

March 15, 2021

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal remotely on March 15, 2021, 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 virtual quorum was present and in attendance. Also present via teleconference were Kent Street, Village Manager, at Village Hall and Andrew Fiske, Village Attorney.

PLEDGE OF ALLEGIANCE

Mr. Fiske led those in attendance in reciting the Pledge of Allegiance.

DOCUMENT APPROVAL

Trustee Oppenheim moved to accept the minutes from the March 1, 2021, Board of Trustees meeting. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated March 15, 2021. Trustee Seiden seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

PUBLIC COMMENT

Mayor Rosenthal explained the emails received before the meeting would be read during the first Public Comment. If any emails are received during the meeting, they would be read during the second Public Comment. If someone wants to make a comment via Zoom, they need to raise their hand on Zoom or press *9 by phone.

There were no in-person public comments on non-agenda items.

Mr. Street read an email received public comment prior to the meeting. Christopher Goodsnyder asked for an update on the feasibility of donating the old laptops used by Village staff. Mr. Street noted the laptops have not been decommissioned at this point. Once they are decommissioned, staff will work with the West Deerfield Township to see if they can be used.

Mayor Rosenthal noted this is one year since there was an in-person Board of Trustees meeting at Village Hall. The Village is fortunate to have a wonderful staff, who has put in a lot of work to make the Village run so smoothly. Mr. Street added the interaction with the Mayor and Trustees have been instrumental in running the Village.

REPORTS

REPORT OF STAFF RE: EXTENSION OF FINAL DEVELOPMENT PLAN FOR THE RESIDENCES OF DEERBROOK (GATEWAY FAIRVIEW LLC / REVA DEVELOPMENT – 10 S., 158 S., AND 184 S. WAUKEGAN ROAD)

Mr. Street reported the developers for the Residences of Deerbrook have requested a two-year extension of the final development plan.

Mayor Rosenthal suggested the petitioners asked for a one-year delay due to not knowing about what is going to happen with the economy. She is hesitant because two years is a very long time and suggested a one-year extension of the development. If a decision has not been made in that amount of time, the petitioners can come back and request an additional year extension.

Tait Pinnow, Director of Value Add & Development Alternatives with REEF Management LLC, stated they are asking for a two-year extension to get to a 2022 construction start before the extension would be up. They are requesting the extension because of how Covid-19 has impacted Deerbrook and the entire community. Deerbrook has lost key tenants and other tenants are struggling. They are seeing some tenants come back to the market slowly, which is positive. The rental market is weak, although they believe it will come back. They have also been hit on the cost side. The world has been turned upside down and construction costs have increased. They agree with comments that this is the right use and the right project and it will eventually be a great asset to the property and Village.

Matt Nix with Reva Development Partners thanked staff for their responsiveness and support of the project. It is a great plan and a great land use. They are just looking for more time to execute.

Trustee Jester observed that a year from now, there may be an Affordable Housing Ordinance, and the existing plan may not be in conformance. Mr. Street asked which regulations would prevail if the newly adopted affordable housing regulations are different than the development agreement. Trustee Shapiro would like the redevelopment agreement honored. He would also prefer to take it one year at a time. If the petitioners are making progress, he believes next March would be reasonable. Trustee Benton agrees. Trustee Oppenheim believes the development agreement was close to what is being discussed in the Affordable Housing Ordinance. She noted the Village has granting multiple exceptions in the past.

Mr. Fiske suggested making a motion to grant a one-year extension. The Ordinance should include the affordable housing responsibilities be continue as described. It would not tie in the yet-to-be determined Affordable Housing Ordinance.

Trustee Shapiro moved to approve a one-year extension with the ability of the developer to come back after one year if necessary and maintain the affordable housing regulations from the redevelopment agreement for one year. Trustee Oppenheim seconded the motion.

Mr. Street explained the Ordinance would be prepared with the affordable housing regulations that were negotiated for the year extension. If they change number of units, they would have to go back through process. The motion passed by the following vote:

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

NAYS: Jester

Mayor Rosenthal noted the petitioner can come back sooner than one year.

REPORT AND RECOMMENDATION
OF STAFF RE: ANNEXING CERTAIN
TERRITORY CONTIGUOUS TO THE
CITY OF HIGHLAND PARK (0 RYDERS
RYDERS LANE)

Assistant Village Manager Andrew Lichterman reported the Village received a letter from the homeowner at 755 Summit Drive, who purchased the property at 0 Ryders Lane, which is a 5-acre parcel south of his property in Highland Park. The property at 0 Ryders Lane is surrounded by the

Village of Deerfield to the north, south and west and the Chicago River to the east. The parcel is not connected to Highland Park. The owner, Adam Fleishman, was granted disconnection from the City of Highland Park on February 22, 2021, and is requesting annexation by the Village of Deerfield. Staff recommends the annexed property be brought in with R-1 Zoning.

Trustee Oppenheim asked about Mr. Fleishman's plans for the property. Mr. Fleishman explained his current plan is to clear the buckthorn from the property.

Trustee Shapiro moved to accept the report and recommendation of staff re: annexing certain territory contiguous to the City of Highland Park. Trustee Jester seconded the motion. The motion passed by the following vote:

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

NAYS: Jester

CONSENT AGENDA

ORDINANCE AMENDING SECTIONS
2-156 AND 2-158 OF THE MUNICIPAL
CODE REGARDING THE
COMPOSITION AND DUTIES OF THE
COMMUNITY RELATIONS

An Ordinance amending Sections 2-156 and 2-158 of the Municipal Code regarding the composition and duties of the Community Relations Commission. First Reading.

COMMISSION – 1R This will stand as a First Reading of the Ordinance.

OLD BUSINESS

ORDINANCE APPROVING AMENDMENTS TO A MIXED-USE UNIFIED DEVELOPMENT AND DEVELOPMENT PLANS, A SPECIAL USE FOR A DRIVE-THRU PHARMACY, AND EXCEPTIONS TO ZONING REGULATIONS AND SIGN CRITERIA

An Ordinance approving amendments to a mixed-use unified development and development plans, a Special Use for a drive-thru pharmacy and exceptions to Zoning Regulations and sign criteria for the property located at 95 South Waukegan Road. Second Reading.

AT 95 S. WAUKEGAN ROAD - CHICK-FIL-A, INC. AND WALGREENS – 2R

Mayor Rosenthal noted there were some changes made to the monument sign. Rachel Miller with Alrig USA Developers stated they split the sign panel evenly. Beau Wynn, Principal with Detroit Architectural Group, stated they reallocated the space so the Chick-Fil-A sign was 2’6” high and the three tenant signs were each 1’2” high. Mr. Street noted the proposed sign is in compliance with the Appearance Review Commission’s recommendation.

Mayor Rosenthal wants to ensure once the use is brought forward and operating and the retail building is up and running, the developers would allow interior directional sign changes to be made if necessary. If the Board determined additional internal signage was needed, the Village would like to reserve right to make the necessary interior changes. Gabe Schuchman with Alrig USA Developers agreed, as they want the site to work well.

Trustee Seiden noted when the plan was originally approved, Trustees made it clear to the developer that some Trustees would not approve a second drive-thru. He is not in favor of a second drive-thru. Trustee Seiden thinks Walgreens has been a wonderful neighbor and wants them to be able to do what they want. Last Wednesday, he drove south on Waukegan Road. The car in front of him slammed on their breaks to stop. The issue was caused by a vehicle exiting the south entrance of Chick-Fil-A. Trustee Seiden realized how dangerous it is. He wants Walgreens to be in the center, but believes it should only be right in right out at the south entrance, or a traffic light would need to be installed as it is just too dangerous. Trustee Struthers believes it is a difficult parking lot to navigate already and there needs to be something to prevent accidents near the intersection. Trustee Struthers noted Lake Cook and Waukegan is the most accident-prone intersection in the village. Trustee Shapiro noted the Trustees told the developer not to bring a second drive-thru.

Mr. Street suggested making a motion to table this item so developer can address the Trustees’ concerns. Mayor Rosenthal noted drive-thrus must be at a signalized intersection by Ordinance. Now, they brought a second drive-thru. She is concerned with traffic coming in and out, as well as interior traffic. There is a similar situation at Dunkin’ Donuts where there is confusion and there have been a number of near misses.

Mr. Schuchman noted this has been the sixth meeting. The engineers and consultants have addressed traffic queuing and other concerns. Some opinions have not been shared with the petitioners. Walgreens is not a traditional drive-thru and is a very light user. Mr. Schuchman noted this is the last meeting and believes it is unfair to bring up new concerns at this time.

Trustee Jester noted there are three ways in and out of the quadrant; two are only right in and right out. The Trustees are only addressing the southernmost exit/entrance. At this juncture, a stop light will not happen. The entire concept of what they brought forward revolves around a drive-thru for Walgreens. Now, the Trustees are rejecting a second drive-thru. Trustee Jester does not believe this is a reasonable change at this point.

Trustee Oppenheim believes the Village has gotten this far without the objections being made. The Trustees discussed this and she is convinced by the engineer's studies and has not heard anything from police that there is an inordinate number of accidents. The Village made a number of requests about internal safety, and it needs to continue to be looked at. The Trustees are not being fair waiting to the eleventh hour. Trustee Oppenheim supports the project and does not believe the petitioners should bring additional information.

Trustee Struthers noted the traffic report was performed in November, during the Covid shut down. Traffic measured then was not as heavy as the traffic in a normal year. When the Trustees voted on Chick-Fil-A, they said they did not want another drive-thru.

Trustee Seiden noted it may be unfair to the petitioner, but this is why the Village has second readings of Ordinances. The Village does not vote on a first reading. Trustee Seiden is not opposed to Walgreens. Walgreens is a wonderful addition to the center. He would be in favor of a right in right out at the southernmost entrance.

Trustee Benton expressed concern in the beginning that if you allow right in right out only, traffic would have to go north then east and would block a bunch of people from going west. If there were an acceleration lane, there would have to be enough room for the vehicle to stop before entering traffic.

Trustee Shapiro suggested thinking strongly about tabling the discussion and seeing if there are some revisions that could be made to sway the Trustees.

Mr. Schuchman asked what has changed between November and now. Brian Jorbin from Chick-Fil-A, previously worked for Walgreens for 17 years. The volume would be much less than a regular Walgreens store, as it would be a 2500 square foot drive-thru. Chick-Fil-A wants to create a good experience for customers and are sensitive to a high-volume use. Trustee Struthers noted the site is difficult and likely to have congestion based on people going to Walgreens before or after Chick-Fil-A.

Trustee Oppenheim believes the site can handle the traffic. Trustee Benton noted the only way out of there is to go north or east. You cannot go south, as you would have to cut through 3 lanes of traffic to get to the southbound lane. The Chestnut light in Northbrook will hold up the traffic,

but people cannot get to the southbound lane. Trustee Struthers believes there is a potential for accidents caused by people making a left turn out of the center. Mr. Schuchman noted you would be voting against Walgreens. Trustee Seiden explained everything that is there is a destination. They are going to Walgreens or Chick-Fil-A. Having a right in right out would not stop people from going to Walgreens. It is the traffic at the location that bothers him

Trustee Shapiro moved to table further discussion to a future meeting determined by the petitioner. Trustee Benton seconded the motion. Mayor Rosenthal stated when Chick-Fil-A came in originally, she suggested limiting the hours for a left turn but Chick-Fil-A was not interested at that time. Mr. Street suggested having no left turn onto Waukegan Road during rush hour. Trustee Seiden does not believe there is any time of the day where traffic is good on Waukegan Road. Trustee Oppenheim hopes everyone will look at the information with an open mind as the information was professionally prepared. She would love to see the data. Trustee Seiden believes they only have anecdotal evidence. Mayor Rosenthal noted everyone needs to see more evidence so they are comfortable making a decision.

The motion to table passed by the following vote:

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

NAYS: None (0)

RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR 75 S. AND 95 S. WAUKEGAN ROAD A Resolution approving a final plat of subdivision for 75 South Waukegan Road and 95 South Waukegan Road.

Trustee Oppenheim moved to table discussion to a future meeting determined by the petitioner. Trustee Shapiro seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-21-11 AMENDING ARTICLE 4 OF CHAPTER 21 OF THE MUNICIPAL CODE RE. TREE PRESERVATION REGULATIONS AND AMENDING THE VILLAGE'S TREE PRESERVATION ADMINISTRATIVE MANUAL – 2R An Ordinance amending Article 4 of Chapter 21 of the Municipal Code regarding tree preservation regulations and amending the Village's tree preservation administrative manual. Second Reading.

Trustee Seiden moved to adopt the Ordinance amending Chapter 4 of Chapter 21 of the Municipal Code. 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

AUTHORIZATION FOR PURCHASE OF DIGITAL IN-CAR CAMERA SYSTEM Deputy Chief Brian Budny noted the Department purchased its current in-car video system in 2013 from WatchGuard, the sole provider of the system. The Department is seeking approval to purchase nine new in-car video systems for a cost of \$68,370 from WatchGuard Video, of Allen, Texas. In addition, the Department is seeking authorization to use Havey Communications, of Lake Bluff, as the changeover technicians for two current vehicles not being replaced at a cost not to exceed \$1,100.

Trustee Jester moved to waive the competitive bidding process and approval of the purchase of nine new in-car video systems at a cost not to exceed \$68,370 and authorizing the removal and installation from two marked squad cars from Havey Communications at a cost not to exceed \$1100. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

ORDINANCE O-21-12 ADOPTING BY REFERENCE THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE Director of Public Works and Engineering Bob Phillips reported all communities in Lake and Cook counties are required to adopt by reference the revised Ordinance to maintain community certification status in the National Flood Insurance Program. The Village of Deerfield is currently a Class 6 community with respect to the NFIP and is designated a "Certified Community" by the Lake County Stormwater Management Commission.

Mr. Phillips noted the amendments address new regulations including updated storm water modeling, detention requirements, native planting requirements, earth stabilization for construction projects, water quality, and wetland determination, among others.

Trustee Shapiro asked if Bulletin 75 applies to lots less than one acre in size. Mr. Phillips stated the Watershed Development Ordinance applies to properties one acre in size or larger; however, the Village has their own Ordinances. Trustee Struthers asked if this would improve potential drainage issues. Mr. Phillips stated it is a new starting point for the Village. Mr. Street explained staff discussed the increasing rainfall. This requires more detention than the old requirement.

Trustee Oppenheim moved to waive the First Reading of the Ordinance and adopt, by reference, the Lake County Watershed Development Ordinance. Trustee Shapiro seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

AUTHORIZATION TO PURCHASE FIRE HYDRANTS FROM CORE AND MAIN Mr. Phillips reported the Village of Deerfield owns and maintains 1267 fire hydrants throughout the water distribution system. Public Works flushes each hydrant once a year to remove trapped debris and perform a physical inspection of hydrants to ensure they are working properly. In addition to the hydrant flushing operation, the water division contracts with industry experts to perform leak detection surveys throughout the Village to reduce water loss. At times, fire hydrants are found to be inoperable or to have leaks that cannot be repaired.

Staff requested price quotes from material suppliers in the Chicago area for the procurement of fire hydrants. The pricing received was from Mid-American Water, in the amount of \$3,639 each and from Core and Main in the amount of \$3,365 each, all pricing includes delivery cost. Core and Main has provided fire hydrants and other water system materials to the Village for many years, their customer service has been professional and courteous, and they have always provided material that meets our requirements. The Department has budgeted \$150,000 for water system material in the FY2021 budget.

Trustee Jester moved to waive the competitive bidding process and authorize the purchase of fire hydrants and associated supplies from Core and Main on an as-needed basis in an amount not to exceed \$50,000. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSIDERATION OF THE EXTENSION OF MAYOR ROSENTHAL'S MARCH 16, 2020 DECLARATION OF EMERGENCY On March 16, 2020, Mayor Rosenthal issued a Declaration of Emergency for the Village of Deerfield related to the COVID-19 emergency. The Declaration and the Mayor's Supplementary Orders will expire at the end of the tonight's Board of Trustees meeting unless the Village Board extends the duration of the Declaration.

Mr. Fiske noted the emergency declaration is scheduled to expire at the adjournment of tonight's meeting. He recommends extending the declaration to the adjournment of the April 19, 2021 Board of Trustees meeting.

Trustee Benton moved to extend the Mayor's March 16, 2020, Declaration of Emergency until the end of the April 19, 2021, meeting of the Village Board. Trustee Struthers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

PUBLIC COMMENTS

Mr. Street indicated there was no additional public comment received during the meeting.

ADJOURNMENT

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

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

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

NAYS: None (0)

The meeting was adjourned at 9:00 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, April 5, 2021, at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk