

February 5, 2018

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 January 16, 2018 at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor  
Robert Benton  
Thomas Jester  
Mary Oppenheim  
Dan Shapiro  
Barbara Struthers

Absent: William Seiden

and that a quorum was present and attendance. Also present were Village Manager Kent Street and Village Attorney Matthew Rose.

PLEDGE OF ALLEGIANCE

Cable and Telecommunications Chairman Paul Diambri led those in attendance in reciting the

Pledge of Allegiance.

RECOGNITION

Mayor Rosenthal recognized Mr. Diambri for 23 years of service to the Village. He was appointed to the Cable and Telecommunications Commission in 1993 and became its chairman in 2003. He was instrumental in working with various cellular carriers and ground lease negotiations. Mayor Rosenthal thanked Mr. Diambri for his great work for the community and presented him with a plaque.

Mr. Diambri thanked Mayor Rosenthal and the Village for the privilege of working with the Village. He thanked the Cable and Telecommunications Commission and Village staff for their dedication in the team effort in providing excellent service for the residents.

PRESENTATION

Greg Jumes, president and founder of Victor App, stated Victor App focuses on helping veterans return to community life. He started Victor App in 2015 and launched in May 2016. There are more than 500 users in Lake County as well as a number of business partners. They are currently raising capital. Mr. Jumes noted more than half of current veterans feel the government is not doing a good job helping veterans with their transition. Victor App is a mobile tool to make it easier for all veterans to transition back to civilian life. They create stronger, more engaged communities by providing career and health resources while connecting veterans with local businesses. The local businesses can advertise discounts, deals or job opportunities on the mobile app. Victor App helps drive veterans to businesses. Mr. Jumes noted he is working with the DBR Chamber of Commerce.

Mayor Rosenthal thanked Mr. Jumes for his service to the nation and supporting veterans through his business.

MINUTES OF PREVIOUS MEETING

Trustee Struthers moved to approve the minutes from the January 16, 2018, Board of Trustees meeting. Trustee Benton seconded the motion. The motion passed unanimously on a voice vote with Trustee Oppenheim abstaining.

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the December 2017 Treasurer's Report representing the totality of the fiscal year. Mr. Burk noted the amounts in the report are subject to auditor adjustments. Water and sewer billing decreased, but are slightly increased over last year. Hotel tax decreased since last month but is up for the year. Electric utility tax decreased slightly for the year. Mr. Burk noted building permit revenue continues to exceed projections as well as the budget.

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated February 5, 2018. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)  
NAYS: None (0)

PUBLIC COMMENT

Camilla Dadey, 812 Pine Street, stated she chose to live in Deerfield because it is a community that cares about the health and safety of their residents. She recommends the Village prohibit the use of coal tar sealants as it contains more cancer-causing compounds than asphalt sealant. Exposure to the toxins, especially in early childhood, increases cancer risks. There is an effective alternative and she believes Deerfield should prohibit the use of coal tar sealants. Ms. Dadey would not want to just educate residents, but would like to see education along with the ban of the sealants..

Connie Westly, 185 S. Old Creek Road, Vernon Hills, is a member of League of Woman Voters. She is also in favor of prohibiting the use of coal tar sealants. The rain causes a lot more run-off and pollution. Ms. Westly discussed the hazards of pavement sealcoats with high PAH levels. It is a major problem in the Midwest. The Illinois State legislature has given the power to municipalities to ban coal tar sealants. Replacing coal tar with asphalt will improve the roads and parking lots as well as the environment.

Trustee Struthers noted a local development used coal tar a few years ago and the runoff killed ducklings in a nearby pond. Mr. Street indicated the Sustainability Commission has been looking at this as well and will make a presentation at the next meeting.

## REPORTS

REPORT AND RECOMMENDATION  
OF THE CABLE AND  
TELECOMMUNICATIONS  
COMMISSION RE: CROWN CASTLE  
LEASE EXTENSION

Assistant Village Manager Andrew Lichterman noted Crown Castle has a lease with eight years remaining. Both Crown Castle and the Village would prefer a lease with at least ten years. The Cable and Telecommunications Commission negotiated with Crown Castle to extend the lease and allow an additional six five-year renewals. The Commission met on January 28, 2018, and voted 8-0 in favor of a lease extension. The Village will receive 75 percent of net revenue plus \$9,600 base rent and a \$17,000 sign on bonus.

Trustee Benton moved to accept the report and recommendation of the Cable and Telecommunications Commission regarding the Crown Castle lease extension. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)

NAYS: None (0)

REPORT AND RECOMMENDATION  
OF THE PLAN COMMISSION RE:  
REQUEST FOR APPROVAL ON THE  
REDEVELOPMENT OF THE 99 S.  
WAUKEGAN ROAD PROPERTY  
(FORMERLY OFFICE DEPOT); A  
SPECIAL USE FOR A CHICK-FIL-A  
RESTAURANT WITH A DRIVE-THRU,  
AND A TEXT AMENDMENT FOR A  
MULTIPLE USE UNIFIED  
DEVELOPMENT (WAUKEGAN LAKE  
COOK, LLC AND CHICK-FIL-A)

The Plan Commission held a Public Hearing on January 11, 2018 to consider the request for approval on the redevelopment of the 99 South Waukegan Road property (former Office Depot space), a Special Use for a Chick-Fil-A restaurant with a drive-thru and a Text Amendment for a multiple use unified development. The Plan Commission voted 5-0 to recommend approval

Liz Butler, attorney with DLP Piper, presented a brief overview of the property, development and requested approvals. The applicant is proposing demolishing the existing structure and building a 5,000-square-foot Chick-Fil-A restaurant with a drive-thru on the north end of the parcel and an 8,000-square-foot multi-tenant building on the south end of the parcel. In order to authorize the proposed development, the applicant needs a Text Amendment. The applicant is also requesting certain exceptions as well as Special Use approval for the proposed drive-thru. Ms. Butler noted they have worked with the neighboring health care building and they are in agreement with the proposal.

Mayor Rosenthal is happy to see a business wanting to develop the property. She expressed concern about not having a PUD and instead using a Text Amendment for a multiple use unified development. Ms. Butler noted Village planning staff and the Village attorney assisted them with the Text Amendment and recommended the process. Mayor Rosenthal questioned why the Village should not follow the Ordinance and ask the petitioner to come forward with a PUD. Mayor Rosenthal noted the Village has been very strict about not allowing any drive-thru that

does not come to a signalized intersection. She believes this is setting a very dangerous precedent as this is a major State road.

Brett Katz with Aries Real Estate stated the building was developed as a defacto PUD and he does not believe it is necessary to form a new PUD. Trustee Oppenheim inquired why the petitioner would not want to create a PUD so they would conform to the Village Codes. Trustee Shapiro inquired if the petitioner gave thought in subdividing the parcel into multiple lots. Mayor Rosenthal is concerned about the proposed Text Amendment. Mr. Katz noted that the theory for this Text Amendment is that it would take a lot of time which would not be conducive to this tenant. The agreements with North Shore Health Care include a cross easement agreement that would serve as a defacto PUD.

Mr. Street inquired whether North Shore would have to give consent for the Office Depot lot to be a PUD. The North Shore lot, however, is not large enough to be a PUD. Mr. Rose believes there are future development concerns. Village Senior Planner Jeff Ryckaert stated if this was a new development, they would need to have a PUD, but the Text Amendment would allow for the shared parking and cross access that would come from a PUD. Mayor Rosenthal believes this would set a precedent for other properties in the Village. Mayor Rosenthal does not know why a PUD was not requested from the start. Mr. Ryckaert stated the petitioner would then need to do a number of studies, which would take a lot of time. Trustee Shapiro questioned whether staff could waive some of the studies. Mr. Ryckaert explained the Plan Commission could waive some of the studies. Trustee Oppenheim questioned how the Village could deal with this without setting a precedent that could cause issues down the line.

Mr. Katz noted the owner has restrictions on time and extending process could delay or possibly derail the development. Mayor Rosenthal believes the petitioner is asking the Village to make an exception for time and money and does not agree with it.

Mayor Rosenthal noted the petitioner is requesting one drive-thru and possibly a second drive-thru on the property. The second drive thru is not being requested at this time.

Luay Aboona, Traffic Engineer with KLOA, stated the site has good access with right-in, right-out on Lake Cook and Waukegan as well as a full access on Waukegan. There is a traffic signal at Lake Cook and Waukegan, a signal at Lake Cook and Chestnut and another signal at Deerbrook. Mr. Aboona performed a gap study and found there are more gaps available than the projected number of left turns. The development is not served directly by a signal, but benefits from the existing signals. Trustee Shapiro asked if there would be a downside to adding a no left turn sign. Mr. Aboona believes it would add confusion. Mayor Rosenthal noted the middle entrance into Deerbrook has left turns prohibited. The Panera shopping lot prohibits left turns during certain hours, but is connected to the stop light at Carson's and the entrance to Deer Run. She is concerned that there is not a stoplight. Mr. Aboona believes the Deerbrook access restriction is due to the proximity of the signal at Waukegan and Lake Cook Road. Trustee Jester noted they cannot add another traffic light due to the proximity. Trustee Oppenheim noted the traffic volume projections include the build-out of Deerbrook with the residential component. She is concerned that not allowing a left turn would impede residents from using the medical

facility. She would not want to restrict it more than necessary. Jason Hill with Chick-Fil-A noted all Chick-Fil-A restaurants have a drive-thru. It is part of their model unless the space is an urban, inline space or a mall. Mayor Rosenthal asked if the petitioner would consider a no left turn sign during evening rush hour. Mr. Hill explained one of the things that made the site work for him was the multiple access points to get to the restaurant.

Trustee Struthers noted the Chick-Fil-A building backs up to residential. She questioned the ventilation. Mr. Hill stated the vents diffuse downward so the fumes do not concentrate in a specific area. Mayor Rosenthal noted the Trustees received a letter regarding the fence that is in need of repair as well as the trash enclosure being a substantial distance from the facility and near the residential. Mr. Katz stated Chick-Fil-A takes great care of their buildings interior and exterior. Trustee Struthers noted there is a possibility of vermin in the trash. She is concerned about vermin going into the residential area. Mr. Hill explained Chick-Fil-A has a water and electric supply in their trash enclosure to clean the enclosures regularly. They take a lot of pride in the appearance of their building.

Mr. Katz indicated they want to be good neighbors and the Countryside HOA President supported the project at the public hearing. Trustee Struthers expressed concern about the potential second drive-thru. Trustee Shapiro would have serious concerns about a second drive-thru. Larry Berg, Chairman of the Plan Commission, does not believe the petitioner represented any additional information. He understands the Board's concern about not having a PUD. Plan Commission Member Al Bromberg stated they spoke about the trash enclosure and building, but did not discuss Building B, as it would have to come before them again.

Mayor Rosenthal noted there are a number of requested variations including parking and landscape screening. Trustee Jester hopes the Trustees have driven to the site. The property line is not visible. Trustee Oppenheim believes additional directional signage may be necessary due to the circulation challenges.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)

NAYS: None (0)

Mayor Rosenthal noted some members of the community have expressed concern about the business, but that is not part of the Board's purview.

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION RE: REQUEST FOR APPROVAL TO A VACATION OF A BUILDING LINE AT <u>755 SUMMIT DRIVE</u>	The Plan Commission held a Public Hearing on December 14, 2017, which was continued to January 11, 2018, to reestablish a new north building line for the property located at 755 Summitt Drive. The Plan Commission voted 5-0 in favor of the recommendation. Mr. Street reported the house was erroneously constructed in the flood plain. The Village reached a settlement
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agreement with the mortgage holder about four years ago and followed the procedures to get the flood plain paperwork. Staff believes this is the culmination of the efforts.

Trustee Shapiro moved to accept the report and recommendation of the Plan Commission.

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

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)

NAYS: None (0)

### CONSENT AGENDA

There were no items on the Consent Agenda.

### OLD BUSINESS

There was no Old Business.

### NEW BUSINESS

AUTHORIZATION TO PURCHASE  
ONE NEW BUCKET TRUCK

Justin Keenan, Assistant to the Director of Public Works and Engineering, reported this is a budgeted purchase to replace the 2007 bucket truck.

Approximately \$122,500 was budgeted.

Trustee Oppenheim moved to waive the competitive bidding process and authorize the purchase of one new bucket truck from Power Equipment Leasing Co. in a net amount of \$120,694 including the trade-in. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)

NAYS: None (0)

AUTHORIZATION TO PURCHASE  
ONE NEW CHEVROLET 2500 PICKUP  
TRUCK

Mr. Keenan reported the current pickup truck is seven years old and has more than 70,000 miles. The Village contacted four vendors and received three quotes. Raymond Chevrolet was the only

company to give a trade-in value.

Trustee Shapiro moved to waive the competitive bidding process and authorize the purchase of one new Chevrolet 2500 Pickup Truck from Raymond Chevrolet in the net amount of \$20,032.41 with a trade-in. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)  
NAYS: None (0)

AUTHORIZATION TO EXTEND THE 2017 MANHOLE REHABILITATION CONSTRUCTION CONTRACT Wastewater Reclamation Facility Superintendent Brandon Janes reported the Village rehabilitated 147 manholes in 2017. The bidding prices were favorable due to the competitive bidding climate last year. There are still 188 manholes that need to be rehabilitated. The majority will be completed during this construction season. Mr. Janes noted this four-year project will be completed in half the original time at half the cost. Trustee Jester expressed concern about not having bolt-down covers. He noted this work should last for 20 to 30 years.

Trustee Oppenheim moved to authorize the extension of the 2017 manhole rehabilitation construction contract to National Power Rodding Corporation in the amount not to exceed \$350,000. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)  
NAYS: None (0)

AUTHORIZATION TO INSTALL A USGS MONITORING STATION ON THE WEST FORK OF THE NORTH BRANCH OF THE CHICAGO RIVER Deputy Director of Public Works and Engineering Bob Phillips reported the USGS monitoring station has been installed on the West Fork at Deerfield Road. It is a valuable resource and part of the long range planning for the Village. In going through the process, they needed to authorize the installation of the equipment.

Trustee Struthers moved to approve the installation of a USGS monitoring station on the west fork of the north branch of the Chicago River in the amount of \$23,550. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)  
NAYS: None (0)

AUTHORIZATION TO EXECUTE THE UNITED RADIO, ENTRE SOLUTIONS AND P&D ANTENNA SERVICE FOR POLICE COMMUNICATION EQUIPMENT RELOCATION DURING THE WATER TOWER PAINTING Chief Sliozis reported the water tower painting project requires the relocation of communications equipment located on the tower. The equipment will be moved to a monopole near the water tower. Two vendors provided prices. Both vendors have been utilized by the entire radio network for a number of years and are best suited to do the work. Additionally P & D Antenna Services needs to move the antenna to a temporary pole and put it back upon completion. This should be part of the water tower project budget.

Trustee Benton moved to waive the competitive bidding process and authorize the contracts to complete the necessary removal, relocation and reinstallation of radio equipment at the water tower at a cost not to exceed \$20,178 for United Radio Communications, \$35,225 for Entre Solutions II and 2400 for P & D Antenna Services. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro, Struthers (5)

NAYS: None (0)

### DISCUSSION

WALDEN COMMUNITY CONNECTION Mayor Rosenthal was invited by the Walden 5<sup>th</sup> grade class to speak on their Community Connection.

RIBBON CUTTINGS Mayor Rosenthal attended the Art Van Furniture ribbon cutting. She was presented with a check for \$2,500 for the West Deerfield Township Food Pantry.

Mayor Rosenthal attended a ribbon cutting at Aligned Modern Health.

APPEARANCE REVIEW COMMISSION MEETING Mayor Rosenthal attended an Appearance Review Commission meeting to discuss the commissioner's concerns and discuss their important role in the review process.

MAYOR'S MEETING Mayor Rosenthal attended a Mayor's meeting hosted by Congressman Brad Schneider. They discussed Internet sales tax and Federal grant money that must pass through the state at present.

NORTHWEST MUNICIPAL CONFERENCE LEGISLATIVE BRUNCH Mayor Rosenthal thanked Trustee Jester, Trustee Shapiro and Trustee Struthers for attending the Northwest Municipal Conference legislative brunch.

Mayor Rosenthal spoke with Jan Schakowsky at the event about her concerns with the pass-thru money. Rep. Schakowsky believes there may be a possibility to require the State to directly pass through the funds from the Federal government.

NEXT MEETING Mr. Street reported the next regular Board of Trustees meeting would be held on Tuesday, February 20, 2018, at 7:30 p.m. in observance of the President's Day holiday.

ADJOURNMENT

There being no further business or discussion,  
Trustee Oppenheim moved to adjourn the meeting.

Trustee Shapiro seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:28 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk