

February 6, 2023

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order on February 6, 2023, at 7:30 p.m. at Deerfield Village Hall. The clerk called the roll and announced that the following were

Present: Dan Shapiro, Mayor  
Robert Benton  
Larry Berg  
Elaine Jacoby  
Rebekah Metts-Childers  
Mary Oppenheim  
William Seiden

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

PLEDGE OF ALLEGIANCE

Mayor Shapiro led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION: BLACK HISTORY MONTH

Mayor Shapiro proclaimed February 2023 as National Black History Month in Deerfield and called upon all people of Deerfield to honor

and celebrate the history and contributions of African Americans in our community, our State and our nation.

Mayor Shapiro noted the Dunn Museum is hosting “Through Darkness to Light: Photographs Along the Underground Railroad” this month which includes artifacts and photos from Deerfield.

Trustee Oppenheim moved to accept the Proclamation. Trustee Benton seconded the motion. The motion passed by following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

APPOINTMENT

The Volunteer Engagement Commission recommended the appointment of Nisa Salins to the

Community Relations Commission.

Trustee Seiden moved to accept the recommendation. Trustee Metts-Childers seconded the motion. The motion passed by following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

DOCUMENT APPROVAL

Trustee Oppenheim moved to approve the minutes from the January 17, 2023, Board of Trustees meeting. Trustee Benton seconded the motion. The motion passed by following vote:

AYES: Benton, Berg, Metts-Childers, Oppenheim, Seiden (5)

NAYS: None (0)

ABSTAIN: Jacoby (1)

TREASURER'S REPORT

Finance Director Eric Burk reported there will be some slight adjustments before finalizing and auditing the annual report. He noted sales tax exceeded expectations. Mr. Burk reported hotel tax reflects payments from all six hotels, plus one back payment. Mr. Burk stated the Village is missing one payment but is working to correct that. Mr. Burk noted the taxes were received by the Village in December and the balance will be received shortly. Mr. Burk pointed out notable expenditures include engineering and construction costs, budgeted transfer to the 2011B sinking fund, police pension contribution, allocation of leaf season costs to the refuse fund and three payrolls.

BILLS AND PAYROLL

Trustee Benton moved to approve the bills and payroll dated February 6, 2023. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

PUBLIC COMMENT

Chris Goodsnyder commended the Board on the plans to shift a majority of Village vehicles to electric vehicles. He encouraged residents to make use of green technologies and asked the Board to consider programs to help residents utilize green technologies.

REPORTS

CONSIDERATION AND ACTION ON THE PLAN COMMISSION RECOMMENDATION ON THE REQUEST FOR A SPECIAL USE TO ALLOW A MASSAGE ESTABLISHMENT LOCATED AT 405 LAKE COOK ROAD, UNIT A3 IN THE DEERFIELD PARK PLAZA SHOPPING CENTER AND A PARKING EXCEPTION TO THE DEERFIELD PARK PLAZA PLANNED UNIT DEVELOPMENT

Mr. Street reported the Plan Commission held a Public Hearing on December 8, 2022, to consider the request for a Special Use to allow a 2,000 square foot massage establishment to be located at 405 Lake Cook Road and a parking exception to the Deerfield Park Plaza Planned Unit Development. The petitioner is not requesting any exterior modifications but will be asking for a wall sign above the tenant space. The Plan Commission voted 5-0 in favor of the request.

The Appearance Review Commission (ARC) held a workshop meeting on November 28, 2022, to consider the request. The ARC had no issues with the proposed wall sign and approved the wall sign, pending Board approval of the Special Use.

Petitioner Elliott Pod, representing property owner Sherwood Blitstein, noted parking was a big issue but was discussed.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission and direct the Village Attorney to prepare the Ordinance. Trustee Berg seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

**CONSIDERATION AND ACTION ON  
THE PLAN COMMISSION  
RECOMMENDATION ON THE  
REQUEST FOR AN AMENDMENT TO  
THE ROSEBUD RESTAURANT SPECIAL  
USE TO PERMIT THE EXPANSION OF  
THE ROSEBUD RESTAURANT INTO  
THE ADJACENT UNIT B TENANT  
SPACE LOCATED IN THE 711  
DEERFIELD ROAD BUILDING IN THE  
DEERFIELD SQUARE SHOPPING  
CENTER**

The Plan Commission held a Public Hearing on January 12, 2023, to consider a request for an amendment to the Rosebud Restaurant Special Use to permit a 1,446 square foot expansion of the 4,967 square foot restaurant located in the Deerfield Square Shopping Center. The restaurant expansion would provide for private dining rooms and additional indoor seating. It would not affect or change the existing outdoor patio area or the daily hours of operation. The petitioner proposes new awnings and window treatments for the expanded space that will tie in with the existing restaurant exterior. The Plan Commission voted 7-0 in favor

of the request.

The ARC reviewed the proposal at their November 28, 2022, workshop meeting and approved the change, pending Board approval for their Special Use Amendment.

Chris Siavelis with CRM Properties and Deerfield Square Shopping Center noted they are not requesting additional signage. He stated Rosebud was going to do a pickup concept, but decided to expand for additional seating and private dining.

Trustee Metts-Childers moved to accept the report and recommendation of the Plan Commission and direct the Village Attorney to prepare the Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

Mr. Siavelis provided an update on Deerfield Square. He stated The Loft space has been leased. Mr. Siavelis reported they are working on securing a second-floor tenant for the former Barnes & Noble space. Mr. Siavelis noted they are also working on a 5,000 square foot high end apparel user for the first floor and there will be 2-3 additional bays for retail.

CONSIDERATION AND ACTION ON  
THE PLAN COMMISSION  
RECOMMENDATION ON THE  
REQUEST FOR A TEXT AMENDMENT  
TO ALLOW A DRIVE-THRU  
RESTAURANT IN THE C-1 VILLAGE  
CENTER DISTRICT AS SPECIAL USE;  
A SPECIAL USE TO PERMIT THE  
ESTABLISHMENT OF A DRIVE-THRU  
RESTAURANT WITH AN OUTDOOR  
SEATING AREA; AND APPROVAL OF  
PROPOSED MENU BOARDS AT 560  
WAUKEGAN ROAD FOR A SHAKE  
SHACK RESTAURANT

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Mr. Street reported the Plan Commission held a Public Hearing on October 27, 2022, that was continued to January 12, 2023, to consider the request for a Text Amendment to allow a drive-thru restaurant in the C-1 Village Center District as a Special Use; a Special Use to permit the establishment of a drive-thru restaurant with an outdoor seating area and approval of proposed menu boards at 560 Waukegan Road for a Shake Shack. The existing Rosebud Restaurant will be raised and a new 3,460 square foot restaurant will be constructed with an 813 square foot outdoor seating area.

Following the first Public Hearing, the Village engaged Kimley-Horn to conduct a peer review of the KLOA traffic study and provide a written assessment to verify that the analysis and methodologies used in the KLOA study were acceptable, and make recommendations to the site plan as well. Kimley-Horn's written reports are contained in the packets. Also, following the October 27 public hearing, the petitioner took the feedback from both the Plan Commission and the Appearance Review Commission (ARC) and made changes to their site plan which included: relocating the Waukegan Road access drive so to avoid the Village streetscape easement and ComEd utility pole; changing the proposed Waukegan Road access drive to include one outbound left turn lane, one outbound right turn lane, and one inbound lane; installation of a 7-foot high wood fence and increased landscaping to enhance the screening from neighbors to the south and the west; increased plantings onsite at the southwest corner in order to create more buffer from neighbors; relocated the trash enclosure to screen it from Waukegan Road; eliminated wall signs on top of canopies on the north and east building elevations and added wall signs only on the north, south and east building elevations. The Plan Commission voted 7-0 in favor of the request, subject to menu board brightness, delivery and garbage pickup time restrictions.

The ARC had a preliminary meeting with the petitioner and met again with the petitioner on January 23, 2023. The ARC approved most of the exterior items proposed by the petitioner at the January 23, 2023, meeting and has scheduled a meeting for February 27, 2023, to finalize the building's exterior materials.

Mitch Goltz with GW Properties, Luay Aboona with KLOA and Justin Opitz with Kimley-Horne were present. Mr. Goltz noted they made a number of changes since their initial concept presentation including implementing taller plantings, a 7-foot wood fence on the south and west sides to eliminate any chance of light or noise spillage, and hours of operation.

Mayor Shapiro asked about the stacking for the drive-thru. Mr. Goltz reported there is stacking for 18 vehicles, which is more capacity than needed. The typical stacking needed is 10-12 vehicles.

Trustee Oppenheim noted both employees and patrons of Renu Day Spa have been utilizing the parking lot. Mr. Goltz stated there is no written agreement in place, but they will work with Renu to be a good neighbor. Trustee Oppenheim noted a few spaces were removed to add landscaping to the westernmost area off Central. Mr. Goltz noted there is more parking than what is required by code, and removing the trees made it safer for vehicular traffic.

Trustee Metts-Childers asked about potential trash odors. Mr. Goltz stated Shake Shack will have daily trash pickup to ensure the trash does not stay long and create additional odor. Mr. Goltz noted they will follow whatever protocol is needed.

Mayor Shapiro asked about the community outreach to Coromandel. Mr. Goltz stated they were concerned about noise and odor, so Shake Shack added larger plantings and a 7-foot tall fence for additional screening. The concerns of apparent light and sound spillage were addressed.

Jamie Brown lives on Central. Deerfield is quaint, quiet and peaceful because of the existing Zoning Ordinances. She expressed concern because of the drive-thru, as the business is not zoned for a drive-thru currently. Changing the zoning will change the vibe of Deerfield. Putting a drive-thru adjacent to residential units will disrupt the residents that chose to live in Deerfield for the quiet.

Dave Loughnane is a Coromandel resident. He believes the proposed site is too small for a drive-thru restaurant. The site is in a primarily residential area and does not have stop lights making it an inappropriate site for a drive-thru. The Vernon Hills Shake Shack has a drive-thru, but it is in a commercial area. The proposed footprint will cause tremendous traffic issues for residents of Central Avenue. There is insufficient parking and will have a negative impact on residents.

William Erhart is president of the Central Avenue row homes association. The HOA of South Commons and Coromandel represents over 500 properties. They are against the proposal because of the negative effects of a drive-thru restaurant including an increase in traffic, parking and noise challenges, as well as an increase in crime and negative property values.

Emily Vander Stoep lives on Central Avenue. She does not feel she was listened to or recognized by the Plan Commission. She questioned why there will be a drive-thru on Central, which has visual impediments, a fire station and is in a residential area. The noise and lights will affect the residents. Adding a drive-thru to a residential community will not maintain the integrity of the community.

David Levine lives in South Commons. He does not believe Shake Shack has thought this through. The Vernon Hills location had slow service, food was cold and the site was not planned

properly. Mr. Levine does not believe the traffic plan is sufficient and people will cut through the residential areas to navigate through town. There is no waiting area to accommodate the slow service. Shake Shack only has 11 drive-thrus in the country.

Abby Levine lives on Commons Court. There have been traffic studies but the residents have done real life studies trying to make a left turn onto Waukegan Road. Ms. Levine does not believe Shake Shack belongs in this space as it is too large of an operation for the small space on a residential street. It will negatively affect a lot of people as there is no turn lane and no stop light. People will not be able to turn in and out of the restaurant. It will cause a lot of undue hardship to anyone driving on Waukegan Road. She suggested a Shake Shack with no drive thru or a Shake Shack with a drive-thru in a different location.

Ruth Parciak lives on Central Avenue. When Rosebud came into the Village, patrons and employees were parking on Central. Residents could not find parking. Shake Shack will have more patrons than Rosebud.

Felix Moran lives on Central Avenue. He believes the development is very nice, but the location is wrong. He looked at the KLOA gap study which was done on a Saturday. Weekdays have more traffic. Mr. Moran noted this location will not have a franchisee, but will be a corporate location. The corporation received a small business PPP loan and were shamed into returning the money. He does not believe Shake Shack will be a good neighbor.

Arnold Footle lives on Country Court. He has seen a number of restaurants come and go in the Village. Mr. Footle believes there are too many restaurants in the Village and the Village can do better.

James Stimola lives on Central. He chose Deerfield for the feel of it. He is concerned about cut-thru traffic on Osterman. There are a lot of people walking in the neighborhood. He is concerned about the traffic and drive-thru.

Mr. Goltz appreciates the comments are coming from immediate neighbors. The location is on Waukegan Road and has been a restaurant for more than 50 years. They have made changes to improve the sightlines and intersection. The codes have been met. The drive-thru is a must for Shake Shack. Mr. Goltz stated they will do what they can to be a good neighbor. Mr. Goltz noted the drive-thru will help alleviate the parking challenges. Mr. Goltz believes this will be well received in the community.

Trustee Oppenheim asked about the traffic study being completed on a Saturday. Mr. Aboona stated the traffic studies were done on a weekday evening and a Saturday during lunchtime. Mr. Aboona reported they also looked at making a left turn on Waukegan Road. They did gap studies and believe there are more gaps available than people making left turns. Mr. Goltz noted the Fire Department controls the stoplight so it will not be a hazard.

Trustee Metts-Childers asked if there was another location sought out and if a restaurant without a drive-thru was considered. Mr. Goltz reported they need to be competitive in the marketplace

and all locations need to have a drive-thru or pickup window. Many businesses have needed to adjust to accommodate the post-COVID customer. Mr. Goltz stated they looked at other locations but believe this is the best site for their business and will meet their needs to serve their customers.

Trustee Berg asked how many orders will be pre-ordered. Mr. Goltz believes the drive-thru will be no more than 50% of the business with 20-30% pre-ordered. They will also have delivery and catering.

Mayor Shapiro noted there was a reference to visual impediments. Ms. Vander Stoep stated Central Avenue is not a right angle and veers left, causing vehicles to inch out onto Waukegan Road. Mr. Goltz stated it is an angled street, but they would do what they could to help improve visibility. They moved the access and signage already.

Trustee Benton noted Deerfield has a Plan Commission that has vetted the proposal. Residents had the opportunity to attend their meetings, listen to the evidence and ask questions. Residents can write to the Plan Commission as well. The Village has listened to Shake Shack and has listened to the residents. Shake Shack has been reasonable, responsible and made changes based on Village comments. They have been very cooperative. Trustee Benton believes this will be a good addition to the Village.

Trustee Seiden spent time at McDonalds for a fact-finding mission and did not hear a lot of noise with that operation. He does not believe noise will be a factor here and believes the amount of detriment to the neighbors will be minimal. Trustee Seiden is concerned about the traffic on Central. Ch. Bromberg noted there were two traffic reports that showed no issues. The gap analysis showed plenty of gaps. The Plan Commission relies on the experts. A restaurant has operated in that location for 50 years and this will be a smaller restaurant. Ms. Goldstone noted the Plan Commission relied on two reputable companies for the traffic studies.

Trustee Jacoby stated the Plan Commission acts as a gatekeeper to what comes to the Village Board. The petitioner listened to the neighbors and made changes to their plan to make the site more neighborhood friendly. Trustee Jacoby noted the drive-thru directs vehicles to Waukegan Road rather than to Central. She believes in the two traffic studies.

Trustee Oppenheim noted this residential area abuts to a commercial area. Shake Shack is amenable to do what they can to mitigate traffic issues if they come up in the future. It will not be good for their business if people cannot get in and out of their parking lot.

Trustee Berg recognized the ARC and Plan Commission for their hard work. There was a lot of compromise done by Shake Shack with the proposed fence, additional landscaping and hours. Mayor Shapiro thanked everyone for their respectfulness. The comments and dialogue made this project much better than what was originally proposed.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission and direct the Village Attorney to prepare the Ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

#### CONSENT AGENDA

RESOLUTION R-23-03 RATIFYING THE PURCHASE OF A VEHICLE A Resolution ratifying the purchase of a vehicle.

RESOLUTION R-23-04 REALLOCATING 2023 VOLUME CAP TO THE VILLAGE OF BUFFALO GROVE A Resolution reallocating the 2023 volume cap to the Village of Buffalo Grove.

Trustee Seiden moved to accept the Consent Agenda and approve the Resolutions. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

#### OLD BUSINESS

There was no Old Business.

#### NEW BUSINESS

RESOLUTION R-23-05 APPROVING AWARD OF PUMPING STATION PUMP AND FLOOR DOOR REPLACEMENT PROJECT ASSISTANCE Wastewater Operations Supervisor, Brandon Janes, reported last year one of the large pumps at the Warwick Pumping Station experienced a catastrophic failure which resulted in the replacement of the pump. Mr. Janes noted since all of the large pumps are original to the stations and have performed well past their expected life, staff included a pump replacement project in the 5-year capital plan. Mr. Janes reported the project consists of replacing the remaining five large wet weather pumps at the two stations as well as replacing 12 floor doors (hatches) at various lift stations. Mr. Janes stated the design and bidding is budgeted for 2023, allowing for construction in 2024. Mr. Janes reported the lead time on the pump that was purchased is 25 weeks, and therefore it is important to complete the design and bidding soon to ensure that work can be completed in 2024. Mr. Janes reported Strand and Associates, Inc., was selected to complete the design and bidding for this project due



to their familiarity with the WRF division and continually delivering successful projects throughout the Public Works Department. Mr. Janes noted the \$62,500 is a budgeted expense.

Trustee Oppenheim moved to approve a Resolution awarding the pumping station pump and floor door replacement project to Strand and Associates, Inc., in an amount not to exceed \$62,500. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

RESOLUTION R-23-06 AUTHORIZING PURCHASE ORDER FOR BIOSOLIDS POLYMER Mr. Janes stated one of the by-products of the wastewater treatment process is the production of biosolids, which must be disposed of in accordance with the IEPA. Mr. Janes reported that in May of 2018, the WRF conducted jar testing and full-scale testing of polymers in coordination with the three major wastewater polymer suppliers to select the most cost-effective product. Mr. Janes reported the WRF has been utilizing the same proprietary polymer from Aquachem of America Incorporated. Mr. Janes noted the Village budgeted up to \$35,000 for this expense.

Trustee Benton moved to approve a Resolution authorizing a purchase order for Biosolids Polymer from Aquachem of America Incorporated in an amount not to exceed \$35,000. Trustee Metts-Childers seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

RESOLUTION R-23-07 AUTHORIZING PURCHASE ORDER FOR BIOSOLIDS REMOVAL SERVICES Mr. Janes noted this year, \$65,000 has been budgeted for biosolids removal services. The current contract with Dahm Enterprises, Inc., will expire on December 31, 2023.

Trustee Oppenheim asked if the EPA will make changes to the Village practice of spreading forever materials. Mr. Janes reported the Village is involved in the Illinois Association of Wastewater and do not believe the forever material will be an issue in the State. The Village will do the best they can.

Trustee Oppenheim moved to waive the competitive bidding process and approve a Resolution authorizing the purchase order for biosolids removal services from Dahm Enterprises, Inc., in an amount not to exceed \$65,000. Trustee Metts-Childers seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

RESOLUTION R-23-08 APPROVING PAVEMENT CONDITION ASSESSMENT CONTRACT Tyler Dickinson, Assistant Director of Public Works and Engineering, noted one of the methods used in pavement condition investigations is a non-destructive pavement condition survey that is completed every three years. Mr. Dickinson reported the non-destructive technique employs a specially equipped vehicle that drives all streets within the Village. Mr. Dickinson stated that while driving throughout the Village, the vendor, IMS, captures video and utilizes a laser camera array to collect pavement condition data. Mr. Dickinson noted the Village budgeted \$55,000 for this service.

Trustee Oppenheim moved to approve a Resolution approving the pavement condition assessment contract with IMS in an amount not to exceed \$47,010. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)  
NAYS: None (0)

#### DISCUSSION

SNOWFALL AND COLD WEATHER Mayor Shapiro thanked Mr. Phillips and the Public Works staff for keeping the streets clear and passable.

ADJOURNMENT There being no further business or discussion, Trustee Berg moved to go into Closed Session pursuant to 5ILCS 120/2(c)(11) meeting. Trustee Metts-Childers seconded the motion. The motion passed unanimously on a voice vote.

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim, Seiden (6)  
NAYS: None (0)

The meeting was adjourned to closed session at 9:18 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Tuesday, February 21, 2023, at 7:30 pm.

APPROVED:

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Mayor

ATTEST:

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Village Clerk