

June 6, 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 June 6, 2016, at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Thomas Jester
William Seiden
Dan Shapiro

Absent: Alan Farkas
Robert Nadler
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

Members of the Model UN Team from the Rochelle Zell Jewish High School led those in attendance in reciting the Pledge of Allegiance. Mayor Rosenthal noted this is the second year in a row that the Model UN Team has been honored. They are number one in the country. The students introduced themselves and spoke about their roles.

FARMER'S MARKET 2016 POSTER CONTEST WINNER

Farmer's Market Manager Joan Reed presented the Village with a framed poster from Evan Hoffmann, the 2016 Farmer's Market Poster Contest winner. Ms. Reed noted this is the sixth year for the poster contest. Mr. Hoffmann's inspiration was to create a beautiful apple tree and silhouette. Graphics instructor Mike Moore indicated the contest is open to advanced graphics students.

Ms. Reed reported the Farmer's Market starts on June 18, 2016. There will be five new vendors this year. The police and fire department slider competition will be July 30, 2016, Grillfest will be August 20, 2016, and the annual Harvest Fest will be held on September 24.

REPORT OF DEPARTMENTAL OBJECTIVES – COMMUNITY DEVELOPMENT DEPARTMENT

Principal Planner Jeff Ryckaert presented highlights from the Planning Division six-month report. The Planning Division will review Text Amendments to the C-1 District. This review will look at new uses that can be added to the District, uses that may be added to the permitted use listing, and the first floor retail use Text Amendments. Once the Plan Commission completes their review, the property owners will be notified of a Public Hearing. Mr. Ryckaert hopes this will assist in streamlining the approval process. Mr. Ryckaert noted the Plan Commission packets are now being delivered on iPads. This saves the Village printing and paper costs.

The Village Center Commission is working on a Village brochure to promote the Village to businesses. Once the brochure is completed, it will be distributed throughout the Village as well as available electronically.

The Appearance Review Commission has met ten times over the past six months. They added meetings in order to complete revisions to the Appearance Code. These revisions will make the Code more user-friendly and includes images and exhibits. Mr. Ryckaert commended Ms. Spagnoli on her work on the Code revisions. The Appearance Review Commission also reviewed 14 petitions.

The Cemetery Commission met in May and were happy with the cemetery maintenance.

Code Enforcement Supervisor Clint Case presented highlights from the Building Division Report. Mr. Case indicated they are processing more permits and doing so in a shorter time. Staff is working on maintaining their certifications. When things slow down, they will work on updating certain sections of the Municipal Code. They are working on streamlining their inspections.

MINUTES OF PREVIOUS MEETING

Trustee Seiden moved to approve the minutes from the May 16, 2016, Board of Trustees meeting.

Trustee Jester seconded the motion. The motion passed unanimously on a voice vote.

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the April Treasurer's Report representing one third of the year. The non-Home Rule sales tax increased over both last year and the year prior. Water and sewer building increased over last year. Hotel taxes remained flat. State income tax decreased this month, but is up year to date. Building permit revenue did well in April. The E 9-1-1 money was not received during April. The large expenditures were engineering and construction costs for various projects. There were also three payrolls in April. There will be some seasonal expenditures in the coming months, but nothing unexpected.

BILLS AND PAYROLL

Trustee Jester moved to approve the Bills and Payroll dated June 6, 2016. Trustee Seiden

seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

PUBLIC COMMENT

Jennifer Rodder, 1580 Woodvale Avenue, stated that her home is near the North Branch of the

Chicago River. Last year, trucks came through and clear cut through the area. Ms. Rodder expressed concern because of the debris. Trustee Jester noted the Union Drainage District is responsible for the clearing. Director of Public Works and Engineering Barbara Little reported the good tree species were left in place, but the invasive growth was cleared. She noted they do

not plan to remove the stumps due to the risk of erosion. Mayor Rosenthal noted the Union Drainage District is their own taxing district with their own Board.

Ms. Rodder noted the staging in the easement caused the grade to change. Ms. Rodder expressed concern about mosquitos. Mayor Rosenthal noted the Mosquito Abatement District does spray for mosquitos. Mr. Street stated Deputy Director of Public Works and Engineering Bob Phillips will try to work with the Drainage District and Ms. Rodder. Mr. Phillips reported the staging area is a Village-owned easement. The Village is planning to clean up the area and have the area restored so it is able to be maintained.

Scott Fraden, 1575 Woodvale Avenue, has spoken with Mr. Phillips regarding the issue. Mr. Fraden stated the condition of the property is reprehensible for Deerfield. He is looking to get the property repaired. Mr. Fraden also stated that a former bridge structure is now more visible following the clearing work. He stated it could be considered an attractive nuisance to children, who could play on it and get hurt. Mr. Street indicated staff has looked at the structure, but it is not on Village property. The Village would have to get authority from the Drainage District as well as spend several thousand dollars on property that is not within the Village's jurisdiction. Mr. Fraden asked the Village for a commitment that the grading work will be completed in two weeks. If the work cannot be completed, he would do all the work on the property for a deed to the property. Trustee Shapiro would like a progress report at the next Board of Trustees meeting.

REPORTS

**REPORT AND RECOMMENDATION
OF THE APPEARANCE REVIEW
COMMISSION RE: UPDATE OF THE
1986 DEERFIELD APPEARANCE
CODE, ADOPTION OF TWO
BOOKLETS: BUILDING AND SITE,
AND SIGNS**

Dick Coen, Chairman of the Appearance Review Commission, stated the Appearance Code was initially created in 1986. The Commission started updating the Code in 2011 with the intent of creating a user-friendly version complete with exhibits and images to demonstrate the standards of the Village. He noted the Appearance Review Commission uses the Appearance Code as a

guideline for their consideration of each petition. Mayor Rosenthal thinks this will greatly assist in the interpretation of the Appearance Code. This will assist with Code enforcement as well. Mr. Street believes this is a significant step forward and shows petitioners what the Village is looking for.

Trustee Jester moved to accept the report and recommendation of the Appearance Review Commission. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

Mr. Street will work with Village attorney on how to integrate this with the Village's Zoning Ordinance and Municipal Code.

REPORT OF STAFF RE: DE-
ANNEXATION OF 780 SAUNDERS
ROAD FROM THE VILLAGE OF
DEERFIELD TO THE VILLAGE OF
RIVERWOODS

Assistant Village Manager Andrew Lichterman noted the Trustees requested additional information on the sales and property tax revenues for the property. He estimates the amount to be approximately \$20,000 annually in Deerfield. The amount in Riverwoods would be less due to

different tax rates. Mr. Lichterman noted there would be minor logistical challenges if the businesses were in two municipalities.

Anil Abbott, owner of the property, stated they would work with either Village, but is surprised with the length of time it has taken. The 780 location is very tight, so they purchased the former bank property. They started the process and then heard about annexation. Upsana Abbott explained the intention to purchase the other property was to improve the overall site circulation. Trustee Shapiro indicated the acquisition of the bank property was good planning because the space was very tight. He noted the process would be the same for either Village. Mayor Rosenthal stated the Board needs to consider whether the Village wants to convey the property to Riverwoods and if so, how to do it. The Board should consider whether Deerfield should receive compensation and if so, for how long. She indicated Riverwoods would like a decision so they can move forward.

Trustee Jester suggested the property owner review staff's memorandum. He believes the petitioner will find benefits working with one entity. Mayor Rosenthal believes this has a greater impact on the Riverwoods residents than the Deerfield residents, as they live closer to the site.

Trustee Shapiro believes the Village should consider the de-annexation and consider terms for an agreement. Mayor Rosenthal stated the Board needs to determine what would be a fair request. Mayor Rosenthal thinks the Village should consider a property tax percentage. If the Village keeps the property, the property taxes are between \$2,000 and \$4,000 per year. The sales tax is vague, as there is currently nothing on the property. Trustee Jester noted staff created a table estimating the sales tax. Trustee Shapiro suggested the amount paid to Deerfield could be contingent on a percentage of sales tax. Mayor Rosenthal would prefer to negotiate on the property tax as it is more known rather than bet on the future.

Trustee Jester suggested a flat fee of \$5,000 for 20 years. Trustee Jester would rather have a round number for a specified number of years. Trustee Shapiro noted there may be \$0 in sales for a number of years. Mr. Street suggested a 50 percent share of all revenues for a given period conditioned on development of the presented site plan. This would allow the Abbotts to build a property that is consistent with what is appropriate for the area.

Trustee Shapiro likes Mr. Street's idea as it would give the Village some control of the development. The footprint of the restaurant would be the same and the traffic flow would be better. Trustee Seiden believes the Village should receive 50 percent of both property and sales tax, which needs to be verified, over a specific time period. Mayor Rosenthal noted these are our

neighbors, the Village wants to be fair, and Riverwoods would then have to service the property. She suggested drawing up a document that is presented to Riverwoods and have them react.

