

April 4, 2022

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Dan Shapiro on Monday, April 4, 2022, at 7:30 pm at Village Hall. The clerk called the roll and announced that the following were:

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

Absent: Larry Berg

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

PLEDGE OF ALLEGIANCE

Al Bromberg led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION

Mayor Shapiro proclaimed Tuesday, April 12, 2022, to be Education and Sharing Day in the Village of Deerfield and called upon government officials, educators, volunteers and citizens to reach out to those within the communities and work to create a better, brighter and more hopeful future for all. Rabbi Itche Schanowitz of Chabad of Deerfield accepted the proclamation.

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

AYES: Benton, Jacoby, Metts-Childers, Oppenheim, Seiden (5)  
NAYS: None (0)

PROCLAMATION

Mayor Shapiro proclaimed Friday, April 29, 2022, as Arbor Day in the Village of Deerfield and urged citizens to celebrate Arbor Day and support efforts to protect trees and woodlands. He further urged citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

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

AYES: Benton, Jacoby, Metts-Childers, Oppenheim, Seiden (5)  
NAYS: None (0)

PROCLAMATION

Mayor Shapiro proclaimed the week of April 10-16, 2022, as the National Telecommunicators Week in

Deerfield in honor of the men and women whose diligence and professionalism keep our Village and its citizens safe.

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

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

NAYS: None (0)

APPOINTMENT

Mayor Shapiro appointed Al Bromberg to Chairman of the Plan Commission.

Trustee Seiden moved to consent to the appointment and waive the 14-day waiting requirement. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DOCUMENT APPROVAL

Trustee Oppenheim moved to approve the minutes from the March 21, 2022, Board of Trustees

meeting. Trustee Seiden made some corrections to the minutes. Trustee Oppenheim moved to approve the minutes as corrected. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the February 2022 Treasurer's Report,

representing 16 percent of the fiscal year. Sales tax increased from last month as last month's receipts were mistakenly reduced by approximately \$100,000. The amount will be corrected with the March receipts. Hotel tax reflects payments from all hotels and back payment from one hotel. Food and beverage tax is in line with the prior year. Income tax exceeds the prior year to date amount and projection. Building permit revenue includes several commercial interior buildouts. Notable expenditures in February include snow and ice control and purchase of water meter heads. Overall operating expenditures are below projection as expected due to timing of seasonal/once-a-year expenditures such as liability insurance, memberships and special events

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the bills and payroll dated April 4, 2022. Trustee Benton

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

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

NAYS: None (0)

PUBLIC COMMENT

There were no public comments in person or received via email prior to the meeting.

REPORTS

CONSIDERATION AND ACTION ON  
THE PLAN COMMISSION  
RECOMMENDATION ON THE  
REQUEST FOR AN AMENDMENT TO  
A SPECIAL USE TO ADD SIX  
PICKLEBALL COURTS IN SHEPARD  
PARK AT 440 GROVE PLACE

The Plan Commission held a Public Hearing on March 10, 2022, to consider the request from the Deerfield Park District for an amendment to a Special Use to add six pickleball courts in Shepard Park at 440 Grove Place. The Plan Commission voted 5-0 in favor of the request.

Deerfield Park District Executive Director Jeff Nehila believes Shepard Park is a good location for pickleball courts. They initially budgeted for four courts but hope to build six courts. They have an agreement with District 109 and hope to begin construction in late June. They propose flipping the ball fields to fit the pickleball courts as well as add 8-foot arbor vitae screening to the north and a paved path from the parking lot to the ball fields. Mr. Nehila noted they will increase the number of parking spaces by 10 on Hackberry. He noted the park district has existing public restrooms on Hackberry Circle that will be available until 10:00 p.m. Mr. Nehila noted the location was selected because it is at least 500 feet from the existing homes. There is a lot of support for pickleball in Deerfield. Mayor Shapiro confirmed there will be no lights on the pickleball courts. Trustee Oppenheim noted if lights were added, they would face the wastewater treatment facility. Mr. Nehila affirmed they are trying to be ultra-sensitive to the neighbors.

Dr. Tom Thunder discussed the sound study. They measured pickleball noise at 55 decibels at 70 feet, which is a little less than normal conversation. They used the acoustic laws to determine if it will have an impact on neighbors. Dr. Thunder noted ambient noise is about 45 decibels. At 500 feet, the level of pickleball will be less than ambient noise and will not impact nearby neighbors.

Jolan Silcroft asked if there would be any shade for the pickleball courts. Mr. Nehila responded they have an initiative within seven years to add shades throughout the parks.

Dan Brinkman with Gewalt Hamilton discussed the traffic study. They do not have actual traffic studies due to the lack of activity during the winter, but have published information. The amount of traffic generated by the new courts will be 15-20 round trips throughout a day. The impact will have a minimal effect on traffic. Mr. Brinkman discussed the parking. The addition of the 10 parking spaces on Hackberry more than accommodates the additional demand as well as meets the Village Code.

Carl Rosenthal is not happy he currently cannot play pickleball in his community and has to go to other communities to play. This will give people in the community the ability to use the parks.

Trustee Seiden is pleased the community has come a long way. Trustee Oppenheim noted the park district identified the perfect spot for pickleball while enhancing the park.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission on the amendment to a Special Use to add up to six pickleball courts in Shepard Park and direct the Village Attorney to prepare the Ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSIDERATION AND ACTION ON  
THE PLAN COMMISSION  
RECOMMENDATION ON REQUEST  
FOR AN AMENDMENT TO A  
COMMERCIAL PLANNED UNIT  
DEVELOPMENT TO REDEVELOP THE  
728 WAUKEGAN ROAD (BARNES AND  
NOBLE) SPACE AT THE SHOPS AT  
DEERFIELD SQUARE

The Plan Commission held a Public Hearing on March 10, 2022, to consider the request from Kirby Limited Partnership for an amendment to a Commercial Planned Unit Development to redevelop the 728 Waukegan Road space at the Shops at Deerfield Square. The Plan Commission voted 5-0 in favor of the request.

The Appearance Review Commission considered the project at their January 22, 2022, workshop meeting and approved the project at their March 28, 2022, meeting. Chris Siavelis from CRM Properties reported the 27,000 square foot bookstore is no longer viable. The proposed project will revamp the existing Barnes and Noble to a mixed-use retail and office building and add more outdoor space for dining and gathering. The second-floor office can be used by one user or multiple users. The entrance to the office will be on the first floor for use by multiple tenants. They propose a new façade with brick, metal panels and stone accents.

Architect Jesper Dalskov discussed the proposed façade updates, which will be lower than the existing façade. The rear elevation will have minimal updates including additional windows and color changes to match the front elevation.

Mr. Siavelis cited the Village's parking requirement for office is less than retail. The current art sculptures to the east will be relocated to the new apartment building and they will add new public art in the center.

Trustee Oppenheim encouraged the petitioner to change some of the plantings to native plants along the knee wall. Trustee Oppenheim suggested replacing the Feather Reed Grass with Little Bluestem, Big Blue Lilyturf with Prairie Dropseed, and the Nepeta with Creeping Phlox, Cranesbill, or Milkweed. Mr. Siavelis will work with the landscape architect. Trustee Seiden asked why the accessible parking would not be made angled parking. Mr. Siavelis answered

they want to make the sidewalk as deep as possible because restaurants need outdoor space. They need the flexibility to accommodate food uses with ample outdoor seating. Mr. Siavelis detailed all the spaces are at 90 degrees and mixing 90 degree spaces with angled spaces does not work. Mayor Shapiro encouraged the petitioner to do something with public art in the center. Trustee Benton received a comment from a resident that is unhappy Barnes and Noble is leaving, but understands people are using the library and Amazon more.

Trustee Benton moved to accept the report and recommendation of the Plan Commission on the request for an amendment to the PUD to redevelop the former Barnes and Noble space and direct the Village Attorney to prepare an Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSIDERATION AND ACTION ON THE PLAN COMMISSION RECOMMENDATION ON THE REQUEST FOR TEXT AMENDMENTS TO THE DEERFIELD ZONING ORDINANCE REGARDING AMENDMENTS TO THE SIGN CRITERIA PROCESS; APPROVED PLANNED UNIT DEVELOPMENTS AND PLANNED RESIDENTIAL DEVELOPMENTS; PREFILING CONFERENCE MEETINGS FOR LAND OWNED OR USED BY PUBLIC BODIES OR PUT TO PUBLIC USE; ACCESSORY USES AND STRUCTURES LOCATED IN PLANNED RESIDENTIAL DEVELOPMENTS; AND DUTIES AND PROCEDURES OF THE APPEARANCE REVIEW COMMISSION

The Plan Commission held five Public Hearings to consider amendments to the Deerfield Zoning Ordinance with the intent of clarifying ambiguities, codifying current Village practices and creating process efficiencies. At the March 10, 2022, Plan Commission meeting, they voted 5-0 in favor of the request.

Assistant Village Manager Andrew Lichterman reported staff has been working with the Village Attorney's office to update and streamline Village processes and clean up Code language.

Village Attorney Ben Schuster discussed the proposed changes in five separate Ordinances to clarify ambiguities and ensure the Code is consistent to how the Village operates.

An Ordinance to establish a sign criteria process: The existing Code does not approve the sign

criteria, so we want to clarify the process for applicants. The proposed sign criteria amendment creates a sign approval process that will apply to multi-tenant commercial developments, office buildings, associations of merchants doing business within a specific area and properties with frontage along two or more streets for which more than one sign would require an application. The purpose of the amendment is to provide flexibility for owners to alter or replace signs without requiring ARC review, providing the sign complies with the approved sign criteria. The sign criteria will be approved by the ARC. The standards for approving the criteria include:

- The criteria must be unified and consistent throughout the building or area
- Same or higher quality than otherwise required
- Compliant with the Appearance Code

Trustee Oppenheim asked if there is an appeals process. Mr. Schuster explained the way it has been drafted is the petitioner would go through the normal sign process. An appeal process could be added. Mr. Lichterman explained if the sign meets the criteria, it can be approved by staff. If it does not meet the criteria, it would follow the current ARC process including a possible appeal to the Board. Mr. Schuster explained if the sign criteria is not approved, there is currently not an appeal process. Mr. Elrod explained an appeal of the criteria would dilute the effectiveness of the ARC and the criteria. The purpose of having the criteria is to state this is what we want in Deerfield.

Ordinance to amend the PUD amendment process: Mr. Schuster noted that under the current Code for a PUD amendment, an applicant must appear before the Plan Commission and the Village Board for a non-substantial change. He questioned what constitutes a substantial change. In addition, if the change is substantial, what standards are to be applied to determine whether the change should be granted. He suggested removing that section from the Zoning Ordinance and creating a new section (12.11) that clarifies the application fees for amendments to PUDs and PRDs. In the proposed amendment, a minor amendment would require an application to the Principal Planner and approval if it is consistent with the intent and purpose of the PUD. Major amendments would require an application to the Principal Planner as well as a Public Hearing before the Plan Commission and approval by the Village Board.

A minor amendment would be anything that is not a major amendment with the exception of the addition or replacement of a Building-Mounted Wind Energy System, Solar Energy System, or Geothermal Energy System shall be deemed a "minor amendment" that may be approved by the Village Principal Planner.

A major amendment includes a change in the approved land uses, a change in the boundary of a PUD, increases in the size of a building, increase in the number of dwelling units of 5% or 3 units, increase of 1% of the floor area ratio, reduction in the parking, increase in the size of building pads, substantial increase of traffic volume, reduction of open space, significant modifications to the provision of public utilities, additional signage of more than 10% and items that require additional Zoning relief.

Mr. Street commented providing clear direction on what is a major amendment versus a minor amendment will be crucial. Mr. Elrod specified these have been pulled from best practices that work in other towns.

Ordinance regarding pre-application requirements for public land: The proposed amendment amends PUD and PRD procedures by requiring property to be owned or used by a public body to have a pre-application process with the Plan Commission and encourages everyone else to have a pre-application conference with the Plan Commission. It also amends the Special Use procedures by requiring property to be owned or used by a public body to have a pre-application process with the Plan Commission.

Mr. Street believes it is a great idea to get everyone to understand what is happening, but could get pushback based on the cost of having consultants at the meeting.

Ordinance amending setbacks for accessory structures in PRDs: This would amend Section 12.03-G to correct a scrivener's error in setbacks for detached accessor uses and structures by changing the existing 10-foot setback to a 5-foot setback and reduce the need for variations. Mr. Street noted this would be proportionate to other areas within the Village.

Ordinance amending the duties of the Appearance Review Commission: These are changes that will be in the Village Code and Zoning Ordinance. The current code provisions are not consistent with Village practices. The current code provides for 5 members of the ARC while the ARC currently has 7 members. The current code provides for Public Hearings which are not held by the ARC. This would be changed to public meetings. The current Code provides the ARC makes recommendations to the Village Board. The proposed amendment provides the ARC the authority to approve applications which is consistent with current practices and creates an appeal process for ARC decisions where the Village Board hears appeals. The Ordinance would amend the jurisdiction of the ARC to review window signs in the entire Village Center district rather than the C-2 outlying commercial district. It would also remove an old modification procedure that applies to window signs. Window sign modification will now be treated in the same manner as other sign modifications and variations. Trustee Oppenheim noted these changes make the current practices concrete.

Mayor Shapiro welcomes the proposed changes to the Code. Mr. Elrod explained the Ordinances can be ready for the next Consent Agenda.

Trustee Oppenheim moved to accept the recommendation of staff on the proposed changes to the Article 12 "Special Purpose Boards and Commissions" of the Municipal Code of the Village of Deerfield. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Seiden asked if there are other major amendments. Mr. Elrod replied the major amendment list is exhaustive. Anything that is not a major amendment will be considered a minor amendment.

CONSIDERATION AND ACTION ON  
THE REPORT AND  
RECOMMENDATION OF STAFF  
AMENDING ARTICLE 12, "SPECIAL  
PURPOSE BOARDS AND  
COMMISSIONS" OF THE MUNICIPAL  
CODE OF THE VILLAGE OF  
DEERFIELD, ILLINOIS 1975, AS  
AMENDED

Mr. Lichterman reported the Village Center Commission was established as a 7 member special purpose board in 2014. Mayor Shapiro and staff recommend the VCC be dissolved as they have not met for a year. A lot of their work is now done by staff. They did a lot of great work and this is a natural evolution.

The Sustainability Commission currently has 9

members. The Municipal Code shows 12 members. This amendment would match the current practice. The Family Days Commission has 6 members and the Code says it is a 9-member body; however, they have had issues reaching a quorum. Staff recommends amending the municipal code to make the Family Days Commission a 7-member body. Both the Sustainability Commission and the Family Days Commission have vacancies, so this will not impact anyone sitting on these commissions.

Trustee Oppenheim recognized the work of the VCC and thanked the members and Chairperson Jannes Zobus for their efforts.

Trustee Oppenheim moved to amend Article 12, "Special Purpose Boards and Commissions" of the Municipal Code of the Village of Deerfield and direct the Village Attorney to prepare the Ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Metts-Childers, Oppenheim, Seiden (5)  
NAYS: None (0)

#### CONSENT AGENDA

There were no items on the Consent Agenda.

#### OLD BUSINESS

There was no Old Business.

#### NEW BUSINESS

RESOLUTION R-22-23 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF DEERFIELD AND THE LAKE COUNTY BOARD OF HEALTH TO PROVIDE SUPPLEMENTAL ANIMAL CARE AND CONTROL SERVICES

Deputy Chief Fry stated they are seeking approval of the Resolution. The police department finds themselves limited as to the resources and training in dealing with animal care and control. This is a fee for service agreement that the County provides but the Village cannot.

Trustee Oppenheim asked how the fees are currently handled. Deputy Chief Fry clarified there is a fee the Village would pay, but it is something that would need to be addressed whether the fee would be passed onto residents. Deputy Chief Fry confirmed many municipalities have entered into similar agreements. Mr. Street noted the intent is that the homeowner will pay for the service.

Trustee Oppenheim moved to adopt the Resolution authorizing an IGA by and between the Village of Deerfield and the Lake County Board of Health to provide supplemental animal care



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

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

NAYS: None (0)

RESOLUTION R-22-24 TO AWARD  
CONTRACT FOR 2022 STREET  
REHABILITATION PROJECT

Village Engineer Tyler Dickinson summarized this is for the 2022 street rehabilitation project. The low bidder was A-Lamp Concrete Contractors and includes the sidewalk program.

Staff provided a revised project to the Board due to an increase in the street rehabilitation project to \$3 million and the deferral of the Waukegan Road water main project. The total of the street rehabilitation project will be \$3.075 million. The A-Lamp bid came in about \$200,000 over the budgeted amount. Mr. Dickinson suggested removing the Rosewood Avenue rehabilitation from the project, which would bring the total to \$2.821 million. A-Lamp Concrete Contractors has confirmed the material delivery for Rosewood Avenue to conform to the school schedule. Mr. Street noted there are guaranteed prices to get the project done, although it is over budget. Next year, the price will increase. Trustee Oppenheim noted the difference is \$450,000 which is \$250,000 over budget.

Trustee Oppenheim moved to accept the Resolution to award the contract for 2022 street rehabilitation project to A-Lamp Concrete Contractors, amended to include the Rosewood Avenue rehabilitation in an amount not to exceed \$3.075,000. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-22-11 AMENDING AND  
REVISING THE ANNUAL BUDGET OF  
THE VILLAGE OF DEERFIELD FOR  
THE FISCAL YEAR BEGINNING  
JANUARY 1, 2022, AND ENDING  
DECEMBER 31, 2022

An Ordinance amending and revising the annual budget of the Village of Deerfield for the fiscal year beginning January 1, 2022, and ending December 31, 2022.

Mr. Burk reported that based on the street rehabilitation project changes just approved, the street improvements will go from (\$900,000) to (\$700,000). The net increase of the amendment is \$420,000. This will reduce the 2023 capital improvement budget. Trustee Seiden expressed concern about not following the budget. Trustee Benton noted not doing Waukegan Road.

Trustee Jacoby moved to accept the Ordinance amending and revising the annual budget of the Village of Deerfield for the fiscal year beginning January 1, 2022, and ending December 31, 2022, with the additional amendment of \$200,000. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-22-12 AMENDING  
O-21-39 RE: THE ISSUANCE OF  
GENERAL OBLIGATION BONDS,  
SERIES 2021

Mr. Burk noted this also relates to the modified capital plan. This Ordinance allows the Village to spend the proceeds on the modified capital plan. The amounts stay the same, but where the money is spent changes.

Trustee Seiden moved to adopt the ordinance amending O-21-39 regarding the issuance of general obligation bonds, Series 2021. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

ORDINANCE O-22-13 AMENDING  
CHAPTER 21 ARTICLE 3 RE: PLANTS  
AND WEEDS MAINTENANCE

An Ordinance amending Chapter 21 Article 3 regarding plant and weed maintenance. Assistant to the Village Manager Justin Keenan stated this Ordinance cleans up the Municipal Code

requirements for mowing the public right-of-way and private property. This will assist with enforcement.

Trustee Oppenheim moved to adopt the Ordinance amending Chapter 21 Article 3 of the Municipal Code. Trustee Metts-Childers seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-22-25 TO AWARD  
CONTRACT FOR 2022 NATIVE  
VEGETATION MAINTENANCE AND  
RESTORATION

Mr. Dickinson reported the Village has been working with an ecological restoration and maintenance contractor since 2019. Native plants are heartier and drought resistant as well as better for insects, birds and pollinators. The

Village has worked with Footstone on various areas within the Village and identified two additional locations that can be turned into a pollinator garden. The cost would be \$27,075.

Trustee Oppenheim is thrilled to be a leader in becoming a greener community. She cautioned the area will be rough at times. Mr. Dickinson noted they will install signage stating native restoration in progress.

Trustee Oppenheim moved to adopt a Resolution to waive the competitive bidding process and award the contract for 2022 native vegetation maintenance and restoration to Footstone Inc. in an amount not to exceed \$27,075. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

RESOLUTION R-22-26 TO EXECUTE  
BIO-SOLIDS REMOVAL CONTRACT  
FOR 2022 FISCAL YEAR

The WRF accumulates approximately 2,000 cubic solids each year which must be disposed in accordance to the IEPA requirements. This year, \$50,500 has been budgeted. The current

contract with Dom Inc. expires December 31, 2023.

Trustee Benton moved to adopt the Resolution executing the bio-solids removal contract for 2022 with Dom Inc. in an amount not to exceed \$50,500. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

THANK YOU

Mayor Shapiro thanked Village staff and the Village attorneys for all their work. The Board got a lot done this evening thanks to their hard work.

Mr. Street thanked everyone for attending in person after a long hiatus.

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, Berg, Jacoby, Oppenheim, Seiden (5)

NAYS: None (0)

The meeting was adjourned at 9:39 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, April 18, 2022, at 7:30 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk