

September 8, 2021

The meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Dan Shapiro on September 8, 2021, at 7:30 p.m. via Zoom. The clerk called the roll and announced that the following were:

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

and that a quorum was present and in attendance. Also present were Andrew Lichterman, Assistant Village Manager and Steven Elrod, Village Attorney.

PLEDGE OF ALLEGIANCE

Mayor Shapiro led those in attendance in reciting the Pledge of Allegiance. He reported the Local Spiritual Assembly of the Baha'is of Deerfield dedicated a bench with landscaping near the Deerfield Train Station to beautify the Village. The Village is appreciative of the donation.

MOMENT OF SILENCE

Those present observed a moment of silence for September 11 Patriots Day.

APPOINTMENT

Mayor Shapiro reported the Volunteer Engagement Commission is recommending the following appointments:

Lisa Crist to the Plan Commission
Mason Posikin to the Board of Police Commissioners, Ex-Officio
John Allen Kenward to the Cemetery Commission

Trustee Oppenheim moved to accept the recommendations of the Volunteer Engagement Commission. Trustee Benton seconded the motion. The motion passed by the following vote:

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

DOCUMENT APPROVAL

Trustee Oppenheim moved to approve the minutes from the August 16, 2021, Board of Trustees meeting. Trustee Seiden seconded the motion. The motion passed by the following vote:

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

TREASURER’S REPORT

Finance Director Eric Burk presented highlights from the July 2021 Treasurer’s Report representing 58 percent of the fiscal year. Sales tax decreased from the prior month due partially to release of pending tax related to leveling the playing field sales in the prior month. Water and sewer billing increased, which is typically this time of year. Hotel tax increased significantly from last month and the same period of the prior year. Electric utility tax increased from last month, but continues to lag the prior year. Food and beverage tax is in line with YTD average from 2019. Notable expenditures in July include engineering/construction costs, purchase of police interceptor, Village portion of Patty Turner Center costs and three payrolls. Large expenditures to come include general fund transfers, debt service payments and the police pension contribution. Mr. Burk also reported that the Village received \$1.2 million in American Rescue Plan Act relief funds during the month of September and expects to receive a similar amount again next year.

BILLS AND PAYROLL

Trustee Seiden moved to approve the bills and payroll dated September 8, 2021. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

PUBLIC COMMENT

Mr. Lichterman read public comments received via email prior to the meeting.

Dan Boote is a member of the First Presbyterian Church of Deerfield. He is concerned that the proposed Ordinance will not achieve the stated goal of increasing affordable housing in the Village. He urged the Trustees to reconsider the percentage of AMI, as it reduces the value of the Ordinance. In addition, he proposed threshold of units reduces the impact of the Ordinance.

Rob Anthony, President of Community Partners for Affordable Housing (CPAH) is pleased Deerfield is considering an inclusionary housing Ordinance, but has several concerns. The Ordinance would serve households earning approximately \$90,000 - \$112,000, which are not considered low-income and would not meet the Village’s goal. The Ordinance would be triggered for 11+ rental units or 31+ owner-occupied units and only requires 10 percent of the units to be affordable. He urged the Trustees to consider lowering the minimum development size and increase the percentage of affordable units to be in-line with other communities. Mr. Anthony does not believe the draft Ordinance will meet the Illinois Affordable Housing Planning and Appeals Act requirements.

Robbie Boudreau, Executive Director of Faith in Action, a not-for-profit organization helping seniors maintain their independence and improve their quality of life. Deerfield is an extraordinary community for seniors and offers a number of benefits, but not affordable housing. She explained low-income seniors remain in their homes longer than it is safe or they move in with family or into affordable housing outside of Deerfield.

Heather Ruffolo, a 40-year Deerfield resident, feels Deerfield no longer has the small-town atmosphere, which is difficult on senior residents. She met people from Faith in Action, who live in Walnut Place in Highland Park, an affordable senior community. Aside from seniors, there are a number of young families that would love to live in Deerfield. She asked that the Village pass a better affordable housing Ordinance.

Tom Ochs appreciates what Mayor Shapiro said about September 11th. He has lived in Deerfield for more than 20 years. He urges the Village Board to delay passage of the inclusionary housing Ordinance as it does not provide affordable housing to low- and middle-income people. Households earning 100 percent of the area median income (\$140,000) typically do not need affordable housing. The developers receive both profit and a density bonus at 120 percent AMI. He would recommend reducing the percentage to 60 percent AMI. Given that Deerfield is largely built out, there is little room left to promote affordable housing opportunities within the Village. Mr. Ochs hopes the Trustees will consider a more meaningful Ordinance.

Kevin Garvey has lived in Deerfield for more than 30 years. He is a retired Marine and a deacon at Holy Cross. Mr. Garvey believes Deerfield needs more diversity to be a better community.

Laurel Krause-Hooyman has lived in Deerfield for 40 years. Her children are starting their careers and she knows their starting salaries. Statistics indicate that due to rising housing costs, many will not be able to afford living in Deerfield. Many starter houses have been demolished to build larger homes. Ms. Krause-Hooyman explained an average nanny makes about \$45,000 annually, and cannot afford to rent an apartment in Deerfield. Highland Park, Northbrook and Lake Forest make their affordable housing available at 60 percent AMI.

Maureen Garvey recently read the book, *The Sum of Us*, which discusses what racism costs everyone. The book disputes the zero-sum game theory. A zero-sum game is a competitive game. Affordable housing is a non-zero-sum situation. It is not a game. She would love if Deerfield realized that life could be more than a zero-sum game. Enriching other's lives by offering more affordable housing is the right thing to do.

Jeanie Sullivan is a 30-year resident. She does not believe the inclusionary housing Ordinance goes far enough. Housing in Deerfield would remain unaffordable with the AMI at 120 percent. Only 3 – 5 percent of Village employees reside in Deerfield. Housing based on 120 percent AMI will not help Village workers, but 60 percent AMI would help Village workers and others.

Jairus Castro explained young families have challenges living in Deerfield. He knows several people who grew up in Deerfield that would love to move back, but cannot afford to live in Deerfield. He asked the Trustees to revise the inclusionary housing Ordinance to be similar to other communities and assist people that want to live in Deerfield.

Tim Martin is a five-year Deerfield Resident. He has submitted a petition with 140 signatures from Holy Cross. 22 percent of Deerfield households earn less than \$75,000 and struggle to remain in the Village. The intent of the proposed Ordinance is to help people in this group, but it falls short. 120 percent of AMI for a family of 4 can already afford the market rental rate. The

proposed Ordinance does not provide affordable housing opportunities for people in need. Northbrook, Highland Park and Lake Forest offer 1/3 of their affordable housing at 60 percent AMI. He urged the Trustees to change the proposed Ordinance.

REPORTS

CONSIDERATION AND ACTION ON
THE REPORT AND
RECOMMENDATION OF THE PLAN
COMMISSION ON THE REQUEST FOR
APPROVAL OF A SPECIAL USE FOR A
SELF-IMPROVEMENT FACILITY FOR
PREMIER MARTIAL ARTS AT 656
DEERFIELD ROAD

Assistant Village Manager Andrew Lichterman reported the Plan Commission held a Public Hearing to consider the request for a Special Use for a 1450 square foot self-improvement facility for Premier Martial Arts to be located at 656 Deerfield Road. The Plan Commission voted 4-0 in favor of the request.

The ARC reviewed and approved exterior wall sign at their June 26, 2021, meeting.

Freddy Altomari, petitioner, is excited to have the opportunity to provide a safe place for kids and develop the future leaders of the country. Trustee Oppenheim asked Mr. Altomari to discuss the drop off and pick-up at the front of the building. Mr. Altomari explained he would coach his staff on safety procedures. Mayor Shapiro suggested distributing written information on safe pick-up and drop off to the parents.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission regarding the request for a Special Use for Premier Martial Arts. Trustee Benton seconded the motion. The motion passed by the following vote:

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

CONSIDERATION AND ACTION ON
THE REPORT AND
RECOMMENDATION OF THE PLAN
COMMISSION ON THE REQUEST FOR
APPROVAL OF A PRELIMINARY PLAT
OF RESUBDIVISION OF THE
PROPERTY LOCATED AT 1210
GORDON TERRACE

Mr. Lichterman reported the Plan Commission held a Public Hearing on July 22, 2021 to consider the request for approval of a preliminary plat of resubdivision for the property located at 1210 Gordon Terrace into two lots. The Plan Commission voted 4-0 in favor of the request.

Trustee Jester moved to accept the report and recommendation of the Plan Commission regarding the request for approval of a preliminary plat of resubdivision for the property located at 1210 Gordon Terrace. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

Trustee Oppenheim moved for approval of the preliminary Plat of Resubdivision. Trustee Benton seconded the motion. The motion passed by the following vote:

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

REPORT OF STAFF REGARDING A CLASS E LIQUOR LICENSE FOR EGG HARBOR CAFÉ Communications Coordinator David Fitzgerald-Sullivan explained the petitioners have requested a Class E liquor license for their new location at 740 Waukegan Road, Suite 103 in the Shops at

Deerfield Square. Staff and the police department have completed a background investigation for liquor license and did not find anything to preclude Deerfield Egg Harbor Café, LLC from holding a liquor license. Trustee Oppenheim asked if the other Egg Harbor Café's have liquor licenses. Will Makoski, store manager, explained his other locations have recently implemented liquor. He explained his customers have asked for mimosas and bloody marys.

Trustee Jester moved to accept the staff report regarding a Class E liquor license for Egg Harbor Café. Trustee Benton seconded the motion. The motion passed by the following vote:

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

REPORT BY CHRISTOPHER B. BURKE ENGINEERING RE: STORMWATER MASTER PLAN Assistant Village Engineer Tyler Dickinson reported many of the existing storm systems in the Village were designed and installed 50-70 years ago when storms were less intense than those

occurring in recent times. To better understand the stormwater system, the Village contracted with Christopher B. Burke Engineering Ltd. in early 2020 to author a Village wide Stormwater Master Plan. This plan included a comprehensive study and analysis of the Village's stormwater system in its entirety to help identify areas that need improvement.

Over the last year and a half, CBBEL has worked to obtain raw data, solicit resident feedback and historical information, develop a model of the Village's system, identify drainage deficiencies, develop improvements, and define probable costs and funding opportunities for various stormwater projects. The plan identified 43 flood service areas that could benefit from stormwater improvements including offsite detention areas, new pipe installation, larger pipe installations and regrading.

Thomas Burke and Jeana Gowin from Christopher B. Burke Engineering presented the Stormwater Master Plan Report. They initially held virtual open houses, distributed a flood questionnaire, held 1-on-1 site visits to residential properties and met with Village staff to

compile feedback. They divided the Village into two sections, the west fork watershed and the middle fork watershed.

The proposed improvement projects are based on identified flood areas and provide 10-year levels of service to the studied areas. They prioritized the flooding based on the type, with structure and street flooding being the highest priority. They are trying to increase the service level from a one-year service level to a ten-year service level. Ms. Gowin went through two proposed plans which would reduce the amount of flooding.

Mr. Burke suggested the Village create a uniform approach to assist property owners. This could include establishing a cost-share program, providing recommended design/landscape/sewer contractors/companies, providing a list of standard design details and typical cost estimates, allocate limited staff time to develop recommendations on private property and create webpages that include applicable program information. Mr. Burke suggested possible funding options including pay-as-you-go capital funding, municipal bonds, SSAs, stormwater utility fees and outside funding sources.

Trustee Oppenheim noted the costs for the impact areas are being considered both individually and combined. Mr. Burke explained some of the impact areas cannot be completed individually.

Trustee Seiden moved to accept the report by Christopher B. Burke Engineering. Trustee Benton Seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSENT AGENDA

ORDINANCE O-21-33 GRANTING A VARIATION FROM SECTION R 4.02-F, 3,E OF “THE DEERFIELD ZONING ORDINANCE 1978,” AS AMENDED (620 CARLISLE AVENUE) An Ordinance granting a variation from the Deerfield Zoning Ordinance to permit the construction of a one-story screened porch addition to the single-family residence located at 620 Carlisle Avenue. The proposed addition would encroach into the rear yard reducing the setback to 36.5 feet in lieu of the required 40 feet.

ORDINANCE O-21-34 GRANTING A FENCED HEIGHT MODIFICATION FROM SECTION 2.04-H.3.A OF “THE DEERFIELD ZONING ORDINANCE 1978,” AS AMENDED FOR (1405 HAZEL AVENUE) An Ordinance granting a fence height modification from the Deerfield Zoning Ordinance to permit the installation of a 246-foot long, six-foot-high fence within the front yard of 1405 Hazel Avenue, in lieu of the maximum three-foot fence height specified in the Deerfield Zoning Ordinance.

RESOLUTION R-21-04 APPROVING A WAGE ROLLOVER AGREEMENT WITH Staff is recommending approval of a 3.5 percent wage rollover agreement with ICOPS, representing

THE ILLINOIS COUNCIL OF POLICE the police patrol officers. The agreement is for a one-year term commencing January 1, 2022.

Trustee Benton moved to adopt Consent Agenda and passage of the Ordinances and Resolution. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

AUTHORIZATION TO AWARD PHASE III ENGINEERING SERVICES CONTRACT FOR THE ZION WOODS DEVELOPMENT TO CIORBA GROUP (NTE \$106,413) Assistant Village Engineer Tyler Dickinson reported the Village anticipates the Zion Woods Development will be submitting their permit application for the nine-acre site located at 10 Deerfield Road. The Village and property owners have executed a Development Agreement outlining the applicant's responsibility with respect to applicable codes for building and site construction including hiring an outside professional engineering firm to perform construction observation, on-site inspections, and construction documentation to ensure compliance with approved engineering plans and specifications.

Staff recommends that Ciorba Group be awarded the Construction Engineering Services contract for the Zion Woods Development in an amount not to exceed \$106,413, which will be fully reimbursed by the developer.

Trustee Oppenheim moved to award the construction engineering contract for the Zion Woods Development in an amount not to exceed \$106,413. Trustee Benton seconded the motion. The motion passed by the following vote:

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

DISCUSSION

COVID-19 STAFF REPORT

Mr. Lichterman reported staff was asked to prepare a Covid-19 report including discussion of vaccine

mandates. This report includes an overview of the Village's current vaccination rates, discussion of comparable public sector vaccine mandates, on-going efforts to encourage vaccines, various policy options and their associated advantages and disadvantages. Currently, there are no immunizations required of employees in any department as a condition of employment.

On August 26, 2021, Governor Pritzker issued Executive Order 2021-20 mandating vaccines for health care workers, school personnel, higher education personnel and state owned or operated congregate facilities. With the issuance of the order, any fire department or fire district that has not already adopted a COVID-19 vaccine mandate, is obligated to ensure that all personnel who provide or assist in the provision of medical services (including all EMTs and Paramedics, as well as many firefighters) are vaccinated against COVID-19 within 10 days. Personnel getting a two-shot vaccine must get the first shot by September 19, 2021, and get their second within 30 days of the date of their first vaccine.

Village staff is in on-going discussions with surrounding municipalities and as of the date of this report the Village of Winnetka is the only municipality known to have a vaccine mandate in effect. Winnetka employees are required to be fully vaccinated by October 31, 2021, or they will be placed on unpaid leave until their employment status is determined.

The Village's management team has and continues to put forth much effort to encourage employees to become fully vaccinated. These actions include:

- Staff spearheaded and coordinated a successful public-private partnership to bring a mass vaccination clinic to the Patty Turner Center, making it easy and convenient for employees to get vaccinated. This clinic operated for nearly three months and offered specific dates for Village-employees to receive vaccinations, prior to the public launch. Over 12,000 Lake County residents or employees received vaccinations while the clinic was in operation.
- Staff is permitted to receive a vaccination during work hours without the need to take accrued time off.
- Vaccines are required for employees in the Police Department and other Village departments to participate in certain activities such as task forces, trainings, and work travel related activities.
- The management team continues to regularly have ongoing discussions with staff and team leaders to answer vaccine questions and promote vaccine education in the hopes of increasing vaccination rates. This includes ongoing discussions with the police and public works unions.

Mayor Shapiro and staff continue to consult with the Village's labor attorney and general counsel to investigate the advantages and disadvantages associated with various vaccine policy options.

Village staff is 77% vaccinated, which is above the Lake County (55%) and 60015 Zip Code (68%) vaccination rates. The management team continues to strive for a higher vaccination rate among employees and appreciates the Village Board's support in this effort. Public sector

vaccine mandates have many policy implications that need to be fully considered before being implemented. There are both advantages and disadvantages associated with enacting a vaccine mandate or related policies.

Mayor Shapiro asked the Trustees if they believe vaccines should be mandated. Trustee Jester supports a vaccine mandate. Trustee Benton indicated Walgreens and Osco both offer Covid vaccines. Trustee Oppenheim noted Governor Pritzker has mandated all school employees be vaccinated, including the school resource officers.

Trustee Metts-Childers explained when patrol officers pull someone over, they have one-to-one contact with people. Residents do not have the ability to refuse an interaction when dealing with the police and would be in favor of mandating vaccines to make it safer for everyone.

Trustee Oppenheim noted because the Village has union employees, the unions require everything go through union processes. She thinks there may be better incentives to get people vaccinated. Trustee Oppenheim believes the Village could charge non-vaccinated individual more for their healthcare and make them subject to frequent Covid testing. She would also require them to pay for their Covid testing.

Mayor Shapiro asked what the Village could do if an officer declined to be vaccinated. Trustee Jacoby does not believe there are enough incentives to offer non-vaccinated people that will change their minds. Trustee Benton would not want the good relationship with the police department to fall apart because of vaccinations. Trustee Seiden is in favor of mandating vaccines, but believes there is a practical reason to not mandate vaccines. He hopes the governor or president will address these issues.

Mayor Shapiro suggested there is a consensus to not require a vaccine mandate as of today. Trustee Jacoby recommended regularly revisiting the topic of vaccine mandates. Trustee Benton suggest an informal task force to discuss options, as one possible approach. Mayor Shapiro suggested discussing increased premiums for non-vaccinated employees and frequent Covid testing at the non-vaccinated employees' cost. He asked Mr. Lichterman to come back with information about what other communities are doing and how much it would cost for Covid testing. Mr. Lichterman explained the Village can mandate employees to be vaccinated, but the Village will need to negotiate with the union regarding Covid testing frequency and costs.

Mr. Elrod noted the Village may not be able to require employees to pay for Covid testing without pre-implementation collective bargaining. The effects of a vaccine mandate are what need to be bargained.

COMMUNITY SOLAR AND ELECTRIC AGGREGATION PROGRAM UPDATE Mr. Lichterman reported approximately 200 residents have enrolled in the Community Solar program. They are saving about \$130 per year.

Residents have to opt in to that program. The electricity aggregation program mailings went out two weeks ago. Residents all pay the ComEd rate and the Village receives a civic contribution to benefit sustainable initiatives. Both programs tie back to the Village's 2020 greenhouse gas

reduction Proclamation. Mayor Shapiro directed staff to prepare a recommendation regarding a greenhouse gas reduction working group to address the goals of the Proclamation and take the next steps. Mayor Shapiro noted this is different than the sustainability Commission, as it would bring forth suggestions on implementation different than education. Trustee Jester reminded the Board that he had voting against the Proclamation because it alleged climate change to be an existential threat.

HARRIET’S GARDEN DEDICATION The dedication for Harriet’s Garden will be on September 18, 2021, at 10:00 a.m. Mayor Shapiro believes the garden looks great and thanked Trustee Oppenheim for her assistance. He urged everyone to attend the outdoor event, which will be held in conjunction with Harvest Fest.

COMMITTEE OF THE WHOLE Mayor Shapiro suggested a few options for when to hold the next Committee of the Whole meeting. The meeting dates will be sent to the Village Board via email.

PUBLIC COMMENT Tom Ochs noted Warwick at Blackthorn is also flooded and suggested it be part of the Stormwater Master Plan. There were no additional public comments.

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

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

The meeting was adjourned at 9:35 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, September 20, 2021 at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk