



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

April 4, 2016

8:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

- A. Presentation of the Colors by Cub Scout Pack
#269 from Patton School

III. ROLL CALL OF MEMBERS

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

Also in attendance were: Randy Recklaus, Diana Mikula, Tom Kuehne, Cris Papierniak, Bill Enright, Vic Tamosaitis, Robin Ward, Mark Burkland and Becky Hume.

IV. APPROVAL OF MINUTES

- A. Committee of the Whole 2/15/16 Approved

Trustee Joe Farwell moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

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

Abstain: Tinaglia

- B. Committee of the Whole 3/7/2016 Approved

Trustee Carol Blackwood moved to approve. Trustee Robin LaBedz
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Abstain: Farwell, Glasgow

C. Village Board Minutes 3/7/16 Approved

Trustee Mike Sidor moved to approve. Trustee Robin LaBedz Seconded the
Motion.

The Motion: Passed

Ayes: Blackwood, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Abstain: Farwell, Glasgow

D. Committee of the Whole 3/16/16 Approved

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

The Motion: Passed

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

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register of 3/15/2016 Approved

Trustee Joe Farwell moved to approve the Warrant Register dated 3/15/16
in the amount of \$2,023,492.86. Trustee Thomas Glasgow Seconded the
Motion.

The Motion: Passed

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

B. Warrant Register of 3/30/2016 Approved

Trustee Joe Farwell moved to approve the Warrant Register dated 3/30/16
in the amount of \$632,769.76. Trustee Thomas Glasgow Seconded the
Motion.

The Motion: Passed

Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,

Sidor, Tinaglia

VI. RECOGNITIONS AND PRESENTATIONS

- A. Presentation of Award to the Village of Arlington Heights from the Salvation Army

Bob Ehlert and Captain Bader from the Salvation Army presented the Village with a recognition plaque to honor the Village's fundraising during the Bell Ringing season. Arlington Heights raises more than 20% of the area's income. President Hayes accepted the award on the Village's behalf.

- B. Mayor and County Recognition Day for National Service

President Hayes commended the volunteer spirit of the Village in honor of National Service Recognition Day which is April 5, 2016. The Village honored Volunteers. Receiving the award was Tom Gaynor, Board Member of Hands on Suburban Chicago. Mr. Gaynor accepted the award on behalf of the non-profit community.

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

Ray Carroll said he is a neighbor of St. Peter's Lutheran Church. He said the church has agreements for others to use their parking lot resulting in a parking lot in a residential neighborhood. A tour bus comes through from a business on Oakton Street. He asked what a not for profit church was doing in a neighborhood. Private clubs come in with 100-200 cars which block traffic, create litter in the street, make noise and car alarms go off. He even had a baby changed on his parkway. He said he does not like what is happening at this not for profit church. He said these activities shouldn't happen in a residential area. He said school pick up is problematic because of the alternate uses of the parking lot. Traffic backs up onto the streets reducing emergency vehicle access.

Dana Anders lives one block west of St. Viator High School. A builder named Greenscape is building a house next door to him. The excavation firm blocks his driveway frequently and he has had to beg them to move to get into his home. The name of the company is Donegal Excavating. He has called the police numerous times. The officers have been very courteous. After the wind storm, pieces of shingle landed on his garage roof, and debris from the construction, blew all over his yard. His driveway has been trashed with concrete residue. The only way to correct it is with a fresh seal coat. He would like the builder to offer to seal his driveway. Builders should have money in a bank account to pay for damage done to neighboring homes. President Hayes thanked Mr. Anders for making the Village aware of the situation.

IX. OLD BUSINESS

- A. Report of the Committee-of-the-Whole Meeting of April 4, 2016 Approved

Vacation Request - Orchard at Chestnut

Trustee Joe Farwell moved to approve the vacation of the Orchard Street right-of-way between 844 and 904 S. Chestnut to the adjoining property owners without compensation. Trustee Jim Tinaglia Seconded the Motion. The Motion: Passed

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

- B. An Ordinance Amending Chapter 12 of the Arlington Heights Municipal Code (Pet Shop Operators) Approved

President Hayes said that the Village had assistance from residents in crafting the proposed Puppy Mill Ordinance. It was the goal of the Board to come up with a compromise to ensure the safety of the animals and to watch out for the concerns of legitimate and viable businesses.

Mr. Recklaus said that in 2014, Cook County passed an ordinance to ban pet stores from selling puppies from puppy mills. It is difficult to legislate at the local level as local officials are not able to inspect facilities outside their jurisdiction. There are also no industry wide standards defining puppy mills. Cook County used the number of female breeding animals to determine if a facility was a puppy mill. The Village opted out of the County Ordinance as their criterion does not adequately define what a puppy mill is. As there was a lawsuit filed against the County, the Village decided to wait to see what the courts said about the issue.

Discussion continued to occur locally with three very persuasive young ladies from Patton School, and with their input, it was realized there were steps that could be taken now. The Village does not want sick or mistreated animals sold within the community. The challenge was to craft something that was locally enforceable. It was decided the Village could regulate the disclosure information by creating a pet shop operator's license. Disclosure Statements must be on public display on or near the cage of the animal. Basic animal information, inoculation records, medical information, detailed sourcing/lineage of the animal, and the population of the breeder must all be disclosed. Stores must provide the location of the birth and where the animal has been housed since birth. Failure to comply will result in fines and/or loss of license. The Health Department will be responsible for inspections.

Trustee Labeledz asked if changing the Code language from dealers and small animals to pet shop operators meant this applied to bricks and mortar stores. Ms. Ward said the previous language was vague and this Ordinance means pet stores.

Trustee Glasgow asked when a ruling comes down from the 7th Circuit Court, will this Ordinance be affected. Mr. Burkland said he thought this Ordinance would be unaffected to the extent that it requires licensing and information. He said he believes the structure of the Ordinance is well within the Village's authority and not inconsistent with any ruling the 7th Circuit may make. Trustee Glasgow thought the County Ordinance was too restrictive of businesses.

Trustee Farwell asked if the Village could require disclosure by the pet stores if a breeder was cited for violations. After discussion, it was decided that language would be added to 12-1506e so it states "A copy of the most recent USDA inspection report, updated quarterly and a link to the USDA website so consumers can conduct their own due diligence on breeders."

Trustee Sidor asked how enforcement would work. Mr. Recklaus said staff is still working on the details. There will be complaint follow up as well as regular visits by inspectors. Inspectors will be checking to see if disclosure information is being displayed according to Code. Inspectors may or may not check the accuracy of the information on each animal.

Trustee Blackwood said it not too much to ask a pet shop owner to disclose violations on a periodic basis.

Trustee Scaletta said he would like the disclosure to include medical history prior to the pet shop's ownership. Language was added to 12-1506b so it states "The date and description of any inoculation or medical treatment the animal has received prior to or while in the care of the Pet Shop Operator."

Trustee Scaletta warned against giving the consumer a false sense of security. The Village cannot solve all the problems that exist with breeders, even when there is an inspection, the inspector can't sit down with a book and verify that everything is accurate. The consumer still bears the onus.

Brooke Martin, Maddie O'Dell and Claire Hackman said they like the new Ordinance because it will require pet store owners to show where the animal is from, the location of the breeder, and how many female breeding animals the breeder has had in the last 6 months. They asked why some breeders are licensed and others are not and if some of the dogs sold in the Village would be from unlicensed breeders. Ms. Ward said if the breeders have fewer than 5 breeding females, the USDA does not require them to be licensed. Mr. Recklaus said if the Village was under the Cook County Ordinance, none of the animal sources would be licensed.

Ron Berning, owner of Happiness is Pets, said his store already provides the latest USDA report on breeders. He said he was in favor of the Ordinance. He said he may struggle to post all the information on each pet on each cage as there are three levels of kennels. The top and lower level statements will be hard to read. The binder in the center of his store with breeder and pet information is a great selling tool. All inoculations are provided and recorded or his store will not buy the dogs. He asked if having the binder in the center of the store would suffice. He will place signs on each cage telling customers where to locate the animal's information. It would be much easier for the consumer to use. He said the shows pictures of the breeder's kennels and operates with full disclosure, hiding nothing.

President Hayes said the Ordinance says to post information set forth in a place that is easily accessible. It can be at the discretion of the pet shop operator. But, the operator would have to put information on each cage as to where to find the disclosure information. It must be easy for the consumer, not hidden or put away.

Diane Mullins said Happiness is Pets has had several lawsuits against them because of bad puppies. She did not think Mr. Berning was altogether transparent. She said she did not think the suggestions are a burden, and she was uncomfortable changing rules just for him. Volunteers could check the books to make sure they are accurate and up to date. She said it was heartbreaking to see what happens at these puppy mills. She asked for help governing them a little better to keep the worst mills out of here.

President Hayes said although there is only one current operator, this Ordinance will apply to any future operators as well. The Board is trying to address big picture.

President Hayes thanked Misses Martin, O'Dell and Hackman for helping to create law in the Village of Arlington Heights.

Trustee John Scaletta moved to approve Ordinance 16-005 as amended.

Trustee Joe Farwell Seconded the Motion.

The Motion: Passed

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

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT APPROVAL OF BIDS

A. Irrigation System Maintenance Contract Approved

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

B. Well #16 Water Tank Painting Approved

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

C.	Water Main Replacement	Approved
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Trustee Thomas Glasgow moved to approve. Trustee Robin LaBedz
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,
Sidor, Tinaglia

D. Vehicle Lifts - Joint Purchase Approved

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

E.	Parking Garages - Structural Maintenance & Repairs	Approved
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Trustee Thomas Glasgow moved to approve. Trustee Robin LaBedz
Seconded the Motion.
The Motion: Passed

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

F. Pavement Crack Sealing Program Approved

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

The Motion: Passed

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

G. 2016 Cured-In-Place Sewer Lining Contract Approved

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

The Motion: Passed

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

H. Concrete Repairs Approved

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

The Motion: Passed

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

CONSENT LEGAL

A. An Ordinance Amending Chapter 30 of the Arlington Heights Municipal Code (Sign Regulations) Approved

Trustee Thomas Glasgow moved to approve 16-006. Trustee Robin LaBedz
Seconded the Motion.

The Motion: Passed

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

- B. An Ordinance Amending Chapter 13 of the Arlington Heights Municipal Code (Surrender of 2 Class "E" liquor licenses) Approved

Trustee Thomas Glasgow moved to approve 16-007. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

- C. An Ordinance Reserving Volume Cap in Connection With Private Activity Bond Issues and Related Matters (2016 calendar year) Approved

Trustee Thomas Glasgow moved to approve 16-008. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

- D. A Resolution Accepting a Plat of Easement for Public Storm Sewer Purposes (1338 N. Dunton Avenue) Approved

Trustee Thomas Glasgow moved to approve R16-008. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

CONSENT REPORT OF THE VILLAGE MANAGER

- A. Destruction of Recordings from the Closed Sessions of 4/7/14, 5/5/14, 7/22/14, 8/12/14, 8/13/14, 8/19/14, 8/20/14 as per State Statute. Approved

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

The Motion: Passed

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

B. Settlement - Workers' Compensation - Brown Approved

Trustee Thomas Glasgow moved to approve a settlement of \$10,470.80 for
the workers' compensation claim of Lawrence Brown. Trustee Robin LaBedz
Seconded the Motion.

The Motion: Passed

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

Abstain: Glasgow

C. Budget Amendments - General Liability and Workers' Comp Funds Approved

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

The Motion: Passed

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

CONSENT PETITIONS AND COMMUNICATIONS

A. Request for Fee Waiver for Liquor Licenses - AH Park District Approved

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

The Motion: Passed

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

B. Bond Waiver - St. Edna Bingo Approved

Trustee Thomas Glasgow moved to approve. Trustee Robin LaBedz

Seconded the Motion.

The Motion: Passed

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

C. Bond Waiver - BraveHearts

Approved

Trustee Thomas Glasgow moved to approve. Trustee Robin LaBedz

Seconded the Motion.

The Motion: Passed

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

XI. APPROVAL OF BIDS

A. Hydraulic Ambulance Cot

Approved

Trustee Glasgow removed the following bids from the Consent Agenda: Hydraulic Ambulance Cot, Computer Replacement; Municipal Buildings Floor Maintenance Contract; Municipal Buildings Custodial Services Group A and B, Weed Control Contract.

Trustee Glasgow said he was in support of the cots as they will prevent injuries amongst the firefighters, but the bids seemed incomplete and he wanted to understand why. Mr. Recklaus said there are different components, the cot itself and the installed loading system. Two of the bids were grossly incomplete. Stryker EMS modified the bid documents changing the language of some key legal language. Fire Division Chief Tamosaitis said there are a limited number of vendors who can bid for the ambulance cot, but he did not know why so few companies submitted bids. The cots are made by Stryker but can be resold by anyone. Stryker restricts the sale of the loading system installation to ambulance dealers or themselves. As Stryker did not bid the full project and changed some of the key legal requirements, the Village disqualified them. As the cot and the loading system are only made by Stryker, the only negotiable item is the labor to install the system.

Trustee Rosenberg asked if the installation by a third party changed the warranty. Division Chief Tamosaitis said no. Trustee Rosenberg asked the Fire Department to reassess the equipment after the first installation before retrofitting other ambulances. Service calls will be made to the equipment by a local service representative. The winning vendor, Foster Coach is the same dealer from which the Village has purchased the last 6 ambulances.

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

The Motion: Passed

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

B. Computer Replacement Program Approved

Trustee Glasgow asked why all the bids were being rejected. Ms. Mikula said staff believed better pricing was available, that did not come through on the bids submitted. The timing of the bid made it difficult for one of the previously used vendors to bid on the job.

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

The Motion: Passed

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

C. Municipal Buildings Floor Maintenance Contract Approved

Trustee Glasgow asked why the lowest bidder was not chosen for the Floor Maintenance Contract, he also asked for an explanation of the numbers. Mr. Papierniak said the Village did not choose lowest bidder as it has had bad experiences with them in the past, they were just fired from a more recent job, and their references did not check out. A new employee of the Village had used this vendor at another municipality and verified their lack of responsiveness there as well. They are underbidding the job. The numbers for monthly and biannual relate to different scopes of services.

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

The Motion: Passed

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

D. Municipal Buildings Custodial Services - Group A Approved
(Village Hall, Police and Senior Cntr.)

Trustee Glasgow asked why the Custodial Services were being split. Mr. Papierniak said it is an attempt to improve service. In last 5 years, there have been 3 vendors all low bids and the Village has experienced a lot of problems with these companies showing up. Staff contacted a number of municipalities to ask for their input on successful janitorial companies and

sent RFP's to those companies. Staff conducted a pre-bid process. Two vendors bid. The service requests were split because of the different service needs of the different Village buildings. Splitting the buildings seemed to be the best way to guarantee service at all of the buildings.

Mr. Recklaus said the bid process was not serving the Village well. Corners were being cut by previous providers. Staff believes it is better to find an entity that can be interviewed and not hire solely based on price. He said there were cost savings that could occur because not every building needed the same level of service, so the buildings were divided into two categories.

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

The Motion: Passed

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

- E. Municipal Buildings Custodial Services - Group B Approved
(PW Admin, Fire HQ, Train Stations & Historical Bldgs).

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

The Motion: Passed

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

- F. Weed Control Contract Approved

Trustee Glasgow asked why there was only one bidder. Mr. Papierniak said Staff tried to entice the local area, and publicly advertised. Vendors may be used to Sandy's having the low bid. Trustee Glasgow asked with one bid, how does the Village know it is best price. Mr. Papierniak said there have been numerous bidders in the past to compare to. There are 180 acres of multiple small sites; Sandy's is competitive and comfortable with the job. Staff tried to entice other contractors, the size of the contract might be a deterrent.

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

The Motion: Passed

Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,

Sidor, Tinaglia

XII. NEW BUSINESS

- A. Autumn Leaves - Request for Tax Increment Approved
 Financing Funds

Mr. Recklaus said Autumn Leaves has been negotiating with the Village for TIF assistance. The PUD required them to construct the north half of Council Trail, Autumn Leaves also extended the necessary storm sewer to the site which benefits the area and finished the south half of Council Trail. This would be a \$265,579.32 settlement, lower than what was budgeted and allocated. The funds come out of the TIF 4 fund.

Trustee Scaletta asked if the property owner agreed. The answer was yes. Trustee Scaletta said that area has a lot of flooding which the storm sewer will help, and the company increased the public right of way in the area.

Trustee Rosenberg asked if the work is complete. Mr. Recklaus said it was and these monies were a reimbursement.

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

The Motion: Passed

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

- B. 504 S. Mitchell Subdivision - PC#14-016 Approved

Mr. Enright said staff and the Plan Commission recommend approval; there are several variations on each lot regarding width and size. These lots are consistent with neighborhood. A plat of Vacation and corresponding Dedication is required.

Mr. O'Conner asked the Board to consider a modification of the subdivision to allow 4 build-able lots. The current plan calls for three build-able lots with a lot for water detention. He said four lots would be more consistent with the neighborhood. If this subdivision had been 2 lots with 2 separate owners, there would be no detention required.

Trustee Rosenberg asked if one lot could be expanded, reducing the detention area to create a larger lot to help the petitioner sell a lot at a higher price. Mr. Enright said this plan is what was presented, the owner could present an alternative, but it would have to go through the process again. Detention would still be required. There is no entitlement to

subdivision and the plan already has numerous variations. On site detention should help ameliorate the flooding issues that come with new construction. Mr. Anderson, engineer for the project said the detention would then need to be deeper and the lot size would not dramatically change.

Trustee Tinaglia suggested the plan be for two larger lots which would garner a higher price and not need water detention. Trustee Tinaglia said he was not a fan of storm water detention basins in neighborhoods.

Anthony Bruscato, owner of the property said it is costing him money toward retirement because he can't sell one of the lots. He said two large lots would not fit the character of the neighborhood.

Trustee Farwell said the plan screams for four lots with four houses. That is how the neighborhood is. Mr. Anderson described the dry bottom basin with 3' side slopes. Many trees will be added and preserved and it will look natural. Eventually, the Village would take over maintenance.

Mr. Enright said the property cannot hold four homes in order to be consistent in handling previous subdivisions in last 20 years, and because it is a combined sewer area, and there are flooding issues in that neighborhood. Mr. Recklaus said there are real issues in that area, and there are few options to create detention, this is one of the few opportunities the Village has to help with flood relief.

Mr. Anderson said there is a combined sewer on the Walnut side. Mr. Enright said detention would discharge into the separate sewer area. Trustee Farwell asked if an easement could be made to divert storm water to Walnut. Engineering would have to evaluate that suggestion.

Mr. Recklaus said even the separate sewer system has challenges in that area. A detention system would still be needed.

Trustee Scaletta said an easement would not work because 10-15 years down the road when a sewer line needs to be replaced, the property owner would need to dig up the side of a neighbor's house, which is not a good idea. He said larger homes would fit in the area and there is one already the next block down. Trustee Scaletta said he did not want the Village to continue to maintain these detention basins which ultimately become a burden on the tax base.

Trustee Sidor asked for neighbor input. Peter Long lives adjacent to the property in question on Mitchell. He said the owners Jeanne and Toni have been excellent, he asked the Board to take into account what is good for the neighborhood. There may be another way to engineer it. The Bruscatos have been the property owners for 7 decades.

Trustee Sidor asked if there would be a fence around the detention as it is

across from Our Lady of the Wayside, and how much water would be at the bottom. He said he would like to see 4 lots, because that's how the neighborhood is. He said he understood the sewer issues.

Mr. Recklaus said there is no fence and the detention area will have a dry bottom that rarely would have any sort of meaningful detention. Staff is applying the Code and this is where the line has been drawn. Given the amount of redevelopment, it is likely the Board will see other developments like this. He cautioned the Board not to create a precedent of removing the detention requirement. The Village has little ability other than large capital improvements to help the flooding issue.

Trustee Rosenberg asked if the petitioner would like to table the discussion to consider other alternatives.

Mr. O'Connor said Mr. Bruscato does not want to go through the process again. He is asking for common sense as it applies to the Code.

Trustee Sidor asked Mr. Broscato if he will move forward. Mr. Broscato said this is a \$250,000 loss to his retirement. He asked why he was responsible for detention and what could he have done to keep this from happening.

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

The Motion: Passed

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

Nays: Farwell, Tinaglia

C. Memory Care Facility - 511 W. Rand Rd. - PC#15- Approved
023

Austin Groves of RJ Development presented the plan for their memory care facility. He said more memory care is needed in the area. They had a neighborhood meeting and have worked out issues on the site and created landscaping solutions. The project will have a low traffic impact and is adequately parked. Mr. Enright said the petitioner is seeking rezoning from Residential to Institutional. It will require a Comprehensive Plan Amendment and some minor conditions. The petitioner made several excellent changes to site plan. It is a low intensity use and well landscaped. Staff is in support.

Trustee Rosenberg asked if the facility was for profit. Mr. Groves said it is a for profit building which does not need a certificate of need from the State, because it is not skilled nursing. It will be licensed by the State.

Trustee Glasgow asked about the zoning. Mr. Enright said the current zoning would allow a place of worship, one single family house, or multi-family housing of moderate density. The variations are minor and regard a walkway at the east end of the building. The Fire Department has no issues

regarding the courtyard as it is a one story building and there is close access to the front, east and back. The building will have sprinklers.

Trustee LaBedz asked about the turnover of residents. Mr. Groves said it is roughly 12 months. For a spouse living in a duplex, that would be a 1 year cycle and the duplexes are rented. Trustee LaBedz asked about the rooftop mechanical noise. Mr. Groves said the rooftop mechanicals are venting for the kitchen and will be screened. It is very quiet equipment.

Steve Meacher of Autumn Leaves said his company is anxious about another memory care project in the Village. He said their facility has been in operation for almost a year and is not full. Normally, they fill a building in a year. Autumn Leaves is at 60% right now, way below what is needed for sustainable occupancy. He said they are very anxious about competitors coming into the sub-market. He said in the past, residents would stay 2.5 years, now people are coming later.

Trustee Tinaglia said he heard from a friend in the industry that there was not enough need in Arlington Heights for two providers.

President Hayes asked if the Board had authority to deny a petition based on competition reasons alone. Mr. Burkland said it is difficult to deny a project for zoning if the only issue is one of market and competition.

Trustee Tinaglia said he wasn't suggesting the Board should deny the project, he was just wondering if there was a fallback position if things don't work out.

Mr. Groves said they are sure in their data and believe the need will only grow. They are willing to put \$17 Million on the line. He said they plan on being full by year three. He believes both care centers are viable.

Trustee Thomas Glasgow moved to approve. Trustee Carol Blackwood Seconded the Motion.

The Motion: Passed

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

D. Arlington Dog House - 213 S. Arlington Heights Approved
Rd. - PC#16-002

Mr. Enright said the petitioner seeks an amendment to an existing Land Use Variation to expand. There have been no complaints, and the business has done a wonderful job with their current space with soundproofing. The plans show soundproofing in the new space. There will be no dog walking on the property, but dogs may be walked in the neighborhood. The Plan Commission recommends approval.

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

The Motion: Passed

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

XIII.LEGAL

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

Trustee Farwell said the Katie Project was a great success and another 30 homes were made safe by the updating of batteries or replacement of smoke detectors. Twelve volunteers helped with the effort.

- A. Request for Closed Session per 5 ILCS 120/2(c)
(21): Discussion of minutes lawfully closed,
whether for purposes of approval of the minutes
or the semi-annual review of the minutes

- and -

5 ILCS 120/2(c)(11): litigation, when an action
against, affecting or on behalf of the Village has
been filed and is pending before a court or
administrative tribunal, or when the Board finds
that an action is probable or imminent

XVIIADJOURNMENT

Trustee John Scaletta moved to adjourn to Closed Session at 10:48 p.m.
Trustee Thomas Glasgow Seconded the Motion.

The Motion: Passed

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