

February 21, 2023

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order on February 21, 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 Acting Village Manager Andrew Lichterman and Ben Schuster, Village Attorney.

PLEDGE OF ALLEGIANCE

Quinton Snodgrass, Vice President of Resource Development with the United Way of Lake County

211 led those in attendance in reciting the Pledge of Allegiance.

PRESENTATION

Michelle Sanchez from United Way of Lake County introduced 211, which is a free, confidential health

and referral line. It is a one-stop shop for health in Lake County and refers people to a number of resources. The purpose of 211 is to help residents get the services they need. 211 started right before Covid.

Mr. Snodgrass reported 211 also provides exceptional data on what residents need and the data can be broken out by zip code. Housing and shelter are the top needs in Lake County. Complete information is available at 211counts.org. Mr. Snodgrass stated they are requesting any type of partnership to assist with awareness.

Mayor Shapiro discussed the resources available through the Deerfield Police Department Social Services Division. He noted there are two licensed social workers available to assist.

DOCUMENT APPROVAL

Trustee Oppenheim moved to approve the minutes from the February 6, 2023, Board of Trustees

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

BILLS AND PAYROLL

Trustee Seiden moved to approve the bills and payroll dated February 21, 2023. 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)

PUBLIC COMMENT

There were no Public Comments on non-agenda items.

REPORTS

There were no reports.

CONSENT AGENDA

RESOLUTION R-23-09 RATIFYING THE PURCHASE OF A VEHICLE

A Resolution ratifying the purchase of a vehicle.

ORDINANCE O-23-05 AUTHORIZING 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

An Ordinance authorizing a Special Use to allow a massage establishment to be located at 405 Lake Cook Road, unit A3 in the Deerfield Park Plaza Shopping Center and a parking exception to the Deerfield Park Plaza PUD.

ORDINANCE O-23-06 AUTHORIZING 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

An Ordinance authorizing 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.

Trustee Oppenheim moved to accept the Consent Agenda and approve the Resolution and Ordinances. 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

ORDINANCE O-23-07 AUTHORIZING A TEXT AMENDMENT TO ALLOW A DRIVE-THRU RESTAURANT IN THE C-1 VILLAGE CENTER DISTRICT AS A SPECIAL USE

An Ordinance authorizing a Text Amendment to allow a drive-thru restaurant in the C-1 Village Center District as a Special Use.

Trustee Seiden stated that he has traditionally been against allowing additional traffic on Waukegan Road. He was impressed with the traffic studies and knows there can be differences of opinion. Trustee Seiden noted most traffic studies predict traffic based on future development and can be controversial. In this case, the main study was to determine whether vehicles can exit the restaurant safely to go north or south on Waukegan Road. Trustee Seiden visited the location several times last week to view the traffic. He found it was very difficult to cross if the stoplight was green on Osterman. Trustee Seiden stated that when the light was red, however, it was difficult, but doable, to exit. He noted that when going northbound, when the traffic light on Kates Road was red, only one or two vehicles were able to exit the restaurant. Trustee Seiden was perplexed on how anyone would want to put the restaurant there with the traffic. He would like to continue this so the other Trustees could see the traffic.

Trustee Oppenheim noted the Village relies on expert testimony for most decisions. She stated that the studies have been accurate and she does not believe she is qualified to do her own traffic study. Trustee Oppenheim believes the Trustees should rely on the two studies, one of which was contracted by the Village, to make their opinions. Trustee Oppenheim noted the petitioner assured the Village they would work to ensure any traffic problems are ameliorated. Trustee Jacoby is comfortable with the traffic studies. She pointed out the site was a restaurant and people successfully exited the business. Trustee Benton noted there is an exit and entrance on Central as well, which helps with the accessibility. Trustee Metts-Childers believes the Village needs to watch the traffic.

Bill Erhart is the President of the Rowhomes of South Commons. Mr. Erhart stated the information from Shake Shack includes 480 daily transactions. He asked what other business in the central downtown area deals with this volume without traffic control. Mr. Erhart stated the drive-thru portion will double the amount of traffic seen from the previous restaurants. Mr. Erhart spoke of his concerns that the site is one acre and will be very confusing. He also stated that residents know how difficult it is to turn onto Waukegan Road and will turn on Central, which is dangerous.

David Loughnane is a resident of Coromandel. He believes there needs to be a burden on the proponent to ensure there will not be a negative impact on traffic. He questioned whether this site is appropriate for a drive-thru facility. Mr. Loughnane stated the drive-thru will add substantially to the traffic. Mr. Loughnane asked if the Village could remove or alter the drive-thru component in the future, if there are issues that negatively impact residents. He questioned whether the IDOT traffic impact study started.

Chris Goodsnyder suggested making the exit on Central eastbound only to limit the flow of traffic on Central.

Felix Moran questioned the amount of revenue to the Village. He believes home values will go down. Mr. Moran pointed out a survey showing Shake Shack provides the least value of any fast food restaurant and predicted they will close in a few years.

Sunila Rao is the former President of the Rowhomes of South Commons. She noted there were a number of issues when Rosebud first came in and the Village was phenomenal in assisting the residents. She is concerned that when Shake Shack leaves, the Ordinance will still allow a drive-thru. Ms. Rao asked the Village to be proactive in assisting the residents.

Emily Vander Stoep thanked Trustee Seiden for doing his due diligence. She questioned whether the Trustees would want a drive-thru at the end of their block. She asked the Trustees to try to exit the site during peak hours like Trustee Seiden did.

Mayor Shapiro noted the Trustees and Plan Commission heard from many residents. He asked if the Trustees want to continue this matter, as suggested by Trustee Seiden.

Justin Opitz, Traffic Consultant with Kimley Horne, reported they reviewed KLOA's traffic study. He noted turning left on Waukegan will be difficult, especially because it does not have a center median. Mr. Opitz stated the KLOA traffic study concurred with Trustee Seiden's opinion, but did not cross a threshold to negatively impact the internal traffic flow of Waukegan Road traffic. Mr. Opitz noted that if the Village wanted to restrict traffic on Central, it would make the traffic light inaccessible and he would not recommend that course of action. Trustee Seiden asked if a different gap study should be performed. Mr. Opitz reported the gap study is based on the traffic counts on specific days and times. Daily variations can vary 5-10 percent, but would not be materially different. Trustee Benton asked if there was any consideration given to route vehicles to Osterman. Mr. Opitz believes traffic should be kept out of the neighborhood. Trustee Metts-Childers asked how close the traffic was to the threshold. Mr. Opitz reported vehicles would have to be stopped more than 50 seconds, and that presently the vehicles were stopped about 20 seconds. Trustee Oppenheim believes there are options on how to exit the property, and that public streets are for everyone in the community.

Trustee Seiden moved to continue further discussion to the March 6, 2023, Board of Trustee meeting. Trustee Metts-Childers seconded the motion. The motion Failed by the following vote:

AYES: Metts-Childers, Seiden (2)

NAYS: Benton, Berg, Jacoby, Oppenheim (4)

Trustee Oppenheim noted if a business closes, the drive-thru would have to be reconsidered. Mr. Schuster noted the business would have to be identical and open within one year of the stop of operations in order to assume the Special Use. Trustee Oppenheim questioned if the Village would have the power to ameliorate the situation if they find there is an issue with this development. Mr. Schuster reported they have to abide by the Special Use Ordinance, but the Village has the ability to work with the business, and can make additional access restrictions if necessary.

Trustee Oppenheim moved to authorize a Text Amendment to allow a drive-thru restaurant in the C-1 Village Center District as a Special Use. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim (5)
NAYS: Seiden (1)

<u>ORDINANCE O-23-08 AUTHORIZING A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A DRIVE-THRU RESTAURANT WITH AN OUTDOOR SEATING AREA AND APPROVAL OF MENU BOARDS AT 560 WAUKEGAN ROAD FOR A SHAKE SHACK RESTAURANT</u>	Ordinance O-23-08 Authorizing a Special Use to Permit the Establishment of a Drive-thru Restaurant with an Outdoor Seating Area and Approval of Menu Boards at 560 Waukegan Road for a Shake Shack Restaurant.
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Trustee Oppenheim moved to authorize a Special Use to permit the establishment of a drive-thru restaurant with an outdoor seating area and approval of menu boards at 560 Waukegan Road for a Shake Shack Restaurant. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim (5)
NAYS: Seiden (1)

NEW BUSINESS

<u>RESOLUTION R-23-10 AWARDING THE CONTRACT FOR 2023 STREET LIGHT SYSTEM UPGRADES</u>	Director of Public Works and Engineering Bob Phillips reported the Department has budgeted \$40,000 for the upgrade and/or replacement of the Village street light system assets. Mr. Phillips reported the Village's current system is aging and in need of replacement. He noted the scope of work for the upgrades includes new street light wires, new street light poles when needed, and new street light luminaires. Mr. Phillips stated that over an extended period of time, the goal is to upgrade the aging system throughout the Village.
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Mr. Phillips stated the Village solicited two proposals from contractors to perform the work. Mr. Phillips reported North Shore Boring, who operate out of Highland Park, had the lowest proposal price at \$40,978 which the Village would like to execute.

Trustee Seiden moved to approve a Resolution waiving the competitive bidding process and awarding the contract for the 2023 street light system upgrades to North Shore Boring in an amount not to exceed \$40,978. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

RESOLUTION R-23-11 WAIVING
COMPETITIVE BIDDING AND
AWARDING A CONTRACT FOR A
TREE INVENTORY SURVEY

Public Works Analyst Ryan Oates reported Public Works is responsible for the maintenance of public trees in the right-of-way. Mr. Oates noted that due to the impact of insect infestations, the Village needs to address the trees and effectively track the trees. Staff recommends a tree survey to help manage the existing trees. Mr. Oates stated the \$60,000 quote will be partially offset by a \$25,000 grant from the Morton Arboretum.

Mr. Oates reported the inventory will include the location, species, diameter, condition and maintenance history and will be recorded in the GIS system. Mr. Oates noted the survey will allow the Village to manage its existing trees more effectively and determine the best ways to preserve, protect and enhance the overall urban forest. Mr. Oates reported the inventory will also serve as a tool to guide management decisions and can be regularly updated by staff or by the Village Forester.

Trustee Metts-Childers moved to approve a Resolution waiving the competitive bidding process and awarding a contract Urban Forest Management, Inc., for a tree inventory survey in the amount not to exceed \$60,000. Trustee Berg seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

ADJOURNMENT

There being no further business or discussion, Trustee Berg moved to go into Closed Session pursuant to 5ILCS 120/2(c)(11), 2(c)(8) and 2(c)(5). Trustee Jacoby seconded the motion. The motion passed unanimously by the following vote.

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

NAYS: None (0)

The meeting was adjourned to closed session at 8:51 p.m.

The meeting was adjourned from closed session at 9:26 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, March 6, 2023 at 7:30 p.m.

APPROVED:

Mayor

Board of Trustees meeting
February 6, 2023
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ATTEST:

Village Clerk