

**MINUTES**  
**of the**  
**REGULAR BOARD MEETING**  
**OF THE BOARD OF TRUSTEES**  
**VILLAGE OF NORTHFIELD**  
**Tuesday, September 19, 2006 - 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, September 19, 2006. The meeting was called to order at 7:00 p.m. by President John Birkinbine. The roll call was as follows:

PRESENT:	President Trustees	John Birkinbine, Jr. Frank Charhut Evan Karnes Ruth Lucchesi Bobbie Moore Terry Gottlieb
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ABSENT:	Ted Greene
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**APPROVAL OF CONSENT AGENDA ITEMS:**

Trustee Charhut made a motion, seconded by Trustee Karnes, to approve Consent Agenda items 1 through 8 except 6B which was moved to the Action Items.

1. Approve the Summary Notes of the August 15, 2006 Village Board meeting.
2. Approve the Bills and Disbursements for the month of September 2006 in the amount of \$1,072,219.58.
- 3A. Approve a resolution honoring Gerald Smith for 4 years of service on the Plan & Zoning Commission.
- 3B. Approve a resolution honoring Philip Jones for 5 years of service on the Zoning Board of Appeals.
4. Approve the appointment of Finance Director Steven C. Noble as Deputy Village Clerk.
5. Approve an ordinance authorizing the hiring of part-time Police Officers.
- 6A. Approve an ordinance amending the Village Code, Appendix C, Safety Codes, to adopt the 2003 International Fire Code.
- 7A. Approve a bid from Visu-Sewer of Illinois, LLC, Bridgeview, Illinois, for the 2006 Sanitary Sewer Slip Lining Project in an amount not to exceed \$143,196 with a 10% contingency of \$15,000.
- 7B. Approve a bid from American Underground, Inc., Glenview, Illinois, for the 2006 Sanitary Televising Project to in an amount not to exceed \$79,212.
8. Approve the Police Pension Fund Actuarial Valuation for FY2006-2007.

Trustee Karnes advised that one of the payees on the list of bills, Kone Inc., is a sometimes client and that he intends to vote on the complete list of bills.

Upon the following roll call vote, the motion to approve Consent Agenda items 1-8 except 6B was approved.

AYES: Charhut Karnes Lucchesi Moore Gottlieb NAYS: 0 ABSTAIN: 0 ABSENT: Greene

**ITEM 6B. APPROVE AN ORDINANCE AMENDING THE VILLAGE CODE CHAPTER 12, SIGN REGULATIONS, RE: ELECTION SIGNS**

Following discussion by Board, Trustee Karnes made a motion, seconded by Trustee Charhut to approve the ordinance amending Ch. 12, Sign Regulations, with a change that election signs may not be displayed prior to September 1 for fall elections and February 1 for spring elections and 60 days prior to any special elections.

During discussion, President Birkinbine noted he had concerns from a constitutional stand point that there be no limitation on the number of days prior to an election that signs can be displayed. He noted, however, that the removal of signs after an election in 24 or 48 hours was acceptable. He also suggested that perhaps a specific date be used when signs may be displayed prior to an election (e.g., Feb. 1 for Primary Elections September 1 for General and Consolidated Elections) because it is easier to remember. He had no objection to the limitation of two signs 10 sq. ft. or less per residential property not in the right of way.

Resident John Kemper of Winnetka Avenue felt he should be able to place election signs on the other side of the sidewalk in the right of way or parkway.

It was noted that the Village opens up the use of that property for election signs, it opens it up to all types of sign usage.

Trustees Lucchesi, Gottlieb and Moore favored staying with having the code state a certain number of days prior to each election rather than a specific date and noted that the proposed 45 days is plenty. It was noted that taking signs down following elections be kept to a minimum of 24 to 48 hours. The problem of enforcing this part of the code was discussed.

Upon the following roll call vote, the motion to change the ordinance to specific dates failed 3 Nays to 2 Ayes.

AYES: Charhut Karnes NAYS: Gottlieb Lucchesi Moore ABSTAIN: 0 ABSENT: Greene

Trustee Karnes then made a motion, seconded by Trustee Moore to approve the ordinance amending Ch. 12, Sign Regulations, as originally drafted indicating that election signs may be displayed 45 days prior to an election.

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

AYES: Charhut Karnes Gottlieb Lucchesi Moore NAYS: 0 ABSTAIN: 0 ABSENT: Greene

**CONSIDERATION OF AN ORDINANCE GRANTING A FINAL PLAT OF SUBDIVISION AND ZONING VARIATIONS FOR 882 HAPP ROAD**

The petitioner asked that this item be delayed to the October Board meeting. No action was taken at this meeting.

**CONSIDERATION OF AN ORDINANCE GRANTING APPROVAL OF AN AREA OF SPECIAL DEVELOPMENT CONTROL AND GRANTING A SPECIAL USE FOR A BANK WITH DRIVE-THROUGH LANES FOR PROPERTY AT 1756 WILLOW ROAD**

Trustee Gottlieb made a motion, seconded by Trustee Moore to approve an ordinance granting approval of a Special Use for a bank with drive through lanes for property at 1756 Willow Road in an area of special development control.

Community Development Director Anne Kane provided background on the proposed development and the public hearing where the development of a bank with drive through lanes and two retail stores (food service) which had higher traffic and higher on-site parking requirements. Because of the parking requirements, the petitioner required a number of on-site variations. The Plan and Zoning Commission struggled with the number of variations required and the lack of on-site parking necessary to meet zoning requirements for food service tenants. Subsequent to the public hearing, the petitioner had agreed to amend the application to remove the food service designation and to restrict the second floor of the bank building to office use thus reducing the on-site parking requirements to 12 on-site parking spaces and 11 spaces in the Walnut Street right of way. With the amendments to the application, the Plan and Zoning Commission and staff felt the concerns raised had remedied those concerns raised in the public hearing and the petitioner could go forward.

Discussion followed with Trustee Karnes questioning the size of the development fitting on the proposed lot. He noted that with the coverage of the property, this particular proposed development does not meet the Comprehensive Plan or the Plan and Zoning requirements since it meets less than 50% of the current code requirements even without adding food service uses. It was also noted that no future amendments could be made to accommodate food service type stores without additional construction or acquiring additional land.

Trustee Charhut commended the petitioner's efforts to meet the Village's requests to meet some of the Village's vision plan by including commercial areas so the Village could meet some of its goals to derive income from sales rather than taxes. Trustee Charhut noted, however, eight (8) ambiguities in the proposed plan which are not spelled out or are "undefined." Without these issues being resolved, he commented he would find it hard to vote on the project at this meeting.

Trustee Moore commented on the plan and its attractiveness but noted her concerns over the issues raised by Trustee Charhut including the environmental study of the property which formerly had a gasoline station. She commented that perhaps putting in a parking garage in the

area would help with the parking issues.

Trustee Gottlieb noted he had attended the Plan and Zoning Public Hearing and that the consensus overall of the project was that it is a good one and the petitioner would be a good neighbor. However, he noted the major concerns regarding parking.

Trustee Karnes added that various villages are struggling with downtown and comprehensive plan issues. Some have dealt with those problems by establishing building moratoriums others have taken different steps. He noted that the bank development, although a good looking building, does not meet the parking guidelines and the Village recently had expressed similar concerns to the Park District on their project and needed to be consistent. He also felt the bank would have to have a mixed use building to follow the Comprehensive Plan. Trustee Karnes suggested the petitioner might reach out to adjacent property owners to come up with something that works better for all and addresses the parking.

Trustee Lucchesi noted her excitement for the project but also expressed concern that she too felt the development would not fit on the property with regard to parking.

Larry Berg, attorney for the developer, noted that the Village's Comprehensive Plan has to start somewhere and that the bank's development would be a good start. He noted the various concessions and modifications made by the petitioner to meet the requests of staff, for the Comprehensive Plan and the various boards and commissions. He noted that the petitioner would be working closely with the EPA to make sure there are no environmental concerns regarding the property.

Steve Rezabek, architect of the bank development, addressed parking variation issues that the petition was seeking. The Board asked if any underground parking had been considered and he responded that they had not. There was discussion regarding a triangular piece of property owned by the County and IDOT on a drawing shown by the petitioner on a diagram called " Potential Parking Plan", that could add an additional 45 parking spaces. Staff noted there would be substantially less space without the cooperation from Seuls and the other owners adjacent to that property.

The Board asked for more time for staff to review the various issues and to see if there can be any changes that might incorporate more parking and eliminate some of the problems raised.

Irene Itkin, co-owner of property across the street at 1799 Willow Road (Starbucks), real estate broker (commercial), feels the site works for a bank or as a retail site but there are insurmountable parking problems for a combination of the bank and retail. She noted that seven (7) of the nine (9) standards that are to be met by the developer have not been met.

Following discussion, Trustee Charhut made a substitute motion, seconded by Trustee Lucchesi, to table the current motion of considering an ordinance granting approval of a Special Use for a bank with drive-through lanes for 1756 Willow Road in an Area of Special Development Control until the December 4 Board meeting to allow more time to study and address parking

issues and to perhaps provide a plan for the development of the entire area.

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

AYES: Charhut NAYS: 0 ABSTAIN: 0 ABSENT: Greene  
Karnes  
Lucchesi  
Moore  
Gottlieb

Trustee Moore asked staff if it could contact some of the other businesses along Orchard about committing to increasing parking and redevelopment of the entire area. Staff felt that it would most likely not get done by December since it involves various property owners, as well as contacting and getting an agreement from Cook County and IDOT.

This matter will be brought back to the December 4 Board meeting.

**CONSIDERATION OF AN ORDINANCE GRANTING A SPECIAL USE TO ESTABLISH AND OPERATE A SIT-DOWN RESTAURANT AT 320 HAPP ROAD AND REPEAL SPECIAL USE ORDINANCE 04-1222 (WILD HORSES)**

Trustee Moore made a motion, seconded by Trustee Lucchesi to approve granting a Special Use to operate a sit-down restaurant with carry-out service at 320 Happ Road (Penny's Noodle Shop) subject to the conditions listed and to repeal Special Use Ordinance 04-1222 governing the previous establishment (Wild Horses).

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

AYES: Charhut NAYS: 0 ABSTAIN: 0 ABSENT: Greene  
Karnes  
Lucchesi  
Moore  
Gottlieb

Trustee Karnes asked staff how the property owner has been able to escape obeying the conditions of the 2004 Special Use ordinance regarding marking handicap parking spaces in the lot. Staff responded that the building owner contested the Village's interpretation of the American with Disabilities Act. The Village then turned the matter over to the Attorney General who took a long time to respond but agreed that the Village's interpretation was correct. The owner has since restriped the parking spots. Trustee Karnes then asked whether there is coinciding language in the Village Code that adopts the Illinois Accessibility code giving the Village the ability to issue a citation. Attorney Hill noted that the Village had not adopted by reference the Accessibility code. It was recommended that the Village do that to avoid having to wait for the Attorney General.

**APPROVE WAIVING THE BIDDING PROCESS TO PURCHASE A REPLACEMENT AMBULANCE FOR THE FIRE-RESCUE DEPARTMENT**

Trustee Karnes made a motion, seconded by Trustee Gottlieb to approve waiving the bidding process in the purchase of a replacement ambulance for the Fire-Rescue Department.

Trustee Charhut discussed that these types of purchases were brought up at budget meetings and it was discussed that it might be more appropriate to lease rather than purchase such vehicles. Trustee Charhut asked that staff put off the purchase to determine if this is a good plan for the Village. Trustee Karnes noted that the Board could vote on 10A and 10C and have staff study this as part of the purchase.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Karnes			
	Lucchesi			
	Moore			
	Gottlieb			

**APPROVE THE PURCHASE OF A HORTON AMBULANCE FROM MIDWEST EMERGENCY VEHICLES SALES**

Trustee Karnes made a motion, seconded by Trustee Charhut to approve the purchase or lease (whichever is more cost efficient) of a Horton ambulance for the Fire-Rescue Department from Midwest Emergency Vehicles Sales, Inc. of Kankakee Illinois for a cost not to exceed \$170,000.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Karnes			
	Lucchesi			
	Moore			
	Gottlieb			

Staff was directed to report back to the Village Board on whether the final decision was to purchase or lease the vehicle and the cost.

**APPROVE AN ORDINANCE DECLARING A RESCUE VEHICLE AS SURPLUS AND AUTHORIZING DISPOSAL ACCORDING TO LAW**

Trustee Gottlieb made a motion, seconded by Trustee Lucchesi to approve an ordinance declaring one 1976 Ford Rescue Vehicle as surplus and authorizing staff to dispose of it according to law.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Karnes			
	Lucchesi			
	Moore			
	Gottlieb			

**Discussion of the Board of Trustees Committee Structure**

Village Manager Sigman discussed the confusion over the Village's policy and procedures and code dealing with the structure of its board committees. She noted that the current trend of other communities has been to move to a Committee of the Whole system. The Board was asked to

consider the following options of 1) leave the existing committee structure in place and begin working out some policies and procedures to define each committee's role; 2) modify the current committees and eliminate those not used, or 3) move away from individual committees and go to a Committee of the Whole. It was discussed that currently the Board meets as a "quasi" Committee of the Whole with most Trustees attending meetings prior to board meetings. Under a formal arrangement of the Committee of the Whole, all Board members would be asked to attend all committee meetings and to participate in the discussions.

A quorum of the Committee of the Whole is the same as that of a regular Board meeting. However, it was noted that since the Committee of the Whole does not vote but brings it to a Board meeting for action, the quorum issue is not as significant. With a Committee of the Whole, issues can be discussed more fully. Larger issues could be brought back the next month to allow more time to consider the issues.

It was clarified that nothing would change about what is currently being done except that all Board members would be asked to attend all committee meetings and they would have a say. It was determined that there would still be a chair appointed by the President to head discussions/meetings.

The Board recognized that residents were waiting to discuss on another issue dealing with the Willow Road right of way and discussion on the Committee of the Board was ended to be continued later in the meeting.

#### **Discussion of Willow Road Unimproved Right of Way.**

Village Manager Stacy Sigman discussed the Village's unimproved Willow Road right of way and noted that the Board would need to consider a policy. Staff had been approached by various residents about making improvements or changes to their property that impact this right of way. The Village's position to date has been that nothing except trees or plantings could be put in the right of way. However, about 15 years ago, part of a tennis court was built in the right of way. Village told the resident to remove it; they appealed and the Board granted a license agreement that said if and when the Board determined it should be taken out, the resident would do so. Recently, another homeowner wanted to make improvements to their property that would encroached in the right of way. They were denied but staff has recently discovered that their improvement (a pond) does encroach in the right of way. They were told to move the encroaching part of the pond off the right of way; however, they requested the Board consider a license agreement similar to the earlier one.

Staff's biggest concern is that by granting a new license agreement, the Village can expect others to come forth expecting the same consideration.

The Board discussed that the Village should determine what the value of the land is and its best use to maximize this asset.

The three issues as summarized by Trustee Karnes regarding the Willow Road right of way are: 1) How does the Board want to deal with this asset; 2) Do the Kerrs need to take out the pond, and 3) When did Ms. Guthaus (owner of the property where the tennis court encroaches in the right of

way) no longer live on the property granted a License Agreement which expires when that owner no longer resides on the property?

Staff was directed to suspend any future violation enforcements to the Kerrs until property lines are determined. The Board directed staff to identify property lines, encroachments and address as a global action the direction to be taken. The Board also directed staff to expend the funds to have the Willow Road right of way surveyed to determine if there are encroachments. If residents are encroaching, they would pay for the survey of their property. The Board will make further determinations after the survey when it knows how many encroachments there are.

### **Return to Discussion of Board of Trustees Committee Structure**

President Birkinbine felt there was consensus by the Board about going to a Committee of the Whole system and noted it would be good to continue having a chair or leader of specific committee meetings. Committee meetings would be held the same evening as Board meetings and a quorum would be four Trustees. It was determined that a Committee meeting would be scheduled every month prior a Board meeting. If the meeting was not necessary it would be cancelled. The Board meeting would continue to be at 7:00 p.m. unless a specific committee meeting needed more time, then the Board Meeting would start at 7:30 p.m.

### **ADJOURNMENT**

There being no further business to come before the Board, Trustee Gottlieb made a motion, seconded by Trustee Lucchesi to adjourn the meeting at 9:30 p.m.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Karnes			
	Lucchesi			
	Moore			
	Gottlieb			