Mr. Street will contact Riverwoods and let them know where the Village is headed. He will start with a 50/50 split of sales tax and property tax for 10 years.

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

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

REPORT OF STAFF RE: RIGHT-IN RIGHT-OUT CURB CUT FOR ACCESS TO THE LINDEMANN LOT (BETWEEN AT&T BUILDING AND FLEET FEET) FROM DEERFIELD ROAD _____

Mr. Street stated the Village was presented with an opportunity to create a curb cut during the Deerfield Road Reconstruction. The consultants came back with recommendations on where the curb cut should be installed, which is immediately west of the oak tree on Deerfield Road.

One of the discussions of the Northwest Quadrant Task Force was to coordinate with the traffic signal near Deerfield Square, which would create a cut-thru. A key objective was to reduce the amount of traffic using the Jewett Park s-curve roadway. Mr. Street explained the Village is trying to take advantage of an opportunity, but noted this is not a complete site plan.

Trustee Jester noted the professional engineer stated this is the correct plan, and it is in approximately the same location that was identified in the Northwest Quadrant Plan. It would have a positive effect of reducing the flow of north-south traffic through the northwest quadrant. Trustee Seiden does not understand why the Village would do this now. Trustee Jester noted it would save aggravation by reducing road construction.

Suzan Hawkinson from Presbyterian Church questioned if there would be sufficient distance between first turn on Deerfield, the Fiorini curb cut, the first right-in, right-out and the stop light at Robert York. She thinks the right-in, right-out would impact their pick-up and drop off.

Mr. Street noted there would only be one additional turn from what is there now. Trustee Shapiro stated there would be three curb cuts in a relatively short area. He questioned whether that would create traffic issues or stacking problems.

Daniel Brinkman, of Gewalt Hamilton Associates, responded to the concerns and noted the distance between the curb cuts are sufficient due to the low volume of traffic utilizing the alley as an exit and the slow rate of speed cars will be traveling when turning from southbound Waukegan Road onto westbound Deerfield Road.

Mayor Rosenthal suggested deferring this item until the next Board meeting, when the full complement of the Village Board will be present. The item was deferred to the June 20, 2016 Village Board meeting.

This will be tabled to the next meeting

REPORT AND RECOMMENDATION
OF STAFF RE: AGREEMENT WITH US
CENSUS BUREAU TO CONDUCT A
PARTIAL SPECIAL CENSUS (AMLI/
WOODVIEW)

Village Intern Sam Barghi reported the Amlis and Woodview Apartment developments were completed in late 2015 and early 2016. He noted it would benefit the Village to document the population increase. The US Census Bureau presented a cost estimate of \$63,023 based on the

estimated population. The Village will receive anticipated revenues between \$207,967 and \$454,000 between 2017 and 2020.

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

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

CONSENT AGENDA

ORDINANCE O-16-10 APPROVING A
FINAL DEVELOPMENT PLAN FOR 7
PARKWAY NORTH CENTER AND TO
AMEND THE PARKWAY NORTH
CENTER SIGN PLAN TO ALLOW A
WALL SIGN AT 7 PARKWAY NORTH
2-R

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

ORDINANCE O-16-11 AMENDING THE
SHOPPER'S 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 – 2R

An Ordinance amending the Shopper's 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. Second Reading.

Trustee Seiden moved to accept the Consent Agenda and adopt the Ordinances. Trustee Shapiro seconded the motion. The motion passed by the

following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

OLD BUSINESS

ORDINANCE O-16-12 AUTHORIZING A SPECIAL USE FOR A NEW OUTDOOR PATIO FOR MENCHIE'S AT 77 WAUKEGAN ROAD, UNIT 170A IN DEERFIELD VILLAGE CENTRE

An Ordinance authorizing a Special Use for a new outdoor patio for Menchie's located at 77 Waukegan Road, Unit 170A, in Deerfield Village Centre.

Mayor Rosenthal indicated the Village did not receive any comments on this request and the petitioners requested a waiver of the First Reading of the Ordinance.

Trustee Seiden moved to waive the First Reading of the Ordinance. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

Trustee Shapiro moved to adopt the Ordinance. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

ORDINANCE O-16-02 AUTHORIZING A SPECIAL USE FOR A PORTILLO'S RESTAURANT WITH DRIVE-THRU AT 700 LAKE COOK ROAD (FORMER ON THE BORDER RESTAURANT)

An Ordinance authorizing a Special Use for a Portillo's Restaurant with drive-thru to be located at 700 Lake Cook Road, in the former On The Border restaurant space. Mayor Rosenthal indicated the Village did not receive any comments and the petitioner requested a waiver of the First

Reading.

Trustee Shapiro moved to waive the First Reading of the Ordinance. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

Trustee Seiden moved to adopt the Ordinance. Trustee Jester seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)

NAYS: None (0)

NEW BUSINESS

RESOLUTION 4-16-07 AUTHORIZING AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE VILLAGE OF DEERFIELD AND PORTILLO'S RESTAURANT Mr. Lichterman reported Mayor Rosenthal and staff have met with representatives from Portillo's and InSite to discuss the extraordinary costs associated with site development. Portillo's has agreed to move forward with the restaurant should the Village agree to an Economic Investment Incentive to offset a portion of the extraordinary costs of the project. Portillo's has clearly stated that absent an incentive from the Village, the operation of a Portillo's restaurant will not be economically feasible at this site.

Trustee Shapiro noted the Village's maximum exposure would be \$240,000 over five years. Mr. Lichterman noted that Portillo's will receive no upfront payments, rather a portion of the sales tax receipts will be shared. Dan Uebelhor, Project Manager with InSite Real Estate stated they are working with Mr. Case to begin demolition and site work. He indicated they would like to open in November.

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

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

AUTHORIZATION TO APPROVE THE REPLACEMENT OF THE PUBLIC WORKS DEPARTMENT'S BUILDING ROOF Justin Keenan reported a portion of the roof on the Public Works building needs to be replaced. The Park District also uses this portion of the building and will split a proportionate amount of the cost. The lowest proposal came in \$5,000 over budget. The Village and Park District will split this amount. The Village's total responsibility will be \$53,000.

Trustee Jester moved to waive the competitive bidding and accept the proposal from Waukegan Roofing in an amount not to exceed \$75,000. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

AUTHORIZATION TO APPROVE THE REPAIR OF THE PUBLIC WORKS GARAGE CARBON MONOXIDE Mr. Keenan reported the main control panel of the existing Public Works garage carbon monoxide system is outdated and does not work. The Village

SYSTEM received two proposals.

Trustee Jester moved to waive the competitive bidding process and authorize the repair of the Public Works garage carbon monoxide system in an amount not to exceed \$23,916. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

AUTHORIZATION TO PURCHASE A NEW 2016 ¾ TON WHEEL TRUCK WITH 8-FOOT SERVICE BODY AND PLOW Mr. Keenan reported the Village received and opened three sealed bids on May 19, 2016. The lowest net qualified bid was \$23,755.46. The Village budgeted \$37,500 in the VERF fund.

Trustee Jester moved to authorize the purchase of a new 2016 three-quarter ton wheel truck with 8-foot service body and plow = in an amount not to exceed \$23,755.46, including trade-in. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

AUTHORIZATION TO PURCHASE A NEW 2016 ¾ TON TRUCK WITH 8-FOOT SERVICE BODY, REAR LIFT GATE AND PLOW Mr. Keenan reported the Village received and opened three sealed bids on May 19, 2016. The lowest net qualified bid was \$26,596.46. The Village budgeted \$37,500 in the VERF fund.

Trustee Shapiro moved to authorize the purchase of a new 2016 three-quarter ton truck with 8-foot service body, rear lift gate and in an amount not to exceed \$26,596.46 including trade-in. Trustee Jester seconded the motion. The motion passed by the following vote:

AYES: Jester, Rosenthal, Seiden, Shapiro (4)
NAYS: None (0)

DISCUSSION

RIBBON CUTTING Mayor Rosenthal attended the naming and ribbon cutting of the Rochelle Zell Jewish High School. It is a great facility that can accommodate 800 people.

CHAMBER LUNCHEON Mayor Rosenthal reported three Deerfield High School students received scholarships from Takeda Pharmaceuticals and DBR Chamber of Commerce.

FINE ARTS FESTIVAL Mayor Rosenthal noted the Fine Arts Festival was

very successful last weekend.

SENATOR KIRK MEETING

Mayor Rosenthal and Mr. Street met with a member of Senator Mark Kirk's staff to discuss the Village's

concerns.

ADJOURNMENT

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

meeting. Trustee Jester seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:55 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk