



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

August 17, 2015

8:00 PM

VIDEO I. CALL TO ORDER

VIDEO II. PLEDGE OF ALLEGIANCE

VIDEO III. ROLL CALL OF MEMBERS

The Village Clerk Called the roll with President Hayes the following Trustees responding: Scaletta, Sidor, Blackwood, LaBedz, Glasgow, Rosenberg, Farwell and Tinaglia.

Also in attendance were: Randy Recklaus, Robin Ward, Charles Perkins, Diana Mikula, Scott Shirley, Mark Burkland and Becky Hume.

VIDEO IV. APPROVAL OF MINUTES

VIDEO A. Committee of the Whole Minutes 08/03/2015 Approved

Trustee Carol Blackwood moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Blackwood, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor.

Abstain: Farwell, Tinaglia.

VIDEO B. Village Board Minutes 08/03/2015 Approved

Trustee John Scaletta moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

Ayes: Blackwood, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor.

Abstain: Farwell, Tinaglia.

VIDEO **V. APPROVAL OF ACCOUNTS PAYABLE**

VIDEO A. Warrant Register of 8/15/2015 Approved

Trustee Joe Farwell moved to approve the Warrant Register of 8/15/15 in the amount of \$1,587,438.06. Trustee Thomas Glasgow Seconded the Motion.

The Motion: Passed

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

VIDEO **VI. RECOGNITIONS AND PRESENTATIONS**

VIDEO A. Swearing in of James McGrath as Police Sergeant

Trustee Glasgow administered the Oath of Office to Officer McGrath.

VIDEO B. Retirement of Police Canine Marco

President Hayes read the proclamation recognizing Marco's retirement. Marco was also presented with a plaque from the Northern Impact Canine Group by Kevin Sullivan.

VII. PUBLIC HEARINGS

VIDEO **VIII. CITIZENS TO BE HEARD**

Dianne Arp of the Companion Animal Protection Society said her organization protests every weekend at pet stores who sell puppy mill dogs. She asked for support on a ban of puppy mill dogs in the Village. She said the Happiness is Pets store has a binder's worth of violations for the past year. She applauded the Village for writing their own ordinance on this topic. She offered to assist in the writing of the Village's ordinance. She said she would email information to the Board the next day. She explained that CAPS had assisted Joliet and other communities, but that changes had occurred after her organization's suggestions. The USDA does not regulate breeders, which is why puppy mill dogs are in such poor health. She said she had proof that customers are deceived, and there is a class action lawsuit against Happiness is Pets. She asked for the Village to encourage them to sell healthy dogs. She asked for the Board to protect the customers and the animals.

President Hayes said the Village's goal is to try to ensure the health, safety and welfare of animals sold in Arlington Heights, and keep reputable

businesses open. He said the Board appreciated input from all sources. He thanked Ms. Arp for the information and comments.

Ms. Ward said the Village was in the process of gathering ordinances to find the right balance and was hoping to present the Board with some options in the next couple of weeks.

VIDEO IX. OLD BUSINESS

VIDEO	A.	Report of the Closed Session Meeting of 08/03/2015 Trustee Scaletta moved to release the minutes from the Closed Session Meeting of 10/02/2014. Trustee Blackwood seconded the motion. The motion carried.	Approved
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Trustee John Scaletta moved to approve. Trustee Carol Blackwood
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,
Sidor, Tinaglia.

VIDEO X. CONSENT AGENDA

CONSENT OLD BUSINESS

VIDEO CONSENT APPROVAL OF BIDS

VIDEO	A. Influenza Vaccine	Approved
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Trustee Thomas Glasgow moved to approve. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,
Sidor, Tinaglia.

VIDEO	B. Engineering Plotter Replacement	Approved
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Trustee Thomas Glasgow moved to approve. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,
Sidor, Tinaglia.

VIDEO C. Replacement of Two Pick-Up Trucks - Public Works Approved

Trustee Thomas Glasgow moved to approve. Trustee Bert Rosenberg Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia.

VIDEO **CONSENT LEGAL**

VIDEO A. A Resolution Approving an Intergovernmental Agreement with the Northwest Suburban Housing Collaborative Approved
(New 5-year agreement between municipalities addressing housing issues in the NW suburbs)

Trustee Thomas Glasgow moved to approve R15-033/A15-037. Trustee Bert Rosenberg Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia.

VIDEO B. An Ordinance Granting a Special Use Permit for a Rooftop Wireless Antenna and Variations from Chapter 28 of the Arlington Heights Municipal Code Approved
(Verizon Wireless Antenna at Luther Village, 800 W. Oakton Street)

Trustee Thomas Glasgow moved to approve 15-028. Trustee Bert Rosenberg Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia.

Abstain: Farwell.

VIDEO C. An Ordinance Amending Chapter 13 of the Approved

Arlington Heights Municipal Code
(Surrender of a Class "AA" and making available a
Class "B" and a Class "T" liquor license)

Trustee Thomas Glasgow moved to approve 15-029. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

CONSENT REPORT OF THE VILLAGE MANAGER

XI. APPROVAL OF BIDS

VIDEO XII. NEW BUSINESS

- VIDEO A. DC#15-049 - Westgate Park & Shop - 1531-1711 Approved
W. Campbell St. - Sign Variation

Mr. Recklaus said a long discussion between staff, the Westgate Shopping Center and the Chamber of Commerce has occurred regarding this request. Mr. Perkins said the current spacing between the two signs for the Shopping Center is 300 feet apart; the Village Code requires spacing of 800 feet. The Campbell Street sign should have been removed when the grocery store closed in 2006, as was directed in the variation approved in 1995, but it remains.

Three options were presented:

1. Concur with the Design Commission to deny the request to use the existing second ground sign and approve modifications to the existing Walgreen's sign to allow multiple tenant signage.
2. Approve the petitioner's request for a 60 sf ground sign with 40 sf of text.
3. Approve the petitioner's request for a 60 sf ground sign with 40 sf of text with the following condition: When the existing Walgreens sign is ready for modifications or replacement it shall be replaced with a new, multi-tenant monument style sign and the existing second ground sign on Campbell Street shall be removed in its entirety.

Mr. Perkins said the cost to refurbish the existing Campbell Street sign is \$2,890, the cost to modify the existing Walgreens sign is \$9,890 and the cost of a new monument sign is \$17,000.

Mike Schwartz, owner of the Westgate Shopping Center, said the original variation for a second sign was approved for a grocer tenant, they just want to use that sign for a different tenant. He said they would go along

with option #3 if it was approved.

Jon Ridler, of the Chamber of Commerce, said option #3 allows businesses to get their name up prior to improvements of the Walgreen's sign. He said it is a hardship to put up a monument sign because of the cost. Once the Walgreens sign was approved, the Campbell sign was out of compliance. The petitioner never received notice from the Village that the sign needed to come down, he was not in defiance, he was just not notified.

Trustee Tinaglia said these signs have coexisted for over 20 years. The variation was for the Walgreens sign, not the one being discussed tonight. The only signage for the Center Walgreens. He said approving one of these options gives Walgreens some time to reconsider, but for now, the businesses need signage as fast as possible. He said he would choose option #3.

Mr. Schwartz said he has owned the shopping center for over 30 years but was not aware that he needed to take the Campbell Street sign down. He said his partner at the time was responsible for the original petition. Mr. Schwartz said this process for using the sign has been going back and forth for 6-7 years.

Trustee Scaletta said the Village is working with Mr. Schwartz by not making the sign come down immediately. Village staff also approached Walgreens on behalf of the owners. A ground sign is a capital improvement, like a roof. He said the wall signs are clearly visible on Campbell. The visibility from Wilke is what the tenants are looking for. He noted that the Subway sign on Wilke is illegal and needs to go. Rustic J's sign should be taken down as it has closed. Trustee Scaletta said improving the corner sign is better for the long term even if it is more expensive. He said keeping the Campbell sign updated would be more expensive than upgrading the corner sign. Good money would be thrown in after bad. He urged Mr. Schwartz to look long term. He said he would vote no on option #3 or he will motion for option #1.

Trustee Glasgow said the Campbell sign has been out of use since 2006, if the sign was necessary for the businesses to thrive, why wasn't an application made sooner? Mr. Schwartz said Fitness 19's lease gives them access to the sign and they are asking for it. The dentist is also asking to be on the sign. Trustee Glasgow said he assumed Mr. Schwartz's partner told him the sign needed to come down and it was incredulous that this was not communicated to him. Trustee Glasgow said the cars at the stop light at Wilke are the ones who need to see a sign and a capital improvement should be made there. He said it was difficult to make an exception for a hardship based on the inaction of the owner. He said he would choose option #1. If the Campbell sign was truly needed, Mr. Schwartz would have been in a long time ago.

Trustee Sidor said he would like to hear from the tenants. Jason Miller, the

Fitness 19 operator, said he was given the option of using the sign in 2010. He said obviously there was more to it than they were originally aware of. So, the sign was put on back burner. In 2010, they were one of the few low priced fitness players in the Village. Now, there are eight competitors in the market. It is important for him to have a visual presence on the street. His ultimate goal would be to have a sign on the corner, but in the meantime, he would like a place on the existing sign to tell people they are there. He would like the Board to choose option #3.

Trustee Sidor rephrased Mr. Miller's comments stating that the Campbell Street sign would benefit Fitness 19 even with half the traffic. Trustee Sidor said he would like to find middle ground and #3 does that as it gives the businesses something and buys more time to work with Walgreens. The amendment from 1995 gave street signage to Walgreens only. He said he concurred with Trustee Tinaglia.

Trustee Farwell said he was trying to discern if this was a preexisting condition. Prior to the Walgreens sign, there was no tenant identification. Because there were two signs before, it may be a preexisting condition. Mr. Schwartz said he was a silent partner then, but at the time the Village did not allow reader board signs, which precipitated the variance. Trustee Farwell said the center's long end is on a sub artery and the short end at the traffic point which perhaps creates a hardship. In addition, historically the sign has been in disrepair. He said he would consider option #3 if there was a turnaround time line between sign updates, and would like cooperation from property owner to keep the sign in good repair. If verbiage like that was put in an ordinance for continued maintenance on option #3, he would be in favor of it.

Mr. Ridler said having the businesses on the sign would ensure that the sign would be maintained.

Trustee Blackwood agreed with option #3, but would like the corner sign to be improved in next 3-5 years. This would allow the center to position itself more strongly for the capital improvement funding. Since the verbiage is in the tenant's lease she agreed that they should use the sign in the meantime.

Trustee Rosenberg said he agrees with Trustees Scaletta and Glasgow. The sign should have been taken down before. An attorney signed on the petitioner's behalf and they should have been notified. If \$3,000 is going to be spent refurbishing the Campbell Street sign, for another \$6,000 the center could have this fixed and not have to spend the money again.

Trustee LaBedz preferred option #3. She said she would like the current sign used and eventually removed. A monument sign on the corner would be the eventual goal. She said she was unaware of some of the shops in the center and would like to see assistance for the businesses there.

Trustee Scaletta asked if Walgreens paid for their sign on the corner. Mr. Schwartz said they own the sign and he can do nothing without their approval. He said he was unhappy that they will not pay one penny toward a new sign. Trustee Scaletta said Walgreens also brings a lot of traffic to the center. Trustee Scaletta asked how the Village could ensure that the next owner/operator will know of today's outcome.

Ms. Ward said if option #3 is selected with a time limit it would be staff's obligation to monitor the situation. She said a covenant could be recorded against the property. Trustee Scaletta said the best answer is a ground sign on the corner. If one tenant leaves, the sign will need to be changed and cost almost \$3,000 each time. Ms. Ward said normally sign variations are not adopted by ordinance, but in this case it could be, if option #3 is the one the Board favors.

Trustee Sidor said that within three years, Walgreens might be persuaded to contribute. Trustee Scaletta said Walgreen's has made it clear they will not put money into a new sign. Ms. Ward said that Walgreen's is not opposed to a new sign, just opposed to paying for it. Mr. Schwartz said three years is a little restrictive and he preferred an open ended situation or a minimum of five years. Trustee Sidor said middle ground is reached with the 3-5 years' stipulation. It gives the property owner a chance to work with Walgreens and have a sign in the meantime.

Trustee Glasgow said this is the first time he'd heard about the center needing a sign and Fitness 19 has been before the Board twice for Land Use Variations. He said the Center is lucky to have Walgreens. He said he will vote no. The Center should conform to Code or give a really good reason why not. The sign has been dark for so long and still, the parking lot is full; to him there is no justification for a hardship. It's disingenuous to say that since 2010, this was languishing with the Village. No one spoke at Citizens to be Heard, no one at the Chamber approached the Board, and no communication was received about the need for this sign.

Trustee Tinaglia said the onus is on the landlord to find ways to make tenants succeed. He said it's a hardship because it was an existing condition and a little unique. This will give the center some time to make it right and put the sign on the corner.

President Hayes said he preferred a limit of three years from adoption of the ordinance.

Mr. Ridler said Walgreens doesn't want the sign to be changed. How can the petitioner force Walgreens to change their mind? Ms. Ward said Walgreens was willing to have a different sign; they were just not willing to pay for it. Mr. Schwartz said he didn't know what they will approve or not approve. Trustee Tinaglia said Mr. Schwartz will have to take the bull by the horns and figure this out. He said Mr. Schwartz has three years, in the meantime, he said to get the tenants on the Campbell sign.

Trustee Farwell said he had a hard time spending other people's money. By approving #3, the Village is doing just that. He agreed that a corner sign makes more sense but doesn't agree that the Board has a right to make that demand. He said there was sufficient documentation of a hardship. He was in favor of a five year limit, but will support three years.

Trustee Jim Tinaglia moved to grant the request for a variation to permit a second ground sign closer than permitted by Code and to approve the petitioner's request for a 60 sf ground sign with 40 sf of text per the attached drawing prepared by Doyle General Sign Contractors dated 8/12/15, with the following conditions: 1) No later than three years after adoption of this ordinance, the existing Walgreens sign will be replaced with a multi-tenant sign substantially similar to the modified ground sign or new multi-tenant sign presented to the Board and a variation granted to permit the changeable copy directly under Walgreens name, not at the bottom of the sign as required by Code. The Ordinance will be recorded against property and distributed to all the tenants. 2) The existing ground sign along Campbell Street shall be removed in its entirety three years after the adoption of the Ordinance. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

Ayes: Blackwood, Farwell, Hayes, LaBedz, Sidor, Tinaglia.

Nays: Glasgow, Rosenberg, Scaletta.

XIII.LEGAL

XIV. APPOINTMENTS

VIDEO XV. PETITIONS AND COMMUNICATIONS

President Hayes thanked all those who supported the National Night Out, the Mane Event, the Taste of Arlington and the Arlington Million.

VIDEO XVI. REPORT OF THE VILLAGE MANAGER

Mr. Recklaus said a localized storm cell with 55 mph winds impacted the Village with 16 large trees coming down. Power was out for 2,000 customers and seven intersections were blocked. Public Works is working to clear the streets by this evening and 65% of the homes affected have power as of 8:30 p.m.

VIDEO XVIIADJOURNMENT

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

The Motion: Passed

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