



MINUTES

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
July 11, 2016
7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

Trustee Blackwood was absent.

Also present were: Randy Recklaus, Diana Mikula, Charles Perkins, Jim Massarelli, Scot Shirley, Cris Papierniak, Robin Ward and Becky Hume

IV. NEW BUSINESS

A. Possible Creation of a New Liquor License Classification

Mr. Recklaus said in response to a variety of requests for different kinds of establishments, staff has been researching possible new liquor license classifications. Concurrently, the Village was contacted by a potential purchaser of the former LaBatt's training space on the third floor of the Metropolis building. The space has been vacant for 10 years and is approximately 10,000 square feet. The space does not feature a kitchen, so does not qualify for a liquor license under any of the current classifications. Construction of a kitchen is not economically feasible.

Because of uniqueness of the space and the inherent limitations of second/third floor spaces for entertainment uses in downtown, the request initiates consideration of a new liquor license classification. A draft ordinance is proposed which requires food service, but does not require it to be prepared onsite. The license is also limited to the Downtown District. The

creation of this new classification would facilitate the development of the former LaBatt's training facility and other upper floor spaces in the Downtown area that met the requirements.

President Hayes said the classification made sense to him and furthers the Village's commitment to being more business friendly and creating a more vibrant downtown.

Trustee Tinaglia said he had three potential clients to try to work with this space. This kitchen issue has been a huge problem.

Trustee Glasgow asked if this classification carved out an exception for businesses on the 2nd floor by not requiring a kitchen. Mr. Recklaus said the Village's goal is to try and encourage entertainment uses. This space won't convert to any reasonable entertainment space without a modification to the Code, but the classification would apply to any upstairs space in the Downtown. Mr. Perkins said the space above Arlington Town Square could be another qualifying location. Second story spaces are typically more difficult to develop and market than first floor spaces. Trustee Glasgow asked how other businesses who were turned away because of a lack of kitchen will take this change. Mr. Recklaus said the Village has not received a formal request until this time for an upper story entertainment use. Other users have come by, but never sought this discussion. Trustee Glasgow asked about Vintages. Mr. Recklaus said because they are on the first floor, having a kitchen is possible. Trustee Glasgow said it seem like making an exception for one business.

Trustee Scaletta asked if the ordinance should limit the license to commercial spaces. He said he wanted to make sure residential units don't convert into a social club or some other potentially disruptive use. Mr. Recklaus said a liquor license is not a right and if a proposal was for a site in an existing residential space there would be many variations needed and approvals would need to be sought. Trustee Scaletta asked if the food brought in under this use could be limited to Village businesses. Ms. Ward said it could be, but the actual business proposal is not before the Board. Trustee Scaletta said he doesn't want the entertainment in the LaBatt's space to work against the efforts of Metropolis or to cause safety issues. He said any and all changes that are made to the space need to be paid for by the petitioner. No public funding will be used to enhance access to the space.

Trustee Farwell said the Zoning Ordinances would dictate whether a use was proper. The Board is not creating a use; it is creating a liquor license. He said the Board is not adding value by adding language. Mr. Perkins said with this liquor classification, the business would still be categorized as a restaurant needing a land use variation that does not require it to have a kitchen. Zoning control is still there for other uses.

Trustee Glasgow said there needs to be a relationship as to how food is served; the license shouldn't be piecemeal from one establishment to the

other. He said he wanted clear policy for a long-term view.

Trustee Scaletta asked if a dance club wanted to go in, how would the Board say no. He said wants to make sure the creation of this license does not create problems the Board isn't thinking about and wants to avoid future lawsuits. He said he was surprised counsel wasn't present when a new license was being considered. Ms. Ward said the Board would have the opportunity to decline any establishment; there isn't a way to predict what could be proposed.

Mr. Recklaus said nothing in the proposed ordinance enables a dance club opening on the second floor. This is a liquor license only. Limitations controlling businesses from serving liquor are still there. This ordinance doesn't impact zoning, building or any other the other issues for second floor uses. What this ordinance does, is not require a kitchen for an establishment on the second floor.

Trustee Tinaglia said the only difference is if they have a kitchen or not. This now makes a second floor available; it's not really a complication. Mr. Recklaus said this business would need to get a Special Use Variation for a restaurant.

Trustee Farwell said in looking at the Use Codes for B-5, a Special Use is needed for a long list of uses. Every concern discussed tonight would require a Special Use. The zoning protects the Village from the problems suggested. He said he was more concerned with long term development of the business district. Trustee Farwell said law is evolutionary and the Board doesn't have to be apologetic for previous actions, times change. He said he didn't see how this classification could create a legal problem in the future.

Trustee Sidor asked if people would bring in their own food and what if restaurants don't agree to have a relationship. Ms. Ward said that as part of an application, the petitioner would have to provide agreements and concept ideas from local restaurants. The Liquor Commissioner has the ultimate authority to decide if the food availability is sufficient.

Kevin McCaskey, of the proposed Arlington Ale House, said he would not mind if local restaurant food was brought in, but homemade food would be a problem. He said they would like to have a kitchen, but it is not possible. They are trying to find a compromise. Trustee Sidor suggested they could make sandwiches on site without needing a kitchen.

President Hayes said the language in the ordinance is broad enough to cover sandwich making and other situations.

Trustee Rosenberg asked if there were models in other municipalities. Ms. Mikula said in the recent survey conducted by staff, food was not required in 8 of the 14 responding municipalities. Mr. Recklaus said if there were repeated fundamental problems, he would expect those municipalities to

have amended their codes. Trustee Rosenberg asked if the Condo Association of Metropolis had been contacted. Ms. Ward said preliminary conversations have occurred. Trustee Rosenberg expressed concern that the Village was carving out a license for one petitioner and asked if first floor businesses could apply for this license. Ms. Ward said if the Board wanted to extend this license to a lower level establishment it could. The ordinance focuses on upper levels because of the difficulty in putting a kitchen on an upper level.

Trustee LaBedz said the Downtown area extends north of Northwest Highway and is not limited to Campbell Street. Ms. Ward said other businesses that met these qualifications could also apply for this license. It was not drafted for one business. Mr. Recklaus said the Liquor Commissioner enjoys broad authority to approve the menus and ensure that the arrangements are solid. He said it is not anticipated that there will be a plethora of second floor restaurant applications. Second floor operations are much more difficult and don't offer the same benefits to businesses. The Village is trying to address a challenging space and be open to other spaces that may have this challenge.

Mr. Perkins said the Downtown District is generally west of Arlington Heights Road, north of Sigwalt, east of Chestnut and south of Eastman.

Trustee LaBedz said she was not in favor of limiting food to Arlington Heights businesses in case a location was rented out and catered for a special event.

Trustee Tinaglia said having a restaurant on a second floor is complicated by exhaust, which is not typically harder on a second floor, but in this case there are condos above the space so the venting can't get through, and grease traps which must be in the ground. Signage and marking are also really difficult.

Trustee Glasgow asked for confirmation that the Liquor Commissioner has authority to deem the food requirement satisfactory. Mr. Recklaus said yes.

Trustee Farwell asked how the food sourcing would work and for clarification of staff's intention. Ms. Ward said the intention is that the proprietor have menus available that have been previously submitted to Local Liquor Commissioner for approval and that have been approved. Doggie bags do not satisfy this requirement. Food must be available for purchase. This does not prevent a customer from nibbling at their leftovers, but the establishment has to have food available for purchase. Trustee Farwell said he would prefer the food to come through the establishment. Ms. Ward said there are issues with who touches food and with handling. These details will be fleshed out when an applicant comes before the Board.

Trustee Scaletta said there are also liability and tax issues regarding food purchases. He recommended not adding more language to the ordinance but cautioned future applicants as to the intent of the Board.

Trustee Farwell moved, seconded by Trustee Tinaglia, that the

Committee of the Whole recommend to the Village Board to direct staff to develop an ordinance creating a Class "L" Liquor License for approval at the July 18, 2016 Village Board Meeting. The motion carried.

B. Paver Brick Follow-Up

Mr. Recklaus said this is a follow up to the December presentation which sets forth the streetscape options for brick pavers in Downtown. The options presented show the corresponding costs for a select area of downtown for comparison purposes. There is a placeholder in the CIP for this work.

Mr. Shirley said staff is not recommending stamped or colored concrete as there are too many variations and color inconsistencies. Clay pavers are an option but not recommended because of efflorescence, which requires a high level of maintenance. Efflorescence is a cloudy stain-like powder that is a combination of calcium carbonate and chloride salts. It comes from a reaction between the lime in the concrete and water that migrates to the surface and interacts with the air. As the water evaporates, the non-soluble material remains. It is caused by salt application. Staff would need to wash down the bricks each year and increased salting is necessary to reduce slipping issues. The recommendation is for enhanced concrete pavers. They have better color retention and wear better.

Adding concrete bands within the paver areas brings down the cost. An aggregate base is more cost effective than a concrete base and allows for improved drainage over what exists today. The goal was to keep the basic appearance of the current street scape, but give it a longer life. Currently the lack of drainage is causing the bottoms of bricks to corrode. Once corroded, they cannot be reinstalled levelly. The aggregate base will allow for better drainage, and was developed since the Downtown pavers were installed. Staff is requesting to use the RFP process in order to have flexibility in choosing in a qualified contractor. This process worked well with the janitorial contract. It is recommended that the Village continue installation of a concrete base at keystones, so they are stable for handicapped ramps. Combining ramps with pavers brings in a level of complexity that is not needed.

Mr. Shirley presented five options with aggregate bases; costs were based on 3,700 square feet:

- a. Aggregate Base- \$58,866
- b. Concrete Base- \$75,489
- c. Clay Pavers- \$73,642

Option 2: Premium Concrete Pavers w/ 50' Intervals of 12" Concrete Bands

- a. Aggregate Base- \$58,191
- b. Concrete Base- \$75,084
- c. Clay Pavers- \$72,589

Option 3: Alternating Concrete Squares and Premium Concrete Pavers

- a. Aggregate Base- \$43,524
- b. Concrete Base- \$60,147
- c. Clay Pavers- \$48,712

Option 4: Premium Concrete Pavers w/ 30' Intervals of Concrete 18" Bands

- a. Aggregate Base- \$53,013
- b. Concrete Base- \$67,161
- c. Clay Pavers- \$64,053

Option 5: Tinted Concrete w/ 50' Intervals of Plain Concrete 12" Bands (No Pavers)

- a. Aggregate Base- \$40,281

President Hayes said staff is recommending Option 4 with Aggregate Base and Premium Concrete Pavers. He said he liked the recommendation as it was a compromise between brick and concrete which holds down the cost.

Trustee Scaletta said this proposal is a happy medium. He said he thinks the pavers will do a better job with an aggregate base. He also agreed with the use of concrete where necessary for ADA issues. Trustee Scaletta said he like the banding, as it saves money and provides better opportunity for repairs. Option #3 uses too much concrete and he did not believe it was wise to change the look of downtown. Tinted concrete has a better cost, but cracks are more visible. He said he was supportive of #4. He said clay sounds great, but he didn't want to incur more staff time for washing it.

Trustee Rosenberg asked if a different kind of salt was needed for the premium pavers. Mr. Shirley said no, the aggregate base won't have the same experience regarding salt absorption. The efflorescence is a superficial issue. The Village has not seen efflorescence in concrete pavers. Corrosion on the underside is a drainage issue and the aggregate base will have freer drainage so the bricks won't soak in chlorides. Trustee Rosenberg asked if any other communities were using the premium pavers, Mr. Shirley said no one yet, it is a newer technology to the market. Trustee Rosenberg asked if there was a difference between non premium and premium in relation to salt or drainage. Mr. Shirley said no, the difference is in longevity and duration of color.

Trustee LaBedz asked how easy it was to repair isolated portions of this type of landscape, and will the Village be able to keep up. Mr. Shirley said repairs are not problematic. With concrete edges, it is easy to relay the brick to the edge and sections can be replaced. Included in the CIP is \$100,000 for maintenance and it is recommended to keep this level of funding or higher for maintenance costs moving forward so the Village can get the landscape back to where it was prior to the recession while the areas highlighted for reconstruction on the map are being redone. Trustee LaBedz asked if areas not highlighted would be targeted with the maintenance fund. Mr. Shirley said yes. Public Works has the ability to do spot repairs in house but there

are so many other things going in the summer like the edge grinding program and the many special events that the focus of the department had changed. This repair work now needs to be contracted out.

Trustee Tinaglia asked what makes the premium brick better. Randall Machelski of Smith Group JJR, one of the consultants that worked on the project, said the premier finish has a dense surface for improved color retention and hardness. It uses a special patented method created by Unilock to make a dense surface. A paver is poured, a compound is added to the surface at the mill and then it is heat cured. The thickness of this added process is 3/8" and provides the deep color. This is a recent manufacturing technique and wasn't available until recently. Communities like Northbrook have had their pavers a long time and they have lost their color. The concrete industry is trying to increase its market share by developing a product to hold color to compete with clay.

Trustee Tinaglia asked how the corners will look. Mr. Massarelli said the base will be concrete with the truncated red dome plates in the center. Trustee Tinaglia asked if the color or pattern will change. Mr. Perkins said the new brick color will be close to the color the Village has now and matches rest of streetscape. In special locations, other color or pattern options can be introduced. Most of the walkways will be consistent with what already exists and the private development brick. Mr. Shirley said the herringbone pattern is best for endurance and not reevaluated.

Trustee Sidor said the sidewalk between the Vail Street Garage and Metro Lofts building does not need to be brick pavers as it is not heavily traveled. Mr. Perkins said all the Village's alleys used to be concrete and they can look to return this section to concrete or other approaches can be taken.

Trustee Farwell asked if the concrete borders needed to be the same size as the banding. Mr. Shirley said in Option #4, the bands and borders are all 18" to achieve the cost savings. Trustee Tinaglia said it was best to be consistent.

Trustee Scaletta said that if there is any area where savings can be found, like the one Trustee Sidor pointed out, they should be looked at.

Trustee LaBedz moved, seconded by Trustee Glasgow, that the Committee of the Whole recommend to the Village Board to direct staff to incorporate the following new design standards into a request for proposals downtown brick paver maintenance program:

- **Use of Premium Concrete Paver Bricks**
- **Use of open graded Aggregate Base**
- **Use of concrete pinning at curb, border and 18" band interfaces**
- **Use of concrete base at intersection of keystones**
- **Use of lateral concrete bands at 30 foot intervals**

The motion carried.

V. OTHER BUSINESS

VI. ADJOURNMENT

Trustee Scaletta moved to adjourn the meeting at 9:33 p.m. Trustee LaBedz seconded the motion. The motion carried.