

## **COMMITTEE OF THE WHOLE – Meeting Minutes July 28, 2021**

The Village Board met as a Committee of the Whole in the Council Chambers of the Village Hall at 3:30 p.m. on Wednesday, July 28, 2021. In attendance were:

### PRESENT:

#### Village Board

Dan Shapiro, Mayor  
Bob Benton, Trustee  
Rebekah Metts-Childers, Trustee  
Tom Jester, Trustee  
Elaine Jacoby, Trustee  
Bill Seiden, Trustee

#### ABSENT

Mary Oppenheim, Trustee

#### Plan Commission

Larry Berg, Chair  
Alan Bromberg  
Jennifer Goldstone

#### Staff

Kent Street, Village Manager  
Andrew Lichterman, Assistant Village  
Manager/Director Community Development  
David Fitzgerald-Sullivan, Comm. Coord.  
John Sliozis, Police Chief  
Eric Burk, Finance Director  
Bob Phillips, Public Works Director  
Tom Keane, Deputy Police Chief  
Jeff Ryckaert, Principal Planner  
Dan Nakahara, Village Planner  
Justin Keenan, Asst. to Public Works Dir.  
Tyler Dickinson, Assistant Village Engineer  
Mary Glowacz, Management Analyst  
Elizabeth Delevitt, Planning & Design  
Specialist

### Public Comment

There were no public comments on non-agenda items.

### Business

#### 1. Follow-up Discussion re: Capital Improvement Plan and Associated Funding

Mr. Phillips reviewed the methodology of how projects are selected, water system modeling and stormwater management. Stormwater improvements are in the forefront, as there have been street and structure flooding in the recent past. In June, 2020, the Village received notification that phosphorus removal will need to be implemented for the WRF. The Village can use MFT funds and other possible sources to help fund the projects. Mr. Phillips explained Federal and State funded projects require five stages and typically take between three and five years to complete the process. Mayor Shapiro noted these improvements are identified as necessary capital expenditures to keep up the infrastructure running, improved and maintained.

Mr. Phillips briefly discussed the proposed projects for the next three to five years. He explained the Village has a capital project for lead service replacement. The Village is required to facilitate the program before 2024. The Village currently replaces the lead service from the water main to the shutoff valve. The challenging portion is going onto private property. In addition, an

easement is required if the Village is receiving Federal or State funding. Mr. Phillips explained the Village is required to replace every lead service in the Village within the next 15 years. Mr. Street explained there are a number of homeowners who have already replaced their service lines.

Mr. Burk explained the Village previously discussed three scenarios for funding capital improvements, a no debt program with reduced capital improvements, a \$2 million debt scenario with a one-year capital program and a \$7 million, two-year capital program, both would include a \$150,000 increase to the General Fund levy. The \$2 million additional bond option would result in an increase of 2.13% to the General Fund levy and the \$7 million additional bond option would result in an 4.47% increase to the Village levy. Mayor Shapiro noted interest rates are at an all time low, and believes the \$7 million bond issue would be beneficial. Trustee Seiden noted the Village may need to raise property taxes in the future. Trustee Benton explained the Village would still get improvements with a \$2 million bond issue. The Trustees general consensus was to work toward a \$7 million bond issue.

Mr. Phillips discussed a possible stormwater user fee, which was initially discussed in 2016. A number of surrounding communities have implemented stormwater user fees to help offset the cost of managing stormwater and improving infrastructure. The Village hired Christopher Burke Engineering to develop a Village-wide stormwater master plan and provide ideas on a stormwater user fee. The Village routinely televises the 70 miles of storm sewer to assess the condition as well as assist residents with flooding issues. The Village has spent \$7 million on stormwater improvements since 2015.

Mr. Phillips explained there are numerous ways to calculate user fees. He believes the fairest way to assess a fee is to measure the square footage of the impervious surface on a lot. The Village currently assesses a fee for sanitary sewer use, use of water meters and water but currently does not charge to use the storm sewer, which seems misaligned. Trustee Jester is not in favor of a stormwater user fee. He noted some streets have ditches rather than storm sewers. He explained the storm sewer is part of the street and most of the impervious surface is the street itself and that is the main cause of stormwater runoff. Trustee Jester believes this capital improvement should be part of the property tax. Trustee Metts-Childers believes residents will expect a new value when they see a new fee. Trustee Seiden believes this fee can be justified. Mayor Shapiro suggested waiting for a final consensus until the final storm water report is received.

## 2. Follow-up Discussion re: Affordable Housing and an Inclusionary Zoning Ordinance

Mr. Street noted the Village Board previously endorsed the concept of an Inclusionary Zoning Ordinance and the Village Attorney has prepared a draft Ordinance based on the framework, previously presented to the Board. Mr. Lichterman provided a side-by-side comparison between the proposed Deerfield draft Ordinance and other municipalities which shows density bonuses, duration of affordability, cap language and fee waivers. Mr. Lichterman asked the Board if they have any policy changes for the draft Ordinance, specifically with the cap language.

Trustee Metts-Childers asked why the Village is at 120 AMI. Mr. Lichterman explained it was a trade-off as off-site development is not permitted. The other key point was to get something on the books and see if it achieves the Village's affordable housing goals; it can always be amended and made more restrictive. Trustee Jester noted the Village previously negotiated with developers; once there is an Ordinance, everything would be known. Mayor Shapiro explained the intent is to have rules which a developer could follow; however, the Village cannot stop a developer from trying to negotiate.

Mr. Bromberg noted perpetuity has come up a few times. He feels it is critical to keep the affordable housing in perpetuity, because it is important today and will continue to be important in the future. He expressed concern because a renter that qualifies for inclusionary housing today could be forced out of Deerfield if the rent is raised in the future.

Mr. Lichterman noted if an Inclusionary Zoning Ordinance is approved, staff intends to contract with a housing management company to assist with oversight of the program. Mayor Shapiro explained the ordinance would not be retroactive. Mr. Street reported an ordinance would be presented at an upcoming regular Village Board meeting.

### 3. Discussion of Possible Façade Rebate Program

Mr. Lichterman explained the Village has received inquiries from commercial property owners about the possibility of starting a façade and exterior building improvement rebate program to help revitalize public facing building elevations of commercial properties. The Village had a revitalization program that was funded by a TIF from 2003 to 2005. The Village offered a financial rebate/incentive for commercial properties in the Village Center to make exterior building and site improvements. At the conclusion of the program, 3 out of the 26 eligible properties in the C-1 District took advantage of the program and the Village reimbursed approximately \$226,000. Mr. Lichterman believes there are some properties that would benefit from the program both in the C-1 Village Center District and the C-2 Commercial District along Lake Cook Road.

If the Board is in favor of pursuing a façade rebate program, Mr. Lichterman suggested initiating an exploratory survey to gauge business owners' interest, then defining the objectives and guidelines for a program. He discussed the advantages of a façade rebate program including safety and ADA compliance. Mayor Shapiro is in favor of implementing a façade rebate program to help revitalize the Village and encourage businesses to make improvements. The Trustees believe this could be a win-win situation. Mr. Lichterman suggested partnering with the Chamber of Commerce and to conduct the survey. Mr. Lichterman noted that the survey will be conducted concurrent with the Village's budgeting process and that \$200,000 would be included in the budget as a place holder for this project.

### 4. Discussion of Plan Commission's Report and Recommendation re: Short Term Rentals

Mr. Street explained the Board approved the definition of short-term rentals, but wanted to ensure the Plan Commission's recommendations were addressed. Ms. Goldstone summarized the Plan Commission's items for further consideration by the Village Board and noted that

perhaps the Board would want to allow residents to rent their homes as a short-term rental one-time per year. Mr. Lichterman noted the staff report includes sample short-term rental rules and regulations, if they were to be permitted on a limited basis. The Trustees discussed various scenarios for short-term rentals and the consensus was that short-term rentals should not be permitted and the current definition in the Zoning Ordinance is appropriate.

#### 5. Discussion of Process Improvement Changes Related to the ARC, Plan Commission and Village Board of Trustees Meetings

Mayor Shapiro met with staff and the Village Attorney to review possible ways to improve the Village's land use review/approval process, mainly related to the processes and procedures of the Appearance Review Commission, Plan Commission and Village Board. Mr. Lichterman explained at the Board level, the proposal is to eliminate the requirement for a Second Reading, but the Board always has the ability to continue a matter if it warrants further discussion. The Plan Commission would no longer require pre-filing meetings and would allow petitioners to proceed directly to a Public Hearing at their own risk. Mr. Berg believes simple petitions do not need pre-filing meetings; and more complicated matters would be strongly encouraged to attend a pre-filing meeting. Mr. Lichterman noted the Plan Commission could always continue a Public Hearing if further information is needed as well. Mr. Lichterman reported the proposal is also to allow sign petitions fully in compliance with: (i) the Village's Appearance Code, (ii) the mall's criteria; and, (iii) that do not include any architectural changes, to be approved administratively, rather than requiring a meeting with the Appearance Review Commission. The members of the Appearance Review Commission did not have pushback to the proposed changes. The Trustees believe these changes would help streamline the process and the consensus was to move forward with the changes proposed. Mr. Lichterman noted that several governing documents need to be amended to allow for the changes at these will be presented to the Village Board at an upcoming meeting.

#### 6. Discussion of Micro Pig Regulations

Ms. Glowacz reported that Dr. Gil and his daughters requested that the Village amend the Municipal Code to allow micropigs during a recent Village Board meeting. She noted that should the Board be willing to consider the request to amend the Section 5-8 of the Municipal Code, Housing of Animals, to allow for domesticated miniature pigs to be owned and housed as pets within the Village, staff recommends a one-year pilot program as well as several regulations to ensure the safety and well-being of both miniature pigs and residents.

Dr. Gil is very familiar with the standards and expectations regarding miniature pigs. He believes this would be a benefit to his family. Dr. Gil explained he has a fenced yard as well as a third garage that could be converted to accommodate the pig. He thanked the Trustees for their consideration. The Trustees were in favor of a pilot program but noted the regulations are strict. The Board noted that there should be no requirement for a fence, no minimum lot size.

Upon further discussion, it was noted that Dr. Gil is not a Deerfield resident and lives in unincorporated Deerfield. Staff will advise Dr. Gil that Lake County is the appropriate authority

to petition. With no active request from a Village resident the Board's consensus was that there is no reason to move forward with the program at this time.

Adjournment

There being no further business or discussion, the meeting was adjourned at 5:48 p.m.

Respectfully submitted,  
Jeri Cotton