

April 2, 2018

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Village Manager Kent Street in the Council Chambers of the Village Hall on April 2, 2018 at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Robert Benton
Thomas Jester
Mary Oppenheim
William Seiden
Dan Shapiro
Barbara Struthers

Absent: Harriet Rosenthal, Mayor

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

MAYOR PRO TEM

In absence of Mayor Rosenthal, Trustee Seiden moved to appoint Bob Benton as Mayor Pro Tem.

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

PLEDGE OF ALLEGIANCE

Village resident Andrew Marwick led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION

Mayor Pro Tem Benton proclaimed April 8, 2018 through April 14, 2018, as Telecommunicators

Week in the Village of Deerfield in honor of the men and women whose diligence and professionalism keep the Village and its citizens safe. Telecommunicators Justin Gonzalez and Kim Ott accepted the Proclamation.

PROCLAMATION

Mayor Pro Tem Benton proclaimed April 3, 2018 as National Service Recognition Day in the Village of Deerfield. Chelsie Coren from AmeriCorps and VistaCorps and the Illinois Food Bank accepted the Proclamation. Ms. Coren thanked the Village for the recognition on behalf of herself and the 8,000 vistas at food banks nationwide.

PROCLAMATION

Mayor Pro Tem Benton proclaimed the month of April as Fair Housing Month in the Village of Deerfield, and urged all citizens to promote fair housing practices throughout the country.

Trustee Oppenheim moved to accept the Proclamations. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

MINUTES OF PREVIOUS MEETING

Trustee Struthers moved to approve the minutes from the March 19, 2018, Board of Trustees meeting. Trustee Shapiro seconded the motion. The motion passed unanimously on a voice vote.

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

TREASURER'S REPORT

Finance Director Eric Burk presented highlights of the February 2018 Treasurer's Report representing 16 percent of the fiscal year. The non-home rule sales tax increased over the same period last year. Water and sewer billings increased slightly over last year. Electric utility tax decreased from last year due to receiving two months in 2017. Building permit revenue is down over the same period last year. Notable expenditures include snow and ice removal and engineering costs.

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated April 2, 2018. Trustee Shapiro seconded the motion. The motion passed by the following vote:

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

PUBLIC COMMENT

Andrew Marwick discussed California's Senate Bill 827, which impacts zoning. He believes municipalities have outdated zoning regulations. Deerfield has two town home proposals in the southwest quadrant with 8 – 10 townhomes. There are signs all over the neighborhoods opposing these developments. He thinks the Village should move forward with the townhomes and provide reduced zoning requirements. Mr. Marwick noted Deerfield already has the transit to support these developments.

Trustee Shapiro moved to amend the agenda to consider item 18-24-2 out of order. Trustee Oppenheim seconded the motion. The motion passed unanimously.

ORDINANCE O-18-06 AMENDING CHAPTER 15 (MORALS AND CONDUCT ARTICLE 11 (ASSAULT WEAPONS), SECTION 15-87 (SAFE STORAGE OF ASSAULT WEAPONS) AND SECTION 15-88 (TRANSPORTATION OF ASSAULT WEAPONS) OF THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO REGULATE THE POSSESSION, MANUFACTURE AND

An Ordinance amending Chapter 15 (Morals and Conduct), Article 11 (Assault Weapons), Section 15-87 (Safe Storage of Assault Weapons) and Section 15-88 (Transportation of Assault Weapons) of the Municipal Code of the Village of Deerfield to regulate the possession, manufacture and sale of assault weapons in the Village of Deerfield. Second Reading.

Mr. Street noted this proposed Ordinance mirrors the Ordinance from Highland Park including

SALE OF ASSAULT WEAPONS IN THE VILLAGE OF DEERFIELD – 2R the exemption of former law enforcement. He stated that the Board will hear public comment.

