

July 1, 2019

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 July 1, 2019 at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Tom Jester
Mary Oppenheim
William Seiden
Barbara Struthers

Absent was: Dan Shapiro

and that a quorum was present and in attendance. Also present were Village Manager Kent Street and Brooke Lenneman, Village Attorney.

PLEDGE OF ALLEGIANCE

Ms. Lenneman led those in attendance in reciting the Pledge of Allegiance.

DOCUMENT APPROVAL

Trustee Benton moved to approve the minutes from the June 17, 2019, Board of Trustees meeting.

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

Trustee Oppenheim moved to approve the minutes from the June 1, 2019, Committee of the Whole meeting. Trustee Struthers seconded the motion. The motion passed unanimously on a voice vote.

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the May Treasurer's Report

representing 42 percent of the year. Sales tax net of the rebate was consistent with the previous two years. The year to date amounts exceed each of the previous two years. Water and sewer billings represent lower months. Building permit revenue includes several large commercial projects. The expenditures include the general liability insurance payment, the Village portion of the Patty Turner Center expenses and two large piece of equipment for Public Works.

BILLS AND PAYROLL

Trustee Seiden moved to approve the Bills and Payroll dated July 1, 2019. Trustee Benton

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

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

NAYS: None (0)

PUBLIC COMMENT

There were no public comments on non-agenda items.

REPORTS

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A REAL ESTATE OFFICE FOR COLDWELL BANKER TO BE LOCATED AT 675 DEERFIELD ROAD, SUITE 125

Mr. Street reported the Plan Commission held a Public Hearing on May 23, 2019, to consider the request for a Special Use to permit a real estate office in the C-1 business district. A Special Use is required for non-retail businesses on the first floor in the Village Center. The Plan Commission voted 6-0 in favor of the request. Trustee Benton noted this is a small office for agents to meet with their clients. Mayor Rosenthal expressed concern about the number of non-sales tax generating

businesses.

Trustee Seiden 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, Seiden, Struthers (5)

NAYS: None (0)

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR A SPECIAL USE IN THE I-2 LIMITED INDUSTRIAL DISTRICT TO PERMIT THE ESTABLISHMENT OF A PERSONAL FITNESS TRAINING CENTER AT 151 S. PFINGSTEN ROAD, SUITES A, B, C AND D FOR INSTITUTE FOR HUMAN PERFORMANCE (IHP)

Mr. Street reported the Plan Commission held a Public Hearing on May 23, 2019, to consider the request for a Special Use for a 20,517 square foot personal fitness center. The Plan Commission voted 6-0 in favor of the request.

Trustee Jester 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, Seiden, Struthers (5)

NAYS: None (0)

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR

Mr. Street reported the Plan Commission held a Public Hearing on May 23, 2019, to consider the request for a Special Use to permit the establishment of a health club facility for Planet

A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A HEALTH CLUB FACILITY FOR PLANET FITNESS AT 35 N. WAUKEGAN ROAD IN CADWELL'S CORNERS SHOPPING CENTER

Fitness to be located at 35 North Waukegan Road in Cadwells Corners Shopping Center. This would be for a 21,637 square feet of the former 32,300 square foot Fresh Thyme space. The proposed hours would be from 5 a.m. on Monday through 9 p.m. on Friday and from 7 a.m. to 7 p.m. on Saturday and Sunday. The Plan Commission voted 6-0 in

favor of the request with sign exceptions and exemptions. Deliveries will only be allowed from Monday through Saturday from 8 a.m. to 5 p.m. on the west side of the building and employee parking is prohibited on the east side after 8 p.m.

Trustee Struthers questioned whether there are noise issues in other facilities. Chris Kouros from Planet Fitness explained that they have not received any noise complaints with 11 years of history operating Planet Fitness.

Marvin Kogan, 35 Doral Court, backs up to north end of shopping center. He is disappointed with the hours of operation. Previous tenants had highly regulated delivery hours, which were ignored by the drivers. The tenants could not handle their vendors. The Mundelein location has more than 9700 night users in the past year, and he sees those as opportunities to disturb the neighbors overnight. It only takes one offender to wake up the neighborhood. Mr. Kogan questioned how it will be controlled. He believes it will be a good use for the space, but does not agree with the hours due to the quality of life and impact on the neighbors.

Trustee Seiden questioned the anticipated customer load between 11 p.m. and 6 a.m. Mr. Kouros noted Planet Fitness has two models, one is always open and the other is the lesser time proposed for this location. This is the less intrusive of the models. Trustee Struthers asked if other Planet Fitness locations that are this close to residential. Mr. Kouros stated the Mundelein and Waukegan locations are even closer. He noted they are inversely busy from regular retailers. Their highest check ins are between 4 p.m. and 8 p.m. Planet Fitness corporate requires these hours. Trustee Oppenheim noted most people that come to Planet Fitness come in a car, not a large truck. Mr. Kouros noted the large delivery door in back will be eliminated and replaced with a regular size door. Trustee Struthers noted there will be cell phone noise from patrons entering and exiting the facility. Mr. Kouros explained the sound waves would have to go above and around the building.

Dan Nakahara, Village Planner, reported that the old landscaping that was installed in the rear was in place and 10 additional trees were also added. Staff held a number of conversations that resulted in landscaping enhancements. Mr. Nakahara noted the plantings were field verified. Trustee Struthers indicated there is more noise coming from McDonalds.

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

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

NAYS: None (0)

Mayor Rosenthal noted that if residents have an issue, they should call the Police Department. Mr. Kogan stated they currently have a noise issue with a semi-truck parked overnight. He was told there is nothing that can be done as it is private property.

Mr. Kogan explained the landlord had agreed to put up a sign stating who manages the property. Shawn Devine with Cadwells Corners stated a sign was added with the manager's name and number. They will add a second sign if desired. He noted that the truck does not have permission to park there overnight.

CONSIDERATION AND ACTION ON
THE REPORT AND
RECOMMENDATION OF STAFF RE:
TREEHOUSES, PLAYHOUSES,
PLAYSETS AND OTHER
PLAYGROUND EQUIPMENT

Mr. Street reported at the June 1, 2019, Committee of the Whole meeting, the Board directed staff to prepare a report regulating treehouses, playhouses, playsets and other playground equipment. Staff recommends amending the Zoning Ordinance regarding size and setbacks.

Mayor Rosenthal noted a child's playhouse shall not exceed 15 feet above grade. Code Enforcement Supervisor Clint Case suggested the specifications need to be tweaked. Mayor Rosenthal noted the regulations apply to rear yards only; front and side yards are prohibited. There needs to be more emphasis that they are only allowed in rear yards. Trustee Struthers questioned if there would be an exception for a corner lot with a large side yard. Trustee Oppenheim noted the Village does not want playhouses with street frontage. Mr. Case indicated the definitions would have some examples. Trustee Oppenheim questioned whether existing playhouses would be grandfathered. Mr. Street stated they need a specific way to do that, possibly through a pre-existing, non-conforming designation or amortizing their value out over several years, after which they would need to be removed.

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

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

NAYS: None (0)

CONSENT AGENDA

ORDINANCE AMENDING "THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD, 1975," AS AMENDED TO ADOPT THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL

An Ordinance amending the Municipal Code of the Village of Deerfield, 1975, as amended to adopt the 2018 editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code and International Pool and Spa Code. First Reading.

CODE, INTERNATIONAL FUEL GAS
CODE, INTERNATIONAL PROPERTY
MAINTENANCE CODE,
INTERNATIONAL FIRE CODE AND
INTERNATIONAL POOL AND SPA
CODE – 1R

Mayor Rosenthal noted the Village has received a number of letters from realtors opposing the requirement for sprinklers in single-family homes. Most of the letters were identical form letters. Trustee Oppenheim noted the letters all opposed the fire suppression system in new construction. Trustee Jester indicated almost all nearby

communities, except Highland Park have already adopted this and asked for any insight. Mr. Street will try to get more information before the next meeting.

Joe Roth, from the North Shore Barrington Association of Realtors, reinforced opposition to requiring sprinklers in new construction. He believes that the decision is for homeowners to make, not the government. He indicated approximately 10 percent of fire suppression systems fail and leaks do happen in these systems. A false activation can destroy a home. Homeowners should determine if it is right for them. Stating these systems pay for themselves is not true. Looking at the averages in Lake County, it takes more than 30 years in insurance savings, but the maintenance costs are not taken into consideration. There will need to be inspections as well, which are also additional costs. The North Shore Association of Realtors would recommend requiring builders to offer a system to allow homeowners to make their own choice.

Trustee Seiden noted it may take 30 years to pay it off, but the fire department asked us to pass this, in the unlikely event there is a major fire. He believes it is a life safety issue.

Deputy Chief Larson understands the costs that come into play with a sprinkler system, but questioned the cost of a life. This is a model code to make things safer with time and technology. Building construction materials have become better, but there is still the human factor. We have been lucky there has not been a local fatality since 1993. Residential sprinkler systems are designed to allow residents to exit the house and hold it until the fire department is on the scene. The water pressure for a residential unit is about 15 gallons per minute.

This will stand as a First Reading of the Ordinance.

OLD BUSINESS

ORDINANCE AMENDING SECTION
9.02-F.3 OF THE DEERFIELD ZONING
ORDINANCE OF 1978, AS AMENDED,
TO ALLOW A DIGITAL SCOREBOARD
AT A PUBLIC HIGH SCHOOL
PROPERTY TO BE USED FOR
COMMUNITY EVENTS IN THE P-1
DISTRICT – 1R

An Ordinance amending Section 9.02-F.3 of the Deerfield Zoning Ordinance of 1978, as amended, to allow a digital scoreboard at a public high school property to be used for community events in the P-1 District. First Reading.

Mayor Rosenthal noted the petitioner requested this item be tabled.

ORDINANCE APPROVING AN

An Ordinance approving an amendment to a Special

AMENDMENT TO A SPECIAL USE TO PERMIT THE INSTALLATION OF A NEW DIGITAL SCOREBOARD AT DEERFIELD HIGH SCHOOL – 1R Use to permit the installation of a new digital scoreboard to be located at Deerfield High School. First Reading.

Mayor Rosenthal noted the petitioner requested this item to be tabled.

Trustee Benton moved to Table these two agenda items to the August 5, 2019, Board of Trustees meeting. Trustee Seiden seconded the motion. The motion passed unanimously on a voice vote.

NEW BUSINESS

RESOLUTION R-19-17 REGARDING THE ZONING, REGULATION AND LICENSING OF RECREATIONAL CANNABIS BUSINESSES The Illinois General Assembly passed the Cannabis Regulation and Tax Act on June 6, 2019, which legalizes the sale, possession and use of cannabis for recreational use by adults over the age of 21 starting January 1, 2020. The Village Attorney's office prepared a memo suggesting the Plan Commission to look into an amendment to the Zoning Ordinance.

Mayor Rosenthal noted the Police Department will be dealing with traffic and enforcement whether the sale of cannabis is allowed in Deerfield or not. She suggested the Plan Commission consider the following limitations:

- Limit the number of retail dispensaries to one, pending review of the administrative roles to be issued by the State agencies
- Prohibit on-site consumption
- Limit retail dispensaries to the I-2 and C-2 Zoning Districts
- Require a minimum setback of 500 feet from a public park and 1,000 feet from a school
- Require a minimum setback of 2,000 feet from a high school
- Limit the size of a retail dispensary to 5,000 square feet
- Establish a 3 percent sales tax on recreational cannabis
- Prohibit craft growers and cultivation centers
- Prohibit processing organizations or processors
- Prohibit infuser organizations or infusers
- Confirm the State law does not allow cannabis to be consumed in public
- Note that medical authorization is required for home growing of 5 plants or less

Trustee Oppenheim believes the Village may have some legal issues with making our requirements so much more stringent for marijuana than alcohol. If both substances are legal, there may be some legal challenges. Trustee Oppenheim believes people that want to open a business may question why there are so many more restrictions than alcohol. She believes it will be an ongoing challenge for years.

Ms. Lenneman noted liquor is set up with an alcohol licensing procedure. Cannabis is not part of that. Based on the Act, it is clear local zoning regulations have been contemplated. The number of licenses are limited. Trustee Jester suggested changing the word prohibited to permitted in the Ordinance. Mr. Street noted Section 2 Item A in the law allows the Village to prohibit retail sales. Ms. Lenneman noted it is the Village's position that it is prohibited currently. Trustee Oppenheim believes it would be ridiculous to have the medical marijuana establishments more restrictive than a recreational marijuana establishment. Trustee Struthers inquired if banning people smoking in apartments should be considered. Mr. Street noted landlords are allowed to restrict smoking.

Mayor Rosenthal noted on page 2 of the memo from the Village attorney's office states recreational cannabis uses could fall within other listed uses that are permitted. She questioned whether it should state "cannot" fall and eliminate "pharmacies." Ms. Lenneman noted although it is our position, we can argue that the Village will hold a Public Hearing regarding further discussion. Mr. Street indicated the Ordinance cannot leave this ambiguity.

She noted that approval of the Resolution send the matter to the Plan Commission. Trustee Seiden is not convinced it is a good use for the Village. Mayor Rosenthal noted there will be costs involved regardless of whether the Village approves it. Mayor Rosenthal suggested some verbiage updates for the Resolution.

Trustee Benton moved to approve the Resolution as amended. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: Seiden (1)

AUTHORIZATION TO AWARD
ADDITIONAL WORK FOR THE
WOODLAND SUBDIVISION WATER
MAIN PROJECT

Public Works Director Bob Phillips reported that the Woodland Subdivision water main project is currently underway. He noted that the project included televising the storm sewers. The footage from the televising showed that some of the storm sewers are in worse condition than previously believed and staff is recommending lining them at this time as part of the current capital program at a cost not to exceed \$75,000.

Trustee Jester moved to approve. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None

DISCUSSION

NEW HANDHELD DEVICE LAWS

Trustee Jester noted there is now a new State law driving with a handheld device that increases the penalty to a moving violation. He hopes it will get people's attention and is interested in how many violations will be issued by the Police Department. Mayor Rosenthal added the law also affects people stopped at a red light who use a phone.

NW MUNICIPAL GALA

Mayor Rosenthal thanked the Trustees for attending the Northwest Municipal Gala. She noted Trustee Shapiro was installed as the Secretary this year.

TRUSTEE IN THE TOWN

Mayor Rosenthal and Trustee Benton were at the Farmers Market on Saturday. They enjoyed the discussions and questions from residents.

RIBBON CUTTING

Mayor Rosenthal thanked Trustee Benton and Mr. Street for attending the ribbon cutting at Spa Organic. They have a new owner.

FIREWORKS

Mr. Street reminded residents not to use unauthorized fireworks over the holiday. He urged residents to be safe. Mr. Street noted there would be an increased police presence for fireworks and people driving under the influence.

ADJOURNMENT

There being no further business or discussion, Trustee Oppenheim moved to adjourn the meeting. Trustee Benton seconded the motion. The motion passed unanimously on a voice vote. The meeting was adjourned at 8:55 p.m.

The next regular Board of Trustees meeting will take place on Monday, July 15, 2019, at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk