALS RE:
REQUEST FOR SIDE AND REAR YARD
VARIATIONS FOR 380 PAULA COURT

The Board of Zoning Appeals held a public hearing on November 8, 2006 to consider a side and rear yard variation for 380 Paula Court, permitting a one story garage addition extending 1.583 feet into the minimum required side yard, leaving a side yard of 6.417 feet in lieu of the minimum 8 feet and a second floor addition that would encroach 2.166 feet into the required rear yard, leaving a rear yard of 37.834 feet in lieu of the minimum required 40 feet.

Trustee Rosenthal made a motion to accept the report and recommendation of the Board of Zoning Appeals and to direct preparation of the ordinance. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION
OF PLAN COMMISSION RE REQUEST
FOR APPROVAL OF A SPECIAL USE
TO INSTALL A DRIVE-UP ATM
MACHINE AT DEVON BANK IN
DEERBROOK MALL

The Plan Commission held a public hearing on November 9, 2006 to consider a request for approval of a special use to install a drive-up ATM machine at Devon Bank in Deerbrook Mall at 70 S. Waukegan Road.

Trustee Rosenthal made a motion to accept the report and recommendation of the Plan Commission and direct preparation of the ordinance. Trustee Wylie seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION
OF PLAN COMMISSION RE: REQUEST
FOR APPROVAL OF A FINAL PLAT OF
SUBDIVISION FOR 1521 CENTRAL

The Plan Commission found the final plat of subdivision to be in substantial conformance to the previously approved preliminary plat. Trustee Rosenthal made a motion to approve the

report and recommendation of the Plan Commission and to direct preparation of the ordinance. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSENT AGENDA

ORDINANCE O-06-55 AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF DEERFIELD TO AUTHORIZED RELIGIOUS INSTITUTIONS AS A SPECIAL USE IN THE I-1 OFFICE, RESEARCH AND RESTRICTED INDUSTRIAL DISTRICT CONGREGATION B'NAI JEHOSHUA BETH ELOHIM AT 1101 – 1201 LAKE COOK ROAD IN THE DEERFIELD BUSINESS CENTER

An ordinance amending the zoning ordinance of the village of Deerfield to authorize religious institutions as a special use in the I-1 Office, Research and Restricted Industrial District. (Congregation B'nai Jehoshua Beth Elohim at 1101 – 1201 Lake Cook Road in the Deerfield Business Center).
Second Reading.

ORDINANCE O-06-56 APPROVING A SPECIAL USE FOR A RELIGIOUS INSTITUTION AT 1141, 1181 AND 1201 LAKE COOK ROAD AND AN AMENDMENT TO THE SPECIAL USE PLANNED UNIT DEVELOPMENT FOR DEERFIELD BUSINESS CENTER TO AUTHORIZE THE B'NAI JEHOSHUA BETH ELOHIM SYNAGOGUE & CHILD CARE FACILITY

An ordinance approving a special use for a religious institution at 1141, 1181 and 1201 Lake Cook Road and an amendment to the special use planned unit development for Deerfield Business Center to authorize the B'nai Jehoshua Beth Elohim Synagogue and Child Care facility. Second Reading.

ORDINANCE O-06-57 AMENDING ARTICLE 9.02C OF THE ZONING ORDINANCE OF THE VILLAGE OF DEERFIELD TO AUTHORIZE SIGNAGE FOR A RELIGIOUS INSTITUTION LOCATED IN THE I-1 OFFICE, RESEARCH & RESTRICTED INDUSTRIAL DISTRICT (B'NAI JEHOSHUA BETH ELOHIM AT 1101 – 1201 LAKE COOK ROAD IN THE DEERFIELD BUSINESS CENTER)

An Ordinance amending article 9.02C of the Zoning Ordinance of the Village of Deerfield to authorize signage for a religious institution located in the I-1 office, research and restricted industrial district (Congregation B'nai Jehoshua Beth Elohim at 1101 - 1201 Lake Cook Road in the Deerfield Business Center). Second Reading.

ORDINANCE O-06-58 LEVYING TAXES FOR CORPORATE PURPOSES

An ordinance levying taxes for corporate purposes for the current fiscal year, commencing on the first

FOR THE CURRENT FISCAL YEAR,
COMMENCING ON THE FIRST DAY
OF MAY, 2006 AND ENDING ON THE
THIRTIETH DAY OF APRIL, 2007 FOR
THE VILLAGE OF DEERFIELD, LAKE
AND COOK COUNTIES, ILLINOIS

day of May, 2006 and ending on the thirtieth day of April, 2007 for the Village of Deerfield, Lake and Cook counties, Illinois. Second Reading.

ORDINANCE O-06-59 ABATING ALL
2006 TAX LEVY REQUIREMENTS
FOR THE SERIES 2003 GENERAL
OBLIGATION REFUNDING BONDS

An ordinance abating the entire 2006 tax levy requirements for the series 2003 general obligation refunding bonds. Second Reading.

ORDINANCE O-06-60 ABATING ALL
THE 2006 TAX LEVY REQUIREMENTS
FOR THE SERIES 1998 GENERAL
OBLIGATION BONDS – 2R

An ordinance abating all of the 2006 tax levy requirements for the series 1998 general obligation bonds. Second Reading.

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

AYES: Feldman, Rosenthal, Seiden, Struthers, Wylie (5)
NAYS: None (0)

OLD BUSINESS

ORDINANCE AMENDING THE
ZONING ORDINANCE OF THE
VILLAGE OF DEERFIELD TO
REGULATE WINDOW SIGNS IN THE
C-1 VILLAGE CENTER DISTRICT AND
C-2-OUTLYING COMMERCIAL
DISTRICT (TABLED ON 11/20/06)

An Ordinance amending the Zoning Ordinance of the Village of Deerfield to regulate window signs in the C-1 Village Center District and the C-2 outlying commercial district. First Reading.

Trustee Wylie made a motion to remove the item from the table. Trustee Struthers seconded the motion. Trustee Feldman recommended keeping the motion on the table because Trustee Benton is not in attendance. The motion to remove the matter from the table passed by the following vote:

AYES: Rosenthal, Struthers, Wylie (3)
NAYS: Feldman, Seiden (2)

Mark Brown 1557 Oakwood, commented that the window displays are very diverse, but he does not want to constrain business. He suggested taking an individual look at the businesses, instead of imposing general limitations. He believes it may be a good idea to offer a compromise.

Tony Diciani, Churchill & Downs, 405 Lake Cook Road in Lake Cook Plaza explained that signage is very delicate in his business. There are many manufacturers and companies that come up with new products on a regular basis. They display the products in cardboard boxes. To restrict that type of advertising would hurt them and the other businesses in the area. Mr. Diciani explained that Lake Cook Plaza relies heavily on the traffic in the mall because they do not have road frontage. He noted that there are a number of vacant units in Lake Cook Plaza at this time. The effect of the proposed signage ordinance could be more vacancies.

Oscar Adler, 59 Eastwood, explained that the VCDC has talked about the signage issue for many years. He questioned how it could be enforced. He believes the village needs to determine how to enforce the proposed ordinance.

Darren Martel, 775 Waukegan, manager of Leather Creations, cannot see doing anything that might have a negative effect on business. He explained that they have two neon signs that advertise two name brands. He believes about half of his business comes from the neon signs. He believes looking at window signage on a case-by-case basis would help.

A representative of Murray Cleaners, 683 Waukegan Road, explained that they need signs and submitted a list of cleaners concerned about the proposed ordinance.

Mayor Harris summarized that Trustee Rosenthal chaired a window signage task force, after which she brought to the board recommendations and an ordinance on behalf of the committee. At the last meeting, Trustee Feldman recommended some modifications to the proposed ordinance. Since Trustee Rosenthal was out of town, he explained that nothing would be decided that night; rather, in two weeks, the ordinance would be in front of the board for a second and final reading.

Trustee Rosenthal explained that the ordinance had gone to the Plan Commission, which held a public hearing. The Plan Commission unanimously approved the ordinance. The public was able to participate, and all businesses were able to comment at that time.

Trustee Feldman explained that she visited 40 businesses in Deerfield and to see if they knew anything about the pending window signage ordinance. Half of the businesses said they heard something about it but were unaware of how it would affect their businesses. Trustee Feldman then pointed out what would and would not be allowed in the proposed ordinance. She explained that the managers of the national chain stores were too busy to attend a meeting. Many of the individual storeowners do not understand the proposed ordinance. Trustee Feldman commented that none of the businesses felt the proposed ordinance would help their businesses. She noted that Lake Cook Plaza is 50% empty and the businesses have difficulties with signage because they do not have visibility from Lake Cook Road. Trustee Feldman believes the window signage committee should reconvene and come up

with an alternate proposal that gives more consideration to businesses. She commented that the ordinance is being discussed during the busiest time for retailers. She suggested tabling the motion until business owners could be heard.

Trustee Struthers explained that the VCDC and Plan Commission have looked at window signage for many years. The windows that do not look good detract from the stores that work hard on their window displays. People will stop and shop where the windows look inviting. If the permanent signs are tasteful, people will shop. This ordinance is not something that was done hastily. The committee included business people, and there was a unanimous agreement that resulted in the proposed ordinance.

Trustee Rosenthal explained that signage is not being taken away; rather, their size is being regulated. Window displays and signs invite people into stores. The purpose of the committee was to promote business. The committee tried to make things very easy and clear. They wanted to be as unrestrictive as possible, while promoting good signage and window displays.

Trustee Rosenthal believes that changing the hanging signage distance from 8' from a window to 4' from a window makes sense. She suggested adding the verbiage stating 4' or not plainly visible as window signage. Trustee Rosenthal commented that the committee spent most of their time developing the formula for the percentages for permanent and temporary window signs. She strongly believes the committee came up with a proper formula and suggests allowing 15% of the window for permanent signage and 10% of the window for temporary signage.

Trustee Feldman suggested finalizing the enforcement of the proposed ordinance before voting on it. She noted that many of the current ordinances are not being enforced properly, and she believes the board should spend time to understand who will enforce the ordinance, what the fines will be, and if the enforcement would be complaint driven.

Mayor Harris explained that Trustee Feldman's motion to amend the proposed ordinance was taken off the table and requires a vote. The motion was made and seconded at the last meeting. The motion did not pass by the following vote:

AYES: Feldman, Seiden (2)

NAYS: Rosenthal, Struthers, Wylie (3)

Trustee Rosenthal made a motion to change the distance from 8' to 4' or not plainly visible as window signage. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Mayor Harris noted this is the first reading of the ordinance. The second reading of the ordinance will be on December 18, 2006.

Trustee Seiden commented that the proposed ordinance makes too much of neon. He does not believe neon should be regulated. He believes the Appearance Review Commission should approve signage. Trustee Struthers explained that open and closed neon signs are allowed. Trustee Rosenthal noted that the ordinance is only regulating exposed neon. Mr. Coblenz explained that any modifications could be brought before the Board of Zoning Appeals and the Appearance Review Commission. If neon illumination were considered a special use, it would require the petitioner to appear before the Plan Commission as well.

NEW BUSINESS

AUTHORIZATION TO AWARD
CONTRACT FOR PHASE I AND PHASE
II ENGINEERING SERVICES RE:
CRABTREE LANE INFRASTRUCTURE
IMPROVEMENTS

Five proposals were received to complete a study, design a report, prepare construction documents and assist during bidding through award of construction for phase I and phase II of the Crabtree Lane Infrastructure Improvement Project.

The Director of Public Works and Engineering recommends awarding the contract to Gewalt Hamilton Associates, Inc. because their proposal was more comprehensive in scope.

Trustee Wylie made a motion to award the contract for Phase I and Phase II Engineering Services for the Crabtree Lane Infrastructure Improvement Program to Gewalt Hamilton Associates, Inc. in the amount of \$38,700 and authorize Mayor Harris to sign the consultant services agreement. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Feldman, Rosenthal, Seiden, Struthers, Wylie (5)
NAYS: None (0)

AUTHORIZATION TO AWARD
CONTRACT FOR PHASE I AND PHASE
II ENGINEERING SERVICES RE:
CLAVINIA SUBDIVISION WATER
MAIN PROJECT

Four proposals were received to design the location of the new water mains, prepare the construction documents and assist during the bidding process for the Clavinia Subdivision Water Main Project. The Director of Public Works and Engineering recommends awarding the contract to Graef,

Anhalt, Schloemer and Associates, Inc. because their proposed fee was the lowest and they presented a strong understanding of the project and addressed all of the key areas of concern.

Trustee Wylie expressed concern that their bid was too low. Ms. Little explained they were also concerned, and the Assistant Engineer spoke with them about all of the items that need to be covered. They are comfortable with the numbers they

presented. Ms. Little added that Graef, Anhalt, Schloemer and Associates, Inc. worked with the village in 2004 on another water main project in the same subdivision.

Trustee Rosenthal made a motion to award the contract for the Clavinia Water Main Project to Graef, Anhalt, Schloemer and Associates, Inc. in the amount of \$63,899.60 and authorize Mayor Harris to sign the consultant services agreement. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO PURCHASE
HARDWARE/SOFTWARE UPGRADE
FOR E911 PHONE SYSTEM

dispatch center.

Chief Sliozis explained that he is seeking authorization to purchase computer hardware and software to upgrade the phone switch currently used to direct all phone calls through the department's

Trustee Seiden made a motion to authorize the purchase of computer software and hardware from PlantCML to upgrade the current phone switch at a cost not to exceed \$38,264. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

HOLIDAY ON THE PLAZA

Saturday, with lots of fun events that will support local businesses.

Trustee Rosenthal reported that Holiday on the Plaza will run from 10:00 a.m. – 3:00 p.m. this

EXECUTIVE SESSION

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

Trustee Rosenthal made a motion to go into executive session to discuss personnel items.

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

NAYS: None (0)

ADJOURNMENT

9:00 p.m.

There being no further business to discuss, the meeting was adjourned into executive session at

APPROVED:

Mayor

ATTEST:

Village Clerk