

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

Present: Harriet Rosenthal, Mayor  
Robert Benton  
Mary Oppenheim  
William Seiden  
Dan Shapiro  
Barbara Struthers

Absent: Tom Jester

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

PLEDGE OF ALLEGIANCE

Matthew Rose led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION

Mayor Rosenthal proclaimed April 27, 2018, as Arbor Day in the Village of Deerfield and urged all residents to celebrate Arbor Day and support the Village's efforts to protect trees and woodlands.

Trustee Benton moved to adopt the Proclamation. Trustee Oppenheim seconded the motion. The motion passed unanimously on a voice vote.

Director of Public Works and Engineering Barbara Little thanked the Village for the Proclamation. The Village has been part of Tree City USA for a number of years. She invited residents to attend the annual planting event at Deerfield High School.

MINUTES OF PREVIOUS MEETING

Trustee Oppenheim moved to approve the minutes from the April 2, 2018, Board of Trustee meeting. Trustee Struthers seconded the motion. The motion passed unanimously on a voice vote.

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

NAYS: None (0)

BILLS AND PAYROLL

Trustee Seiden moved to approve the Bills and Payroll dated April 16, 2018. Trustee Shapiro seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

APPOINTMENT OF VILLAGE  
ATTORNEY

Mayor Rosenthal thanked Peter Coblentz for 18 years of service. She also thanked Matthew Rose for filling in during Mr. Coblentz's absence. When

the Village became aware of Mr. Coblentz's illness, Mayor Rosenthal appointed a committee and sent out a request for qualifications to. The committee recommended Steve Elrod with Holland & Knight as the new lead attorney for the Village beginning May 1, 2018.

Trustee Oppenheim moved to appoint Steve Elrod with Holland & Knight as the new lead attorney for the Village beginning May 1, 2018. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

Art Wilde, 22 year Village resident, shared a concern about whether the Village is doing its part

to address climate change. Climate change is a huge threat and opportunity. The Deerfield Library had a speaker that presented a balanced view stressing a sense of urgency and hope. Climate change can be reversed and creates an opportunity for the Village. Mr. Wilde noted there are signs that the weather is changing. He attended a meeting of the Sustainability Commission. He offered the opportunity to set big goals. He believes the Village needs to take bold steps to meet the goals and make the goals measurable at various increments to make a real impact.

Andrew Marwick, 442 Kelburn, noted Phoenix has been suffering through a number of hot summers. The drought has caused record-low levels. This is a serious problem. Deerfield has other problems, such as flooding. The Deerfield Village staff has been very professional and responsive over the past several years; that is not the case in Phoenix.

Mr. Marwick noted there are two proposals moving forward for rezoning. He believes the Village should do a massive rezoning of Downtown Deerfield and upgrade the zoning dramatically rather than taking the requests individually. Mr. Marwick believes it is a cumbersome and unproductive process.

REPORTS

REPORT AND RECOMMENDATION  
OF THE PLAN COMMISSION RE:  
REQUEST FOR APPROVAL OF AN  
AMENDMENT TO A SPECIAL USE TO  
ALLOW RENOVATIONS TO  
TENNAQUA SWIM AND RACQUET  
CLUB

The Plan Commission held a Public Hearing on February 22, 2018, which was continued to March 22, 2018, to consider the request for approval of an amendment to a Special Use to allow renovations to the Tennaqua Swim and Racquet Club. Tennaqua has developed a master plan over the past couple years. At the February 22, 2018, Public Hearing,

some neighbors came forward with concerns. The petitioner updated their proposal by moving two racquet courts and adding plantings. The Plan Commission also believes closing the courts at 11 p.m. is appropriate. The Plan Commission voted 5-0 to send a favorable recommendation as amended.

Nick Alex, Board President of Tennaqua Swim and Racquet Club, stated the vast majority of their membership are Deerfield residents. The club is most active in the summer. They are asking for an amendment to their Special Use to update their facility. The tennis courts are cracking and the pool is in constant need of repair.

They propose replacing the existing assets to secure the club's future for the next 60 years while keeping a similar footprint with the same open space distance to the eastern and southern boundaries. They will be adding landscaping and making up to \$5 million in improvements.

Trustee Struthers noted there is standing water toward the south end of the property. Doug Moser, Architect with HKM Architects, stated they are proposing permeable pavers to help with the ground water. Mayor Rosenthal noted this is a seven-year plan that is requesting administrative approval. Mr. Alex noted the tennis courts will be completed in the first year. They intend to replace the six asphalt courts with a permeable surface. Trustee Oppenheim clarified that the petition intends to work with Public Works and Village staff to ensure each step will meet Village Code. Mr. Alex stated they will go back to the Village with each step to ensure it complies with the comprehensive plan and Village Code. If there are changes, they will come back to the Plan Commission and Village Board. Mr. Street noted if staff sees something that is not in compliance, they will come back to the Board and Plan Commission for approval.

Trustee Seiden moved to accept the Report and Recommendation of the Plan Commission to amend a Special Use to allow renovations to the Tennaqua Swim and Racquet Club. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION  
OF THE PLAN COMMISSION RE:  
REQUEST FOR APPROVAL OF AN  
AMENDMENT TO A PLANNED UNIT  
DEVELOPMENT (PUD) TO PERMIT A  
NEW PARKING STRUCTURE AT  
1717 DEERFIELD ROAD

The Plan Commission held a Public Hearing to consider the request for approval of an Amendment to a Planned Unit Development to permit a new parking structure at 1717 Deerfield Road. The Plan Commission voted 4-1 to send a favorable recommendation. The petitioner will address the material and color changes, review the drainage condition and confirm the existing berm is in

compliance with the 1984 landscape plan.

Mariah Digrino, attorney with DLA Piper, stated the subject property is a 9.25 acre site. The applicant acquired the property in 2013 and it is currently occupied. They made modifications to their proposal, based on Plan Commission recommendations. The exterior façade treatment has

been modified to be more consistent with the existing building. The existing berm currently has 77 evergreen trees, while the 1984 plan shows 94 plans. The berm will be extended south to the end of the proposed parking garage and 28 evergreen trees will be planted. The proposed drainage will have a regraded ditch and additional inlets.

Trustee Struthers noted the surface parking is not utilized while they are asking for 3.5 times as much parking. Ms. Digrino stated the building is not fully occupied. Office tenants are now asking for more parking. This proposal would comply with what prospective office tenants are requesting, five to six parking spaces per 1,000 square feet of office space. Trustee Seiden asked if there are plans for additional office space. Ms. Digrino stated they are not adding office space.

Jonathan Smith with The Lakota Group stated the proposed evergreens will be the same species as what is existing on the site. They propose 6' high evergreen on the berm. Trustee Oppenheim noted some neighbors did not believe the berm was well maintained. Ms. Digrino indicated they would be replacing some of the trees.

Mayor Rosenthal asked about the drainage. Deputy Director of Public Works and Engineering Bob Phillips believes the proposed drainage improvements will improve the site's drainage.

Greg Graiger, 660 Constance Lane, noted they are remiss on keeping the berm up. The storm water problem goes beyond the houses on Christopher Lane and gets worse with the proposed additional building. The condition of the parking lot is dismal. It has not been kept up in all these years and Mr. Graiger questioned whether adding additional height will make it better. He believes a two-story parking structure would be sufficient. Neighbors are afraid of declining property values. Mayor Rosenthal noted the Village will make sure the property is kept up and is an asset to the Village and the neighborhood. If the neighbors let the Village know of a problem, we will look into it.

Arnold Sandler, 650 Constance Lane, showed pictures of the flooding on his property. The existing berm is 17 feet in height. The water flows into his back yard and they have had issues with flooded basements, as well. The existing evergreen trees had microbursts with lost trees that were not replaced. The building management is not on premise and cannot be contacted with issues from residents. Their property values are \$50,000 below market because of these issues. Mr. Sandler cannot use his backyard and the standing water breeds mosquitos. The new building will create more problems for the residents.

Michael O'Malley, representing ownership, stated they are working to rectify the issues. They are working on getting a point of contact for the neighbors so their questions and concerns can be heard. Trustee Seiden noted the residents have been unable to reach building management for the past few years. He questioned what has changed. Mr. O'Malley stated they were not aware that the neighbors were trying to contact them. Trustee Struthers ensured they would be receptive to the residents. Mr. Street questioned how long the water stands in Mr. Sandler's backyard. Mr. Sandler stated the water stands for seven to ten days.

Judi Sandler, 650 Constance Lane, does not believe a three-story garage is necessary. In today's technology, there is no reason office buildings need this much parking. She questioned the need for a garage at this time.

Mr. Marwick finds it ironic that the petitioner is asking for more parking. Most companies are reducing the number of staff onsite. He questioned how the intersection will function with 300 additional vehicles. Mr. Marwick suggested a Pace Bus or shuttle, which would also reduce the need for parking.

Trustee Seiden questioned why Commissioner Jacoby voted against the proposal. Mayor Rosenthal noted Ms. Jacoby believes the structure is too large.

Trustee Oppenheim moved to accept the Report and Recommendation of the Plan Commission regarding a request to amend a Planned Unit Development to permit a new parking structure at 1717 Deerfield Road. Trustee Benton seconded the motion.

Trustee Struthers does not believe the traffic study. When the schools are in session, the intersection gets a lot of traffic. She questioned how many extra cars would be accommodated. Trustee Benton noted the petitioner stated they would change the timing. Ms. Digrino noted Tennaqua Lane is a dead end. The signal is sequenced so Tennaqua has the lowest priority.

Bill Grieve, Senior Transportation Engineer with Gewalt Hamilton, stated the office building is 70 percent leased. Out of the leased space, there are not as many employees as expected. They looked at square footage as well as the number of employees and investigated the largest impact. The intersection is actuated and operates based on use. They will work with LCDOT to change certain parameters and believe the additional parking spaces would create little increased delay.

The motion did not pass by the following vote:

AYES: Benton, Oppenheim (2)

NAYS: Seiden, Shapiro, Struthers (3)

**PUBLIC HEARING TO CONSIDER  
THE PROPOSED FIRST AMENDMENT  
TO THE WALGREENS 2000  
ANNEXATION AGREEMENT FOR THE  
WILMOT ROAD WALGREENS  
CORPORATE CAMPUS**

A Public Hearing to consider an amendment to the Walgreens 2000 Annexation Agreement for the Walgreens Wilmot Road Corporate Campus.

Trustee Shapiro moved to open the Public Hearing. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Bernard Citron, attorney with Thompson Coburn LLP, stated the Annexation Agreement Amendment is only one aspect of their presentation. Walgreens is a good corporate citizen. They are seeking to make improvements to their campus. The Annexation Agreement calculates parking in a certain way. They are changing the office interior and want to change how parking is calculated.

There were no public comments.

Trustee Shapiro moved to close the Public Hearing. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION  
OF THE PLAN COMMISSION RE:  
REQUEST FOR APPROVAL OF AN  
AMENDMENT TO THE WALGREENS  
PLANNED UNIT DEVELOPMENT TO  
ALLOW CHANGES TO THE PARKING  
LOT, A NEW SKYWALK AND  
SIGNAGE AMENDMENTS, CHANGES  
TO THE PUD BOUNDARIES,  
APPROVAL OF PRELIMINARY AND  
FINAL DEVELOPMENT PLAN, AND  
AN AMENDMENT TO THE EXISTING  
ANNEXATION AGREEMENT

Mr. Citron stated the PUD boundaries changed over time as Walgreens acquired additional buildings. Eric Friedman, Sr. Manager of Development, Architecture at Walgreens, made a presentation showing the proposed scope of work. They want to add a skywalk, expand parking on the west building and change their site signage. He stated the parking expansion would include the existing green space around the 200 Wilmot Road building. They plan on relocating their primary visitor parking to work better with the building. The proposed parking additions will increase the parking based on utilization / work station seats rather than employee count.

Mr. Friedman noted they propose constructing a new skywalk, which will be a fully-enclosed pedestrian pathway above street level. The proposed skywalk will connect all three building groups.

They look at signage as their exterior branding. They would like to update the three primary signs on the site plan. The tollway sign is currently a low wall sign which needs to be moved for the building improvements. The proposed sign will be vertical rather than horizontal and the location and size would be appropriate. Mr. Friedman stated they propose a new sign along Wilmot Road, which would be rebranded for both Walgreens and the Walgreens Boots Alliance. They also propose a directional sign to be located at the center of the property.

The Walgreens PUD would include all three campus buildings. The 1650 Lake Cook Road and 1750 Lake Cook buildings would remain part of the Tollway North PUD.

Trustee Shapiro moved to accept the Report and Recommendation of the Plan Commission to approve an Amendment to the Walgreens PUD to allow changes to the parking lot, a new

skywalk and signage amendments, changes to the PUD boundaries, approval of preliminary and final development plan and an Amendment to the existing Annexation Agreement. Trustee Oppenheim seconded the motion.

Trustee Oppenheim asked Mr. Friedman to go into detail about having one exit without a left turn during afternoon hours. The Village received a comment from Hyatt Hotels expressing concern that prohibiting a left turn could cause additional consequences. Mr. Friedman stated they currently have two driveways limiting left turns between 4 p.m. and 5 p.m. Traffic often backs up at the south buildings, which line up to Gordon Terrace. The traffic consultant suggested putting similar limitations and they will educate their team members about the preferred routes. There are also full access driveways.

The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION  
OF THE PLAN COMMISSION RE:  
REQUEST FOR APPROVAL OF A  
RESIDENTIAL PLANNED UNIT  
DEVELOPMENT (PUD) WITH  
NECESSARY EXCEPTIONS, A  
REZONING OF 702, 662 AND 658  
ELM STREET FROM R-4, SINGLE  
& TWO FAMILY RESIDENTIAL  
DISTRICT TO 4-5, GENERAL  
RESIDENCE DISTRICT, A TEXT  
AMENDMENT TO ALLOW A  
RESIDENTIAL PUD OF LESS THAN 1  
ACRE IN SIZE, A RESUBDIVISION OF  
THE 702, 662 AND 658 ELM STREET  
PROPERTIES, AND AN AMENDMENT  
TO THE COMPREHENSIVE PLAN TO  
ALLOW THE REDEVELOPMENT OF  
THE 702, 662 AND 658 ELM STREET  
PROPERTIES WITH EIGHT  
TOWNHOMES

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Mayor Rosenthal noted that after the Plan Commission meeting, the developer reduced the number of townhomes from eight to seven. She recommended this petition go back to the Plan Commission.

Trustee Struthers moved to send this petition back to the Plan Commission. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

The motion passed by the following vote:

AYES: Benton, Oppenheim, Seiden, Struthers (4)

NAYS: None (0)

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: ESTABLISHED FRONT YARD SETBACK VARIATION PETITION OF BARBARA AND ARNOLD GAFFEN, 695 BRIERHILL ROAD

The Board of Zoning Appeals held a Public Hearing on March 20, 2018 to consider the request for an established front yard setback variation for Barbara and Arnold Gaffen for the property located at 695 Brierhill Road. The BZA voted 4-0 to recommend approval of the request.

Trustee Oppenheim moved to accept the Report and Recommendation of the Board of Zoning Appeals for the property located at 695 Brierhill Road. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT AND RECOMMENDATION OF THE BOARD OF ZONING APPEALS RE: ESTABLISHED FRONT YARD SETBACK VARIATION PETITION OF LOUIS BUCKSBAUM, 636 BRIERHILL ROAD

The Board of Zoning Appeals held a Public Hearing on March 20, 2018 to consider the request for an established front yard setback variation for Louis Bucksbaum for the property located at 636 Brierhill Road. The BZA voted 4-0 to recommend approval of the request.

Trustee Seiden moved to accept the Report and Recommendation of the Board of Zoning Appeals for the property located at 636 Brierhill Road. Trustee Shapiro seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

REPORT OF STAFF RE: ORDINANCE AUTHORIZING AN AMENDMENT TO A MULTI-COUNTY MUNICIPALITY INTERGOVERNMENTAL AGREEMENT UNDER WATERSHED MANAGEMENT

Ms. Little noted the Village and the Metropolitan Water Reclamation District entered into an agreement in 2018 allowing the Village to use the Lake County Ordinance in Cook County. The MWRD amended their agreement on March 1, 2018, which requires the Village to approve and authorize the Amendment to the Multi-County Municipality Intergovernmental Agreement under Watershed Management.

Trustee Oppenheim moved to authorize an Amendment to the Multi-County Municipality Intergovernmental Agreement under Watershed Management. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSENT AGENDA

There were no items on the Consent Agenda.

OLD BUSINESS

RESOLUTION AUTHORIZING  
A TWO-YEAR EXTENSION OF A  
FINAL DEVELOPMENT PLAN FOR 8  
PARKWAY NORTH

A Resolution authorizing a two-year extension of  
a Final Development Plan for 8 Parkway North.

Trustee Oppenheim moved to adopt the Resolution.  
Trustee Seiden seconded the motion. The motion

passed by the following vote:

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

NAYS: None (0)

ORDINANCE AMENDING CHAPTER  
7 (BUSINESS), ARTICLE 14 (MASSAGE  
ESTABLISHMENTS) TO REGULATE  
MASSAGE ESTABLISHMENTS – 1R

Assistant Village Manager Andrew Lichterman  
reported staff worked with the Village Attorney  
to prepare the Ordinance. They have started  
working with the Chamber of Commerce to  
notify those businesses that will be affected by the

Ordinance. Mayor Rosenthal noted the Ordinance appears to read that any business with a  
massage table will require a license. Mr. Lichterman explained any establishment with a  
licensed massage therapist will require a license. Medical therapists such as a chiropractor,  
physical therapist or occupational therapist will be exempt from this Ordinance. Mr. Street noted  
the Village will be in touch with existing businesses before the Second Reading of the  
Ordinance. This will stand as a First Reading of the Ordinance.

NEW BUSINESS

RESOLUTION AUTHORIZING  
PARTICIPATION IN MIDDLE FORK  
DRAINAGE COMPREHENSIVE PLAN

Deputy Director of Public Works and Engineering  
Bob Phillips reported two forks of the Chicago  
River go through the Village. The middle fork goes  
through the eastern portion of the Village.

Following flooding, the Army Corps of Engineers initiated some construction projects which  
improved the drainage in the Village. In 2017, many municipalities including Deerfield, had  
significant flooding. The Army Corps of Engineers would like to initiate a study about drainage  
improvements that could improve 5 communities including Highland Park and Deerfield. The  
Army Corps of Engineers cover 50 percent of the cost and the five communities would pay 10  
percent each at \$6,624.

Trustee Benton moved to adopt the Resolution. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ANALYSIS AND AWARD OF BID FOR 2018 STREET REHABILITATION PROJECT Staff Engineer Tyler Dickinson noted the Village solicited bids for the 2018 Street Rehabilitation Project. A Lamp Concrete Contractors was the low bidder. The bids came in lower than the budget and staff would like to add locations and change the scope of the work to include lengthening the reconstruction of Summerset Avenue and changing Elmwood Avenue from patching to a full road reconstruction. The Village budgeted \$2,300,000 for the work. With the additions, the total cost would be \$2,292,880.

Trustee Oppenheim moved to award the contract for the 2018 Street Rehabilitation Project, including the additional work, to A Lamp Concrete Contractors, in an amount not to exceed \$2,292,880. Trustee Shapiro seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AWARD OF CONTRACT FOR 2018 SIDEWALK IMPROVEMENT PROGRAM Mr. Dickinson reported there are 103 locations that need repair, which is too much to handle in-house. The Village requested an extension of the 2018 Street Rehabilitation Project unit pricing of \$6.70 per square foot of sidewalk.

Trustee Struthers moved to waive the competitive bidding process and award the contract for 2018 sidewalk improvement to A Lamp Concrete Contractors in an amount not to exceed \$100,000. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD PHASE II ENGINEERING SERVICES CONTRACT FOR THE GREENWOOD AVENUE INFRASTRUCTURE IMPROVEMENT PROJECT Mr. Dickinson stated that in 2018, the Village and Lake County discussed the resurfacing of Greenwood Avenue from Wilmot to Waukegan and reconstruction from the railroad to Waukegan. Phase I of the project is almost complete. The project is federally funded, so it requires three phases with approvals. Civil Tech Engineering was selected for Phase II of the project. The estimate is more than \$1 million in federal funds for Phase III, with an 80/20 participation.

Trustee Oppenheim moved to award the Phase II Engineering Services contract to Civil Tech Engineering in an amount not to exceed \$149,930. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-18-07 APPROVING  
RULES FOR PUBLIC COMMENT AT  
MEETINGS OF VILLAGE PUBLIC  
BODIES

Mayor Rosenthal noted the Village would like to change the Public Comment time from five minutes to three minutes. The Resolution also allows for a 30 minute time limit, if desired. Mr. Rose noted the

Village can ask a person for their address and if they are a Village resident, but cannot compel the person to provide their address.

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

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

NAYS: None (0)

DISCUSSION

SPRINGFIELD

Mayor Rosenthal and Trustee Shapiro visited Springfield to represent the Northwest Municipal

Conference. They spoke with leaders and received mixed reviews on a property tax freeze. One emphasis is to reduce the 2 percent home rule sales tax collection administrative fee to 1 percent once a study on the new practice is completed. Another bill, as now drafted, is asking if adjoining municipalities want to consolidate, but passage by voters in just one municipality results in consolidation.

ADJOURNMENT

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

Trustee Oppenheim seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:39 p.m.

The next regular Board of Trustees meeting will take place on Monday May 7, 2018 at 7:30 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk