

May 21, 2007

The regular meeting of the board of trustees of the Village of Deerfield was called to order by Village Manager Bob Franz in the council chamber of the village hall on Monday May 21, 2007 at 7:33 p.m. The Clerk called the roll and announced that the following were:

Present: Robert Benton
 Michelle Feldman
 William Seiden
 Barbara Struthers

Absent: Steve Harris, Mayor
 Thomas Jester
 Harriet Rosenthal

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

MAYOR PRO TEM

In the absence of Mayor Harris, Trustee Seiden nominated Trustee Benton to serve as Mayor Pro Tem.

Trustee Struthers seconded the motion. The motion passed unanimously.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Benton led those in attendance in reciting the Pledge of Allegiance. Mr. Franz reported that Three Men and a Truck will hold a benefit on Sunday, June 3, 2007 from 6:00 a.m. – 6:00 p.m. at the Deerfield High School track to benefit the West Deerfield Township Food Pantry.

APPROVAL OF MINUTES

Trustee Seiden made a motion to approve the minutes of the May 14, 2007 board of trustees meeting. Trustee

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

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

NAYS: None (0)

BILLS & PAYROLL

Trustee Struthers made a motion to approve the Bills and Payroll dated May 21, 2007. Trustee Feldman

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

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

NAYS: None (0)

TREASURER'S REPORT

Mr. Franz presented highlights from the Treasurer's Report dated April 30, 2007 representing the end of the fiscal year. He noted that sales tax is up .8%, net of Walgreens, and all other major revenues will end the year at or above budget.

PUBLIC COMMENT

Gil Antokal, director of the Deerfield Community Blood Drive, invited all residents to donate blood on June 3, 2007 between 8:00 a.m. and 1:00 p.m. at the Jewett Park Community Center.

REPORTS

There were no reports.

CONSENT AGENDA

ORDINANCE APPROVING A SPECIAL USE TO ALLOW OUTDOOR SEATING, A SIGN MODIFICATION AND A TEXT AMENDMENT FOR SIGNAGE FOR STONEY RIVER LEGENDARY STEAKS – 1R An ordinance approving a special use to allow outdoor seating, a sign modification and a text amendment for signage for Stoney River Legendary Steaks. First Reading.

ORDINANCE APPROVING A SPECIAL USE TO ALLOW A BANK IN DEERFIELD SHOPPERS COURT – 1R An ordinance approving a special use to allow a bank in Deerfield Shoppers Court. First Reading.

Mayor Pro Tem Benton read the consent agenda. There was no discussion on the consent agenda, so the ordinances stand as a first reading.

OLD BUSINESS

AUTHORIZATION FOR THE SCHOOL DISTRICT 109 EDUCATION FOUNDATION AND THE DEERFIELD PARK FOUNDATION TO HOLD A CIRCUS AT BRICKYARDS PARK IN SEPTEMBER (TABLED 5/7/07) Mr. Franz explained that in order to conduct a circus, the municipal code requires a special use permit to be issued by the board of trustees. Discussion on the special use was tabled at the May 7, 2007 board meeting. Trustee Seiden made a motion to remove the item from the table. Trustee Struthers seconded the motion. The motion passed

unanimously.

Bill Smirles, 1410 Rosewood, representing the Park Foundation made a PowerPoint presentation. He explained that both foundations require fundraising, are constantly looking for ways to raise funds and want to provide an event for families and kids. The Education Foundation believes the proposed event would also provide an educational opportunity. Mr. Smirles believes the proposed event has a potential to net \$15,000 for each foundation. Bruce Robbins from the Education Foundation explained they are a not-for-profit organization. Their function is to raise money to help children in Deerfield. The Education Foundation sponsors many events for students and have awarded numerous grants to teachers for special programs not funded by the district. Mr. Robbins explained that their main concern is to help the village as a whole. They have been able to sponsor their programs through the hard work of the Foundation board members. This circus event, if approved, would be the largest fundraising project.

Mr. Smirles commented that the proceeds from this event would also help the Deerfield Park Foundation. Funds from the event would help develop a fully accessible park at Deerspring Park, beautify the parks, provide free swimming on July 4th and support other programs. He believes the funds from this event would help the community.

Mr. Smirles explained that the Kelly Miller Circus has leased elephants from the Endangered Ark Foundation/Miller Equipment for 24 years. They have held numerous safe events, and he does not have any reason to believe an event in Deerfield would be any different. Mr. Smirles explained that the Kelly Miller Circus is regulated by the USDA and has been compliant during inspections over the past two years. He briefly discussed the USDA requirements and how the Kelly Miller Circus complies with the requirements.

Trustee Feldman asked for clarification about why there was advertising and advanced tickets sales prior to a permit being issued. Mr. Franz explained that the event was brought to the village's attention six weeks prior. At that time, they thought an administrative permit could be granted. When they found out this was not the case, they came before the trustees at the first meeting possible.

Karen Rappaport, 1101 Studio Lane, Riverwoods is currently the president of Save-A-Pet Foundation in Grayslake. They are also a not-for-profit organization and understand the difficulties of fundraising. She believes if her children saw tortured elephants, they would be sickened. She does not believe the village should ignore the fact that these animals are being poked and jabbed in sensitive areas while being trained and during performances. In the wild, elephants have a strong social structure. Circus animals are beaten into submission. As a humane inspector, she has seen, first hand, abused animals. She believes these circuses are breaking the laws and should not be allowed to continue. Ms. Rappaport noted that elephants carry tuberculosis and are a health risk. The USDA has cited the Kelly Miller Circus in the past and does not believe the village should support this event. Many towns have banned circuses using animals. She asked the trustees to do the right thing and deny the permit for the circus in Deerfield.

Adrienne Grade, 675 Sumac, Highland Park believes circuses are not bad, but having animals in circuses is not a good thing. She believes a non-animal circus is the way to go. Ms. Grade discussed the poor treatment of circus animals for human entertainment. Even though the Department of Agriculture is supposed to review all complaints, they are understaffed and are not always timely. Ms. Grade explained that there have been numerous deaths because of animals in circuses. She believes the trustees should not take the risk of possibly injuring spectators.

Richard Johnson, 535 Elm Street, presented a petition requesting that a permit for the circus be denied because of cruelty to animals and traffic congestion. He noted that the Humane Society does not approve the Kelly Miller Circus.

Michelle Shields, 1246 Kenton, explained that the Kelly Miller Circus has done a good job creating a marketing program. She has made many efforts to get information from both Kelly Miller Circus and the Park Foundation, but has not received anything. As a concerned citizen of Deerfield, she questions why they are so secretive about this

information. Ms. Shields explained that the Education Foundation had a separate meeting a week ago. The Park District also had a meeting, but it was not portrayed as an open meeting about the circus event. At the Park District meeting, one board member said that the Kelly Miller Circus does not get their elephants from Carson and Barnes, who has been cited for inadequate veterinary care and cruel treatment of their animals. This is not the case, however, as both are run by the same people. The Foundation's key argument is that the Kelly Miller Circus has not been cited recently. She is still waiting for current information. Ms. Shields showed that in 2005, the Kelly Miller Circus was fined for failing a routine inspection for not providing adequate veterinary care. She offered an alternate local circus that does not have animal acts.

Trustee Struthers explained that Mayor Harris asked that a public hearing be held. Ms. Shields explained a public hearing was not held. She would have welcomed the opportunity to speak at a public hearing.

Diana Paserba, 1000 Summit Drive, explained that she attended the Park District board meeting. She was told that the Park District board had no authority over the Park Foundation. Ms. Paserba read a list of Deerfield residents who also oppose the circus in Deerfield.

David Hagopian, 696 Lombardi Lane, believes the circus is very educational and should be allowed in Deerfield.

Sandy DeLisle, 1466 Greenwood, expressed concern about the divisiveness in the room. She believes the foundations are very fine organizations and thanked the volunteers on both boards. Ms. DeLisle does not believe the circus is a positive event for the community. She explained that aside from the animal welfare and parking issues, the police department might not be equipped to deal with large animals. She shared an article which stated a Kelly Miller employee was charged with rape of a 14-year-old attendee. Ms. DeLisle's believes the animals and circus workers would spend the night at Brickyard Park. She believes that if the special use were approved, residents should be notified that transient circus workers and animals would be spending the night.

Mr. Smirles explained that there was a lot of misinterpretation of the Kelly Miller Circus violations. The Park Foundation contacted the Kelly Miller Circus for a response about the alleged violations. There has been no tuberculosis transmission from an elephant to a circus patron. Mr. Smirles explained that Ms. Shields did not receive a packet of information because it was a draft, not a final. He explained that the Deerfield Park Foundation is a separate 503 (c) organization and is not governed by the Deerfield Park District.

Mayor Pro Tem Benton summarized that at the last meeting, this issue had not been vetted by the Foundation boards. The Foundation boards have now examined the issue further. There is a definite need for funding in this community, and residents of all ages benefit from the programs of these Foundations. The trustees are being asked to provide a permit in support of the decision of duly elected and selected boards. The permit would cover safety, public works and legal review so the village and Foundations are not liable. Mayor Pro Tem Benton

does not believe it is the function of this board to decide what event is held. If the permit is granted, it is up to the residents to decide whether or not they want to support the event.

Mayor Pro Tem Benton made a motion to approve a special use permit to allow the School District 109 Education Foundation and the Deerfield Park Foundation to hold a circus at Brickyards Park in September. Trustee Struthers seconded the motion.

Trustee Feldman explained her vote is not because she does not support the organizations. Trustee Seiden does not believe the vote should be because of money that may come into the village. He encourages residents to keep in contact with the Foundations, so they can be notified if something like this comes up again. Trustee Struthers believes that the Foundations are part of the Park and School Boards. She would feel uncomfortable voting against the other two governmental bodies. The motion passed by the following vote:

AYES: Benton, Seiden, Struthers (3)

NAYS: Feldman (1)

NEW BUSINESS

AUTHORIZATION TO PURCHASE
GRINDER PACK FOR DEEP SEWAGE
LINE AT WASTEWATER
RECLAMATION FACILITY

must be purchased from the regional supplier.

The Director of Public Works and Engineering explained that the three sewage lines act through a grinding machine. The teeth on these grinders last about three years. She requested the competitive bidding process be waived because the grinder pack

Trustee Seiden made a motion to waive the competitive bidding process and authorize the purchase of a grinder pack for the deep sewage line at the wastewater reclamation facility from JWC Environmental in an amount not to exceed \$18,898. Mayor Pro Tem Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO PURCHASE
WATER METERS FROM MIDWEST
METER INC.

because the company no longer sells direct and their distributor is the only local source.

Ms. Little reported that the water department has been purchasing water meters and equipment from the same company for approximately ten years. She requested that the formal bidding process be waived

Mayor Pro Tem Benton made a motion to waive the formal bidding process and authorize the purchase of water meters and associated supplies from Midwest Meter Inc. on an as-needed basis up to the budgeted amount of \$90,000. Trustee Feldman seconded the motion. The motion passed by the following vote:

Board of Trustees meeting

May 21, 2007

Page 6 of 6

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

NAYS: None (0)

DISCUSSION

FLAG CEREMONY

Trustee Seiden commented that he received a request from the American Legion and the Boy Scouts asking residents to bring torn or tattered flags to the Deerfield Library reference desk before Wednesday, June 6, 2007. There will be a flag retirement ceremony on June 6th from 6:30 – 8:30 p.m. at Jewett Park.

PROM

Trustee Feldman asked Chief Sliozis for an update on prom weekend. Chief Sliozis explained that there were no reported problems, and the prom went off without incident.

MEMORIAL DAY SERVICE

Mr. Franz reported that the American Legion Memorial Day service and parade will begin at 10:00 am at Jewett Park. Youth service awards will be presented.

FINE ARTS FESTIVAL

The Festival of Fine Arts is scheduled for June 2nd and 3rd from 10:00 – 5:00 at Jewett Park and Robert York Avenue.

FOOD PANTRY

Three Guys and a Truck will hold their annual event on June 3, 2007 from 6:00 a.m. – 6:00 p.m. to support the West Deerfield Township Food Pantry.

ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 9:16 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk