

June 4, 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, June 4, 2007 at 7:30 p.m. The Clerk called the roll and announced that the following were:

Present: Robert Benton  
Michelle Feldman  
Harriet Rosenthal  
William Seiden  
Barbara Struthers

Absent: Steve Harris, Mayor  
Thomas Jester

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 Rosenthal to serve as Mayor Pro Tem. Trustee Struthers seconded the motion. The motion passed unanimously.

PLEDGE OF ALLEGIANCE

Members of the Deerfield High School Choraliers led those in attendance in reciting the Pledge of Allegiance. The choraliers sang a song and told about their recent 10-day trip to Italy, which included singing for the Pope. They were very proud to represent Deerfield High School. They thanked Kevin's Place for donating shirts for their trip.

APPROVAL OF MINUTES

Trustee Struthers made a motion to approve the minutes of the May 21, 2007 board of trustees meeting. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ABSTAIN: Rosenthal (1)

BILLS & PAYROLL

Trustee Benton made a motion to approve the Bills and Payroll dated May 21, 2007. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

Jeff Marks, Chairman of the Fine Arts Commission, spoke about the Festival of Fine Arts, which took place this past weekend. There were approximately 7,500 visitors, and it was a very successful

event. Mr. Marks explained that at a future Committee of the Whole, he would like to submit a proposal for a corporate art donation program. They appeared before the Appearance Review Commission to discuss the program, which would include street sculptures and murals in public places. Mr. Marks explained they would also present an amendment to the ordinance to add an art impact fee. Mr. Marks noted that the footings for the centennial sculpture have been poured. They would like to plan the unveiling to coordinate with the grand opening of the new village hall in spring 2008.

Sandy DeLisle, 1466 Greenwood and Diana Paserba, 1000 Summit Drive asked the trustees to reconsider the special use permit to allow a circus in Brickyard Park. She believes people are entitled to their own opinions about whether or not circuses are humane but suggested the trustees look at what elephant experts have to say. She quoted the Executive Directors of the Detroit and Oakland Zoos, who strongly discourage having elephants in circuses. She cited recent examples of dangerous situations involving captive elephants. She spoke about the tuberculosis safety concern, which is common in elephants. She believes the village should require background checks on circus employees.

Ms. Paserba explained that at the last meeting, she was told it was a foundation matter. Michelle Shields had supplied information that the Kelly Miller Circus material was not entirely accurate. She emailed Mr. Smirles about the indecisiveness in the community and her belief that many residents would not support this activity. She does not believe they took any public comment into account before making their decision. Ms. DeLisle explained that many former elephant trainers, politicians and corporations are taking a stand against animal circuses.

Ms. DeLisle asked the trustees, at the very least, to amend the permit to incorporate the following:

1. Kelly Miller Circus show current documentation that their elephants are tuberculosis free.
2. Not allow elephant rides.
3. Require independent background checks on all employees who will be sleeping overnight in Deerfield.

Mayor Pro Tem Rosenthal asked Ms. DeLisle to bring the information to the foundation boards and ask them for reconsideration. She does not believe it is the purview of the board to override the foundations. Trustee Struthers suggested that Ms. DeLisle also appear before the school board. In addition, Mr. Coblenz will consider this information when formalizing the stipulations of the permit.

Neil Goldberg 1661 Cranshire Court, commented that Deerfield does not have a code enforcement officer. Any neighborhood issues have been addressed to Clint Case. Mayor Pro Tem Rosenthal explained that Mr. Case is the code enforcement officer. Mr. Goldberg stated he has had issues about a number of codes that are not enforced in the village. Mayor Pro Tem Rosenthal asked for clarification. She suggested Mr.

Goldberg submit a list of his complaints and staff will look at them. She explained that the board cares about the enforcement but needs specifics rather than generalizations.

Trustee Feldman questioned what would be the preferred method of contact if residents believe there are codes that are not being enforced. Mr. Franz suggested contacting the department directly. If residents do not know whom to call, they could call him directly or ask the receptionist at the front desk.

### REPORTS

There were no reports.

### CONSENT AGENDA

ORDINANCE APPROVING A SPECIAL USE TO ALLOW A BANK IN DEERFIELD SHOPPERS COURT – 2R

It was agreed that the special use to allow a bank in Deerfield Shoppers Court would be held over until the June 18<sup>th</sup> Village Board meeting.

ORDINANCE O-07-22 APPROVING A SPECIAL USE TO ALLOW OUTDOOR SEATING, A SIGN MODIFICATION AND A TEXT AMENDMENT FOR SIGNAGE FOR STONEY RIVER LEGENDARY STEAKS – 2R

An ordinance approving a special use to allow outdoor seating, a sign modification and a text amendment for signage for Stoney River Legendary Steaks. Second Reading.

RESOLUTION R-07-09 REGARDING CLOSURE OF PORTION OF WAUKEGAN ROAD FOR THE FOURTH OF JULY PARADE

A resolution authorizing the closure of a portion of Waukegan Road for the Fourth of July Parade.

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

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

NAYS: None (0)

### OLD BUSINESS

ORDINANCE PROHIBITING LEFT TURNS ONTO DEERFIELD ROAD FROM THE WESTERNMOST DRIVEWAY OF SHOPPERS COURT-1R

An ordinance amending Section 22-45 of the Deerfield Municipal Code to prohibit certain outbound left turns from Shoppers Court. First Reading.

Mr. Coblentz explained this was a recommendation from the Plan Commission if the bank was allowed in Shoppers Court. Mayor Pro Tem Rosenthal expressed concern because of the traffic flow in Shoppers Court. She believes that

patrons exiting from the west would back up against traffic to the most eastern driveway. After further discussion it was agreed that staff will revisit the issue. This will stand as a First Reading.

### NEW BUSINESS

#### ANALYSIS AND AWARD OF BID FOR WRF OUTFALL REHABILITATION PROJECT

Three sealed bids were received for the Wastewater Reclamation Facility Effluent Outfall Rehabilitation Project. Keno and Sons Construction had the lowest bid. Mr. Bernahl explained that staff recommends rejecting the bids so that a mandatory pre-bid meeting can be held before asking for new bids. Mr. Bernahl believes the process can be turned around quickly.

Trustee Benton made a motion to reject all bids for the Wastewater Reclamation Facility Effluent Outfall Rehabilitation Project and go out for rebid. Trustee Feldman seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

#### AUTHORIZATION TO AWARD CONTRACT FOR CLAVINIA SUBDIVISION ROADWAY AND WATER MAIN REPLACEMENT

Three sealed bids were received for the Clavinia Roadway and Water Main Replacement Program. Lenny Hoffman Excavating had the lowest bid, which was higher than the engineer's estimate. The Director of Public Works and Engineering introduced Mark Youngquist, Project Manager from Graff, Anhalt, Schloemer and Associates who briefly explained the scope of the project. He stated that the project came in 10% over budget because of six factors: the time of year, the number of bids, the cost of materials, the cost of paving, trucking costs and possible staged construction. Mr. Youngquist explained that the trustees have three choices. They could award the contract as is, construct it over two years or reject the bids and rebid it next year, with the risk that prices may be worse.

Trustee Struthers questioned why the bids went out so late. Ms. Little explained that during the budgeting process, they debated the impact of the project on the neighborhood and whether the costs should be spread over a two year period. Mr. Franz added that the village could not legally authorize work or spend money until the budget was finalized in late April. The current fiscal year begins May 1<sup>st</sup>. He noted that many municipalities have changed their fiscal year to be the calendar year to expedite these projects and take advantage of contractor availability. He noted that this year the village began its Street Rehab Program earlier than at any time in the past.

Trustee Benton believes options 2 and 3 would probably raise the prices. Ms. Little explained that the project should take approximately five months to complete. As the contractor finishes the water main installation, they will do all the proper testing and will start on roadway construction within 10 days.

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Trustee Seiden commented that the village had trouble with this contractor last year regarding tree protection on the Rosemary project. Ms. Little noted that specifications are different for this project, and the village has included penalties if there is damage to trees.

Trustee Struthers made a motion to award the contract for the Clavinia Subdivision Roadway and Water Main Replacement Project to Lenny Hoffman Excavating in an amount not to exceed \$2,786,728.41. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: Seiden (1)

### DISCUSSION

#### COMMITTEE OF THE WHOLE AND EXECUTIVE SESSION

Mr. Franz announced that a Committee of the Whole will follow this meeting. The board will then go into Executive Session to discuss personnel.

Trustee Struthers made a motion to go into Executive Session after the Committee of the Whole meeting in order to discuss a personnel matter. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

#### ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 8:40 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk