

July 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 July 16, 2018, 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
Dan Shapiro
Barbara Struthers

and that a quorum was present and in attendance. Also present were Village Manager Kent Street and Village Attorney Steven Elrod.

PLEDGE OF ALLEGIANCE

Village Attorney Elrod led those in attendance in reciting the Pledge of Allegiance.

DEPARTMENTAL OBJECTIVES
REPORT – PUBLIC WORKS AND
ENGINEERING

Acting Director of Public Works and Engineering Bob Phillips presented highlights from the six-month departmental objectives report for the Public Works and Engineering Department. He noted that long-time Director of Public Works and Engineering Barbara Little retired earlier in the year. He noted she was an outstanding mentor and instrumental to the success of many projects during her tenure with the Village. Mr. Phillips reported the WRF administration building will be dedicated to Barbara Little later this year.

He reported the department has worked with finance and administration to execute the Local 150 Operators Union contract. There have been a number of improvements throughout the year, including water main replacements, water tank restoration, capital projects and drainage investigation. The Public Works department has been busy with snow and ice control, street repair and sweeping, sewer repair and televising, sewer and manhole lining and vehicle and equipment maintenance. They are also working on a number of capital projects.

Mayor Rosenthal noted the Village replaced 1032 trees in the Village, which is an incredible accomplishment. Mr. Phillips noted they took down 1400 diseased trees, and are still working on replacing more.

MINUTES OF PREVIOUS MEETING

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

BILLS AND PAYROLL

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

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

NAYS: None (0)

PUBLIC COMMENT

Susan Kwalwaser, 655 Constance, is a 27-year resident. She noted the Village Code states that trash cannot be brought to the curb earlier than 6:00 p.m. the night before the trash pickup. People are dumping trash on the parkway every day of the week. She contacted the Village and provided an address. Staff mailed the offender a citation. She has taken a number of photographs and does not understand why the Village cannot enforce the Ordinance without requiring residents to call to make a report. Other Ordinances, such as overnight parking, are always enforced. Mayor Rosenthal suggested asking Public Works and the Police to be more cognizant of the issue and deliver something stating this is a violation of the Village Ordinance. Mr. Street will make sure information goes in D-Tails and on the Village website.

Andrew Marwick, 442 Kelburn, expressed concern about Deerfield Park Plaza. The access is very difficult. There are few sales tax generating businesses in the center. Mr. Marwick believes the Village should amend the Comprehensive Plan and rezone the center to facilitate more transit-oriented development.

REPORTS

REPORT AND FAILURE TO
RECOMMEND OF THE BOARD OF
ZONING APPEALS RE: ROOF SIGNAGE
FOR ALIGNED MODERN HEALTH,
710 DEERFIELD ROAD

Mr. Street reported the Board of Zoning Appeals held a Public Hearing to consider a request for a sign in the gable over the petitioner's tenant space. The BZA voted 0-6 and denied the request. The Appearance Review Commission held a workshop meeting on May 21, 2018, and June 9, 2018, to

consider the request. The ARC voted 2-2 with one abstention, thereby not recommending approval.

Attorney Harold Francke with MPS Law stated the business opened in December. The initial sign that went before the ARC with a 4-1 approval was for a wall sign under the roof gable. The ARC unanimously rejected the blade sign. The applicant suggested moving the apple logo to the wall sign. The client was advised a variation would be needed to have a sign above the roof line. Mr. Francke noted the gable is above the gutter, but does not believe it is above the roof line. He noted this gable is different than the gable on Waukegan Road, because the entire gable structure is above the roof line. Mr. Francke noted the BZA did not recommend approval because it is not allowed by Village Code.

Trustee Shapiro asked what changed between the two ARC meetings. Mr. Francke noted the blade sign was not approved and the petitioner requested a logo on the wall sign. Mayor Rosenthal clarified that Village code does not allow two signs on the same elevation. The new sign has the apple logo as part of the sign. Mr. Francke noted the Village Ordinance does not

define roof or gable. He believes the gable is part of the wall rather than a sign above the roof line. BZA Chairman Bob Speckmann stated the main concern is that this is a gable roof and the Village does not allow roof signs. They requested a modification of a sign that is not allowed by the Village. Mayor Rosenthal believes the petitioner is saying the gable is a wall in front of a roof while the BZA believes it is a roof sign because a gable is a roof.

ARC Chair Lisa Dunn stated the ARC felt the current awning sign would be more readable and over the front door than the proposed sign. When the logo was added, the sign became smaller making the words Modern Health not readable. The petitioner insisted on keeping both the logo and the words, so the commissioners did not like the sign.

The petitioner has received a number of comments from patients complaining they could not find the business. Mayor Rosenthal suggested removing the apple logo and going back to the larger sign. But the petitioner believes they would lose their brand identity.

Sign company representative Lisa Staszak stated the current awning has both the logo and text. The text is 12 inches tall. She believes the 4-inch Modern Health letters will be visible. Trustee Jester questioned whether the gable across the street would be allowed a sign. Mayor Rosenthal noted if the gable is part of the roof, it would not be allowed. The petitioner would have to cover over windows if they wanted a wall sign. Mr. Francke noted the Village Code Section 9.01B-2 states that roof signs shall not be erected on any roof of the building, which means the Aligned sign must be on the roof. The question is whether the sign is on the actual roof. Mr. Francke noted Whole Foods has a sign in the gable.

Mayor Rosenthal noted there are two issues. First is whether this is a roof. Second is the appearance of the sign. She agreed people may not see the business because they are not looking for a sign in the awning. Mr. Marwick believes the Village spends too much time on signage. Whole Foods does not have a wall behind their blade sign, but they have a wall sign also. Deerfield Village Square has also requested a number of sign changes. He does not see what is wrong with the sign, and does not believe it will make a difference.

Mayor Rosenthal asked staff to come back with a definition, so there is no precedent set. Trustee Jester noted the Village approved a roof sign across the street. Mayor Rosenthal indicated that was approved as a roof sign. She believes once the definition is squared away, the Trustees can deal with the Appearance Review Commission's recommendation. Mr. Elrod noted staff can make a recommendation on the definition, and it can be accomplished in two weeks. Trustee Seiden believes this should be called an exception. Mr. Elrod noted this does not qualify for a variation. Staff or the Trustees can make an interpretation, but the danger is the Trustees do not know what else is out there and what precedent could be created.

Dave Zimmer, owner of Fleet Feet Sports, noted they worked hard to get Aligned Modern Health into the Village. They have grown their business since Aligned has come in. He is worried that customers do not see the awning sign when on the sidewalk. Trustee Struthers believes it would be easier to see a blade sign than the awning sign. Ms. Dunn noted they have the west wall of the building that currently has a temporary sign and temporary window signage.

Trustee Shapiro moved to table discussion to next meeting with a request for report and recommendation from staff. Trustee Struthers 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: ARTICLE 7
OF CHAPTER 6 (SWIMMING POOLS)
OF THE MUNICIPAL CODE AND A
REQUEST FOR RELIEF BY 1463
NORTHWOODS DRIVE

Mr. Street reported the Community Development department received a request to build a swim spa. The owner requested relief from the Ordinance. Village Code Enforcement Officers believe a 10-foot-minimum distance between the structure and swimming pool is appropriate.

Homeowner Shivani Desai believes this is closer to a spa than a pool. They want to do this for exercise to relieve chronic knee and back pain. The maximum depth would be 4 feet at any area.

Mayor Rosenthal stated the reason the Village requires the 10-foot-minimum distance is for emergency access. Ms. Desai indicated the pool must be accessed through the house. Trustee Oppenheim indicated there is only 3 feet from the edge of water on one side. She questioned whether someone could get in there to help. Mr. Street indicated the rules, as written, pertain to swimming pools. Hot tubs are typically not as limited. The structure in question is larger than a hot tub because it has more than 100 square feet of area. Mayor Rosenthal noted swimming pools have access from the outside while this is only accessible from the house. Trustee Oppenheim noted the 10-foot requirement is for emergency equipment. Assistant Code Enforcement Officer Jeff Hansen believes this is for equipment to access the pool. If it were not for the area of the water surface, there would not be any discussion. Trustee Oppenheim noted this is 15 feet larger than a hot tub.

Trustee Shapiro believes there are unique circumstances and suggested drafting some language into the Code to allow this type of application. Trustee Jester noted 4 feet is deep enough to drown. He questioned whether paramedics would be able to access. Trustee Struthers would like the Fire Protection District to look at this. Trustee Oppenheim added if the Village is going to redefine anything, they need to know what a safe distance would be. She questioned whether someone would be able to get into the area. Mayor Rosenthal asked if the water could be changed to 100 feet, but it is a prefabricated and would be difficult to downsize

Trustee Oppenheim moved to table discussion. 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-18-24 AUTHORIZING AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT (PUD) TO PERMIT A NEW PARKING STRUCTURE AT 1717 DEERFIELD ROAD – 2R Liz Butler with DLA Piper reported they worked closely with staff and the Village Attorney on the development agreement for a phased implementation of the improvements.

Trustee Seiden ensured this has the same provisions that they have to complete the original landscaping regardless of whether the structure is built. Mr. Elrod stated the first phase includes the drainage improvements and planting of 21 trees, and must be completed by April 2019. The second phase is constructing the parking structure, but the petitioner must complete the first phase regardless.

RESOLUTION R-18-11 APPROVING A DEVELOPMENT AGREEMENT FOR 1717 DEERFIELD ROAD A Resolution approving a development agreement for 1717 Deerfield Road.

Trustee Seiden moved to adopt the Ordinance and accept the Resolution. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-18-25 AMENDING ARTICLE 9 OF CHAPTER 19 OF THE MUNICIPAL CODE REGARDING STANDARDS FOR ESTABLISHING REGULATIONS ON SMALL CELL WIRELESS FACILITIES An Ordinance amending Article 9 of Chapter 19 of the Municipal Code regarding standards for establishing regulations on small cell wireless facilities.

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

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

NAYS: None (0)

RESOLUTION R-18-12 AMENDING THE ANNUAL FEE RESOLUTION REGARDING FEES FOR SMALL CELL WIRELESS FACILITIES A Resolution amending the annual fee Resolution regarding fees for small cell wireless facilities.

Trustee Oppenheim moved to adopt the Ordinance and accept 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)

<u>ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 21 OF THE MUNICIPAL CODE ESTABLISHING OAK AND ELM TREE TRIMMING AND PRUNING SEASONAL REGULATIONS – 1R</u>	An Ordinance amending Article 4 of Chapter 21 of the Municipal Code establishing Oak and Elm Tree trimming and pruning seasonal regulations. First Reading. This will stand as a First Reading of the Ordinance.
--	--

NEW BUSINESS

<u>RESOLUTION R-18-13 AWARDING POLICE ACCESS CONTROL SYSTEM REPLACEMENT PROJECT</u>	IT Systems Coordinator Matt Weiss noted the electronic access control system at the police department has aged. It is also different than the electronic access systems in other Village buildings.
---	---

Replacing the system would make all systems the same. The Village sent out an RFP but the low bid was deficient. Mr. Weiss believes the acceptable bid is competitive. He recommends proceeding with the project and waiving competitive bidding. The acceptable bid came in at \$41,351.86. The Village budgeted \$50,000.

Trustee Struthers questioned why the project did not get more bids. Mr. Weiss stated there were eight potential bidders. He expected a third company to submit a bid, but they did not. The other companies were from Wisconsin and the project was not large enough.

Trustee Shapiro moved to waive the competitive bidding process and award the police access control system replacement project in the bid amount of \$41,351.86. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

<u>AUORIZATION TO EXECUTE CHANGE ORDER FOR THE WATER TOWER PAINTING CONTRACT</u>	Mr. Keenan stated there was more steel corrosion pitting in the water tower than expected. The additional cost of the repair is \$66,204, making the total cost \$872,515.
--	--

Trustee Struthers moved to authorize the change order for the water tower painting contract in the amount of \$66,204. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

Board of Trustees Meeting

July 16, 2018

Page 7 of 8

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

NAYS: None (0)

DISCUSSION

TRUSTEE IN THE TOWN

Trustee Seiden reported Trustees Oppenheim and Seiden would be available to answer questions at the Farmer's Market on Saturday from 9 a.m. to noon.

Trustee Struthers reported this is mosquito season and urged residents to wear repellent.

MOSQUITO SEASON

Trustee Struthers reported this is mosquito season and urged residents to wear repellent.

THANK YOU

Mayor Rosenthal thanked the Family Days Commission, Public Works, Justin Keenan, the Police Department, Fire Protection District and Park District for fun and safe events on July 3 and 4.

Mayor Rosenthal thanked the Family Days Commission, Public Works, Justin Keenan, the Police Department, Fire Protection District and Park District for fun and safe events on July 3 and 4.

CONGRATULATIONS

Mayor Rosenthal congratulated the Deerfield Library on their receipt of an award for their adult services staff. And congratulated the Village on being voted the second best place to live in Illinois by Home Snacks.

Mayor Rosenthal congratulated the Deerfield Library on their receipt of an award for their adult services staff. And congratulated the Village on being voted the second best place to live in Illinois by Home Snacks.

WELCOME

On behalf of the Trustees, Mayor Rosenthal welcomed Sloane Rae Lichterman, daughter of Assistant Village Manager Andrew Lichterman.

On behalf of the Trustees, Mayor Rosenthal welcomed Sloane Rae Lichterman, daughter of Assistant Village Manager Andrew Lichterman.

ADJOURNMENT

There being no further business or discussion, Trustee Oppenheim moved to adjourn the meeting. Trustee Benton seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:04 p.m.

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

The next regular Board of Trustees meeting will take place on Monday August 6, 2018, at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk