



MINUTES

President and Board of Trustees
Village of Arlington Heights
Board Room

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005

November 21, 2016

8:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

- A. Presentation of the Colors by Cub Scout Pack
#169 from Olive Mary Stitt School

III. ROLL CALL OF MEMBERS

President Hayes and the following Trustees responded to roll: Glasgow, LaBedz, Tinaglia, Rosenberg, Scaletta, Sidor, Farwell.

Trustee Blackwood was absent.

Also present were: Randy Recklaus, Robin Ward, Mark Burkland, Charles Perkins, Diana Mikula, Cris Papierniak and Becky Hume.

IV. APPROVAL OF MINUTES

- A. Village Board 11/07/2016 Approved

Trustee Thomas Glasgow moved to approve. Trustee Robin LaBedz
Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register of 11/15/2016

Approved

Trustee Joe Farwell moved to approve the Warrant Register in the amount of \$1,449,526.33. Trustee Thomas Glasgow Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

VI. RECOGNITIONS AND PRESENTATIONS

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

IX. OLD BUSINESS

- A. Report of the Committee-of-the-Whole Meeting of November 16, 2016 Approved

Final Recommendation of Committee-of-the-Whole to Board of Trustees for the 2016 Property Tax Levy payable in 2017

Trustee Scaletta moved, seconded by Trustee Rosenberg that the Committee-of-the-Whole recommend to the Village Board to authorize staff to prepare the Village's and the Arlington Heights Memorial Library's 2016 Tax Levy Ordinance reflecting an estimated total Tax Levy of \$47,728,041 or a 1.38% increase over the 2015 extended Tax Levy for the Village and Library portion of the Levy. The motion passed unanimously.

President Hayes said there were two productive hearings on the budget last week. He thanked Mr. Recklaus and Mr. Kuehne on the preparation of the budget. This process is taken very seriously and is the Board's primary responsibility that the residents' money is well spent.

Trustee John Scaletta moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- B. Report of the Committee-of-the-Whole Meeting of Approved

November 16, 2016

Final Recommendation of Committee-of-the-Whole
to Board of Trustees for the 2017 Budget

Trustee Glasgow moved, seconded by Trustee Farwell that the Committee-of-the-Whole recommend to the Board of Trustees that the Board approve the proposed 2017 Budget as amended through the review process. The motion passed unanimously.

Trustee Thomas Glasgow moved to approve. Trustee Joe Farwell Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- C. Report of the Committee-of-the-Whole Meeting of November 21, 2016 Approved

Consideration of recommending to the Liquor Commissioner the issuance of a Class "A" Liquor License to Via Arenella Ristorante, Inc., dba Via Arenella Ristorante & Pizzeria, located at 1609 W. Campbell.

Trustee Thomas Glasgow moved to approve. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

Trustee Thomas Glasgow moved to move Legal XIII A to this point in the meeting. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- D. An Ordinance Amending Chapter 13 of the Arlington Heights Municipal Code (Making available a Class "A" liquor license) Approved

Trustee Jim Tinaglia moved to approve 16-052. Trustee Joe Farwell

Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

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| E. | Marathon Gas Station - 1706 W. Northwest
Highway - PC#16-016
Special Use for Auto Service Station | Approved |
|----|---|----------|

Mr. Perkins said the petitioner would like to convert the existing service station to a gas station with a mini mart. They have agreed to make many improvements. Adjacent residents have expressed concern regarding the proposed 24 hour operation. The petitioner has submitted their agreements with BP which requires a 24 hour operation, but there is a provision to amend it. The petitioner is still seeking 24 hour operation.

Maqbool Kahn said they need to have the 24 hour operation as they are spending a lot of money on the project. This is an existing gas station and they will do everything the village wants them to do, but want to stay open 24 hours. Steven Chacko said there will be business from the post office, Northwest Highway is a main street and he believes there will be good business from that corridor as well.

President Hayes asked what BP said regarding the Board's concern of operating 24 hours. Mr. Kahn it is okay with BP if they close for 3 hours from 2 am – 5 am, but it is up to the operator.

Trustee Labedz said noise was a concern in the middle of the night. The Marathon station is open 24 hours on Northwest Highway but it is not next to single family residences. She asked if the new pumps would have ads and music on their pumps. Mr. Chacko said there would not be radio outside. Mr. Kahn said they would accommodate the Board on evening noise.

Trustee Tinaglia asked how much business they expect during the late night hours. Mr. Chacko said he just wants to offer it and it's safer, windows won't be broken and things won't be stolen. Trustee Tinaglia said he was not interested in attracting people from 53 coming over for gas in the middle of the night. He asked if they could operate the pumps and close the store. Mr. Chacko said it is not safe to have the building unattended. There was no discussion of hours at the Plan Commission. Trustee Tinaglia said he couldn't imagine that there is enough volume in this sleepy little neighborhood that justifies being open all night. He then asked what is happening to the alley.

Mr. Perkins said the alley is vacated and part is owned by the gas station and part by a resident. The goal is to convert the alley to grass, but the village can't have the petitioner improve half of the alley. Trustee Tinaglia

said he would like to have it be green space instead rather than a repaved alley as a stop gap measure.

Trustee Glasgow asked if the petitioner said the 24 hours is needed for viability of the business. Mr. Perkins said it was the petitioner who is stating that need; staff asked if they would consider ceasing from midnight to 5 am. Their response was that they were investing a lot of money and needed the revenue from every hour to make the project viable. Trustee Glasgow asked what revenue is made from midnight to 5 a.m. Mr. Chacko said they have a couple of locations with the 24 hour model and he wants to keep it the same. There is no market study. Trustee Glasgow asked why they need it open 24 hours. Mr. Chacko said it is important that someone needs to be there at all times for security and it is more convenient. Trustee Glasgow said he would approve if the hours were amended, he said he can't support a 24 hour operation without market study, BP doesn't require it and he was concerned about the additional traffic in a residential area.

Mr. Chacko said 200 people live near the Marathon station which is 24 hours, why not at his location? Trustee Glasgow said 4 blocks can change the character of the neighborhood and these two neighborhoods were not the same.

Trustee Scaletta said at the end of the Plan Commission meeting was the first time the 24 hour concept was discussed. Mr. Chacko said it was in their application. Trustee Scaletta asked if staff said it was going to be a problem, Mr. Chacko said no. Trustee Scaletta said that they should realize there is a mile between this location and the Marathon, and their location is next to single family homes versus condominiums. Closing from 2 a.m. to 5 a.m. doesn't change much. He said he was more comfortable closing midnight to 5 a.m. He said he wants the business to be there, but 24 hours is not going to work next to a residential neighborhood.

Trustee Rosenberg asked if there would be liquor sales. There will be no liquor sales and their business model does not need liquor sales. Trustee Rosenberg said he thinks the property can be protected with surveillance and other security techniques.

Trustee Farwell said the Board has to balance the petitioner's needs with the neighbor's needs. If a special use was allowed so close to residential, the Board would need to consider other applicants seeking the same, causing more detriment to others in the community. The hours aren't imperative for their model to be successful, as it has been presented as more of a safety issue. Trustee Farwell asked what will happen if the Board limits the hours. Mr. Kahn said they will take the Board's motion to BP and see. He is not sure what will happen.

Trustee Tinaglia revisited the alley issue. He asked if it could be partially removed and grass put in. Mr. Kahn said he will do what the village wants to do. A discussion ensued as to the wisdom of 10' of the alley belonging

to one party being improved and 10' belonging to another party remaining unimproved. The resident may be unwilling or unable to improve the space. The alley was vacated and split down the middle in 2005.

Diane DiGiovanni said she lives directly northeast of this property. It shouldn't matter how much money is spent, all rights of residents should be equal. They can hear noise from Northwest Highway from their home and will be able to hear all the sounds from this property. High rise condos are not the same as next door to single family residences. Those condos were built after the Marathon station operated for 24 hours, so those residents chose to live next to it, not the reverse. Other stations have limited hours and do just fine. The BP owners can make a good living without operating 24 hours a day.

President Hayes asked about light spillover. Mr. Perkins said a plan will need to be submitted in the permitting process. Lights on the building will be added and the canopy will be evaluated. Staff will make sure there is no light spillover into the neighbors' homes.

The discussion returned to improving the alley. Mr. Perkins said the intent is that the alley will be improved in conjunction with the neighbor. Condition #1 states "The subject property owner must remove and sod the 10' alley and alley approach and restore the parkway and add curb in the area at a future date, upon request of the village."

Trustee Farwell said he concurred with Trustee Tinaglia that the alley should be addressed now. Trustee Farwell asked if the petitioner agreed with the conditions set forth and agreed to remove the pavement, sod the alley, remove the apron and add a curb. Mr. Kahn said yes and will use the village guidelines.

Trustee Farwell moved to approve the Marathon Gas Station improvement with the condition that the hours of operation are from 5:00 a.m. to midnight, and that in the first condition the words "at a future date" be removed. Trustee Tinaglia seconded the motion.

Trustee Scaletta said he doesn't want to create a problem for the new business with the neighbor. The Board can't stop the neighbor from continuing to use the alley for parking even if it has new grass. He said he was leery of telling this business to take this action and have it create another problem. The alley boundary is not clear from the drawings presented. Mr. Perkins said the exact delineation is unclear without a survey. There was a discussion of where the alley split occurred.

Mr. Recklaus said if the intention is for the petitioner to pay for their half and to work with the adjacent property owners to grass over their part of the alley as soon as possible, the motion could be drafted to direct staff to resolve this and condition the approval that the petitioner agree to pay for their half when extension occurs.

Trustee Farwell said he didn't want to force the neighbor to do something they can't or don't want to do as it is private property.

The motion was not voted upon.

Trustee Scaletta asked about the intent regarding the parkway and the sidewalk. Mr. Perkins said the driveway and apron should be removed by the petitioner. A curb connecting the gas station and the neighbor would be constructed. This is consistent with what the village has done with other properties. The sidewalk will be connected as well.

Trustee Glasgow said he didn't want to take away a property owners right in regards to an easement. Trustee Farwell said there is no recorded easement.

Trustee Sidor recapped saying the conditions will stay as they were initially presented. The Board is trying to make sure the property is sodded and curbed sooner rather than later without negatively affecting the other property owner. The hours are to be 5 a.m. to midnight.

Trustee Joe Farwell moved to approve with the added condition that the hours of operation are 5:00 a.m. to Midnight. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT APPROVAL OF BIDS

A. FY16 Water System Improvements Change Order Approved

Trustee Robin LaBedz moved to approve. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

B. Dump Trucks - Public Works Approved

Trustee Robin LaBedz moved to approve. Trustee John Scaletta Seconded

the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

CONSENT LEGAL

- A. An Ordinance Amending Ordinance Number 88-014 Granting a Special Use Permit for Restaurant (Egg Harbor Cafe, 140 W. Wing Street) Approved

Trustee Robin LaBedz moved to approve 16-053. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- B. A Resolution Approving the Salary of the Village Manager of the Village of Arlington Heights (2016-17) Approved

Trustee Robin LaBedz moved to approve R16-031. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- C. A Resolution Authorizing Execution of the Illinois Public Works Mutual Aid Network Agreement (IPWMAN) (Statewide network for PW Departments) Approved

Trustee Robin LaBedz moved to approve R16-032/A16-048. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- D. A Resolution Approving Certain Property to Participate in the Cook County Class 6b Assessment Incentive Program (206 W. Campus Drive) Approved

Trustee Robin LaBedz moved to approve R16-033. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

CONSENT REPORT OF THE VILLAGE MANAGER

- A. Settlement of Lora Officer v. Village of Arlington Heights Approved

Trustee Robin LaBedz moved to approve a settlement in the amount of \$35,000. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

- B. An Ordinance Amending Chapter 13 of the Arlington Heights Municipal Code (Section 13-610) Approved

Trustee Glasgow asked for this item to be removed from the consent Agenda.

Trustee Glasgow asked why the village was redacting last clause in section A. Ms. Ward said the village can't deny anyone for those reasons. It was in the Code since the 1960's and hadn't been removed. Trustee Glasgow asked if that clause was illegal. Ms. Ward said yes.

Trustee Joe Farwell moved to move an Ordinance Amending Chapter 13 to this point in the Agenda. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

Trustee Thomas Glasgow moved to approve 16-052. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

XI. APPROVAL OF BIDS

XII. NEW BUSINESS

- A. PC#16-021 - Lexington Heritage Townhomes Approved
3216-3240 N. Old Arlington Heights Rd.
Rezoning, Amendment To Comprehensive Plan,
Preliminary Plat of Resubdivision, Preliminary
PUD, Repeal Ordinance 92-059 & 92-060,
Variations

Mr. Perkins said the Plan Commission gave the project a positive recommendation to rezone the property from M-1 to R-6. There are 48 units in 9 buildings and it is under density. The petitioner has agreed to provide \$2,500 per unit into the Affordable Housing Trust Fund. There are a lot of variations which primarily deal with subdivisions for town-homes. As a PUD, there are a few set back variations and a fence height variation.

John Nelson of Jen Land described the site plan. Jay Cox, the architect, presented the elevations. Landscape architect Karl Krogstad described the retaining walls and landscape elevations. Three stairways will come down to the public right of way on Old Arlington Heights Road.

President Hayes asked what the sale prices would be. Bill Rotolo of Lexington Homes said they were from \$330,000-\$399,000. President Hayes said the Design Commission recommendations for variations on siding and design elements were adopted. Mr. Perkins said yes and the final proposal reflects the recommendations by the Design Commission.

Trustee Rosenberg asked about the sufficiency of visitor parking as there were only 10 extra spaces. Mr. Perkins said there may be some parking on Country Lane or further on Boeger Drive. When the petitioner comes back for final approval, they could add few more spaces in the plan for parking. Mr. Nelson said they would look to add some spaces. Trustee Rosenberg asked for the petitioner to communicate to the residents that guest parking is limited when they purchase their property. Lawrence Friedman, attorney for Lexington Homes, said they will be advised. All maintenance will be covered by an Association including exterior work and road work. Mr. Rotolo said startup funding comes from fees collected at closing from each buyer and put into a reserve. The association will be professionally managed. There will be 6' privacy fences to separate the patios for the two story town homes.

Trustee Tinaglia asked what happens to the lot to the south. Mr. Perkins said it is owned by owner of the neighboring office building and there is a future concept for this space. The two lots to the north are M-1. If this proposal is approved, these might be recommended to be rezoned to R-6. Trustee Tinaglia asked how come an underground detention vault worked for this development and not for others. Mr. Perkins said with more density it is possible to do. The cost is approximately \$500,000-600,000 for and

underground vault, with 49 units the cost can be dispersed to an acceptable level. Trustee Tinaglia stated it is a financial decision and not MWRD regulated as had been stated in previous petitions.

Trustee Scaletta told the petitioner that there is a restriction for barbecues on decks. He said he wanted them to make sure they know what it is before the project is built so they don't come back for a variation. Trustee Scaletta asked about the impact on schools. Mr. Perkins said the development will pay a school, Park District and Library impact fee.

Trustee Bert Rosenberg moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood

XIII.LEGAL

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

President Hayes wished residents a Happy Thanksgiving. The annual Tree Lighting is the day after Thanksgiving at 4:30 p.m. at North School Park.

Trustee Sidor said the Twilight Shopping Night was a big success with 250 shoppers. He said to shop local and reduce your tax bill.

Trustee Farwell said Toys for Tots drop offs are at all the Fire Stations.

Trustee Rosenberg announced the Holiday Happenings @ Harmony Park event on December 2nd from 5p.m.-8 p.m.

Trustee LaBedz said the Historical Society Festival of the Wreaths is ongoing. Saturday, December 3 is the Rotary Santa Run.

XVIIADJOURNMENT

Trustee John Scaletta moved to adjourn at 9:58 p.m. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Absent: Blackwood