

June 18, 2007

The regular meeting of the board of trustees of the Village of Deerfield was called to order by Mayor Steve Harris in the council chamber of the village hall on Monday June 18, 2007 at 7:30 p.m. The Clerk called the roll and announced that the following were:

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

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

PLEDGE OF ALLEGIANCE

Village Manager Bob Franz led those in attendance in reciting the Pledge of Allegiance. Mr. Franz will be retiring as village manager after 28 years of distinguished service to the community.

MOTION TO AMEND AGENDA

Trustee Seiden made a motion to amend the agenda for the board of trustees meeting to add an item appointing a new village manager and an item appointing an interim village manager. Trustee Benton seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

Trustee Struthers made a motion to approve the minutes of the June 4, 2007 board of trustees and committee of the whole meetings. Trustee Benton seconded the motion. Trustee Rosenthal noted that Mayor Harris was not present at the committee of the whole meeting. Trustee Struthers amended her motion. The motion passed by the following vote:

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

NAYS: None (0)

BILLS AND PAYROLL

Trustee Rosenthal made a motion to approve the bills and payroll dated June 18, 2007. Trustee Feldman seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

TREASURER'S REPORT

Bob Fialkowski presented highlights from the Treasurer's Report dated May 31, 2007, representing the first month of the fiscal year. Mr. Fialkowski noted that sales tax is up over the same month last year. Hotel tax is up over the same month during the past two years.

PROCLAMATION

Mayor Harris, on behalf of current and past board members, proclaimed June 18 – 23, 2007 as Bob Franz Week in Deerfield. Mr. Franz has worked as the village manager in Deerfield since August, 1979. Trustee Rosenthal made a motion to accept the proclamation. Trustee Seiden seconded the motion. The motion passed unanimously. Mr. Franz thanked the residents, staff and officials for the honor of serving as village manager of this great community.

Mayor Harris called for a brief recess, during which cake and coffee were served in the lobby.

PUBLIC COMMENT

David Nielson, 1044 Kenton Road, discussed speeding and lack of compliance with a stop sign in his neighborhood. Mayor Harris explained that the matter was turned over to the police department. Chief Sliozis commented that the department is aware of Mr. Nielson's concern and has addressed the issues he raised. They will continue to monitor the situation.

APPROVAL OF THE VILLAGE  
MANAGER APPOINTMENT  
AGREEMENT WITH KENT STREET

Mayor Harris shared with the community the appointment of Kent Street as the next village manager in Deerfield. Mayor Harris reported that Mr. Street served the village with distinction from 1986 – 1993, then went to Lake Bluff as its village administrator, where he continues to serve. Mr. Street was in attendance and briefly addressed the board, commenting that it is a privilege to return to Deerfield. He is looking forward to starting in his new position in September.

APPOINTMENT OF PHIL KIRALY  
AS INTERIM VILLAGE MANAGER

Mayor Harris reported that Phil Kiraly will serve as interim village manager until Kent Street begins in September. Trustee Rosenthal made a motion to appoint Phil Kiraly as interim village manager from 5:01 p.m. on Friday, June 22, 2007 until Monday, September 17, 2007 and to approve the village manager employment agreement with Kent Street. Trustee Seiden seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORTS

REPORT AND RECOMMENDATION  
OF PLAN COMMISSION RE: REQUEST  
FOR APPROVAL OF A SPECIAL USE  
FOR AN ORTHODONTICS FACILITY  
TO BE LOCATED AT 710 ROBERT  
YORK AVENUE, BUILDING 9, IN  
DEERFIELD SQUARE

The Plan Commission held a public hearing on May 24, 2007 to consider a request for approval of a special use for an orthodontics office in Deerfield Square. By a vote of 5-0, the Plan Commission recommended that the petitioner's request be approved.

REPORT AND RECOMMENDATION  
OF THE VILLAGE CENTER  
DEVELOPMENT COMMISSION RE:  
REQUEST FOR APPROVAL OF A  
SPECIAL USE FOR AN  
ORTHODONTICS FACILITY TO BE  
LOCATED AT 710 ROBERT YORK  
AVENUE, BUILDING 9, IN DEERFIELD  
SQUARE

The VCDC held a workshop meeting on June 6, 2007 to consider a request for approval of a special use for an orthodontics facility in Deerfield Square. By a vote of 5-0, they recommended that the special use be granted.

Trustee Rosenthal made a motion to accept the reports and recommendations of the Plan Commission and the Village Center Development Commission and to direct preparation of an ordinance. Trustee Feldman seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION  
OF PLAN COMMISSION RE: TEXT  
AMENDMENT AND SPECIAL USE TO  
ALLOW THE CONSTRUCTION OF  
THREE BILLBOARDS ON THE  
VILLAGE OWNED RETENTION  
FACILITY AT 909 LAKE COOK ROAD

The Plan Commission held public hearings on November 9, 2006, April 6, 2007 and June 22, 2007 to consider a text amendment and special use to allow the construction of three billboards on the village owned retention facility at 909 Lake Cook Road and two billboards on the property at 151 Pfingsten Road. By a vote of 6-0, the Plan Commission voted to approve the request for the

three billboards on Lake Cook Road. By a vote of 2-4 they failed to recommend the request for two billboards on Pfingsten Road.

Ross Mash, representing Zebra Outdoors, 640 West Barry, Chicago, explained that their request is for consideration of a text amendment and special use to allow the construction of the three billboards on the village owned retention facility. He briefly spoke about their plan, which includes extensive landscaping.

Phil Elbling, 465 Standish Drive, expressed his opinion that billboards litter communities. He believes the board is considering an ordinance to allow billboard blight. Mr. Elbling believes the Plan Commission report leaves many unanswered questions. Specifically, the report states that in order to approve a text amendment, the project must be in the public interest. Mr. Elbling does not see how approving this project is in the best interest of the public.

Jim McCulsky, 1137 Laurel Avenue, believes that the proposal deals with revenue and that, if the board approves the billboards, they will be selling Deerfield. Mr. McCulsky explained that revenues would be only \$150,000 annually, a small portion of the annual budget. He believes residents would pay more taxes not to have billboards. Mr. McCulsky noted that the only benefit to the community would be having the south end of Lake Cook Road landscaped. He recommends just screening the toll road with shrubbery and not erecting the billboards. He believes that billboards are not a good legacy to leave the community.

Marv Ehlers, 1650 Tall Tree Lane, is disappointed with the proposal. He hoped there would be more quantitative analyses from the petitioner. Mr. Ehlers believes the cash flows of approximately \$100,000 per year would not impact taxes. He believes the tax impact per year would average \$6 – \$10 per homeowner. With an average increase of taxes at more than \$400 per year, he does not believe this small increase would even be noticed. Mr. Ehlers noted that the properties are all in Cook County, which means the Deerfield school districts and library would not get the revenue. Mr. Ehlers explained that the trustees have never written any standards for construction or management of billboards. Many billboards are not passive. Messages can sometimes change rapidly and there are LCD lights. He believes the standards need to be in place before giving people the opportunity to build. The petitioner may be putting together a package, but there will be other owners in the future. He questioned what would happen at the end of the agreement. He believes there should be a provision for making things the same way they were before.

Mayor Harris noted that the quantitative analysis has not been fully vetted because the board has not responded to any proposal with respect to economics. He explained that the board has pushed the developer to beautify the property. Therefore, the numbers continue to change. Should the board choose to move forward with this petition, there would be a number of issues to address, including economics and beautification. Mayor Harris explained that the board, manager and staff will evaluate the quantitative information and make it public when the time is right.

Rich Sheridan, 65 Bentley Court and member of the Bristol Estates board of directors, explained that the Plan Commission said they discussed it with Bristol Estates residents, but he was not notified. Only residents within 500' of the proposed project area were notified. As a board member, he is interested in getting other residents involved. Bristol Estates generates more than \$1 million in taxes each year. The billboards are ugly. He believes putting this eyesore across the street from million dollar homes would not be a good idea. He would suggest possibly selling the naming rights to the water tower, parks, etc. He does not think these signs should be near Deerfield residences.

Larry Dondanville, 717 Westgate Road, addressed driver distractions. He believes billboards are a major contributing factor for highway accidents. He believes the village could be liable if a billboard was proven to have caused a major accident.

Jim McClusky added that people are asked to think globally and act locally. The power used to illuminate the billboards is 30 kwh per day. He believes it is a waste of electrical power for this application and would be irresponsible.

Michael Swartz, Plan Commission Chairman, commented that this was a long process. The Plan Commission went into the discussions with a healthy dose of skepticism. The commissioners guided the petitioners toward the ultimate request for what was thought to be appropriate. In terms of a revenue stream and screening the detention pond, the commission believes this is a good idea for the village. They believe the benefits outweigh the negatives. The Plan Commission recommendation deals with the issue of

moveable signage. As far as liability and removal of signs, he has confidence that the trustees will do what is appropriate.

Mary Oppenheim, Plan Commission member and landscape architect, explained that this is an opportunity to upgrade the landscape and the look of the south side of Lake Cook Road. One of the hopes of the Comprehensive Plan was to address that area because it is an eyesore and has been a need in the village for a long time. When the petitioner came to the Plan Commission, they were open to suggestions, and the Plan Commission recommended installing long lasting and virtually maintenance free plantings which would screen effectively and distract residents from viewing the billboards. The Plan Commission asked for a number of site studies, as well as obtained the viewpoint of residents in Bristol Estates. The Plan Commission believes the current proposal would enhance the look of the detention pond and is a win-win for everyone.

Peter Coblenz explained that the village is still a long way from the conclusion of this project. The petitioner is looking for a text amendment and a special use. A land lease agreement is not being discussed at this time. At this time, what has been requested is that the board approve or not approve the Plan Commission recommendation. If there were a conceptual approval of the zoning, it would still be subject to lease negotiations and board approval of the lease.

Trustee Feldman questioned whether this approval would allow for the competitive bidding process. Mr. Coblenz explained that if the board would like to start the process over, they could invite competitive proposals and reject this proposal. It would then need to go through the zoning process again.

Trustee Feldman commented that the village does not have experience with billboards. She believes the village should go out to market and determine what other companies would propose. She believes that billboards are undesirable, but if the village decides to proceed, they should get the most money for it. Mayor Harris responded that, because of the beautification process, the village is unlikely to get the best price.

Trustee Struthers questioned whether there was an incentive for Zebra to give the village the best deal. Joseph Loss, Attorney for Zebra Outdoors, assured the trustees that the Plan Commission was very thorough and knowledgeable. He explained that Zebra is proposing that a percentage of the lease be paid to the village. This protects the village because the village becomes a partner. Mr. Loss explained that there is also a minimum guarantee for rent, but they anticipate the number would be higher.

Trustee Rosenthal believes the proposal is ironic since the board has spent a lot of time discussing window signage regulations and has been concerned about visual pollution. Just because the proposed billboards would be at the far southern boundary of the village, the board should still be concerned with how they will affect the village's appearance. When looking at areas that allow billboards, most are unincorporated. Most municipalities do not want the headaches. Trustee Rosenthal also expressed concern about

the clay cap. If it were breached, the EPA would come back to the village. She does not believe the village should take the risk.

Trustee Benton explained that he believes the process works. The Plan Commission worked with the petitioner to the point where they have completed their task and come up with a recommendation. It is now up to the board to make a decision. He does not believe the board should ask the Plan Commission to start over. Trustee Benton explained that the Plan Commission has gone through a 3-year project with careful evaluations, and the petition has met their requirements.

Trustee Struthers commented that the billboards would be an income stream and that the landscaping improvements would screen an eyesore.

Trustee Seiden believes there are two items under consideration; a land use and a revenue stream. The Plan Commission has completed their task and the board should take the initial steps, then wait to see the outcome of the lease negotiations before making a final decision.

Phil Elbling further inquired as to how this project benefits the public. Mayor Harris responded that the board is looking at a multi-million dollar expenditure in the wastewater treatment facility. The board is always looking for ways to increase revenues. He believes that the revenue stream and beautification aspect both make this project in the best interest of the village.

Trustee Jester explained that the front-end costs are quantifiable in a project like this. What is not quantifiable is how much people will be willing to pay for the billboards years out. The percentage of the individual leases that will be paid to the village is negotiable.

Trustee Benton made a motion to accept the report and recommendation of the Plan Commission regarding the text amendment and approval of a special use to permit three billboards at the detention pond on the south side of Lake Cook Road. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: Rosenthal (1)

#### CONSENT AGENDA

There was no consent agenda.

#### OLD BUSINESS

ORDINANCE O-07-23 APPROVING A  
SPECIAL USE TO ALLOW A BANK IN  
DEERFIELD SHOPPERS COURT – 2R

An ordinance approving a special use to allow a bank in Deerfield Shoppers Court. Second Reading.

Trustee Struthers made a motion to adopt the ordinance approving a special use to allow a bank in Deerfield Shoppers Court. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: Feldman, Rosenthal (2)

ORDINANCE O-07-24 AMENDING SECTION 22-45 OF THE MUNICIPAL CODE TO PROHIBIT CERTAIN OUTBOUND LEFT TURNS FROM SHOPPERS COURT – 2R

An ordinance amending Section 22-45 of the municipal code to prohibit certain outbound left turns from Deerfield Shoppers Court. Second Reading.

Mr. Franz explained that at the last meeting, questions were raised regarding drivers who may find themselves stuck at the westernmost access to Shoppers Court and who might try to back up rather than turn right, causing a hazard. Staff has reconsidered and agrees with the Plan Commission and consultant recommendation for left turn restrictions only between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m. They will monitor the situation and determine if additional changes are needed in the future.

Trustee Rosenthal made a motion to adopt the ordinance amending section 22-45 of the municipal code to prohibit certain outbound left turns from Shoppers Court between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE AMENDING THE ZONING ORDINANCE TO REGULATE WINDOW SIGNS IN THE C-1 VILLAGE CENTER DISTRICT AND THE C-2 OUTLYING ZONING DISTRICTS – 1R

An ordinance amending the zoning ordinance to regulate window signs in the C-1 village center district and the C-2 outlying zoning district. First Reading.

Mr. Franz explained that, after several meetings, they have prepared an ordinance which incorporates the changes from the last Committee of the Whole meeting. This will stand as a First Reading.

NEW BUSINESS

ORDINANCE O-07-25 DIRECTING THE DISPOSITION OF CERTAIN SURPLUS MOTOR VEHICLES

An ordinance directing the disposition of certain motor vehicles. Officer Sliozis explained that the department would like to declare as surplus four vehicles seized from DUI and burglary offences.

He requested a waiver of the rules and requested passage of the ordinance on First Reading.

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

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

NAYS: None (0)

Trustee Rosenthal made a motion to adopt an ordinance directing the disposition of certain surplus motor vehicles. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-07-10 APPROVING  
THE TRANSFER TO ROBERT D.  
FRANZ OF THE VILLAGE'S INTEREST  
IN A CERTAIN LIFE INSURANCE  
POLICY

A resolution approving the transfer of the village's interest in a certain life insurance policy to Robert D. Franz.

Trustee Benton made a motion to adopt the resolution. Trustee Struthers seconded the motion.

The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-07-11 AUTHORIZING  
AN ILLINOIS ELEVATOR SAFETY  
PROGRAM AGREEMENT WITH THE  
OFFICE OF THE STATE FIRE  
MARSHAL

A resolution authorizing an Illinois elevator safety program agreement with the office of the state fire marshal.

Trustee Rosenthal made a motion to adopt the resolution. Trustee Struthers seconded the motion.

The motion passed by the following vote:

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

NAYS: None (0)

AWARD AND ANALYSIS OF BID FOR  
50-50 TREE REPLACEMENT  
PROGRAM

Three sealed bids were received for the 50-50 tree replacement program. The Director of Public Works and Engineering explained that last year, the village purchased 66 parkway trees through the

program. She recommended awarding the bid to both St. Aubin Nursery and Kendall Hill Nursery because the low bidder could not provide some tree species desired by the public.

Trustee Rosenthal made a motion to split the award for the 50-50 parkway tree replacement program between St. Aubin Nursery and Kendall Hill Nursery for the lowest price quoted on each species of tree in a total amount not to exceed the

budgeted amount of \$15,000. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD  
CONTRACT FOR CRABTREE  
INFRASTRUCTURE IMPROVEMENT  
PROJECT

Ms. Little explained that six sealed bids were received for the Crabtree Infrastructure Improvement Project. She recommends awarding the contract to the lowest bidder, Campanella and Sons, Inc. in an amount not to exceed \$819,061.75.

Trustee Feldman made a motion to award the contract for the Crabtree Infrastructure Improvement Project to Campanella and Sons, Inc. in an amount not to exceed \$819,061.75. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD  
CONTRACT FOR CONSTRUCTION  
ENGINEERING SERVICES FOR  
CRABTREE LANE INFRASTRUCTURE  
IMPROVEMENT PROJECT

Ms. Little explained that Gewalt Hamilton Associates, Inc. provided a proposal to conduct inspection services during the Crabtree Lane Infrastructure Improvement project. She recommended awarding the contract to Gewalt Hamilton Associates, Inc. in an amount not to

exceed \$31,500.

Trustee Rosenthal made a motion to award the contract for construction engineering services for the Crabtree Lane Infrastructure Improvement Project to Gewalt Hamilton Associates, Inc. in an amount not to exceed \$31,500. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD  
CONTRACT FOR MISCELLANEOUS  
TECHNICAL SERVICES DURING  
CONSTRUCTION OF CLAVINIA  
SUBDIVISION ROADWAY AND  
WATER MAIN REPLACEMENT

Ms. Little explained that construction engineering observation and inspections would be handled by the village engineering department, but the department may need periodic technical assistance as the work progresses .

Trustee Benton made a motion to retain the services of Graef, Anhalt, Schloemer and Associates, Inc. for miscellaneous technical services during construction of the Clavinia subdivision roadway and water main replacement project in an

amount not to exceed \$10,759.75. Trustee Feldman seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD  
CONTRACT FOR 2007 DUTCH ELM  
DISEASE STUDY

Ms. Little explained that Urban Forest Management has served as the village forester for the past two years. She requested waiving the competitive bidding process and awarding the contract for the

2007 Dutch elm disease study to Urban Forest Management in an amount not to exceed \$15,800.

Trustee Struthers made a motion to waive the competitive bidding process and award the contract for the 2007 Dutch elm disease study to Urban Forest Management in an amount not to exceed \$15,800. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

THANKS TO BOB FRANZ

Mayor Harris thanked Bob Franz for committing his heart and soul to the village for 28 years. He

invited residents to an open house at the Deerfield Golf Club on June 19<sup>th</sup> from 3:00 – 6:00 pm.

TRUSTEE IN THE TOWN

Trustee Seiden explained there will be a Trustee in the Town on Saturday, June 23<sup>rd</sup> from 9:00 – noon

at the Farmer's Market. Trustee Feldman and Trustee Jester will be in attendance.

ITALIAN KITCHEN

Trustee Struthers informed residents that the Italian Kitchen will have an all-you-can eat buffet on the

last Monday of the month for 6 months. All proceeds will go to an organization that supports our returning servicemen and the families of those servicemen that did not return.

ADJOURNMENT

There being no further business or discussion, the meeting was adjourned at 10:20 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk