

**MINUTES
of the
REGULAR BOARD MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF NORTHFIELD
Tuesday, July 15, 2008 - 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 July 15, 2008 at 7:00 p.m. The meeting was called to order by President John Birkinbine. The Village Clerk took the roll call.

PRESENT:	President Trustees	John Birkinbine, Jr. John Chapin, Jr. Frank Charhut Joan Frazier Terry Gottlieb Ted Greene Fred Teichert
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APPROVAL OF CONSENT AGENDA ITEMS:

Trustee Chapin made a motion, seconded by Trustee Gottlieb, to approve Consent Agenda items 1 through 5.

1. Approve the Minutes of the June 17, 2008 Village Board meeting.
2. Approve the Bills and Disbursements from 6/7/08 to 7/7/08 in the amount of \$657,633.85.
3. Approve an ordinance amending the Village Code, Chapter 13, Sections 13-9 and 13-11 and Appendix D, Fees and Fines, Art. IV, pertaining to vehicle stickers.
4. Approve an ordinance amending the Village Code, Chapter 7, Water, Sewer and Storm Water Management, to reflect new FEMA floodplain maps.
5. Approve an ordinance amending the Village Code, Chapter 13, Sec. 13-14.1 to add stop signs at the southwest corner of Middlefork and Suffolk and the northeast corner of Middlefork and Norfork Roads.

Trustee Gottlieb asked about Item Number 5 on the Consent Agenda. Manager Sigman responded that there had been an accident at that intersection or a near-accident and there was a request for a stop sign. The Police Department reviewed the intersection with the Village's traffic engineer who indicated a stop sign was appropriate at this intersection.

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

AYES:	Chapin Charhut Frazier Gottlieb Greene Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: 0
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CONSIDERATION OF AN AMENDMENT TO SPECIAL USE ORDINANCE 04-1218 TO ALLOW MODIFICATIONS TO THE EXTERIOR FAÇADE AND TO PERMIT LIMITED OUTDOOR SEATING AT DOMINICK’S, 1822 WILLOW.

Trustee Chapin made a motion, seconded by Trustee Teichert to approve an ordinance amending Special Use Ordinance 04-1218 to allow modification to the exterior façade and to permit limited outdoor seating at Dominick’s, 1822 Willow Road.

Community Development Director Kane noted that this matter went before the Plan and Zoning Commission for consideration and the Architectural Commission considered the exterior elevations. As a result of the Plan and Zoning Commission recommendations, the outdoor seating will be moved away from the main sidewalk in front of the store entrance on the east side which is considered safer. The Plan and Zoning Commission gave a unanimous recommendation for approval.

A representative of Dominick’s, Steve Gorski, responded to some questions by the Board regarding the outdoor seating and other changes in the store food facilities. The subject of employee smokers who used the outdoor area close to where tables will now be located was discussed and that the change in the door opening will now prohibit them from using this area since it will not meet the required distance from the door. Mr. Gorski noted that the store will have to address this change with employees when the store reopens.

Trustee Chapin asked when the pharmacy trailer would be arriving/opening. Mr. Gorski responded that Dominick’s had abandoned that plan due to costs.

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

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

CONSIDERATION OF A SPECIAL USE ORDINANCE TO OPERATE A CAFÉ-STYLE RESTAURANT AT TWO NORTHFIELD PLAZA

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve a Special Use ordinance to operate a café-style restaurant at Two Northfield Plaza, 570 Frontage Road.

Director Kane noted that this matter came before the Plan and Zoning Commission and is for an existing restaurant that was approved last year under the owner who now plans to sell the business thus requiring a new special use. In working with the property owner, Northfield Plaza LLC, they noted they wish to be the petitioner on this. Given the unique nature of this restaurant which is totally within the office building and provides an amenity for the tenants, the Plan and Zoning Commission approved it provided an additional condition is met. The condition was that any subsequent sale of the business to a café operator would require a one-on-one meeting with the Building Department staff to insure the new operator understands the conditions of the Special Use and not just rely on the

property owner Northfield Plaza as the true recipient of the special use to communicate the conditions. That condition was incorporated into the ordinance.

Trustee Charhut asked if this restaurant is open to the public.

Director Kane noted that the café will not be signed on the exterior of the office building. It is intended to serve the office tenants and their guests; however, no one would be barred from using the café.

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

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

CONSIDERATION OF AN AMENDMENT TO SPECIAL USE ORD. 02-1103 TO ALLOW EXPANSION OF CHRISTIAN HERITAGE ACADEMY, 315 WAUKEGAN ROAD AND A PLAT OF SUBDIVISION FOR A TWO LOT SUBDIVISION

Trustee Charhut made a motion, seconded by Trustee Frazier to approve an amendment to Special Use Ordinance 02-1103 to allow construction of a new gymnasium, cafeteria, auditorium, detached garage and other minor building expansions, and a plat of subdivision for a two lot subdivision at 315 Waukegan Road, Christian Heritage Academy.

Director Kane noted that in 2002 Christian Heritage received a PUD ordinance granting them a variety of accessory uses for the property. The PUD also permitted certain building expansions that Christian Heritage planned to undertake at that time. Since 2002, Willow Creek Community Church entered into a lease with the Academy for use of the auditorium and that relationship has continued over the last five years. The PUD amendment before the Board tonight was generated by Willow Creek's desire to purchase a portion of the property from Christian Heritage Academy which accounts for the two lot subdivision. Also, Christian Heritage, which did not proceed with their building expansion in 2002, has revised those plans now in order to replace some facilities they are selling to Willow Creek Church including their existing auditorium and gymnasium.

Director Kane reported that notice was provided to the surrounding properties and the Village did receive a letter of support for the project from their neighbor to the north, College of American Pathologists. The single area of concern debated at the Plan and Zoning meeting was how the Village insures that the scheduling agreement between the two property owners, which is changing from a property owner/tenant relationship, insures that conflicts do not occur creating parking issues. Director Kane noted that she had done a quick zoning analysis using the Village's parking requirements that are applicable to this situation. She noted the shared parking provision which is geared toward PUD's such as this one that have off setting parking demands for parking with the school's peak demand Monday through Friday from 8 to 5 during the daytimes and a church's peak

demand for parking generally on Sunday mornings and weekday evenings for special programs. She noted she did the analysis on each component of Christian Heritage's programs as well as the religious use of the auditorium and applied the maximum parking requirement. She pointed out that there are 350 spaces provided on the campus and applying the Villages strict parking requirements, only 346 are required, giving them an excess of four spaces according to the Zoning Ordinance. Another consideration is that both users have arrangements with College of American Pathologists for overflow parking. Willow Creeks' agreement is a standing agreement for every Sunday morning from 6 am to Noon and Thursdays from 6:30 p.m. until 10:00 p.m. Christian Heritage's agreement is on an as needed basis for special events.

Director Kane commented on discussions with Trustee Chapin regarding increased truck traffic on the private roadway that runs adjacent to the northern property line of Christian Heritage and provides access to the Missionary Sisters property. With the reconfiguration of the campus and loading docks and garbage enclosure, there was some concern there would be more truck usage on this roadway. As part of Fox Meadow's PUD, the Village required a formal arrangement between the Sisters Property and Fox Meadow as well as Edgebrook Lane and New Trier High School and Northfield Park District. Director Kane asked the petitioner to respond to these issues. Director Kane noted that several representatives were in attendance from both Christian Heritage Academy and Willow Creek Church to address concerns.

Director Kane responded to a question by Trustee Frazier that all properties within 250 feet (excluding the right of way) of Christian Heritage were notified of the proposed change.

Trustee Charhut asked whether the Board was being asked to approve just Phase I of the expansion since no drawings have been submitted to show how the new construction would look.

Manager Sigman noted that the way the project is being proposed is that this project would all be approved tonight subject to the details going to the Architectural Commission for Phase II. The petitioner would have Zoning approval for the ultimate use of the property but they would come back for the design details of the development when proceeding with Phase II.

Trustee Charhut also noted that in the approval by the Plan and Zoning Commission, the word "shall" was used and he asked whether the builders understand these are mandatory requirements before they can proceed.

Director Kane felt they have received clear information on the requirements.

President Birkinbine also noted that the parties were also represented by counsel at the meetings.

Trustee Charhut mentioned comments by Chief Lustig in the report that future expansion could present parking and traffic issues.

Director Kane responded that the original PUD shows the expansion of Phase I and Phase II and the components of both phases are known.

Trustee Chapin stated his concerns regarding increased truck traffic.

The Christian Heritage representative, Mr. Leavitt, addressed the concerns of Trustee Chapin

who noted that it appears because of the plan of a garage, loading dock and trash enclosure that truck traffic will be using the private road owned by the Missionary Sisters. Trustee Chapin asked how they would be compensated for increased truck traffic. Mr. Leavitt noted that other entrances/exits onto Waukegan road would be used. Trustee Chapin asked how they plan to prevent the waste hauler from going down the private road.

Director Kane noted that it could be posted that no truck traffic is allowed.

Trustee Chapin responded that all contracts should note that they cannot use that private road. He further stated that all violators would be held accountable to the Village Board.

Mr. Leavitt further commented on parking and how that would be handled.

Trustee Chapin asked that Trustee Charhut's original question about what is being approved tonight and what would be left to approve at a later time be addressed.

Trustee Charhut responded that the structures that would be built in Phase II are already contemplated and known, not in style, but in square footage and placement. That could not have gotten through Plan and Zoning unless the equitable parking spaces necessary to accommodate the changes has already been decided. Also, he noted that Chiefs Nystrand and Lustig have looked at the new construction from a safety standpoint and from a fire-attention standpoint for the Phase II structures. Therefore, the only unknown is the architectural style.

Director Kane noted that Trustee Charhut comments are correct.

Following discussion and upon the following roll call vote, the motion was approved.

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

CONSIDERATION OF AN ORDINANCE AMENDING THE VILLAGE CODE, CHAPTER 12, SIGN REGULATIONS, SEC. 12-5, PERTAINING TO THE DISPLAY OF POLITICAL SIGNS

Trustee Teichert made a motion, seconded by Trustee Charhut to approve an ordinance amending the Village Code, Chapter 12, Sign Regulations, Section 12-5, pertaining to the display of political signs.

Manager Sigman noted that at the May meeting it was brought to staff's attention that there are concerns over the Village's sign ordinance relative to elections and enforcement of when they can go up and must come down. The Village Attorney had noted that due to current court cases regarding this type of signage, it was recommended the Village review its current code. A letter sent from the Village Attorney outlines recommended changes to the sign code language. The ordinance before the Board incorporates their recommended changes which expands the total amount of square footage allowed on any one site to 32 sq. ft., with no one sign exceeding 10 sq. ft. If the sign is in regard to an election, it is allowed to be put up 90 days prior to the election instead of the current 45

days and allows residents 10 days after the election for removal instead of 24 hours. It was also noted that there can be political signs that are not related to an election and there is no time limitation for them.

Attorney Duggan noted that because of the early voting period, before the new sign recommendations, people would be voting before the sign posting period started. Now signs can be posted before the early voting period starts.

Trustee Greene asked what constitutes a political sign.

Manager Sigman noted that the change only deals with signs involving a political election would be subject to the 90/10 day periods. If a person wants to make a statement about their position such as "Support Our Troops," that type of sign does not have a time limit.

The argument in the courts for limitation on election/political signs is that it is a limitation on free speech and it is expected that in the future there will be no limitation.

Trustee Frazier noted that she felt there should only be limitation on the size and number of signs and not on the length of time they can be posted.

Manager Sigman responded that the intent is once a candidate has either been elected or is no longer running, to eliminate the proliferation of signs and since there is no longer a need for the sign, and that there be a time limit to take them down.

Resident John Kemper asked what brought about regulations of signs. Was it problems.

Manager Sigman reported that the sign ordinance existed prior to her coming to the Village and there have been very few changes during that time except one based on a Supreme Court ruling.

Attorney Duggan reported that historically, Illinois municipalities have more restrictive sign ordinances. As court challenges are mounted, municipalities have gotten less restrictive.

Following discussion and upon the following roll call vote, the motion was approved 4 Ayes to 2 Nays.

AYES: Chapin Greene Chapin Teichert	NAYS: Gottlieb Frazier	ABSTAIN: 0	ABSENT: 0
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CONSIDERATION TO WAIVE THE BIDDING PROCESS FOR THE PURCHASE OF AN MT TRACKLESS MACHINE

Trustee Charhut made a motion, seconded by Trustee Frazier to approve waiving the bidding process for the purchase of an MT Trackless machine.

Public Works Director Mike Nystrand noted that in October of 2007 the Village Board approved the purchase of a multi-purpose trackless articulating tractor; however, when staff went to purchase the machine, the company had gone into receivership. So staff went back to the list of bidders and since there were only two companies that had bid and make these machines, they contacted the other company. Since the bid that came in at that time was less than the \$95,000 approved, staff is

asking that the bidding be waived for this purchase to replace the 13 year old machine.

Trustee Charhut noted that the item had been budgeted last year and that it is \$10,000 below the budgeted amount.

Upon the following roll call vote, the motion was approved to waive the bidding process.

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

CONSIDERATION TO PURCHASE AN MT TRACKLESS MACHINE FROM E. J. EQUIPMENT

Trustee Gottlieb made a motion, seconded by Trustee Greene to approve the purchase of an MT Trackless machine with attachments from E. J. Equipment in the amount of \$83,237.

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

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

CONSIDERATION TO PURCHASE A 12 YARD DUMP TRUCK WITH ATTACHMENTS FROM INTERNATIONAL TRUCK AND ENGINE

Trustee Chapin made a motion, seconded by Trustee Charhut to approve the purchase of a large 12 yard dump truck with attachments from International Truck and Engine, Prairie/International Corp. in an amount not to exceed \$110,000.

Public Works Director Mike Nystrand noted that Public Works has one large dump truck and the current truck is approaching 14 years and is scheduled for replacement. The truck is used for hauling snow out of the area during the winter months and debris such as from storms. The new truck is being offered through a State of Illinois bid and meets and exceeds our requirements.

Trustee Chapin asked what is wrong with the 1995 truck currently in use.

Director Nystrand responded that it is beginning to require more maintenance.

Trustee Chapin asked how many dollars were spent on the truck in the last 12 months.

Director Nystrand did not have that information.

Trustee Chapin then asked that the Board table this request until after the next Capital Improvement Project meeting next week in order to get information on the amount being spent for maintaining the older truck.

President Birkinbine asked Director Nystrand whether tabling this item would create any problems with being able to bid or get access to purchasing through the State of Illinois.

Director Nystrand did not have information on the date of the bid but thought they run for some

time.

Trustee Chapin withdrew the first motion and made a new motion to table the purchase of a 12-yard dump truck with attachments until the August meeting, which was seconded by Trustee Charhut

Upon the following roll call vote, a new motion to table the original motion was approved.

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

CONSIDERATION OF AN ORDINANCE DECLARING A 1995 INTERNATIONAL DUMP TRUCK #1610 AS SURPLUS PROPERTY

This matter was tabled to August per the prior motion to table the purchase of a new dump truck.

Board Update

Miscellaneous Information

President Birkinbine asked Director Nystrand to update the Board on the new watermain and other projects.

Director Nystrand reported that all the major pipe for the new watermain is in the ground. It has been pressure tested, is being coordinated and sampling is still in process. The contractor will next have to go through the process of abandoning the old watermains; filling the old pipes; and making sure all the valves are operating correctly.

Trustee Greene asked if there is a reschedule date on the use of helicopters by Dominick's to install new air conditioners on their roof.

Manager Sigman reported that Dominick's expects the work to be done next week.

Resident John Kemper commented on the condition of Winnetka Road and wondered when the County would be working on it.

Manager Sigman noted that she has been in contact with Cook County Highway Dept. and they noted that work on Winnetka Road is scheduled in their 2011 fiscal year's budget. When they reconstruct the road, they will add the traffic signal at Happ and Winnetka. They will do the design drawings during 2008-2009 for that area. If there is no right of way acquisition needed to finish that intersection, they may try to move the work up to 2010. However, the County will be out to do temporary patching work.

Willow Road

Manager Sigman noted that construction on Willow Road east of the Edens has started. They are working on the curb and gutter work. On the west section, she noted that in a conversation with

the general contractor, he admitted IDOT knew weeks ago they would not be able to make the start day of June 30. They requested an extension from IDOT but were refused and the contractor is being charged for each day they are not working on the project. They were hopeful they could start on Thursday of this week. Also, work on the left turn signal from Willow onto Sunset Ridge Road has been started.

Manager Sigman mentioned the recent newspaper article and letter in which Senator Schoenberg accused the Village of being unwilling to meet with IDOT on Willow Road. The Village has sent a Freedom of Information letter to IDOT requesting specific information on dates where they asked the Village to attend meetings because the Village has no record of them calling or writing that the Village has not responded to. Since they are asserting they did invite us, we would like the evidence to indicate this.

President Birkinbine also noted that he did not believe any Village President that he is aware of has turned down a meeting with IDOT.

Manager Sigman noted recent television news coverage on channel 7 on Willow Road in which President Birkinbine was interviewed as well as Senator Schoenberg. The TV news station introduced the long-standing issue of Willow Road from both perspectives. Manager Sigman noted the piece did not hurt us or help us.

Trustee Teichert asked if we could get information out that we have sent a Freedom of Information request to IDOT so the public does not believe the Village is the villain.

President Birkinbine noted that two letters are being worked on both to Senator Schoenberg. Attorney Hill has drafted a letter saying the Village is looking at this from a legal standpoint and mentioned that in some of Senator Schoenberg's actions he has slandered the residents of Northfield. Attorney Hill is also working on a direct response letter from President Birkinbine which responds point by point to Senator Schoenberg's comments. However, that letter is being held until legislation the Village has backed is signed off on by the Governor which is expected to be in late August.

Stacy noted that another legal firm that Northfield is working with on Willow Road has asked for Phase I and II information from IDOT and sent a FOIA requesting it and has not received any information.

President Birkinbine also noted that a letter was sent to IDOT District Director Diane O'Keefe noting our concern as to whether we have missed meetings that we have been invited to. Northfield is confident that is not the case.

Trustee Frazier asked why the Village doesn't file its own Freedom of Information Request.

President Birkinbine suggested the Village would wait a week and then file a Freedom of Information request if we don't receive a response by that time.

Manager Sigman asked Village Attorney Duggan to get the FOIA letter ready.

It was noted that no FOIA's can be filed directly with a Senator's office because they are not FOIAable. They exempt themselves from this law.

There was discussion regarding reference to Senator Schoenberg's comments regarding an "independent study" that shows the three-lane road won't work and that a copy of that study has never been produced.

Manager Sigman noted the Traffic and Transportation meeting next week at 7:00 p.m. and that the Committee will be discussing parking near the parks and providing an update on Willow Road. The T& T is beginning to meet monthly again and there will be updates and summary notes for the next Board meeting. The Village representative on the Committee is Trustee Greene.

Stormwater Drainage Survey

Manager Sigman reported there has been a huge response to the Stormwater Drainage survey. All the field work as far as documenting what the Village currently has in place has been done; we have completed the in-house survey of employees; the survey was mailed to all households and we have had 358 returned surveys so far which is a 13% return. She noted the Public Meeting on Stormwater Drainage would be held Monday at 7:00 p.m. It provides residents with an opportunity to come in and find out more about the study that is being conducted and give their input. When the study is completed in the fall, additional public meetings are anticipated to discuss the outcomes, what issues can be focused and the costs associated with each project. There could also be another survey published once the Village knows some of the options available for dealing with the stormwater drainage.

Manager Sigman also noted that it was interesting that most people elected to fill out the mailed survey and return it rather than use the on-line survey. The survey was available via the website and printed and mailed to all homes.

Caucus Survey

Trustee Charhut asked how the Caucus survey is coming.

Resident Hobson, who is a member of the Caucus and present, noted that surveys were due that day.

Capital Improvement Project Committee (CIP)

The CIP Committee is also meeting next week on Tuesday at 7:30 a.m. They will be looking at the projections for water and sewer and then moving onto roads and public facilities. Mike will provide an update on the public works truck and the entire equipment placement plan.

Dominick's

Installation of the air conditioners on the roof is expected to be done next week. Dominick's continues work on the interior and is moving along toward their reopening in September.

RedFlex

Finance Director Noble provided some information on the first disbursements received from RedFlex on the Village's share of the revenues from May and June. The Village received \$18,603.98 which is net of all the RedFlex fees. He noted that he has looked at the Village's costs in-house for RedFlex for such things as adjudication, salaries for the officer who reviews the violations and supplies. After subtracting these costs, the Village netted \$12,347.11 for the first two months.

Trustee Teichert asked if those revenues are lower than the Village anticipated.

Manager Sigman noted that Northfield was one of the first three municipalities to petition IDOT to put cameras in their intersections and there have been some issues. IDOT had paving crews that did some paving work on Waukegan Road and put asphalt over the sensors on Waukegan Road so they have not been functional for a couple of weeks. She noted that the Village is working closely with the contractor that will do work on Willow Road to avoid this problem. Manager Sigman also noted there has been a dramatic drop in red light tickets at Willow and Wagner as drivers become more educated. It has dropped from 250 violations to about 1 or 2 a day.

Capital Projects

Community Events Sign

The bids have all been obtained and the work on the watermain is now complete so work will be started on the Community Events sign at the corner of Willow and Central.

Also patching and paving of Village roads begins next week as part of our 2008 Roadway Improvement project.

Downtown Redevelopment

Director Kane updated the Board on downtown projects. She reported that since a meeting in the middle of May with the developer of the Edens Bank property, there has been no further follow up by them. They had indicated there is a change in thinking in the banking industry with regard to additional branch offices. She also noted a meeting with a potential developer of the BP gas station site and is cautiously optimistic since they were willing to explore the financial feasibility of building at the street line and including underground parking. The Hurrah, Hurrah shop closure in the Friedman Mall will be filled by a current hair salon tenant that will move to the front of the mall with Three Tarts restaurant expanding into the hair salon's former space. Also, Laurie Shoes is expanding into some of Hurrah, Hurrah's vacated space.

Manager Sigman noted that there have been some developers who have shown some interest in Northfield's redevelopment plan but they have been unable to get individual property owners to talk to them.

Miscellaneous Comments

Trustee Charhut asked if the Village is satisfied with the landscaping around the AT&T boxes.

Trustee Frazier noted she is not satisfied with the screening they provided.

It was also noted by Trustee Greene that AT&T's broadband service is not available throughout Northfield.

Trustee Chapin asked whether Edens Bank is paying property taxes on the site as a vacant site or with the building on it and whether they are doing any maintenance on the property to control the weeds.

It was reported by Director Kane that Edens Bank is receptive to maintaining the property and that a letter would be sent regarding the weeds.

Trustee Chapin asked Manager Sigman the nature of recent FOIA's the Village has received, from whom and what they are interested in knowing.

Manager Sigman noted that the Village receives FOIAs mostly relative to information being sought from other Departments such as the Building Department or Police Department.

Attorney Duggan responded that about 90% of the FOIA's are to the Police Department which he reviews when he is in.

ADJOURNMENT

There being no further business to come before the Board, Trustee Chapin made a motion seconded by Trustee Gottlieb to adjourn the meeting. By voice vote, all agreed and the meeting was adjourned at 8:40 p.m.