

**MINUTES
of the
REGULAR BOARD MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF NORTHFIELD
Tuesday, April 21, 2009 - 7:00 p.m.**

The Board of Trustees of the Village of Northfield met in the Council Chambers of the Village Hall for the Regular Board Meeting on Tuesday, April 21, 2009. The meeting was called to order by President John Birkinbine. The roll call was as follows:

PRESENT:	President Trustees	John Birkinbine, Jr. John Chapin, Jr. Frank Charhut Joan Frazier Terry Gottlieb Fred Teichert Ted Greene
ABSENT:		

APPROVAL OF CONSENT AGENDA ITEMS:

Trustee Gottlieb made a motion, seconded by Trustee Chapin, to approve Consent Agenda items 1 through 7 except item 5. Trustee Frazier asked that Item 5 be removed from the Consent Agenda items and be discussed under the Action Items.

1. Approve the Minutes of the March 17, 2009 Village Board meeting.
2. Approve the Bills and Disbursements from 3/7/09 to 4/9/09 in the amount of \$398,897.51.
3. Approve the following Board/Commission appointments:
 - Franklin Morton reappointed to the Police Pension Board for a two year term expiring May 1, 2011.
 - Nancy Whiteman reappointed to the Board of Police Commissioners for a three year term expiring May 1, 2012.
 - Margaret Parcels reappointed to the Traffic and Transportation Committee for a four year term expiring May 1, 2013.
 - Ted Greene reappointed as a member at large to the Traffic and Transportation Committee for a four year term expiring May 1, 2013.
 - Robert Hayward appointed Chair of the Traffic and Transportation Committee for the remainder of his term, expiring May 1, 2012.
 - Peter Fischer appointed as a member at large to the Traffic and Transportation Committee for the remainder of this term, expiring May 1, 2011.
4. Approve a resolution honoring retiring Assistant Public Works Director Gale Dykas for 40 years of service with the Village of Northfield.
6. Approve an ordinance amending the Village Code, Chapter 16, Sec. 16-6, License Fee and Number of Licenses in Each Class to increase the number of Class D Liquor licenses.
7. Approve an ordinance amending the Village Code, Chapter 15, Art. I, Discharge of Explosive Substances Prohibited.

Trustee Chapin asked Finance Director Noble whether the bills on the list of expenditures have been paid and further commented that since they had been any questions about the items are pointless. He inquired whether there was a way to get a list of pending payments to review before they are paid instead of approving what is history.

Director Noble noted that in some municipalities, the checks are held until the Board meets and

approves the expenditures. He noted that since the Northfield Board only meets once a month, it can be difficult to meet the payment terms of the vendors. Also in most cases the services while not paid have already been performed. He noted that he would be happy to change the Village's procedure or discuss it further.

Trustee Chapin asked that discussion of the matter be continued at a Committee of the Whole meeting.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Charhut			
	Frazier			
	Gottlieb			
	Teichert			

ITEM 5: CONSIDERATION TO APPROVE AN ORDINANCE AMENDING THE VILLAGE CODE, APPENDIX D, ART. IV, MOTOR VEHICLES, TRAILERS AND TRAFFIC CONTROL AND ART. XV, MISCELLANEOUS FEES

Trustee Gottlieb made a motion, seconded by Trustee Charhut to approve an ordinance amending the Village Code, App. D, Art. IV, Motor Vehicles, Trailers and Traffic Control and Art., XV, Miscellaneous Fees.

Trustee Frazier noted that her concern is with part two of the ordinance regarding charging \$25 to non-residents for the installation of Automobile Child Safety Seats. She stated she did not feel the Village should charge noting that properly installed child safety seats are too important to impose a prohibitive installation cost. She also noted that she would not want to see someone leave without the seat installed and thus endanger their child because they did not have the fee for installation of the seat. Trustee Frazier added that she would prefer to see a nominal fee or to let non-residents know there is a suggested donation of \$10. She also felt that it is incongruous with the Village having RedFlex cameras because we are concerned with traffic safety and our position on needing a three lane Willow Road rather than four or five lanes because we are so concerned about the safety of our children. This does not jibe with those positions. She noted that she favors a much lower fee or asking the Police to request a \$10 donation or no fee at all.

Trustee Charhut stated he had mixed emotions about this matter and had called the Village for an explanation. His understanding is that if a resident pulls up to the Police Station with a child's seat and asks them to install the seat, it is done for nothing. If a person who is not a resident makes the same request, in the past, the Police have been installing the seat at no charge. The idea throughout the North Shore is that Northfield does this for nothing is catching on and Northfield is getting a lot of calls at the Police Station asking for them to install child car seats. With that understanding, he felt it is appropriate to charge non residents a fee. However, how much the fee should be is subject to discussion.

Trustee Gottlieb asked if staff knows what other towns are charging.

Manager Sigman responded that she does not know the exact dollar amount charged by the surrounding communities but what Northfield is proposing is fairly consistent. All provide installation of the seats for free to their residents but most will not provide this service for non-residents. Because Northfield's Police Department is so conveniently located, many people prefer to have installation done here rather than in their own community.

Trustee Teichert asked if staff has any data on the number of seats installed on an annual basis.

Manager Sigman responded that a couple of seats per month is pretty typical.

Trustee Teichert also asked about liability.

Manager Sigman responded that there is always that possibility but with the Tort Immunity Act, she noted the Village would have a good defense.

Trustee Teichert then asked if charging a fee to install the seats makes the Village more culpable.

Attorney Hill responded that he thought not but noted that anytime you get into charging money it might cause the court to take a harder look at it.

Trustee Gottlieb noted that he could agree with Trustee Frazier except he felt that the Village is giving away its Police time/resources for free. If it is free, we are encouraging people to install the seats here. He felt we should charge something for non-residents.

Trustee Frazier said for the record that she did not believe there is common knowledge among young mothers which Police Station they should go to or not go to. She stated she did not believe that they know. She noted that car seats are ridiculously hard to install and she would encourage others to go to the Police Dept. It does not take that long to install them and it doesn't really cost us anything so why make a profit center out of this.

President Birkinbine asked Trustee Frazier if she wanted to make a substitute motion.

Trustee Frazier moved that the fee for installing child safety seats for non-residents be \$10 or that the Police Department suggest a nominal donation be given in exchange for the service to non-residents.

Attorney Hill noted that it can't be two recommendations; that it must be one or the other.

Trustee Frazier then rephrased her motion. Trustee Frazier made a motion that non-residents be asked to give a donation of \$10 in exchange for installing their child's car seat. Trustee Gottlieb disagreed with her motion, but seconded it so that there could be some discussion. He noted that he disagreed with her motion because it puts the Police in an awkward position. They should not be the ones asking for a donation. He noted that there could be cases where a non-resident refuses to give a donation and just want installation for free. He further stated that the Village should either charge or not charge.

President Birkinbine noted that there is a motion to approve an amendment to the original motion calling for a \$10 donation for the installation of safety seats for non residents.

Upon the following roll call vote, the amendment to the original motion failed 3 Nays to 2 Ayes with 1 Absent.

AYES: Frazier Teichert	NAYS: Chapin Gottlieb Charhut	ABSTAIN: 0	ABSENT: Greene
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Upon the following roll call vote on the original motion to approve Appendix D, Art. IV and Art. XV, the motion failed 3 Nays to 2 Ayes with 1 Absent.

AYES: Chapin Charhut	NAYS: Gottlieb Frazier Teichert	ABSTAIN: 0	ABSENT: Greene
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Trustee Gottlieb then made a motion that a substitute be made to the original Item #5 that the \$25 fee charged non residents to install children's safety seats be changed to \$15; the motion was seconded by Trustee Charhut. It was noted that an administrative procedure require a hold harmless document be signed by non residents prior to installation of a child safety seat.

Upon the following roll call vote, the motion was approved 4 Ayes to 1 Nay with 1 Absent.

AYES: Chapin Charhut Gottlieb Teichert	NAYS: Frazier	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF A SPECIAL USE ORDINANCE PERMITTING THE NORTH SHORE SENIOR CENTER TO USE A PORTION OF 1777 WINNETKA FOR A RECREATION AND GAME ROOM

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve a Special Use ordinance to allow the North Shore Senior Center to relocate certain recreational games and activities to a portion of the building located at 1777 Winnetka Road.

Director Kane noted that the Plan and Zoning Commission conducted a public hearing to consider a request by the North Shore Senior Center to use space that is located in an office building they have at 1777 Winnetka Road which has been vacant for two and a half years. There is approximately 5500 sq. ft. and they want to relocate recreational activities that are currently hosted at the Senior Center to this location. The Plan and Zoning Commission voted unanimously to approve the ordinance.

Trustee Charhut asked whether the Senior Center has purchased the building at 1777 Winnetka Road and Director Kane responded that they had. He then noted that the Village had an agreement with the Senior Center which required that for the space they were using they would reimburse the Village for the income we would have received if the property were used for commercial purposes as zoned. This new ordinance would add more square feet to their enterprise and he asked if the Village will be collecting more taxes from the Senior Center.

Director Kane noted that condition #3 of the draft special use ordinance addresses that point and increases the contribution from the Senior Center to the Village.

Upon the following roll call vote, the motion was approved.

AYES:	Charhut Chapin Gottlieb Teichert Frazier	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF A SPECIAL USE ORDINANCE TO OPERATE THE HUNAN CHEF RESTAURANT AT 1743 ORCHARD LANE UNDER NEW OWNERSHIP

Trustee Gottlieb made a motion, seconded by Trustee Chapin to approve a special use ordinance for Hunan Chef to operate a restaurant at 1743 Orchard Lane under new ownership.

Director Kane noted that the current Hunan Chef on Orchard Lane has been operated by the same family since the 1990's. That family now wishes to sell the restaurant to one of the chefs. Restaurant special uses are personal and limited to the individual operator therefore the Plan and Zoning Commission conducted a public hearing and they recommended approval of the ordinance.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin Charhut Gottlieb Teichert Frazier	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF A SPECIAL USE ORDINANCE TO OPERATE A RESTAURANT AT 305 HAPP ROAD, THE HAPP INN BAR AND GRILL

Trustee Chapin made a motion, seconded by Trustee Teichert to approve a special use ordinance to operate a restaurant at 305 Happ Road, The Happ Inn Bar and Grill.

Director Kane noted that the Plan and Zoning Commission conducted a public hearing to consider a new restaurant for the space previously occupied by Hausmann Brasserie. The proposed restaurant, The Happ Inn Bar and Grill, is a family friendly, moderately priced restaurant. A few exterior modifications were approved by the Architectural Commission. The owners have a desire to open by June 1. The Plan and Zoning Commission forward their recommendation with a unanimous approval.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin Gottlieb Charhut Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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Frazier

CONSIDERATION OF A RESOLUTION ADOPTING THE VILLAGE'S IDENTITY THEFT PREVENTION POLICY

Trustee Frazier made a motion, seconded by Trustee Chapin to approve a resolution adopting the Village's Identity Theft Prevention Policy.

Director Noble noted that the policy is a result of a mandate from Washington which resulted from amendments to the Fair Credit Reporting Act in 2003. He noted that the requirements caught a lot of municipalities by surprise and the implementation date was extended to May 1, 2009. This policy was set up to address rules for creditors but part of the rules identify municipal utilities because we provide a service, provide water and get paid in arrears, we are defined as a "creditor." Consequently, the Village falls under the law which requires us to develop a policy to prevent someone from establishing, accessing or modifying Village accounts for the purpose of perpetrating a fraudulent identify. Director Noble noted there are three areas where it will change the way the Village does business: 1) Whenever anyone wants to establish a new water account (moving into town), someone calls, gives their new address and the Village opens a new account for them. Now the Village will have to identify the person, that they are who they say they are which means they will have to come in person to open the account or send some type of identification. 2) When someone calls in and would like to have their bills sent to another address (winter home, accountant, business manager, etc.), the Village will have to verify the person is who they say they are and that they are the person on the account and, 3) In cases where the person says they did not receive their bill, the Village will have to verify that someone is not taking the bill and using it to establish a false identity. Director Noble described some of the steps that the Village has taken to implement the new law. He noted the changes will inconvenience new residents.

Trustee Frazier asked if the policy is based on what the FTC wants.

Director Noble responded "yes"

Trustee Frazier noted the Village does not have a choice.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Charhut			
	Frazier			
	Gottlieb			
	Teichert			

CONSIDERATION OF A FIVE YEAR LEASE WITH THE UNITED STATES POSTAL SERVICE TO OPERATE A BRANCH FACILITY AT 1787 ORCHARD LANE

Trustee Chapin made a motion, seconded by Trustee Charhut to approve a five year lease with the United States Postal Service to operate a branch facility at 1787 Orchard Lane on property

owned by the Village.

Manager Sigman reported the Village has had a lease with the United States Postal Service since about 1976 to provide a branch post office at 1787 Orchard Lane for the convenience of residents. In the past few years the Village only wanted to give a short term lease as it worked through the Downtown Master Plan. The current short term lease is ready to expire at the end of this year and the Post Office has requested a five year lease. Given that the Village's master plan process has been completed and there are no short term improvements planned for that property and because of the increases the Post Office agreed to pay for a five year lease, it is recommended the Board accept the lease presented.

President Birkinbine noted that the initial increase is for 11% followed by 3% annual adjustments.

Attorney Hill congratulated Manager Sigman and her staff on negotiating the lease with the Post Office. He noted he has had to negotiate past leases with the Post Office and to get this lease resolved before the end of the year is a major accomplishment.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Charhut			
	Frazier			
	Gottlieb			
	Teichert			

CONSIDERATION OF AN ORDINANCE ADOPTING THE FISCAL YEAR 2009-2010 VILLAGE BUDGET

Trustee Frazier made a motion, seconded by Trustee Teichert to approve adopting the FY2009-2010 Village Budget.

Director Noble noted this is the final step in adopting the FY2009-2010 Village Budget after several meetings, a workshop with the Village Board and, a public hearing held last month. In a supplement, it is indicated that the amount the Village anticipates receiving in Illinois income tax has been amended; however, the Village will still have a balanced budget. Once the Board approves the attached ordinance, a final document will be prepared and distributed to the Board and put on the Village's website and at the Library.

Trustee Chapin noted that he feels that the Village is in for a very difficult year. Expenses are up, revenues are up but he noted he does not believe the projected revenue amount. He noted that the IRS is expected to decrease some income tax this year by about 20%. He felt that the Village will have to be very cautious of this budget and watch expenses and immediately begin a cost cutting review.

Trustee Charhut asked Manager Sigman if the income tax revenue is based on Illinois Municipal League projection for the State. She responded it is and noted she agrees with Trustee Chapin that we are in for a rocky year. There are a lot of things the Village is doing to predict

dollars on revenues and expenses and we do have to watch this year's budget. She noted she expects next years budget to be just as hard or harder to balance.

Upon the following roll call vote, the motion was approved.

AYES:	Chapin	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Charhut			
	Frazier			
	Gottlieb			
	Teichert			

**CONSIDERATION TO REVIEW AND PLACEMENT OF APPROVED CLOSED SESSION MINUTES
IN THE OPEN SESSION BOOK**

This matter did not require a motion from the Board since there were no minutes being moved. There were no comments or questions.

Miscellaneous

President Birkinbine noted that a guest wished to address the Board.

Resident Chuck Hirsch of 350 Latrobe spoke to the Board regarding flooding in his area (east of the Edens). He noted he had spoken to Alderman Berrios of the 39th ward in Albany Park and North Park in Chicago which were areas in Chicago that also experienced a lot of flooding in September 2008. A number of residents were put out of their homes by that storm event. She noted it was one of the worst flooding events they have experienced but they are doing something about it. Mr. Hirsch noted he was very thankful for the pro-active approach taken by the Village. He related that the Chicago group is working with newly elected U.S. Representative Quigley. Mr. Hirsch also spoke to the Executive Vice President of North Park College which was also seriously affected by the flooding. He reported that in the 21 years the executive had been at the school, he has never seen anything like it. The school suffered millions of dollars in damages. One of the contributing factors very well could be or we know was the discharge of 300% more water through the newly configured dam at Willow Road than had previously been the case. While the water would have topped the spillway at some point, it would not have been as early as it was. This is born out by the letter sent by Pat Glenn to the Village on Feb. 23 where the hydraulic model of the new dam as configured predicts that it would be more than one foot less water than was in fact the case at peak elevation. It is also evidenced by the observed elevation as documented by our Public Works staff which took many photographs. It was forecast to be 622.6 feet but was at least 622.8 feet because that is one of the elevations in my front yard. He reported that the good news is that there is help from several sources available to the Village. While the Board noted that with the current budget it needs to be careful not to add new projects, Mr. Hirsch noted the good news is that there may be some additional resources that can be tapped. Representative Coulson's office is very encouraging perhaps because she herself had been a victim of these floods in September. He also talked to Congressman Kirk's office (Kelly) and he has said that no Village

has contacted his office to seek his help. Mr. Hirsch noted that he learned that back in the 1980's the Village of Deerfield suffered from a serious flood and then Congressman Porter was able to get money to build three retention ponds which shows that federal money has been used to help local communities address these kinds of problems. He also noted that he talked to someone in the Village of Glenview and noted they have formed a task force of citizens to look into flooding solutions and a retention pond was put into the Glen. Mr. Hirsch also mentioned that he found that Lake County has been doing these types of things for several years and has a Stormwater Management Commission. He reported that Cook County is establishing a Watershed Council. He further noted that Northfield has no representative per se.

Manager Sigman noted that our Village Engineer Pat Glen attends these types of meetings on the Village's behalf as well as for other communities he works with.

Mr. Hirsch asked that some kind of group or individuals be appointed to work on the flooding issues in Northfield on an on-going basis.

President Birkinbine thanked Mr. Hirsch for all his efforts on the flooding issue. He asked Manager Sigman to comment on the work the Village is doing.

Manager Sigman also thanked Mr. Hirsch and noted that the Village had completed the Stormwater Study to identify areas, problems and solutions. The vast majority of the solutions are very complex and require other agencies and permitting of land not within our control. She noted that we have begun work with the Illinois Department of Natural Resources (IDNR) who is doing a study on their flood ways. We are providing them additional elevations, special benchmarking, and provided copies of our information from the Stormwater Study. They are integrating this information into their report which will go a long way in helping the Village secure federal grants for these types of programs. Second, there was a list of issues identified by Public Works of things within our own infrastructure that we can begin to correct and have started work on them. We have budgeted additional money for next year to continue the improvements and hope to complete the list by the end of this fiscal year. She also reported that she had met with Cook County last week and they talked about storm water on Winnetka Avenue from Hibbard Road to Winnetka and how we can integrate the improvements into the reconstruction of Winnetka Avenue which is planned for 2012. She also noted that she had outreached to the Village of Glenview because changes on Winnetka Avenue impact their watershed district and we will begin to work with Representative Coulson to get funding to support the project. Although stormwater is something that could be added to the project, it is not something the County typically budgets for and right now their budget looks like everyone else's. It would be difficult for them to integrate the costs for it. However, the County is very willing to work with us on this and they have made some suggestions on some studies we could work together on with them. The Village continues to work with the Cook County Forest Preserve District on the dam and the dam modifications. We sent a letter to them about a month ago asking them to do additional studies, explain the different elevations and the different changes and the impact to the stormwater event and how those dam

modifications impact downstream properties. They have agreed to do that work and have actually agreed to pay for some of the funding with Christopher Burke Engineering to do some of the additional modeling that they did for us. They plan to be at the May meeting to present some of that information to the Board. They remain open and willing to work with the Village not only on studying the dam effects but other infrastructure improvements in that area that can be undertaken. They want to cooperate with us. The Village continues to explore all grant applications and has followed the federal stimulus process. As of yet, there is no stormwater money targeted for these types of projects. She also noted that it was a main reason the Village wanted the stormwater study done so it could identify projects that were needed in order to get funding. Manager Sigman further noted that she continues to explore the stormwater utility concept. If a municipality is lucky enough to get grants, a lot of time the grant requires matching money which is in the millions of dollars. Therefore, it is important that the Village have the ability to leverage some local funds to support the matching grant amount should one be awarded. Finally, she noted that she has worked with Glenview, Winnetka, and Glencoe on flooding in the area along with Cook County and IDOT. In Cook County, stormwater is managed by the Metropolitan Water Reclamation District of Greater Chicago (MWRD-GC). They have only taken over handling stormwater issues a few years ago so a lot of this is new to them. As Mr. Hirsch said, there needs to be a regional study. Northfield will only have limited success if we try to deal only with Northfield's problems. Many of the issues are on Cook County Forest Preserve land and do not fall within surrounding communities. She also commented that it is important to note that the Village does not have a civil engineer in-house and that we do not have any funding for special projects.

President Birkinbine thanked Manager Sigman for her response and noted that with regard to an individual or committee to head a special group on flooding, there will be three new Board members next month and they might have a preference on how this could be accomplished or have a special interest themselves. The Board members might discuss what Committee or group might be the best to stay on top of stormwater issues or identify a particular individual on the Board or in the community that is willing to take this on.

Manager Sigman responded that the Board does an annual Strategic Planning meeting at which they talk about the major topics/issues and prioritize them. The stormwater committee discussion could be added to that agenda so the new Board can discuss and determine how they want to handle the matter.

UPDATE

Manager Sigman reported on the meetings that have been held, noting that the Traffic and Transportation meeting was held on Monday, April 6. She reported they are reviewing how to move forward on the Willow Road issue. The Committee will be preparing a presentation to give to the Village, School and Park District Boards to seek their support in funding a campaign on Willow

Road. Manager Sigman reported that in her latest conversation with IDOT, they noted they have a new Secretary of Transportation and some of the contracts had to be rewritten and re-executed which has delayed the start of Phase I and Phase II work on Willow Road. They now predict it could start in May or June.

Manager Sigman made note of the Arbor Day celebration on Friday, April 24 and welcomed all in the community who would like to participate to join in.

Due to lack of applications, the Plan and Zoning Commission, Zoning Board of Appeals and Architectural Commission meetings were cancelled. The next Board meeting is May 19 with a brief Committee of the Whole meeting and a dinner to celebrate the outgoing President and Board members and to welcome the new Board.

Trustee Gottlieb congratulated the restaurant petitioners for Hunan Chef and the Happ Inn Bar and Grill and encouraged all in the community to support our local restaurants.

ADJOURN TO EXECUTIVE SESSION AT 8:15 P.M.

Trustee Chapin made a motion, seconded by Trustee Teichert to adjourn to Closed Session at 8:15 p.m. to discuss litigation.

RETURN TO OPEN SESSION

ADJOURNMENT

There being no further business to come before the Board, by voice vote the meeting was adjourned at 8:32 p.m.