

May 16, 2016

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal in the Council Chambers of the Village Hall on May 16, 2016 at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Alan Farkas
Thomas Jester
Robert Nadler
William Seiden
Dan Shapiro
Barbara Struthers

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

PLEDGE OF ALLEGIANCE

Bill Love, Frank Haney, Alex Wolf and Bob Mazaretti from the American Legion and Sons of the American Legion led those in attendance in reciting the Pledge of Allegiance.

Mr. Love, Chairman of Sons of the American Legion, reported they are open to all decedents of veterans. He spoke about the Memorial Day activities including a ceremony at the Veterans Memorial, a run and the walk to the Deerfield cemetery.

RECOGNITION

Mayor Rosenthal recognized Honor Flight participants Glen Koets, Marvin Juron and George Zuurbier. They are veterans of the Korean War. Mr. Juron has been a Deerfield resident since 1968. He spoke about the Lake County Honor Flight. Mr. Juron stated it was wonderful, even though the day started at 3:00 a.m. They were escorted by 230 motorcyclists on the way to the airport. He noted they were treated like royalty on their way to Washington. Each participant had a guardian. He indicated the Lake County Honor Flight group did a magnificent job and made the veterans feel proud.

Mr. Zuurbier was amazed by the patriotic experience. He reported Southwest Airlines donated the flights. When they arrived in Washington, they were greeted by people clapping and cheering for them. They also received a number of notes from 5th grade students at Caruso Middle School thanking the veterans for their service. He was overwhelmed by everyone's kindness.

Mr. Koets has been a Deerfield resident since 1955. He showed the ID they received, which had a photo of him when he was in service, as well as other memorabilia. Mr. Koets was impressed with the entire experience. He was saddened at the Vietnam War Memorial, but the Korean War Memorial was very moving. He noted the narrator at the Korean War Memorial pointed out the wall behind the statues in support of the troops. Mayor Rosenthal thanked the veterans for their service and the pride they bring to Deerfield.

DEPARTMENTAL OBJECTIVES

Mayor Rosenthal noted the Community Development report would be placed on the June 6, 2016, agenda.

MINUTES OF PREVIOUS MEETING

Trustee Struthers moved to approve the minutes from the May 2, 2016, Board of Trustees and Committee of the Whole meetings. Trustee Shapiro seconded the motion. The motion passed unanimously on a voice with Trustee Farkas abstaining.

BILLS AND PAYROLL

Trustee Seiden moved to approve the Bills and Payroll. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

PUBLIC COMMENT

There was no public comment on non-agenda items.

REPORTS

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION RE: REQUEST FOR A SPECIAL USE FOR A PORTILLO'S RESTAURANT WITH DRIVE-THRU AT 700 LAKE COOK ROAD (FORMER ON THE BORDER)

Mr. Street reported the Plan Commission held a pre-filing conference on March 24, 2016, and a public hearing on April 28, 2016, to discuss the request for a restaurant with dual drive-through lanes. The Plan Commission voted 7-0 in favor of the request, including several sign variations.

The Appearance Review Commission held workshop meetings on March 15, 2016, and April 25, 2016. The Appearance Review Commission supported the sign variations, but recommended a 32 foot ground sign in lieu of the 42 foot ground sign and an 84 square foot sign on the south wall instead of the 112 square foot sign that was proposed.

Dan Uebelhor, Project Manager with InSite Real Estate, reported they propose demolishing the existing On the Border building and constructing a new restaurant and parking lot with a dual drive-thru. The drive-thru will have stacking for 40 cars. They propose 124 parking stalls while 117 are required. The building floor plan will have 9,318 square feet on the ground floor. The mezzanine level will be used for storage. The outdoor seating area and patio is proposed and will be enclosed to comply with the liquor license laws. The proposed landscape plans include a variety of shade and ornamental trees that diversify the site while considering environmental conditions. Mr. Uebelhor stated the proposed building will be a 1970s-theme restaurant.

Mr. Uebelhor discussed the proposed sign variations. The east elevation proposed sign is 84 square feet while 69 square feet is allowed. The north elevation has a sign above the roof deck. The south elevation has a 112 square foot sign on the bump-out while 56 square feet is allowed. If the entire wall size is considered rather than the bump-out, the sign would be in compliance with the Village's standards. They are proposing a larger monument sign, due to the distance of the sign from the road. Mr. Uebelhor is excited to bring this business to Deerfield.

Trustee Jester asked about the driveway connection to the property to the west. He asked the purpose of that connection. Mr. Uebelhor noted they are not changing the ingress/egress of the existing building. Michael Scavo, Traffic Engineer from KLOA, stated this is a cross-access to the building to the west and allows flexibility of that traffic to Deer Lake Road.

Mayor Rosenthal noted the Village has moved up the construction on Estate Drive and Deer Lake Road so the roadway can be reconstructed prior to the restaurant's opening.

Mayor Rosenthal indicated the Appearance Review Commission accepted all variations except two. The 42 square foot sign is the monument sign on the road while 32 square feet are allowed. The neighboring restaurants have 28 square foot signs and are set back further than the proposed Portillo's sign.

The proposed sign on the south elevation is 112 square feet. The Appearance Review Commission's recommendation was revised from 65 to 84 square feet.

Trustee Struthers inquired if the signs for Demetri's and Egg Shell Café would be visible after this sign is installed. Trustee Farkas noted the traffic on Lake Cook Road is brisk with the elevation change he believes the monument sign is necessary. He noted if Demetri's and Egg Shell Cafe feel there is a hardship, they can come to the Board to request a bigger sign. Trustee Seiden is also in favor of all the variances that were requested.

Sherri Abruscato, Chief Operating Officer of Portillo Restaurant Group, stated she has worked hard to get everything right and hopes to move forward. Mayor Rosenthal noted the engineering costs due to the soil settling was substantial and the Village is negotiating an agreement.

Plan Commission Chair Mary Oppenheim noted at the Plan Commission hearing, the building manager from the neighboring property to the west requested the access road remain open.

Trustee Seiden moved to accept the Report and Recommendation of the Plan Commission. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

Mayor Rosenthal added that she and staff have been working on an economic incentive agreement with Portillo's to overcome extraordinary development costs stemming from the

construction debris fill on the property. It is intended to present the proposal at the next Board meeting.

**REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR A SPECIAL USE FOR
A NEW OUTDOOR PATIO FOR
MENCHIE'S AT 775 WAUKEGAN
ROAD, UNIT 170A**

Mr. Street reported the Plan Commission held a public hearing on April 28, 2016, to consider a request for a special use for a new outdoor patio for Menchie's, located at 775 Waukegan Road, Unit 170A. The Plan Commission voted 7-0 in favor of the request.

Linda Berlin, Menchie's franchisee, stated they propose seven tables on the east and south sides of the store, which would seat 21 guests.

Trustee Farkas moved to accept the Report and Recommendation of the Plan Commission regarding the request for a Special Use for a new outdoor patio for Menchie's at 775 Lake Cook Road. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

CONSENT AGENDA

**ORDINANCE APPROVING A FINAL
DEVELOPMENT PLAN FOR 7
PARKWAY NORTH CENTER AND TO
AMEND THE PARKWAY NORTH
SIGN PLAN TO ALLOW A WALL SIGN
AT 7 PARKWAY NORTH – 1R**

An Ordinance approving a final development plan for the property located at 7 Parkway North Center and to amend the Parkway North Sign Plan to allow a wall sign at 7 Parkway North. First Reading.

**ORDINANCE AMENDING THE
SHOPPERS COURT COMMERCIAL
PLANNED UNIT DEVELOPMENT TO
PERMIT MAJOR RENOVATIONS TO
THE 636 DEERFIELD ROAD BUILDING
TO CONVERT THE BUILDING INTO A
MULTI-TENANT BUILDING, AND
CHANGES TO THE WEST END OF THE
VILLAGE-OWNED MUNICIPAL
PARKING LOT – 1R**

An Ordinance amending the Shoppers Court Commercial Planned Unit Development to permit major renovations to the 636 Deerfield Road building to convert the building into a multi-tenant building and changes to the west end of the Village owned municipal parking lot. First Reading.

**ORDINANCE O-16-09 APPROVING A
FINAL DEVELOPMENT PLAN FOR 8
PARKWAY NORTH IN THE PARKWAY**

An Ordinance approving a final development plan for the property located at 8 Parkway North in the Parkway North Center. Quadrangle Development

NORTH CENTER – QUADRANGLE DEVELOPMENT COMPANY – 2R Company. Second Reading.

Trustee Struthers moved to accept the Consent Agenda and adoption of one Ordinance. Trustee Nadler seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

OLD BUSINESS

ORDINANCE AUTHORIZING A FENCE HEIGHT MODIFICATION AT 705 INDIAN HILL ROAD FOR A FENCE 10 FEET IN HEIGHT INSTEAD OF THE PERMITTED MAXIMUM HEIGHT OF 7 FEET – 1R An Ordinance authorizing a fence height modification for the property located at 705 Indian Hill Road for a fence 10' in height instead of the permitted maximum height of 7 feet. First Reading.

Trustee Jester noted the item makes it clear it is not a fence but it is clearly a ball containment net. He assumed the reading of the detail precludes the troublesome issue discussed at the last Village Board meeting. Mr. Coblentz noted the Ordinance is for the netting, not a generic fence. This will stand as a First Reading.

NEW BUSINESS

ANALYSIS AND AWARD OF BID FOR 2016 STREET REHABILITATION PROGRAM Deputy Director of Public Works and Engineering, Bob Phillips, reported the Village selected five streets for rehabilitation. Four of the streets, Willow Avenue, Christopher Drive, Constance Lane and Lisa Marie Court, will be reconstructed, while Deerpath Drive will be resurfaced. The scope of the work includes removal of existing pavement, curbs, drainage work, fire hydrant replacement, etc. There were four bidders. The lowest bid came from A-Lamp Concrete Contractors in the amount of \$1,887,770. The Village budgeted \$2 million for the project. \$449,000 will come from MFT funds and the remainder will come from the Infrastructure Replacement Fund.

Trustee Jester moved to award the 2016 street rehabilitation program to A-Lamp Concrete Contractors in an amount not to exceed \$1,887,770. Trustee Nadler seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

AWARD OF CONTRACT FOR Mr. Phillips reported the project is in

DEER LAKE ROAD/ESTATE DRIVE REHABILITATION PROJECT the Village's five year plan, but was moved up due to Portillo's. The Village approached A-Lamp Concrete Contractors asking them to extend the street rehabilitation unit prices. Mr. Phillips noted the construction will cost \$1.1 million. Trustee Jester noted this represents a substantial contribution on behalf of the Village.

Trustee Nadler moved to waive the competitive bidding process and award the Deer Lake Road / Estate Drive rehabilitation project to A-Lamp Concrete Contractors in an amount not to exceed \$1.1 million. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

AWARD OF CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES FOR THE DEER LAKE ROAD / ESTATE DRIVE REHABILITATION PROJECT Mr. Phillips report the Deer Lake Road / Estate Drive rehabilitation project was not planned for this year. Staff will require outside services to help with the construction engineering. Christopher Burke Engineering has a special group that handles expedited projects.

Trustee Nadler moved to award the construction engineering services contract for the Deer Lake Road / Estate Drive Rehabilitation Project to Christopher Burke Engineering in an amount not to exceed \$162,050. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

RESOLUTION R-16-04 RATIFYING THE SELECTION OF THE SPEER FINANCIAL, INC. AS THE VILLAGE MUNICIPAL ADVISOR Finance Director Eric Burk reported the Village issued an RFP for municipal advisor services. Northern Trust, the former advisor, has decided to leave the market. The Village reviewed four responses and interviewed two firms. Staff recommends Speer Financial, Inc. due to their expertise and references.

Trustee Shapiro moved to accept the Resolution. Trustee Nadler seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

RESOLUTION R-16-05 AUTHORIZING A FIRST AMENDMENT TO A MUTUAL AND RECIPROCAL ACCESS EASEMENT AGREEMENT Mr. Street reported that Deerbrook Mall and Deer Park Plaza have reached an easement agreement, in keeping with the Jewel Special Use approval.

Trustee Seiden moved to accept the Resolution.
Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

RESOLUTION R-16-06 AUTHORIZING ECONOMIC INCENTIVE AGREEMENT BETWEEN THE VILLAGE OF DEERFIELD, GATEWAY FAIRVIEW, INC., AND JEWEL FOOD STORES, INC. On July 20, 2016, the Village approved an economic agreement. The agreement has been revised due to the construction proposal from Jewel, which reduces construction time and development cost. The outcome will remain unchanged. Jewel will retain operation of the pharmacy with minimal grocery sales. Dave Hene, of Jewel-Osco, stated they found the project would take about nine months longer than anticipated and would cost more under the old plan. They came to the Village with a modified proposal that would allow construction to be completed in a single phase while maintaining the pharmacy operation. They can expedite the schedule with a grand opening around June 2017. Trustee Jester noted the previous timeline had four weeks for permitting and bidding while the new timeline has ten weeks for permitting and bidding. Mr. Hene noted they expect to start construction within 45 days. Trustee Struthers asked about plans for Jewel's current staff. Mr. Hene stated that current staff will be offered positions in other locations during construction.

Dick Spinnel with MidAmerica stated they are working with other tenants, as well, including Sam's Club, which is looking at the former Great Indoors space.

Trustee Farkas moved to accept the Resolution. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Farkas, Jester, Nadler, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

DISCUSSION

HUNTER COURT DRAINAGE

about a month.

Trustee Struthers asked about the drainage issues.
Mr. Phillips noted the Village will install a sewer in

DEERFIELD HIGH SCHOOL

incidents. She noted the After Prom festivities were also a big success.

Mayor Rosenthal thanked Deerfield High School students for a lovely prom weekend. There were no

Mayor Rosenthal reported the annual Jam for Justice was held at the high school. This year's charity was Girl Up, an organization that funds underserved girls from around the world.

NEW BUSINESS

spin shop with a great following.

Mayor Rosenthal welcomed Wheel Power, a new business in Cadwell's Corners. Wheel Power is a

COMED MEETING

year and coming improvements to the system. Service has improved since the last meeting. Mayor Rosenthal recommended residents download the ComEd app for their cellular phones.

Mayor Rosenthal and staff met with representatives from ComEd to review their performance from last

CLEANEST CITY IN AMERICA

independent study. Deerfield was the cleanest city in Illinois.

Mayor Rosenthal reported Deerfield was named the 8th cleanest city in America by an Expedia

ADJOURNMENT

meeting. Trustee Farkas seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:59 pm.

There being no further business or discussion, Trustee Nadler made a motion to adjourn the

APPROVED:

Mayor

ATTEST:

Village Clerk