Dr. James B. Smith, 737 Forrest View Avenue, Park Ridge, has spoken in front of many municipalities. He was surprised Highland Park enacted an assault weapon ban. He believes this is a civil rights issue and is harassment against gun owners. Dr. Smith suggested gun owners are a persecuted minority. He noted there is an online organization called Hamilton 68 that monitors the controversies disrupting American democracy, including Michael Bloomberg and the Russians.

Sylvia Renteria, 1770 Blossom Court, Highland Park, does not believe the Ordinance would turn law abiding citizens into criminals. She believes the focus should be on preventing easy access to certain guns.

Joel Siegel, of the Midwest and Northshore Jews for the Preservation of Firearms Ownership, 1811 Fargo, Lincolnwood, received calls from members in Deerfield asking what they should do if the Ordinance passes. Many members have had relatives, friends and acquaintances that suffered from gun control. There is an ancient and honorable tradition called disobeying an unjust law. He urged members to think about their conscience and if so moved, not abide by this Ordinance. He questioned why the Village is amending the safe storage Ordinance. His position is civil disobedience.

Larry Nordal, 471 South Commons Court, is a 12-year resident of Deerfield. He believes the Safe Storage Ordinance was passed for the purpose of banning some weapons at a future date. He believes people will propose more bans in the future. Effectively, people that make a living training people to use firearms will need to leave the area or State. Mr. Nordal believes the proposed Ordinance is political with the net effect of chasing voters you do not agree with out of town. Mr. Street stated the Village does welcomes all residents despite their viewpoint..

Mike Weissman, 2N125 Virginia, Glen Ellyn, read the Village Ordinance and believes it will trample the Second Amendment. He noted that Highland Park took their Ordinance to the Supreme Court and hopes Deerfield is prepared to use tax payers dollars to fight in court.

Dan Cox, 593 West Galetton Drive, Round Lake, is upset with the Board. He believes the officials that do not do their jobs to prevent the shooting in Florida are at fault. Teachers are told not to report students with mental disabilities. He believes the Village is reacting to a tragedy by taking rights away. Disarming citizens takes away residents' Constitutional rights. Mr. Cox wants to protest against this proposed Ordinance. He believes the mental health system needs to be attacked. Each school shooter was on drugs; that is the real problem. Crazy people do bad things.

Dan Easterday, 391 Wilmot Road, stated he dug deep into the language and intent of the proposed Ordinance. There are concerns that the high capacity magazine ban is being amended when there are no references in the original Ordinance. He asked the Trustees to consider whether they want to have to spend money to defend the Ordinance against a lawsuit. Mr.

Easterday has received a number of comments, some supportive and others not. He believes The proposed Ordinance is causing the community to take sides needlessly. The students have spoken about being free from fear. He does not believe banning an object or removing it from your presence does not solve this fear. Mr. Easterday urged for more consideration and a delay of the vote.

Francis Kowalik, 1111 Osterman, stated that the Village does not have the resources to pave his street but could spend thousands of dollars to defend this Ordinance. As an attorney, he does not think the Village's grounds for the Ordinance are solid. The composition of the Supreme Court is not the same as when Highland Park's Ordinance was under review. Mr. Kowalik believes the Village should spend money on the infrastructure rather than on legal expenses.

Mathias Kowalik, 1111 Osterman, is a sophomore at Deerfield High School. He does not feel scared at the high school because there is security to protect them. He does not want guns to be banned. He wants to help people and wants to make sure people's voices are heard. Mr. Kowalik understands the Village is trying to do the right thing but does not believe going against the Second Amendment is the right thing.

Cecelia Kowalik, 1111 Osterman, is a high school student. DHS students do not represent all students. She has not been in fear for DHS students but is in fear of banning guns. Criminals do not play by the rules. They look for places, like gun-free zones, that are not protected.

Rich Bierman, 914 Rose Lane, Wheeling, is disappointed about the possible ban on assault weapons. He opposes banning guns and sees it as a reactionary move by the news media, activists and politicians. He stated assault rifles are used in 3 percent of gun related homicides in the country. One concern is that the next step across the country will be to ban all guns. He believes the gun-free zones actually invite gun violence. Mr. Bierman reported drownings and medical mistakes each cause more deaths per year than assault weapons.

