

July 6, 2020

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal remotely on July 6, 2020, 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 Benjamin Schuster, Village Attorney.

PLEDGE OF ALLEGIANCE

Village Attorney Schuster lead those in attendance in reciting the Pledge of Allegiance.

VEC APPOINTMENTS

Mayor Rosenthal reported the Volunteer Engagement Commission recommended the

following appointments:

Karrah Krakovyak and Debra Tometz to the Sustainability Commission
to Lauren Rothenberg to a voting member of Police Commission

Trustee Jester moved to accept the VEC appointments. Trustee Benton seconded the motion. The motion passed by the following vote:

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

DOCUMENT APPROVAL

Trustee Struthers moved to accept the minutes from the June 15, 2020, Board of Trustees meeting.

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

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

TREASURER'S REPORT

Finance Director Eric Burk presented highlights from the Treasurer's Report for the month of May, 2020, representing 42 percent of the fiscal year. Sales tax net of rebate decreased from the same period of the prior two years, due primarily to economic incentive activity, which was offset by decreased economic incentive payments. Water and sewer billing represent lower usage months. Building permit revenue includes primarily small residential projects and one larger interior

project. State Income tax decreased from the prior year. Normally there would be a large increase in May. However, the income tax due date extension appears to be causing a delay in receipts. The Village received its first \$206,000 payment from Rebuild Illinois Bonds. Notable expenditures include general liability insurance, transfer of debt service payments to the paying agent as well as engineering and construction costs for infrastructure projects.

Mayor Rosenthal asked whether the Village has seen the sales tax results from the pandemic. Mr. Burk reported the Village should see those numbers next month. Trustee Struthers asked if the Village is aware of any permanent store closings. Mr. Burk stated there is no way for the Village to know that at this point. Trustee Oppenheim noted many smaller businesses do not know themselves, yet. Mr. Burk noted Lake County is working on small business grants.

Joe Lightcap, Audit Partner with Baker Tilly (Village auditors), reported on the 2019 Comprehensive Annual Financial Report, noting it is more comprehensive than what is required. They issued a clean, unmodified opinion on the report, which is the highest rating. Mr. Lightcap noted the management document has a lot of useful information that is easier to understand. He provided high level summaries of the various accounts.

Mr. Lightcap discussed the insights report, which is a reorganized letter that addresses their responsibilities, management responsibilities, thoughts on significant risks, key areas of emphasis and accounting standard changes. There are no comments or challenges that need to be reported to the Board.

Trustee Seiden asked if there is anything that the Village should be concerned with. Mr. Lightcap does not believe there is anything to be concerned about. He noted there is one significant risk to municipalities involving management control on how to circumvent procedures, which is a standard risk. Mr. Burk thanked Village Accountant Rich Jett for his assistance.

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated July 6, 2020. 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 stated 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 or press *9.

Mr. Street read the Public Comment emails received prior to the meeting.

Chris Goodsnyder asked about Deerfield's appeal for the Assault Weapons Ban. Mr. Street noted the Village is awaiting the Appellate Court's decision.

Mr. Goodsnyder's email also asked if any arrests have been made from the armed carjacking near Pfingsten Road. Mr. Street reported the vehicle has been recovered but no arrests have been made.

REPORTS

REPORT FROM STAFF RE: COVID-19 AND VILLAGE OPERATIONS Assistant Manager Andrew Lichterman presented highlights from the staff report dated July 6, 2020.

There are 147,251 confirmed cases of COVID-19 and 7,020 deaths in the state; 9,954 cases and 423 deaths are confirmed in Lake County with more than 110 cases confirmed in the Village. Most recently, in Lake County, 37 new cases were confirmed on July 2. The greatest number of confirmed cases on a single day was 296 cases on May 6.

On June 26, 2020, the entire State entered into Phase 4 of the Restore Illinois plan. In Phase 4, gatherings of 50 people or less are permitted. Restaurants and bars are allowed to open, travel resumes and childcare and schools may reopen. The Department of Commerce and Economic Opportunity (DCEO) issued robust guidelines for a number of different industry types. Applicable to all industries is the guidance that all employees who can work from homes should continue to do so, and that people should continue to wear a face covering that covers their nose and mouth, maintain social distance of 6-feet, and frequently wash hands. Restaurants may now permit indoor dining and drinking for parties of up to 10 people. Seated restaurant areas should be arranged so that tables allow for 6-feet between parties. Standing areas in restaurants and bars should be limited to no more than 25% of standing area capacity. Retail and office spaces should continue to limit capacity to no more than 50% occupancy. The Restore Illinois plan does not anticipate moving to Phase 5 until a vaccine or highly effective treatment is widely available.

In addition to the Governor's Executive Order and State guidelines, Mayor Rosenthal's Supplemental Order to the Declaration of Emergency remains in effect and requires all persons over the age of two to wear appropriate face coverings while engaging in the following activities:

1. Working in or patronizing retail stores
2. Working in or visiting an indoor construction site
3. Performing landscape services, when social distancing cannot be maintained
4. Riding in public transportation
5. When in indoor common areas of multi-unit residential or commercial buildings
6. When in outdoor common areas of multi-unit residential or commercial buildings, when social distancing cannot be maintained. A business owner or operator must refuse admission or service to any individual who fails to wear a face covering as required by the Mayor's Supplemental Order.

Village facilities opened to the public today, with the exception of the Water Reclamation Facility. All open facilities have occupancy limits posted to ensure social distancing can be maintained. Floor decals noting a 6-foot social distance have been installed on the lobby floors and sneeze guards have been installed at customer service counters. Signage is in place throughout Village facilities to guide the behavior of Village visitors and employees. Many employees will continue to work remotely and the public is encouraged to utilize remote services as much as possible. Staff will continue to monitor the new work environment over the coming weeks and adjust, as necessary. In response to the pandemic the Village's vehicle sticker sales have been extended through July, with no late fees. Stickers are \$30 per passenger vehicle and can be purchased online or in-person.

**CONSIDERATION AND ACTION ON
THE REPORT AND
RECOMMENDATION OF THE BOARD
OF ZONING APPEALS RE: REQUEST
FOR RELIEF FROM THE DEERFIELD
ZONING ORDINANCE TO REPLACE
A DECK AT 1195 SOMERSET**

The Board of Zoning Appeals held a Public Hearing via Zoom on June 2, 2020, to consider a request from Ross and Linsey Friedman, 1095 Somerset, for relief from the Zoning Ordinance to remove an existing 15' x 26' deteriorating, non-conforming deck and replace it with a 15' x 75' deck that would be no closer to the property line than the original deck. The deck would be 4 feet from the south

interior property line in lieu of the required minimum 8 feet specified in the Zoning Ordinance. The Board of Zoning Appeals voted 7-0 in favor of the request, based on the unique configuration of the corner lot.

Trustee Oppenheim asked if there has been a response from the neighbor at 1046 Hillside. Mr. Friedman believes they are okay with it.

Trustee Benton moved to approve the recommendation of the BZA regarding the request for relief from the Deerfield Zoning Ordinance to replace a deck at 1195 Somerset. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

**CONSIDERATION AND ACTION ON
THE REPORT AND
RECOMMENDATION OF THE PLAN
COMMISSION ON THE REQUEST FOR
A SPECIAL USE TO PERMIT THE
ESTABLISHMENT OF A DRIVE-THRU
FOR A WALGREENS PHARMACY
STORE AT 95 S. WAUKEGAN ROAD
(CHICK-FIL-A, INC. AND WALGREENS
CO.)**

Mayor Rosenthal indicated the petitioners have requested this item be tabled to the July 20, 2020 Board of Trustees meeting.

Trustee Struthers would like to see their traffic engineers show the traffic pattern with both drive-thrus in action. Mr. Street noted the basic traffic study took place before Covid-19. Trustee Seiden indicated the original proposal had a drive-thru bank, not a drive-thru pharmacy. He would like to be convinced there will not be not too much traffic.

Trustee Shapiro noted in the past, the Trustees indicated two drive-thrus would be a challenge.

Trustee Shapiro moved to table this item to the July 20, 2020 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)

CONSENT AGENDA

There were no items on the Consent Agenda.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

ORDINANCE AMENDING CHAPTER 15 MORALS AND CONDUCT, OF THE MUNICIPAL CODE TO REGULATE NOISE GENERATED BY POWERED LANDSCAPING EQUIPMENT – 1R Mr. Lichterman reported the intent of this Ordinance is to reaffirm the Village’s current practice of prohibiting professional landscapers from operating on Sundays and holidays. The Ordinance would supplement the Village’s existing noise and construction hour limitations but now includes an explicit reference to professional landscape services. This ordinance applies to professional landscape services only and does not limit the ability for homeowners to conduct landscape services, gas powered or otherwise, on their own property. This will stand as a First Reading.

RESOLUTION R-20-18 EXTENDING VILLAGE PERSONNEL DIRECTION TO PROVIDE ADDITIONAL FLEXIBILITY TO FOOD AND BEVERAGE SERVICE ESTABLISHMENTS TO FACILITATE OUTDOOR SERVICE DURING THE COVID-19 EMERGENCY Mr. Lichterman reported the previous Resolution on this matter had an expiration upon the conclusion of Phase 3 of the Restore Illinois Plan. Staff recommends allowing restaurants the flexibility to conduct temporary outdoor food and beverage service, at least during the early stages of Phase 4. Staff recommends the previous directive be extended for an additional 120 days to allow restaurants to continue outdoor service for the remainder of the summer.

Trustee Struthers thought some indoor service was allowed. Mr. Lichterman confirmed some indoor service is allowed in Phase 4. The Village would like to give people more options and allow them not to dine indoors. Mayor Rosenthal noted the original Resolution allowed

restaurants to get outdoor seating without going through the Special Use process. Trustee Oppenheim believes this is a good thing for both restaurants and patrons.

Trustee Seiden moved to adopt the Resolution. Trustee Jester seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

AUTHORIZATION TO AWARD
CONTRACT FOR KENTON ROAD TO
BE INCLUDED IN THE 2020 ROAD
REHABILITATION PROJECT

Director of Public Works and Engineering Bob Phillips reported Kenton Road was originally targeted for reconstruction during the 2020-2021 construction seasons. After receiving higher bids than expected for the street rehabilitation project,

the project was deferred to 2021 to bring the total project cost in line with the budget proposal for this year. The 2020 Street Rehabilitation project includes the necessary work items for the reconstruction/rehabilitation of Kenton Road. Mr. Phillips noted that a lot of 2020 construction projects have been pushed back to 2021, so he expects the prices in 2021 to be higher. Staff recommends awarding the contract for Kenton Road to be included in the 2020 Street Rehabilitation Project to A-Lamp Concrete Contractors (low bidder) in an amount not to exceed \$1,300,000. Mr. Street believes this is a good opportunity and supports the recommendation.

Mayor Rosenthal asked how the Village would pay for it. Mr. Phillips noted this would reduce the 2021 capital funds by this amount. Mr. Burk stated moving it from one year to the next would not affect the ability to pay for it; rather, it would just affect the timing. Trustee Oppenheim asked about the legal ramifications of moving forward with the current contractor. Mr. Schuster stated the Village can choose not to go out for a new bid. The pricing is already locked in through bidding and this would just be added on.

Trustee Struthers moved to award the contract for Kenton Road to be included in the 2020 Road Rehabilitation Project to A Lamp Concrete Contractors in an amount not to exceed \$1,300,000. Trustee Seiden 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 Mr. Schuster reported the Declaration of Emergency expires at the end of tonight's meeting. He recommends extending the Declaration until the adjournment of the next regular Board of Trustees meeting on July 20, 2020.

Trustee Benton moved to extend Mayor Rosenthal's Declaration of Emergency until the end of the next regular Board of Trustees meeting on July 20, 2020. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

DISCUSSION

FIREWORKS

Trustee Struthers reported the use of fireworks was more extensive than she had ever seen. People without pets do not know how badly pets are affected by illegal fireworks. She believes something needs to be done and asked the Board to consider some way to get people to curtail their personal fireworks. Chief Sliozis indicated this is not exclusive to Deerfield. Mr. Street suggested it may be something for the Northwest Municipal Conference to consider. Mayor Rosenthal believes the Village should start earlier with the messaging on the effect on humans, people on the autism spectrum or PTSD and pets. Chief Sliozis noted the Department had 40-50 fireworks calls. In previous years, there were 4 or 5 complaints. The number of violators greatly outweighed the number of people that called in and complained. They send out messages about fireworks every year, but this year was extraordinary area-wide. Trustee Oppenheim asked if were penalties assessed to anyone. Chief Sliozis stated the fireworks are generally coming from a back yard making it difficult to track and the Department is getting calls after the fact. It takes a neighbor willing to make a complaint and testify in court.

Trustee Benton suggested it may be mitigating circumstances as the Village did not have a fireworks display. This was substitute. He watched a graphic demonstration on what sparklers can do to kids.

Mr. Street will get together with Chief Sliozis and the fire chief and make a recommendation. Trustee Struthers recommended starting publicity in May next year. Trustee Jester believes having 10 times the complaints could be due to not having the public display. Trustee Oppenheim noted this is a key time to educate.

COVID-19

Mayor Rosenthal reiterated that Deerfield has done a good job keeping the curve flat. It is not the time to stop as we see what is happening around us. She urged residents to wear masks, social distance and wash their hands. Be smart and safe. Just because you can do something does not mean you should. Encourage people not wearing masks to wear them.

PUBLIC COMMENTS

Mr. Street indicated there were no additional public comments received during the meeting.

ADJOURNMENT

There being no further business or discussion, Trustee Shapiro moved to adjourn the meeting. Trustee Seiden seconded the motion. The motion passed unanimously on a voice vote. The meeting was adjourned at 8:42 p.m.

Board of Trustees Meeting

July 6, 2020

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The next regular Board of Trustees meeting is scheduled to take place on Monday, July 20, 2020, at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk