

February 20, 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 February 20, 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
William Seiden
Dan Shapiro
Barbara Struthers

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

PLEDGE OF ALLEGIANCE

Sustainability Commission Chairman Don Anderson led those in attendance in reciting the

Pledge of Allegiance.

MOMENT OF SILENCE

Those in attendance observed a moment of silence in memory of the 17 Marjory Stoneman Douglas

High School students and faculty killed in the mass shooting February 14 in Parkland, Florida.

Mayor Rosenthal stated that approximately four years ago, the State gave home rule communities a window of time to enact gun control laws with the understanding that it could be revisited at a later date. On July 1, 2013, the Village of Deerfield took advantage of that 10 day window by passing an ordinance that required safe storage of assault weapons and regulations on transportation of assault weapons in the Village. She stated now is the time to revisit a complete ban of assault weapons. She noted that the Village would not be breaking new ground with this as the City of Highland Park enacted such a ban that reached the U.S. Supreme Court and was found to be constitutional. She asked the Village staff and Village attorney to prepare a report to the Village Board regarding an assault weapons ban.

MINUTES OF PREVIOUS MEETING

Trustee Oppenheim moved to approve the minutes from the February 5, 2018, Board of Trustees

meeting. Trustee Struthers seconded the motion. The motion passed unanimously on a voice vote with Trustee Seiden abstaining.

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated February 20, 2018. Trustee Struthers

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

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

PUBLIC COMMENT

Janice Shaw, 1107 Warrington, has been a Deerfield Resident for 35 years. She asked the Village to consider requiring sidewalks to be shoveled by residents or their contractors after it snows. In the past, the Village cleared more of the sidewalks but discontinued the practice two years ago. Ms. Shaw requested the Village take some action to require homeowners to clear their sidewalks from snow so people do not have to walk in the street. She suggested making a Deerfield sidewalk snow removal fund for residents that are unable to shovel their sidewalks or cannot afford it. Mayor Rosenthal asked staff to look into how to handle this situation.

REPORTS

REPORT AND RECOMMENDATION OF STAFF RE: REQUEST FOR CLASS E LIQUOR LICENSE FOR BARTACO AT 711 DEERFIELD ROAD, UNIT A Management Analyst David Fitzgerald reported Bartaco is requesting a Class E liquor license to allow them to serve beer, wine and spirits. He indicated the Village would perform background checks on restaurant management prior to the final liquor license being issued.

Trustee Oppenheim moved to accept the report and recommendation of staff regarding issuing a Class E liquor license for Bartaco. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

Representatives of Bartaco thanked the Village and shared photos and sample menus. They look forward to opening in Deerfield.

REPORT AND RECOMMENDATION OF CABLE AND TELECOMMUNICATIONS COMMISSION RE: AT&T LEASE EXTENSION Assistant Village Manager Andrew Lichterman reported the Cable and Telecommunications Commission has been negotiating a lease extension with AT&T. The initial lease was for 10 years, and will expire shortly. The new lease will be for 10 years and will allow four, five-year extensions with fee escalations. There will also be a \$5,000 signing bonus.

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

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

**REPORT AND RECOMMENDATION
OF THE SUSTAINABILITY
COMMISSION RE: COAL TAR
SEALANTS**

Mr. Lichterman reported the Sustainability Commission has been studying the topic of coal tar sealants. The Commission voted 6-0 in favor of a multi-year educational campaign.

Sustainability Commission Chairman Anderson noted the Commission worked very hard on this issue and maximized their focus on science and fact rather than emotions. For many years, pavements were coated with a material based on coal tar or asphalt. There have been different performance characteristics of these products. In coal tar, there are a set of molecules (PAHs) that are considered carcinogens. The Commission has two engineers and a water treatment expert that looked at the scientific data to come up with a viable recommendation. He noted that the Commission's report is for an educational campaign rather than a ban. Mr. Anderson noted they would let the coal tar applicators know the Village would prefer asphalt to coal tar. They will also approach various parking lot owners asking them to choose asphalt rather than coal tar. Mr. Anderson indicated coal tar is not available at local hardware stores. The education campaign will start right away.

Mayor Rosenthal questioned the downside of banning coal tar. Mr. Anderson noted the FDA deemed coal tar safe and effective when used in the right way. He believes issuing a ban would create enforcement issues, especially without an education campaign. There would also be some unintended consequences such as pricing. Mr. Anderson indicated if coal tar were banned, dozens of other materials should also be banned. He questioned whether this is the direction the Village would want to go. Mr. Anderson noted this could hurt the Commission's credibility with residents and businesses when they really need to gain their trust and respect to join us in making a success out of a bigger issue when their involvement is needed. The Commission believes using this education approach, at least for a short time, makes more sense than an outright ban.

Trustee Struthers believes the Village should ban coal tar. She noted it can affect the children and pets. There are some toxic materials in coal tar. The Village could get rid of these toxic materials now. The Village needs to educate residents, but she believes it needs to be banned. Mr. Anderson noted there are other surveys that directly contradict those numbers.

Trustee Seiden thanked the Commission for their hard work and analysis. Two years ago, he brought this issue up to staff. The local hardware stores have already banned coal tar sealants. Trustee Struthers questioned why the Village would not ban these sealants and adopt an educational component.

Trustee Oppenheim noted some education campaigns are not effective. She expressed concern that this educational campaign alone may not be effective. Trustee Oppenheim noted there are a number of things regulated in the Village.

Trustee Shapiro indicated the market forces are going away from coal tar sealants. He believes the level of concern, even without Federal or State regulations, is important to realize. He suggested instituting a ban but having a timeframe for compliance. He would also like an educational component.

Trustee Benton noted a lot of large companies have moved away from coal tar. Home Depot has also moved away from coal tar. He expressed concern about smaller companies that still use coal tar. He questioned how the Village could determine how much coal tar is in the material.

Roger Dart, 1057 Camille Avenue, is a 53-year resident. Mr. Dart suggested the time to ban coal tar is now, before the spring. He would like to know that the materials used are safe.

William Bailey, 700 Apple Tree Lane, is a 38-year resident. On the Texas USGS website, there are some key findings. Residences adjacent to parking lots with coal tar sealants have house dust 25 times higher than those with asphalt sealants. Living adjacent to coal tar sealed pavement increases cancer risk by 38 percent, giving children a 1 in 17,000 risk of cancer.

Camilla Dady, 812 Pine Street, is a 32-year resident. She noted the Commission was thoughtful and thorough, but their timeline is too long. She would like a ban.

Vicki Jenkins, 1038 Deerfield Road, has a background in chemical engineering. She believes the coal tar material is toxic and should be banned.

Sheldon Lustig, 1021 Warrington, is a 30-year resident. There is science and then there is common sense. There is a safer alternative to coal tar; he believes the alternative should be used and coal tar sealant based.

Trustee Shapiro moved to accept the Sustainability Commission's recommendation for an educational campaign regarding coal tar. Trustee Benton seconded the motion. The motion did not pass by the following vote:

AYES: Jester (1)

NAYS: Benton, Oppenheim, Seiden, Shapiro, Struthers (5)

Trustee Seiden moved to direct the Village Attorney to draft an Ordinance ban the use of coal tar sealants in the Village and to that includes an educational component. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

CONSENT AGENDA

There were no items on the Consent Agenda.

OLD BUSINESS

ORDINANCE O-18-01 AUTHORIZING An Ordinance authorizing a lease extension with

A CROWN CASTLE LEASE
EXTENSION - 1R

Crown Castle.

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

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

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

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

ORDINANCE AUTHORIZING THE
REDEVELOPMENT OF THE 99 S.
WAUKEGAN ROAD PROPERTY
(FORMER 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) – 1R

An Ordinance authorizing the redevelopment of the 99 South 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). First Reading.

Trustee Seiden, who was not present at the last meeting, called for a motion for reconsideration of report and recommendation of the Plan Commission regarding the request for approval of the

redevelopment of the 99 S. Waukegan Road property (former Office Depot property), a Special Use for a Chick-Fil-A restaurant with a drive-thru, and a text amendment for a multiple use unified development pursuant to Section 2-46 of the Municipal Code of the Village of Deerfield; and a motion to lay on the table the motion for reconsideration and the First Reading of an Ordinance authorizing the redevelopment of the 99 S. Waukegan Road property (former Office Depot property), a Special Use for a Chick-Fil-A restaurant with a drive-thru, and a text amendment for a multiple use unified development.

He is not in favor of the petition due to the traffic pattern. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim (3)

NAYS: Seiden, Shapiro, Struthers, Rosenthal (4)

Mayor Rosenthal reported the petitioner will be present at the next Board of Trustees meeting.

ORDINANCE AUTHORIZING THE

An Ordinance authorizing the vacation of a building

VACATION OF A BUILDING LINE AT 755 SUMMIT DRIVE – 1R line at 755 Summit Drive. First Reading. Mayor Rosenthal indicated this would stand as a First Reading of the Ordinance.

NEW BUSINESS

AUTHORIZATION TO PURCHASE DATA CENTER NETWORK EQUIPMENT IT Systems Coordinator Matt Weiss reported the Village is reliant on virtualization technology. The network connections need to be faster. The Village currently operates on one gbps and proposes an increase in network speed to ten gbps to reduce bottlenecks and ensure adequate network capacity moving forward.

The Village received three formal quotes that were below the State contract price. Mr. Weiss requested to waive the competitive bidding process and authorize the purchase of data center network equipment from Meridian IT, Inc. in an amount not to exceed \$32,647.82. He indicated the quote came in under the \$45,000 budgeted for the total project.

Trustee Jester moved to waive the competitive bidding process and authorize the purchase of data center network equipment from Meridian IT, Inc. in an amount not to exceed \$32,647.82. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

RESOLUTION R-18-01 AUTHORIZING MEMBERSHIP IN THE LAKE COUNTY MAJOR CRIMES TASK FORCE Chief Sliozis reported the Police Department is seeking approval for membership in the Lake County Major Crimes Task Force. The Task Force has been in existence since 1990. They recently updated their bylaws and require approval. Chief Sliozis indicated annual membership in the Task Force is \$500 plus a member of staff for participation.

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

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

RESOLUTION R-18-02 REALLOCATING 2018 VOLUME CAP TO THE VILLAGE OF BUFFALO GROVE, ILLINOIS Management Analyst Fitzgerald reported this is the annual reallocation of the volume cap to the Village of Buffalo Grove as requested by Lake County Partners. The pooled private activity bond volume cap can then be used on projects that improve the quality of life for the region, such as

subsidized housing, jobs or transportation projects managed by private entities. Trustee Oppenheim moved to adopt the Resolution. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

AUTHORIZATION TO EXTEND THE CONTRACT FOR THE SEWER LINING PROGRAM Public Works Analyst Justin Keenan explained the Village went out to bid in 2017 and awarded the sewer lining program, which included two 1-year extensions to A-Lamp Concrete Contractors.

This would be the first of the two extensions and the per unit rates will remain the same. Mr. Keenan explained in 2017, the bid did not include 15 inch diameter sewer lining. This year, the Village budgeted \$400,000 for this program.

Trustee Shapiro moved to extend the contract for the sewer lining program in an amount not to exceed \$400,000 to Visu-Sewer. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

AUTHORIZATION OF FINAL WORK FOR THE 2017 STREET REHABILITATION PROJECT – CONTRACT FINAL Deputy Director of Public Works and Engineering, Bob Phillips, explained the Village awarded the 2017 Street Rehabilitation Project contract to A-Lamp Concrete Contractors. In 2017, the Village learned of drainage issues and a sidewalk that

needed repair. Some of the locations were outside the scope of work in 2017. The original contract amount was \$2,268,008. The additional work brought the total to \$2,448,289. The new total is less than the original engineer's estimate of \$2,650,000.

Trustee Seiden moved to authorize the additional expenditure for the completion of the 2017 Street Rehabilitation Project, increasing the total contract amount to \$2,448,289. Trustee Jester seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

DISCUSSION

SPRINGFIELD

Mayor Rosenthal reminded the Trustees to let Mr. Street know if they will be going to Springfield.

She noted hotel rooms are scarce.

HISTORICAL SOCIETY

Mayor Rosenthal reported the Historical Society will hold their 50th Anniversary Jubilee on May 20, 2018. She noted they would be looking for volunteers.

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 8:48 pm.

The next regular Board of Trustees meeting will take place on Monday March 5, 2018 at 7:30 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk