

July 6, 2021

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Dan Shapiro on July 6, 2021, at 7:30 pm. The clerk called the roll and announced that the following were:

Present: Dan Shapiro, Mayor  
Robert Benton  
Elaine Jacoby  
Tom Jester  
Mary Oppenheim  
William Seiden

Absent was: Rebekah Metts-Childers

and that a virtual quorum was present and in attendance. Also present were Kent Street, Village Manager, at Village Hall, and Ben Schuster, Village Attorney.

PLEDGE OF ALLEGIANCE

Assistant Village Manager Andrew Lichterman led those in attendance in reciting the Pledge of

Allegiance.

DOCUMENT APPROVAL

Trustee Oppenheim moved to accept the minutes from the Board of Trustees meeting from June 22, 2021, and the Committee of the Whole meeting from June 16, 2021. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

BILLS AND PAYROLL

Trustee Jester moved to approve the bills and payroll dated July 6, 2021. Trustee Oppenheim

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

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

NAYS: None (0)

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the May 2021 Treasurer's Report representing

42 percent of the fiscal year. Sales tax amounts at the top and charts on the last page have been revised to exclude all Walgreens National activity as a more accurate indicator of recurring revenue. The decrease from the prior month is typical as February is a shorter month. Vehicle license sales began in May and continue through the end of June. Hotel tax includes \$60,000 of current tax from all hotels plus \$17,000 of back taxes. MFT revenue includes installment four of

six of \$206,268 related to Rebuild IL Bonds. Building permit revenue includes two commercial remodels and several residential projects. Notable expenditures in May include close out of ESRN (\$42,000 returned to Deerfield), economic incentive payments, general liability insurance, transfer of debt service payments to the paying agent and engineering and construction cost. Mr. Burk explained the Village is ahead of 2020 in sales tax. Hotel tax and parking fees have not caught up to pre-pandemic amounts. Trustee Benton reported there was a major increase in the gas tax in July. Lake County has increased it to \$0.04 per gallon.

PUBLIC COMMENT

Mayor Shapiro 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, Zoom or email public comments on non-agenda items received prior to the meeting.

REPORTS

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR AN AMENDMENT TO DEERFIELD SQUARE PLANNED UNIT DEVELOPMENT FOR THE REDEVELOPMENT OF MULTI-TENANT BUILDING 7 WITH NECESSARY EXCEPTIONS TO PERMIT THE ESTABLISHMENT OF A RESIDENTIAL APARTMENT DEVELOPMENT AT 833 DEERFIELD ROAD IN THE SHOPS AT DEERFIELD SQUARE; A TEXT AMENDMENT TO THE DEERFIELD ZONING ORDINANCE TO PERMIT AMENITY AND UTILITY AREAS FOR RESIDENTIAL USES ON THE FIRST FLOOR OF A COMMERCIAL PLANNED UNIT DEVELOPMENT AS A SPECIAL USE IN THE C-1 VILLAGE CENTER DISTRICT; A TEXT AMENDMENT TO THE DEERFIELD ZONING ORDINANCE TO ALLOW

The Plan Commission held a Public Hearing on May 13, 2021 to consider the request for an amendment to the Deerfield Square PUD to permit the redevelopment of building 7 for a 5-story, 50-unit residential apartment building with the necessary exceptions, a Text Amendment to permit amenity and utility areas for residential uses on the first floor of a Commercial PUD as a Special Use in the C-1 Village Center District; a Special Use for amenity and utility areas for residential uses on the first floor of a Commercial PUD in the C-1 Village Center District; a Text Amendment to allow identification signage for residential uses when part of a PUD in the C-1 Village Center District and a resubdivision of the Deerfield Square property. The Plan Commission denied the approval of the amendment to the PUD and the preliminary development plan of establishing a residential apartment building with aforementioned exceptions, Text Amendments and Special Uses. The Plan Commission recommended approval of the resubdivision of the Deerfield Square property.

The Trustees requested 10 percent affordable units.

**IDENTIFICATION SIGNAGE FOR RESIDENTIAL USES WHEN PART OF A PLANNED UNIT, AND A RESUBDIVISION OF THE LOTS IN THE DEERFIELD SQUARE PLANNED UNIT DEVELOPMENT IN THE C-1 VILLAGE CENTER DISTRICT – (KIRBY LIMITED PARTNERSHIP)**

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The petitioner stated they need an additional floor to accommodate the Village's request, making it six stories, 50-unit with five affordable units.

The Appearance Review Commission held a workshop meeting on May 24, 2021 and voted 5-0 to deny the request.

Mayor Shapiro noted this was tabled at the June 22, 2021 Board of Trustees meeting.

Trustee Oppenheim moved to remove the petition from the table. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Mr. Street noted the petitioner is looking to resurrect the five-story building with Village assistance. Trustee Jester noted there would be 40 units with two affordable one-bedroom units with a request to waive fees. He asked if the discussions at the Committee of the Whole meeting about affordable components being in perpetuity. Mayor Shapiro understands that the petition is for the affordable units being in perpetuity. Chris Siavelis with CRM Properties believes the affordable units would be maintained for 25 years. Trustee Seiden noted the original proposal had one two-bedroom unit and one one-bedroom unit.

Mayor Shapiro asked if the Board would like to consider a financial incentive or waiver of fees. Trustee Oppenheim noted the proposed Affordable Housing Ordinance discusses a waiver of fees as something the Village would be amenable to doing; however, the Affordable Housing Ordinance has not been passed. She believes forgiving the fees, other than the impact fees, would be appropriate and questioned whether the percentage should be consistent with the number of affordable units. Mayor Shapiro suggested waiving 5% of the building permit fee. Trustee Benton believes it should be subject to the agreement. Trustee Seiden noted the cheapest one-bedroom apartment would be rented for \$1900. Mr. Siavelis explained the affordable units would have the same quality as the regular units. Trustee Seiden noted the difference between the rent of the two affordable units versus regular units would be \$32 per month. Trustee Seiden would not want the forgiveness to be more than 5%. Mr. Siavelis explained there is a range of rental amounts for one-bedroom apartments. The difference between the market rate and affordable rate is \$432 per month. Trustee Seiden does not believe that warrants a forgiveness amount of \$150,000. Jeff Malk with CRM Properties, noted the latest numbers for a one-bedroom unit is \$2100. Mr. Siavelis explained the construction amounts have increased substantially.

Mr. Street noted Trustee Metts-Childers is in support of the proposal. Trustee Oppenheim noted the Trustees are debating the building permit fee. Trustee Jester asked whether the Trustees would prefer 25 years or perpetuity for affordable housing. Mayor Shapiro noted the proposed

Affordable Housing Ordinance was a recommendation from the Plan Commission, but the Trustees have not accepted or rejected the recommendation. There is nothing to bind the Trustees with the Ordinance at this point.

Trustee Jester moved to accept the report and recommendation of the Plan Commission and request the preparation of an Ordinance with \$150,000 in fee concessions and two one-bedroom apartments in perpetuity. Trustee Jacoby seconded the motion. Trustee Oppenheim believes 25 years is a reasonable amount of time. It is only two units. She is uncomfortable to mandate in perpetuity. Trustee Benton believes the Plan Commission has done a great job working it out. He is in favor of the project but is concerned about requiring units in perpetuity. Trustee Jester withdrew the motion.

Trustee Seiden believes affordable housing should be in perpetuity, so a resident would not be kicked out of their home. Mayor Shapiro noted the Board can talk about perpetuity in the proposed Affordable Housing Ordinance at a future meeting.

Trustee Oppenheim moved to approve the petition as submitted with 40 units including two one-bedroom affordable units, for 25 years and then the affordable units would be revisited. The motion includes an incentive to waive fees including 5% of the building permit fee to equal to a total of \$150,000. Trustee Benton seconded the motion. Mr. Schuster explained this is not final approval; rather, acceptance of the Plan Commission's report and preparation of the Ordinance.

Public Comments:

Mr. Street read the Public Comments:

Deborah Scherer, a longstanding business owner, pledged support of the building. The owner of Il Forno Pizza believes the Village needs to draw more people to the downtown area. Deerfield does not have same walkability as some surrounding towns. Ms. Scherer believes this project is a start. The Village needs to change with the times and needs more people rather than failed businesses.

Plan Commissioner Al Bromberg believes this approval should be in perpetuity. The Village will still need affordable housing in 25 years and it will still be an important issue. Plan Commission Chairman Larry Berg agrees that perpetuity should be considered. One reason is that it is a permanent solution for the community. He thinks this is a much-needed development for the community and local businesses. Trustee Seiden asked what the 80% affordable amount would be. Mr. Schuster explained the draft of the covenant is for incomes that do not exceed 120% of the area income. Mr. Street noted the State will not give the Village credit for the property. Mr. Lichterman explained the State would re-assess every 5 years and the Village would want to ensure the State statute is met.

The motion passed by the following vote:

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

NAYS: None (0)

APPEAL OF THE APPEARANCE REVIEW COMMISSION'S DECISION TO DENY BUILDING RENOVATIONS FOR 833 DEERFIELD ROAD (DEERFIELD SQUARE RESIDENTIAL)                      The Appearance Review Commission held a workshop meeting to consider the request for a 6-story, 50-unit apartment building. The ARC voted 5-0 to deny the request.

Mr. Street noted this issue is moot as the request has been withdrawn.

CONSENT AGENDA

ORDINANCE O-21-20 APPROVING A MAP AMENDMENT REZONING THE PROPERTY LOCATED AT 525 LAKE COOK ROAD TO THE C-2 OUTLYING COMMERCIAL DISTRICT – 2R                      An Ordinance approving a map amendment rezoning the property located at 525 Lake Cook Road to the C-2 Outlying Commercial District. Second Reading.

ORDINANCE O-21-21 AMENDING SECTIONS 5.02-C.4, 5.02-F, AND 14.02 OF THE DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED, TO DEFINE AND PERMIT AS A SPECIAL USE ESSENTIAL SERVICES ANTENNA SUPPORT STRUCTURES IN THE C-2 OUTLYING COMMERCIAL DISTRICT AND TO EXEMPT SUCH STRUCTURES FROM THE HEIGHT REQUIREMENTS OF THE C-2 OUTLYING COMMERCIAL DISTRICT                      An Ordinance amending sections 5.02-C.4, 5.02-F and 14.02 of the Deerfield Zoning Ordinance of 1978, as amended, to define and permit as a Special Use, essential services antenna support structures in the C-2 Outlying Commercial District and to exempt such structures from the height requirements of the C-2 Outlying Commercial District. Second Reading.

ORDINANCE O-21-22 APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT FOR AN ELECTRIC SUBSTATION, A SPECIAL USE PERMIT FOR AN ESSENTIAL SERVICES ANTENNA SUPPORT STRUCTURE, AND A VARIATION FROM SECTION 5.02- F.3.A OF THE DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED – 2R                      An Ordinance approving an amendment to a Special Use permit for an electric substation, a Special Use permit for an essential services antenna support structure, and a variation from Section 5.02-F.3,A of the Deerfield Zoning Ordinance of 1978, as amended. Second Reading.

ORDINANCE O-21-23 AMENDING SECTIONS 6.01-C AND 14.02 OF                      An Ordinance amending sections 6.01-C and 14.02 of the Deerfield Zoning Ordinance of 1978, as

DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED, REGARDING CARRYOUT FOOD SERVICE USES – 2R amended, regarding carryout food service uses. Second Reading.

ORDINANCE O-21-24 APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PERSONAL FITNESS TRAINING CENTER, SPECIAL NEEDS SCHOOL, AND PRIVATE SPORTS TEAM INSTRUCTION AND A SPECIAL USE PERMIT TO OPERATE A CARRYOUT FOOD SERVICE – 2R An Ordinance approving an amendment to a Special Use permit for a personal fitness training center, special needs school and private sports team instruction and a Special Use to operate a carryout food service. Second Reading.

ORDINANCE O-21-25 AUTHORIZING A SPECIAL USE TO ALLOW A COWORKING OFFICE AT 807, 809, AND 811 WAUKEGAN ROAD (BRICK & MORTAR) – 2R An Ordinance authorizing a Special Use to allow a co-working office to be located at 807, 809 and 811 Waukegan Road. Second Reading.

Trustee Seiden moved to accept the Consent Agenda and adoption of the Ordinances. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

#### OLD BUSINESS

There was no Old Business.

#### NEW BUSINESS

RESOLUTION R-21-21 APPROVING A CONTRACT FOR THE PROVISION OF ELECTRICITY FOR THE VILLAGE'S ELECTRIC AGGREGATION PROGRAM Assistant Village Manager Andrew Lichterman reported the North Shore Electricity Aggregation Consortium (NSEAC) members, through a competitive bidding process, sought proposals for electricity aggregation. Staff is recommending awarding a three-year contract to MC Squared Energy Services for the provision of electricity for the Village's Electricity Aggregation Program. Under the new program only certain customers will be moved to the alternative supplier, but all customers will pay the same ComEd default supply rate. In addition, the Village will receive an annual civic grant contribution in the amount of \$60,000 that can be utilized to purchase renewable energy credits.

Residents are not required to do anything to participate in this program and all residents will pay the same rate each month, regardless of whether or not they receive electric services from MC Squared Energy Services or ComEd.

Trustee Benton moved to adopt the Resolution approving a three-year contract for the provision of electricity for the Village's electric aggregation program. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-21-22 AWARDED A PURCHASE OF NETWORK FIREWALL EQUIPMENT IT Systems Coordinator, Matt Weiss, explained the Village employs the use of multiple network firewall devices for security, functionality and redundancy purposes. The oldest of the devices in use was purchased in 2013 and all have reached the end of their supportable lifetime. New firewall equipment will allow for maintenance and support from the manufacturer, including critical security software patches, as well as an improved feature set and performance.

The Village received a proposal from Heartland Business Systems in the amount of \$23,977.92, which includes three devices, three years of license subscription from the manufacturer (including hardware maintenance and software support) and a fixed-fee implementation service from Heartland. The project total is 56% equipment and subscription licensing, and 44% professional services. The total is within the budgeted (VERF) amount for this planned 2021 project.

Trustee Benton noted ransomware and hacking are occurring in large organizations. Mr. Weiss explained his team is working every day to try to avoid those technical problems. Mr. Street noted the Village has to be vigilant with cyber training.

Trustee Jester moved to waive the competitive bidding process and award the contract for purchasing network firewall equipment to Heartland Business Systems in an amount not to exceed \$23,977.92. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-21-23 APPROVING A PLAT OF EASEMENT FOR UTILITIES FOR 237 LANDIS LANE Assistant Village Engineer Tyler Dickinson, explained the first Village utilities were installed before there were easements, which resulted in public utilities being installed within private property. As properties are redeveloped, the Village works to obtain the needed easements for Village utilities.

The property at 237 Landis is one such location. The Village has a water main that runs along the side yard of the property and staff has worked with the property owner to obtain the appropriate easement. Securing an easement for Village utilities will help ensure future accessibility and maintenance. Staff recommends adoption of the Resolution for a Plat of Easement for utilities at 237 Landis Lane. Trustee Oppenheim asked whether the Village had to replace the water line, if they would locate it in the same location. Mr. Dickinson noted they would most likely move the water line into the roadway, even with this easement.

Trustee Seiden moved to adopt the Resolution approving a Plat of Easement for utilities at 237 Landis Lane. Trustee Jacoby seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSIDERATION AND ACTION OF  
EXTENSION OF MAYOR SHAPIRO'S  
DECLARATION OF EMERGENCY  
DATED MAY 3, 2021

Mayor Shapiro 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 tonight's Board of Trustees meeting unless the

Village Board extends the duration of the Declaration.

Mayor Shapiro noted the vaccines have been effective and the positivity rates are low at the moment. He is proud that the Village will end the declaration of emergency first enacted 16 months ago. Mayor Shapiro repealed the declaration and supplementary orders.

DISCUSSION

NEXT MEETING

Mayor Shapiro indicated the next Board of Trustees meeting will be in person on July 19, 2021.

COMMITTEE OF THE WHOLE

Mayor Shapiro reported there will be a Committee Of the Whole meeting on July 28, 2021, at 3:30 p.m. in person at Village Hall. The Trustees will discuss inclusionary /affordable housing, micro pigns, possible process and procedure changes to Board and Commission meetings and capital projects.

THANK YOU

Mr. Street thanked the Board for their incredible support over past 16 months. They worked very hard to do the right thing, even if it was not easy. He is proud of the Trustees and staff that they did the right and smart thing. Mr. Street thanked residents for their support. We made it. You did a great job!

Mayor Shapiro thanked Village staff for their hard work and support.

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ADJOURNMENT

There being no further business or discussion in open session, Trustee Oppenheim moved to adjourn the meeting. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

The meeting was adjourned into Executive Session at 8:48 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, July 19, 2021, at 7:30 pm.

APPROVED:

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Mayor

ATTEST:

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Village Clerk