Andrew Marwick, 442 Kelburn, noted there are virtually no gun laws in Arizona. Having guns in town does not make you feel a sense of security. If he took an everyday item, such as water, toothpaste or peanut butter to an airport, he would be treated like a criminal. Some jurisdictions do nothing to control gun situations. The Constitution mentions a well-regulated militia. Deerfield has a well-regulated militia in its police department. He noted there are some weapons that are not allowed and believes semi-automatic weapons should not be allowed as well. There is no need for a weapon that can shoot 100 rounds.

Patrick Murray, 3843 W. 82nd Place, Chicago, believes the focus should be on mental health. Crime and criminals are moving north. Criminals are going where the money is. He believes the proposed ordinance will lead to banning hand guns. Crime rates go up when these things happen.

Alex Kogan, 1268 South Christine, Vernon Hills, noted Chicago has gun restrictions but crime goes up. He is a firearm instructor and educates people on what to do and what not to do with firearms. Educating people will solve the problem rather than a ban.

Ariella Kharasch, 1420 North Avenue, Bannockburn, noted the focus is on assault weapons, not mental health. On March 14, DHS students walked out in support of the victims of Parkland, Florida. Deerfield does not currently have a gun problem, yet. The violence in Florida was in a community with similar demographics as Deerfield. It is essential to contribute to the change but noted the fight does not end at the Village limits.

Bob Morgan, 520 Pine Street, is a candidate for State Representative. He thanked the Trustees for the time and energy on this issue. He strongly supports the proposed Ordinance as it would improve the safety of the community and the children. He implored the Trustees to do what needs to be done to make the community safe.

Mitch Shore, 920 King Richard's Court, thanked the Trustees for amending the Ordinance to exclude former police officers. He urged the Trustees to also exclude concealed carry holders. Mr. Shore does not believe this Ordinance will change the safety of children. Schools need to implement better building safety standards.

Art Ellingson, PO Box 2, Arlington Heights, is a Vietnam veteran. AR stands for ArmaLite rifle not assault rifle. Mr. Ellingson noted students in Parkland do not all agree. There is a correlation between gun restrictions and gun deaths. Criminals pick soft targets. It is more dangerous to have signs banning guns than not to have signs. Having signs creates soft targets and will cause more gun deaths.

Stephen Nagy, 1304 Kenton, thanked the Board on his behalf and for the students that are on spring break. These weapons are not necessary and there is no use for them in Deerfield. The real goal is not to go against law abiding citizens. DHS is extremely safe. He feels safe in Deerfield. But, there is still a possibility that someone comes into DHS and kills students and teachers.

Edmond Dunn, 1119 Rago Avenue, reminded the Trustees of several court cases involving the Second Amendment. One case ruled that police officers do not have to protect individual citizens. Another case protected a citizen's right to bear arms. He believes assault weapons and high-capacity magazines are made up terms. Most pistols hold more than 10 rounds as standard. The proposed ban does not make students safer at the high school. He questioned how banning rifles that can shoot more than 10 rounds can save children. Criminals do not follow the laws.

Andrew Tobin, 841 Fox Hunt Trail, does not believe this is a laughing matter. Trustee Struthers stated that people who disagree on this topic should be respectful to those on both sides of the issue.

Trustee Oppenheim moved to adopt the Ordinance amending Chapter 15 (Morals and Conduct), Article 11 (Assault Weapons), Section 15-87 (Safe Storage and Transportation of Assault Weapons) of the Municipal Code of the Village of Deerfield to regulate the Possession, Manufacture and Sale of Assault Weapons in Deerfield. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

Mr. Street noted the effective date of the Ordinance is June 13, 2018.

REPORTS

APPEAL OF THE APPEARANCE
REVIEW COMMISSION'S DECISION
TO DENY A DETACHED CANOPY
STRUCTURE AT 99 S. WAUKEGAN
ROAD, CHICK-FIL-A RESTAURANT

On February 26, 2018, the Appearance Review Commission held a Final Review of the project including a freestanding 45-by-8-foot canopy over the menu board. The commissioners unanimously denied the request. Mayor Rosenthal does not support the appeal.

Trustee Struthers loves the idea of the canopy to protect the employees but does not like the appearance of the proposed canopy. She believes the canopy is boxy and detracts from the restaurant. Trustee Struthers asked the petitioner to redesign the canopy so it is similar to Walgreens, White Hall or the Marriott Courtyard. Trustee Shapiro believes it would be helpful for the applicant to look at the canopy again and come back to Appearance Review Commission. Mayor Pro Tem Benton stated the Village wants to work with businesses and asked the representatives from Chick-Fil-A to look at and redesign the canopy so it is more neighborhood friendly. He does not believe the canopy design would prevent them from starting construction.

Jason Hill, representing Chick-Fil-A, noted that they will take another look at the canopy design, but requested some direction. Mr. Street questioned whether there are other canopy structures in the Chicago area that meet both Chick-Fil-A and Appearance Review Commission requirements. Mr. Hill stated the canopies are a new concept that will be retrofit into existing locations. Mayor Pro Tem Benton suggested bringing what other locations are considering to the Appearance Review Commission. Trustee Jester does not think the proposed canopy looks like a gas station canopy. He thought it looked sleek and unobtrusive. He has difficulty imagining something that will meet the purpose and will not look the same. Trustee Shapiro noted the Village is unable to provide direction, and thinks Mr. Hill should look at other canopies within Deerfield and neighboring communities. Mr. Hill noted the canopy was designed to work with the building architecture. He stated that gas station canopies are 30 percent larger, taller and thicker than what is proposed. Trustee Struthers likes the idea of a canopy but wants it to be more attractive.

Appearance Review Commission Chairman Lisa Dunn stated the Commission is not supposed to design for petitioners. The petitioner came before the Commission on three occasions. Each time, the petitioner's request changed. Each time, the material of the canopy was the same; it was a white mass. The petitioner provided artist renditions that tried to camouflage the canopy; however, the trees will not be in bloom for seven months per year and will take a number of years to grow tall enough to serve as a visual buffer. It is not just the structure, but the camouflage. Trustee Oppenheim noted the canopy underside is white and reflective. Ch. Dunn indicated the canopy would be visible from both Lake Cook and Waukegan Roads. The size is

very large, though not as large as a gas station. This is for two lanes of a drive-thru. There are other drive-thrus in Deerfield without canopies. One petitioner stated they do not allow their employees out in inclement weather.

Trustee Oppenheim moved to approve the appeal the Appearance Review Commission's decision on the canopy for Chick-Fil-A. Trustee Jester seconded the motion. The motion did not pass by the following vote:

AYES: Jester, Oppenheim (2)

NAYS Benton, Seiden, Shapiro, Struthers (4)

REPORT AND RECOMMENDATION
OF STAFF RE: ORDINANCE
AMENDING CHAPTER 7 (BUSINESS)
ARTICLE 14 (MASSAGE
ESTABLISHMENTS) TO REGULATE
MASSAGE ESTABLISHMENTS

Assistant Village Manager Andrew Lichterman reported staff prepared a report proposing new contemporary massage establishment regulations. They surveyed other municipalities and found if there is at least one massage therapist at a location, the business would require a license. The report suggests an initial application fee of \$100, which

would include a comprehensive review of the premise. There would be a \$35 annual registration fee per establishment that would expire on December 31 each year.

Mr. Lichterman asked if the number of licenses should be limited at a set number. Trustee Oppenheim does not think the number of licenses should be limited. Trustee Jester noted the Village does not limit the number of other businesses such as banks or dry cleaners. Mr. Street noted the Village limits non-sales tax generating businesses in the Village Center. Mr. Lichterman indicated this would be a permitted use in the C-2 District or on the second floor in the C-1 District. Trustee Seiden believes residents get the best deals when competition is not limited.

Mr. Lichterman asked if outcall massage services should require a license or be allowed. Mr. Lichterman noted many municipalities have it allowed in a permanent residence. He questioned whether it should be allowed in temporary residence such as a hotel. Trustee Jester does not believe it should be allowed. Trustee Struthers and Trustee Oppenheim questioned why the Village would not permit hotels to offer that service. They would like to treat them the same and noted most hotels would appreciate having that service from a reputable establishment.

Mr. Lichterman asked if the hours of massage establishments should be limited. Trustee Jester does not believe the establishment should operate between 10 p.m. and 6 a.m.

Mr. Lichterman will put together an Ordinance with the aforementioned updates.

Trustee Struthers moved to accept the report and recommendation of staff regarding regulating massage establishments. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT OF STAFF RE: EXTENSION OF FINAL DEVELOPMENT PLAN FOR 8 PARKWAY NORTH On April 18, 2016, the Trustees approved a final development plan for 8 Parkway North. The annexation agreement allows for a final development plan to be in effect for two years before it expires. It is subject to further extension at the Board's discretion. The current final development plan expires on May 16, 2018. Extensions have been approved in the past for Deerbrook and Cadwells Corners. As Quadrangle Development Company has yet to secure a tenant for the property, they are requesting a two-year extension of the previously approved Final Development Plan for 8 Parkway North in the Parkway North Center.

Chris Noon with 8 Parkway North stated the property is designed to appeal to modern tenants. He is looking forward to bringing high-quality companies to Deerfield.

Trustee Jester moved to accept the report of staff regarding the two-year extension of the final development plan for 8 Parkway North. Trustee Struthers 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-18-07 ADDING CHAPTER 12 (HEALTH), ARTICLE 8 (PAVEMENT SEALANTS), AS AMENDED, TO THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO REGULATE THE USE AND SALE OF COAL TAR PAVEMENT SEALANTS AND LICENSING OF PAVEMENT SEALANT PROFESSIONALS IN THE VILLAGE OF DEERFIELD – 2R

An Ordinance adding Chapter 12 (Health), Article 8 (Pavement Sealants), as amended, to the Municipal Code of the Village of Deerfield to regulate the use and sale of coal tar pavement sealants and licensing of pavement sealant professionals in the Village of Deerfield. Second Reading.

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

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

NAYS: Jester (1)

ORDINANCE O-18-8 AUTHORIZING AN AMENDMENT TO A SIGN PLAN TO ALLOW A NEW GROUND SIGN FOR CATERPILLAR GLOBAL HEADQUARTERS (CATERPILLAR, INC. AND CORPORATE 500)

An Ordinance authorizing an Amendment to a Sign Plan to allow a new ground sign for Caterpillar Global Headquarters (Caterpillar, Inc. and Corporate 500)

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

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

NAYS: None (0)

Trustee Struthers moved for Second Reading and Adoption 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)

ORDINANCE AUTHORIZING A CLASS A SPECIAL USE FOR A PROPOSED MASSAGE ESTABLISHMENT TO BE LOCATED AT 711 WAUKEGAN ROAD (MASSAGE HEIGHTS AND DEERFIELD VILLAGE CENTRE) – 1R

An Ordinance authorizing a Class A Special Use for a proposed Massage Establishment to be located at 711 Waukegan Road (Massage Heights and Deerfield Village Centre). First Reading.

Eric Carlson with EC Architects stated he would be submitting a new rendering to the Appearance Review Commission based on their discussions. Oppenheim suggested mocking up the space so the Appearance Review Commission could see it in person.

Mayor Pro Tem Benton noted this would stand as a First Reading of the Ordinance.

NEW BUSINESS

There was no New Business.

DISCUSSION

ADJOURNMENT

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

Trustee Shapiro seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:48 p.m.

The next regular Board of Trustees meeting will take place on Monday April 16, 2018 at 7:30 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk