

August 6, 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 August 6, 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 Steven Elrod, Village Attorney.

PLEDGE OF ALLEGIANCE

Commander Brian Budny led those in attendance in reciting the Pledge of Allegiance.

PROMOTION OF BRIAN BUDNY

Chief Sliozis reported Brian Budny started his career with the Deerfield Police Department in 1988. He held a number of positions within the department as well as with NIPAS and the field force unit. Chief Sliozis congratulated Budny on his promotion. Mr. Street swore Deputy Chief Budny to his new position.

Deputy Chief Budny thanked Chief Sliozis and the Board for their trust and support. He is looking forward to his new position.

PRESENTATION OF GFOA  
CERTIFICATE OF RECOGNITION FOR  
BUDGET PREPARATION

for 29 consecutive years.

Mayor Rosenthal presented the Government Finance Officers Association's recognition for budget preparation to Finance Director Eric Burk. She indicated the Village has received this award

APPOINTMENT OF WALGREENS  
REPRESENTATIVE TO THE  
SUSTAINABILITY COMMISSION

relationship. Understanding that the corporate positions change over time, it is beneficial to allow Walgreens flexibility to appoint the right employee to the commission. They are offering top notch people in sustainability. The Village envisions the same person serving the three-year term.

Mr. Street reported Commission appointments have traditionally been filled by residents but Walgreens has participated with the Sustainability Commission since 2013. It has been a mutually beneficial

Trustee Jester moved to appoint a Walgreens Representative, presently Maria Albuesque, to fill the Walgreens seat on the Sustainability Commission. Trustee Oppenheim seconded the motion. The motion passed unanimously on a voice vote.

MINUTES OF PREVIOUS MEETING

Trustee Shapiro moved to approve the minutes from the July 16, 2018, Board of Trustees meeting.

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

TREASURER'S REPORT

Finance Director Burk presented highlights from the Treasurer's Report for the month of June,

representing half of the year. Hotel tax is slightly down. There has been some changeover in one of the hotels. Electric utility tax is in line with projections. Building permit revenue increased over last year and exceeds projections. Large expenditures in June included engineering costs for capital projects.

BILLS AND PAYROLL

Trustee Struthers moved to approve the Bills and Payroll dated August 6, 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

Maureen Darnaby, 905 Heather Road, noted the Board will be presented with a petition to build a

development adjacent to her property at a future meeting. The property is currently zoned as R-1 Residential and would need to be rezoned as R-5 Multifamily. She believes the rezoning does not keep with the spirit of the neighborhood. She believes the Village needs to integrate affordable and workforce housing throughout the Village rather than just to one development.

Alisa Klein stated she is troubled about the possible rezoning of the church property in Zion Woods. She believes the proposed development and zoning change would make it so the adjacent homes lose value.

Christine Jabeneau is the project manager for PADS Lake County. They have a summit for elected leaders on Wednesday September 12, 2018, at the College of Lake County. She encouraged the Trustees to attend.

REPORTS

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

Trustee Oppenheim moved to remove the report and recommendation from being tabled. Trustee Struthers seconded the motion. The motion passed unanimously on a voice vote.

Mr. Street reported that the Trustees recognized a lack of clarity on the definition of roof and wall

(TABLED ON JULY 16, 2018)

signs at the July 16, 2018, Board of Trustees meeting. Staff subsequently took an inventory of gable signs and found that signs on gables are not common in the Village.

Attorney Hal Franke requested the proposed sign be considered as a wall sign. He understands staff's interpretation that this is a roof sign, but he does not believe it is a roof sign as it is not on the roof structure. They do not think the wall of the gable is different than the wall of a building. Mr. Franke understands the initial interpretation falls within the purview of the Code Enforcement Officer, but he does not believe the proposal is out of character with other signs in the Village. Mr. Franke believes this is a unique building and there is evidence the business is difficult to locate with just the awning sign.

Trustee Jester noted the business is difficult to find. He went to the Aligned Modern Health website for directions. He put the address into his GPS and it was difficult to find the business. There is significant difficulty in finding the location, but it could be made easier with better directions on the website. Trustee Jester suggested changing the awning color to make it easier to read. He does not believe there should be another roof sign in Deerfield as it would interfere with the building's architecture and the business has other options they can pursue. Trustee Struthers noted Fleet Feet has their sign in the window. An Aligned Modern Health representative Andrew Engly stated that Fleet Feet is on the corner, which is easier to see. He believes it is more difficult to see a sign at his location. Mayor Rosenthal noted the requested sign has words plus a logo. Trustee Oppenheim likes the proposed sign. She believes the gable is a wall. Trustee Seiden noted staff has indicated this sign is on a roof. He would like to ask for a variance so the business could have a sign. Trustee Shapiro asked if they considered the sign without the apple logo. Mr. Engly stated they asked the Appearance Review Commission for a wall sign with Aligned Modern Health plus a blade sign with the apple logo.

Trustee Oppenheim noted the words Aligned Modern Health would not be any more visible than the existing awning sign. Mayor Rosenthal noted the blade sign would be a second sign, which is not permitted by Village Code. Trustee Shapiro believes the Appearance Review Commission was okay with the sign without the apple logo or blade sign. Mr. Engly stated their brand identity is tied into the apple logo. Their preference would be to have the apple with the letters.

Trustee Jester noted the gable is above the gutter, which is the same gutter on the Waukegan side of the building. He does not believe the gable sign will make a difference to vehicular traffic. Mr. Franke stated there is a difference between the dormers on Waukegan Road and the Aligned Modern Health location. Trustee Struthers noted the petitioner stated pedestrians could not find the business as well. As there is a gutter, a sign in the gable would not be visible for pedestrian traffic. Mr. Engly believes there could be a way to have the apple in the window. Planning and Design Specialist Liz Delevitt noted the apple logo would be permitted if it less than 20 percent of the window.

Trustee Shapiro moved to reverse the Board of Zoning Appeals decision and direct the Village Attorney to prepare a Resolution that approves the Aligned Modern Health sign that was

approved by the Appearance Review Commission and shown in exhibit one in Mr. Franke's letter today. Trustee Seiden seconded the motion.

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

NAYS: Jester (1)

REPORT OF STAFF RE: ARTICLE 7  
OF CHAPTER 6 (SWIMMING POOLS)  
OF THE MUNICIPAL CODE AND A  
REQUEST FOR RELIEF BY 1463  
NORTHWOODS DRIVE (TABLED ON  
JULY 16, 2018)

Trustee Benton moved to remove the report from the table. Trustee Struthers seconded the motion. The motion passed unanimously on a voice vote.

Mr. Street received a letter from the fire marshal stating the fire protection district is satisfied that the proposed pool/spa would not cause a safety issue.

Trustee Oppenheim inquired if staff is changing the recommendation on this proposal. Manager Street confirmed that staff's recommendation has changed since the fire district has no concerns and given the unique characteristics of this proposed installation. Trustee Jester noted the rules are clear but the Village is choosing not to follow them. He suggested the Village change the rules. Mr. Street noted the Municipal Code allows the Board to grant relief in cases of unusual hardship and this is the only time it has been requested.

Trustee Struthers moved to accept the report of staff and direct the Village Attorney to prepare a resolution granting hardship relief to permit the proposed pool/spa. Trustee Shapiro 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 PLAN COMMISSION RE:  
REQUEST FOR A SPECIAL USE TO  
PERMIT THE ESTABLISHMENT OF A  
GODDARD SCHOOL AND AN  
AMENDMENT TO THE DEERFIELD  
PARK PLAZA SHOPPING CENTER  
PLANNED UNIT DEVELOPMENT AT  
475 LAKE COOK ROAD (GODDARD  
AND DEERFIELD PARK PLAZA)

Mr. Street reported the Plan Commission held a Public Hearing on July 12, 2018, to consider the request for a Special Use to permit the establishment of a school and an amendment to the Deerfield Park Plaza Shopping Center PUD at 475 Lake Cook Road. He noted the proposed space is 10,325 square feet and would be located in the former Ristorante Abruzzo and Jimmy Thai locations. They also propose a 5000-square-foot playground space. The Plan Commission voted 5-0 to recommend approval.

Boris Kholyavsky is excited about the opportunity to open a Goddard School franchise. The school caters to children six weeks to six years old from 7 a.m. to 6 p.m. with a maximum of 140 children. Genia Kovelman, the other franchisee, is familiar with the need for quality early childhood education. Goddard will have 500 schools nationally by the end of the year. It is a great franchise to work with. Both DCFS and Goddard regulate the student-teacher ratios. They propose nine classrooms. Mr. Kholyavsky noted they will have a small gym in the building to

promote healthy, physical movement. Ms. Kovelman indicated Goddard offers enrichment programs, as well. She thinks the location is appropriate and very convenient.

Trustee Struthers noted there is one handicapped space in the area. She asked whether the space would be restricted with a time limit. Ms. Kovelman noted this space would be limited to 15 minutes. Mr. Kholyavsky noted there are other handicapped parking spaces. Trustee Struthers noted the proximity of this space to the entrance and encouraged them to remove the time restriction. Trustee Jester asked whether the intersection improvements into the development would be completed prior to the opening. Mr. Street noted the construction should be completed by October. Trustee Oppenheim asked about a potential open date. Mr. Kholyavsky noted their estimated open is May or June 2019. Sherwood Blitstein, owner of Deerfield Park Plaza, noted the handicapped space is currently not time restricted. He indicated there are other handicapped spots on the north side of the landscape median. Trustee Struthers questioned whether there is a ramp. Mr. Blitstein believes there is.

Mayor Rosenthal requested more investigation about the handicapped spots to determine whether the 15 minute restriction needs to be lifted from that spot. Trustee Shapiro moved to accept the report and recommendation of the Plan Commission regarding Goddard School. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

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

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The Appearance Review Commission held a final review of the redesigned freestanding canopy for Chick-Fil-A on July 9, 2018. The Appearance Review Commission voted 5-0 to deny the request.

Jason Hill with Chick-Fil-A stated this is a critical element for their business. They want to honor the Appearance Review Commission's opinion, but do not believe they can get an approval. The Appearance Review Commission does not believe a canopy is needed, but Chick-Fil-A believes it is. Mr. Hill stated the canopy increases their efficiency in the drive-thru by 30 percent, which improves the customer experience. They struggled with the decision to make another appeal, but owe it to the future store operator to do what they can to get the canopy approved. Based on previous Village Board feedback, he stated they made several attempts to make it similar to the Walgreen's canopy. They took the columns and encased them in brick to match the building. They reduced the contrast on the underside of the canopy and brought an option to put a mansard-style roof, but the Appearance Review Commission did not believe it matched the architectural style of the building. They made the canopy smaller to accommodate 4 cars rather than 6. They can further reduce the mass, but the Appearance Review Commission did not like it. They felt they have done everything they can, within reason and ask the Trustees to consider this appeal.

Mayor Rosenthal indicated the Appearance Review Commission is saying there are no other drive-thru restaurants in town with stand-alone canopies. The size does not matter, as it looks

more like a gas station than a restaurant. Mayor Rosenthal thinks the Appearance Review Commission has been very fair. She understands the efficiency and what they want to do, but is still concerned about a drive-thru with a non-signalized intersection.

Trustee Oppenheim indicated this canopy is behind the medical building. If it is an amenity the business feels they need, she does not think it is visually prominent enough to be objectionable. They have made every effort and she believes they should get their canopy. Trustee Struthers believes a canopy for the employees comfort and health is a good idea. Trustee Benton noted the landscaping in the back screens the canopy. Businesses that come to Deerfield are desirable and we want to make sure they succeed. He thinks the Village needs to bend, as it is important to have the business in Deerfield. Trustee Shapiro questioned whether this would establish a precedent. He believes this would set a pattern and precedent for unattached canopies in other locations. He thinks the drive-thru can be done without this. Trustee Oppenheim believes this is a judgment of taste. Trustee Seiden inquired whether there are any Chick-Fil-A restaurants without canopies. Mr. Hill stated the canopies are new for the company and that they are being constructed on new stores first. Trustee Jester is not bothered by the canopy. He believes a precedent has been set that Deerfield will do what they need to do to get a business.

Trustee Oppenheim moved to accept the appeal by Chick-Fil-A and over-rule the Appearance Review Commission and direct the Village Attorney to prepare a Resolution. The canopy would be the current iteration with additional cladding on the uprights, the updated underside color, a smaller canopy for 4 vehicles and additional screening. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: Shapiro, Seiden (2)

#### CONSENT AGENDA

There were no items on the Consent Agenda.

#### OLD BUSINESS

ORDINANCE O-18-AMENDING  
ARTICLE 4 OF CHAPTER 21 OF THE  
MUNICIPAL CODE ESTABLISHING  
OAK AND ELM TREE TRIMMING  
AND PRUNING SEASONAL  
REGULATIONS – 2R

An Ordinance amending Article 4 of Chapter 21 of the Municipal Code establishing oak and elm tree trimming and pruning seasonal regulations. Second Reading.

Trustee Jester moved to adopt 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)

### NEW BUSINESS

RESOLUTION R-18- SUPPORTING  
EXECUTION OF AND COMPLIANCE  
WITH ENVIRONMENTAL  
REGULATIONS AND LAWS FOR  
FOXCONN DEVELOPMENT

A Resolution supporting execution of and compliance with environmental regulations and laws for Foxconn Development.

Trustee Struthers feels it is important to make a statement. They want to use Lake Michigan water to dump their waste. Trustee Struthers believes there is a need for an environmental impact statement. Trustee Benton noted Deerfield would be joining other communities.

Trustee Seiden 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: Jester (1)

### DISCUSSION

YARD WASTE AND RECYCLING

Assistant Village Manager Andrew Lichterman stated the Village responded to inquiries from residents and are in negotiations with Waste Management about the possibility of expanding the option for backdoor recycling pick-up. He noted 100 homes opted for backdoor garbage pickup. Mr. Lichterman indicated Waste Management would offer back door recycling for same price as backdoor garbage, which is approximately \$6 per month.

Mr. Lichterman also received inquiries about having a flat fee for yard waste. He stated Waste Management has agreed to provide residents with a 96 gallon cart for yard waste and unlimited pick-up for \$155 for the season. Mr. Street stated simplification was very important when the original curbside contract was initiated. He understands some residents have limited capacity. Ultimately, he believes having more complex service delivery could lead to increased costs in the future. Trustee Jester questioned why the Village would choose not to offer the extra service if the customer bears the cost increase. Mr. Street stated it would add more complexity to the service prior to rebidding the contract when it expires in 2021. Staff would like to offer the extra services, but it may drive cost up for everyone.

Mayor Rosenthal expressed concerned about more cans being left at the curb late or placed out early. The yard waste can is another, large can. Most people do not have room in their garages for all three cans. Trustee Jester inquired if there is anything that says you cannot leave your cans in front of your driveway all week long. Mr. Lichterman noted that is not allowed. Trustee Oppenheim noted that yard waste is currently collected in paper bags with stickers. She questioned the need for a toter for unlimited pickup and thought continued use of bags with

unlimited collection would be a better way. Mr. Street indicated Waste Management does not want to do it that way, as it would be difficult to know which homes are on the unlimited program. Trustee Jester suggested waiting until it is time to renegotiate the contract. Trustee Oppenheim thinks April 1, 2018 is late for yard waste to start. Mayor Rosenthal believes there is so much clutter because people do not bring their cans in like they used to. This will add another can. Trustee Seiden believes if people pay to have their garbage taken out, they will also want their recycling taken out as well. The Trustees all agree with adding the back door recycling option. Staff will get more input on the landscaping program.

MIKE WALCZYK

Trustee Benton reported Mike Walczyk has taken a position with the Lake Cook TMA and will be leaving the Northwest Municipal Conference. He thinks it will add to the progress. Mayor Rosenthal indicated the Village received a grant to study south Lake Cook Road transportation issues. The TMA helped the Village get the grant.

MOSQUITOS

Trustee Struthers noted mosquito season is not over. The trap at Deerspring Pool had mosquitos with West Nile Virus.

PORTILLO'S 500<sup>TH</sup> DAY

Portillo's celebrated their 500<sup>th</sup> day in Deerfield and presented a check for the Megan Bolton memorial garden at Kipling School.

MEETING WITH DISTRICT 109

Mayor Rosenthal and Mr. Street met with Anthony McConnell, the new Superintendent of District 109, to discuss how to lighten the tax load.

GRAND REOPENING

Mayor Rosenthal, the Trustees and many Village staff members attended the grand reopening of the Walgreens store in Deerfield Square. Mayor Rosenthal noted the store looks great.

RIBBON CUTTING

Mayor Rosenthal attended the ribbon cutting at the Residence Inn. They remodeled their lobby and several guest rooms. It is very bright and airy and looks good.

ADJOURNMENT

There being no further business or discussion, Trustee Jester moved to adjourn the meeting. Trustee Benton seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:15 p.m.

The next regular Board of Trustees meeting will take place on Monday August 20, 2018 at 7:30 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk