

**MINUTES OF A REGULAR MEETING OF THE PRESIDENT AND THE
BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS HELD
IN THE BOARD ROOM AT THE ARLINGTON HEIGHTS VILLAGE HALL ON
MONDAY MARCH 18, 2013.**

President Mulder called the meeting to order at 8:00 PM.

PLEDGE OF ALLEGIANCE

Cub Scout Pack #130 from Westgate School presented the colors.

ROLL CALL

The Village Clerk called the roll with President Mulder and the following Trustees answering: Hayes, Breyer, Scaletta, Blackwood, Rosenberg, Sidor, Farwell and Glasgow.

Also present were Village Manager Bill Dixon, Assistant to the Village Manager Diana Mikula, Village Attorney Jack Siegel, Assistant Village Attorney Robin Ward, Director of Planning & Economic Development Charles Witherington Perkins, Deputy Fire Chief Bernie Lyons and Village Clerk Becky Hume.

MINUTES

Trustee Glasgow moved to approve the Minutes of the Village Board Meeting of March 3, 2013. Trustee Sidor seconded the motion. President Mulder and Trustees Breyer and Farwell passed. The motion carried unanimously.

Trustee Blackwood moved to approve the Minutes of the Committee of the Whole meeting of March 6, 2013. Trustee Rosenberg seconded the motion. Trustees Scaletta and Farwell passed. The motion carried unanimously.

ACCOUNTS PAYABLE

Trustee Hayes moved to approve the Warrant Register dated 3/15/13 in the amount of \$920,244.65. Trustee Farwell seconded the motion.
Ayes: 9 Nays: 0 The motion carried.

RECOGNITIONS AND PRESENTATIONS

The Buffalo Grove High School Coed Cheerleading squad was recognized for their first place State Championship.

CITIZENS TO BE HEARD

Orchard Church Parking Lot I

Adam Eichorn of 1303 N. Douglas said that eviction notices were given out to tenants of homes owned by the Orchard Church in the Hickory Meadows neighborhood. He said the church plans to build a larger parking lot with 220 new spots and this threatens to destroy their neighborhood. He was concerned that no formal applications had been filed and that the church did not intend to file applications but instead was planning on bulldozing 8 homes and uproot the trees without hearings or approvals. He said on street parking has not been a problem in recent years after the Village helped to restrict parking. He said he would like the homes and families to stay rather than being surrounded by concrete only necessary on Sundays. He asked that the Board prevent these homes from being demolished.

Mark Fuller of 1431 N. Douglas said six years ago the Board helped keep a parking garage from being built next to Orchard Church. He thanked the Board for their help then. He said he is distressed that the neighborhood is being threatened again and that a large parking lot will be a change for the worse. He showed a display of the homes and old growth trees that would be destroyed and what the impact would look like. He asked the Board for assurance that this will not happen. He asked for the course to be changed now before the homes are destroyed.

Michelle Strahan of 510 E. Olive said that the Hickory Meadows neighborhood has a residential feel, there is closeness among the neighbors and children walk to school. She said commercial style parking lots and business near residential homes deterred them from considering purchasing a home in neighboring communities. She said a parking lot would not be conducive to a neighborhood feel. She asked for the Board to consider the residents and provided a photograph of what would be destroyed. She asked for the Board to preserve the residential character of the neighborhood and prevent a Wal-mart sized parking lot from overtaking them.

Hickory-Kensington Map

John Ciffone of 814 E. Wing Street said that the Hickory Kensington Area Map posted on the Village Web site does not delineate the Board restriction of 4 stories. He expressed concern that this restriction did not make it into the final plan as it was not noted on the map.

Mr. Perkins said the Board's restriction of 4 stories is reflected in the final plan; he will check on why this is not listed on the posted information and have it corrected.

Tax Breaks

Keith Moens of 636 S. Cleveland said that the reason there are so many empty stores is that villages overbuilt and there is too much retail and office capacity in the Northwest Suburbs. He asked the Board to redirect its tax breaks from business to homeowners. He said homeowners would use the funds to make purchases in town and that would drive business sales organically. He said the cost burden per household has risen from 21% to 32% over the last ten years. He asked for a mindset change from business subsidization to homeowner subsidization which would subsidize the demand side. He suggested that the Metropolis subsidy of \$317,000 be used to reduce property taxes.

President Mulder said that without Metropolis, the local restaurants would lose business. Seventy percent of the diners at Village restaurants are from outside of Arlington Heights. Out of a \$100 restaurant bill, \$.25 goes into the Arts and Entertainment fund, and it is this fund that supports the Metropolis. Property taxes are not used for Metropolis. The A&E fund also underwrites the Mane Event, the Hearts of Gold, Taste of Arlington, Promenade of Art and the Sounds of Summer Concert series.

Orchard Church Parking Lot II

Mr. Dixon disclosed that his home is approximately 3 blocks north of the Orchard Church and north of Thomas Street which serves as a boundary for his neighborhood. Having lived in this home for 20 years, he is unaware of any situation where the church has impacted his immediate neighborhood from a traffic or parking standpoint. He said he is disclosing this as he does not think it is a conflict for him to be participating in the discussion and he intends to participate unless he is advised otherwise. He stated that the Village Code has some relevant information regarding demolition and called on Planning & Economic Development Director Mr. Perkins.

Mr. Perkins said that changes were made to the Code in the 2000's regarding home demolition. Prior to destruction, demolition in a residential district requires a Design Commission review and a redevelopment plan which must be in keeping with the character of the neighborhood. The proposed redevelopment plan cannot adversely affect the neighborhood. There is one exception, if a structure is deemed unsafe; the Building Director may issue a demolition permit. The last plan that the Village saw for Orchard Church was in 2011. This plan required other actions from the Board such as a vacation of a street, a plat of re-subdivision and other variations. All of these items must go through a vetting process and require Board approval.

Trustee Rosenberg suggested that the Village communicate with the Church to make sure they are aware of these requirements. **Mr. Perkins** said this would occur. **Trustee Rosenberg** clarified that the church would have to come before the Board prior to demolition.

Eileen Cummings of 707 E. Marion said that congregations of Evangelical churches often follow their pastors. She asked if the pastor of the Orchard Church were to leave, what would happen to the church and lot? She stated her concerns regarding the safety of having a large parking lot in the middle of a residential area as it might draw strangers to loiter there and cause problems.

CONSENT AGENDA

A. APPROVAL OF BIDS

1. SUBURBAN PURCHASE COOPERATIVE – CARGO VAN REPLACEMENT – PUBLIC WORKS UTILITY DIVISION

IT IS RECOMMENDED THAT THE VILLAGE BOARD AWARD THE BID TO CURRIE MOTORS OF FRANKFORT, IL IN THE AMOUNT OF \$21,140 FOR THE PURCHASE OF ONE CARGO VAN FOR THE UTILITIES DIVISION OF THE PUBLIC WORKS DEPARTMENT.

2. SUBURBAN PURCHASE COOPERATIVE – PASSENGER VEHICLE REPLACEMENT – POLICE DEPT.

IT IS RECOMMENDED THAT THE VILLAGE BOARD AWARD THE BID TO CURRIE MOTORS OF FRANKFORT, IL IN THE AMOUNT OF \$40,864 FOR THE PURCHASE OF THREE PASSENGER VEHICLES FOR THE POLICE DEPARTMENT.

3. STATE OF ILLINOIS - JOINT PURCHASE - PASSENGER VEHICLE REPLACEMENT
IT IS RECOMMENDED THAT THE VILLAGE BOARD AWARD THE BID TO WRIGHT AUTOMOTIVE OF HILLSBORO, IL IN THE AMOUNT OF \$15,971 FOR THE PURCHASE OF ONE PASSENGER VEHICLE FOR THE BUILDING AND HEALTH DEPARTMENT.

4. NATIONAL JOINT POWERS ALLIANCE – BACKHOE LOADER
TRACTOR – PUBLIC WORKS UTILITY DIVISION
IT IS RECOMMENDED THAT THE VILLAGE BOARD AWARD THE BID TO PATTON CATERPILLAR OF ELMHURST, IL IN THE AMOUNT OF \$120,661 FOR THE PURCHASE OF ONE BACKHOE LOADER TRACTOR FOR THE UTILITIES DIVISION OF THE PUBLIC WORKS DEPARTMENT.

5. SUBURBAN PURCHASE COOPERATIVE –SERVICE BODY TRUCKS – PUBLIC WORKS
IT IS RECOMMENDED THAT THE VILLAGE BOARD AWARD THE BID TO CURRIE MOTORS OF FRANKFORT, IL IN THE AMOUNT OF \$80,670 FOR THE PURCHASE OF TWO SERVICE BODY TRUCKS FOR THE PUBLIC WORKS DEPARTMENT.

6. FIRE STATIONS 2 & 4 ROOF REPLACEMENT
IT IS RECOMMENDED THAT THE VILLAGE BOARD ACCEPT THE LOWEST RESPONSIBLE BID SUBMITTED BY J.L. ADLER ROOFING OF JOLIET, IL IN THE AMOUNT OF \$172,420.

7. FIREFIGHTER PROTECTIVE CLOTHING
IT IS RECOMMENDED THAT THE VILLAGE BOARD WAIVE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZE THE EXPENDITURE OF \$17,505 TO AIR ONE EQUIPMENT OF SOUTH ELGIN, IL.

B. LEGAL - ORDINANCES AND RESOLUTIONS

1. AN ORDINANCE GRANTING A SPECIAL USE VARIATION AND A VARIATION FROM CHAPTER 28 OF THE ARLINGTON HEIGHTS MUNICIPAL CODE 13-018
(Subway Restaurant, 333 S. Arlington Heights Road)

Trustee Glasgow moved to approve the Consent Agenda. Trustee Farwell seconded the motion.

Ayes: 9 Nays: 0 The motion carried.

NEW BUSINESS

A. REPORT OF THE BUILDING CODE REVIEW BOARD MEETING OF MARCH 1, 2013

1. Proposal to amend the International Building Code (Section 3408.1) and the International Fire Code (Section 102.3) as follows:

Change the last sentence of the Code sections to read:

...Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building allowed to be occupied for the purposes in other use groups without conforming to all the requirements of this code for those groups *in existing buildings where the space at issue is 3000 square feet or less of gross floor area, the building at issue*

does not include residential occupancies, and the space at issue meets the fire separation requirements of Table 508.4 of the International Building Code.

*MR. CARRATO MOVED SECONDED BY MR. BONDAROWICZ, TO APPROVE THE PROPOSED CHANGE, BUT USING THE WORD STRUCTURE(S) INSTEAD OF BUILDING(S).
MOTION CARRIED UNANIMOUSLY.*

Trustee Scaletta stated he sits on the Building Code Review Board (BCRB) and said that this request was suggested by him and business owners and he is completely in favor of it. Currently, if a property changes use and it does not have a sprinkler system in it, Code requires the new business to put in a system. This is a hardship and is driving prospective tenants away from Arlington Heights. This proposed change was reviewed by the BCRB who is there to ensure that the Village has the safest possible codes. The BCRB tries to make everything safe, but doesn't want to sacrifice practicality.

Trustee Scaletta moved to approve to amend the International Building Code (Section 3408.1) and the International Fire Code (Section 102.3). Trustee Hayes seconded the motion.

Trustee Breyer asked if the Fire Department was in concurrence and **Deputy Fire Chief Lyons** said this proposal balances being responsive to the needs of the community and safety. **Mr. Dixon** said that he is not aware of any dissent, it was reviewed by Fire Chief Ericksen and the proposal has the unanimous approval of the BCRB.

Trustee Scaletta said there are other safety criteria ratings and components that must be met, and that the BCRB does not think they are creating an unsafe situation. He said Deputy Fire Chief Lyons also sits on the BCRB.

President Mulder said that the BCRB has experts on its Board and that their backgrounds are quite extensive and they are well vetted.

Ayes: 9 Nays: 0 The motion carried.

2. Proposal to amend Section 24-910 of the Arlington Heights Municipal Code to eliminate the exception from the State Plumbing Code concerning the number of washroom fixtures.

*MR. CARRATO MOVED, SECONDED BY MR. SMITH, TO DELETE SECTION 24-910 FROM THE ARLINGTON HEIGHTS MUNICIPAL CODE AND APPLY THE APPLICABLE PROVISIONS OF THE ILLINOIS PLUMBING CODE.
MOTION CARRIED UNANIMIOUSLY.*

Trustee Scaletta said this proposed change allows small food service shops to have one unisex bathroom rather than two bathrooms as currently required by Code. Small new and existing restaurants wishing to add seating are having problems with meeting the number of required bathroom fixtures. He said the BCRB noticed the recent review by the Village Board which approved one bathroom for a smoothy shop and they realized it was not necessary to have two restrooms for the public in small restaurants.

Trustee Scaletta moved to amend Section 24-910 of the Arlington Heights Municipal Code to eliminate the exception from the State Plumbing Code concerning the number of washroom fixtures. Trustee Hayes seconded the motion and said that these proposed changes to the Code are reflective of the Village's flexibility and attitude toward businesses in town.

Ayes: 9 Nays: 0 The motion carried.

**B. REPORT OF PLAN COMMISSION PUBLIC HEARING ON JANUARY 23, 2013
AMENDMENT TO COMPREHENSIVE PLAN - 108 TO 112 E. CENTRAL RD. – PC 12-024**

PETITIONER: Village of Arlington Heights
Amendment to the Village's Comprehensive Plan
108 to 112 E. Central Road
P.C. #12-024

REQUEST:

- An amendment to the Village's Comprehensive Plan to change the underlying land use designation from Commercial to Offices Only

On January 23, 2013 the Plan Commission held a public hearing. The recommendation of the Plan Commission during the hearing was as follows:

PLAN COMMISSION / MOTION

Commissioner Jensen moved and Commissioner Sigalos seconded:

A motion to recommend to the Village Board of Trustees, PC #12-021, to maintain the Commercial designation on the Comprehensive Plan for 108 to 112 E. Central Road.

Roll Call Vote: Commissioner Jensen, LaBedz, Ennes, Green, Lorenzini, Sigalos, and Chairman Wolfe voted in favor. Motion carried.

Mr. Dixon said that the Plan Commission held a Public Hearing on January 23 and this item pertains to amending the Village's Comprehensive Plan at 108-112 E. Central Road. The change that was contemplated was a designation from commercial to offices only. The Plan Commission recommended maintaining the current designation. There was interest in exploring this situation as a result of the Hearing regarding Japan Auto Sales which is on the corner of Central and Arlington Heights Road.

Eva Skordilis spoke for her father John Mantis who owns the property in question. She said her father purchased the land and the home behind it on Evergreen in 1977 with the expectation of building a small retail produce shop. After receiving their building permit in 1981, five days later, the Village revoked the permit and rezoned the property from B-1 to OT. Her father sued the Village and a Judgment Order was issued which upheld the Village's zoning, but allowed the retail produce building use to exist. Her father proceeded to build the building in 1983. The produce business closed in 1985 and after that a salon and flower shop operated out of the site. Unfortunately after the concrete barriers were installed on Central Road the businesses failed. Subsequently, Rose Depot lasted 1.5 years and currently a computer business is operating on the site. The building has been primarily vacant since 2002. She said no office businesses have approached them to lease the property. She asked that the Village keep the Comprehensive Plan designation of Commercial and maybe even return the zoning to B-1. She said potential businesses, when told they would need to

rezone the property, have never come back. She asked for the Board to approve the Plan Commissions recommendation.

Mr. Richard Cozak of 931 S. Evergreen said he is a 50 year resident. He said the current OT zoning is appropriate as the property backs up to residential homes. He said that the negotiated settlement and final judgment of 1983 upheld the Village's zoning and that just because the landlord built a commercial building that is no longer viable is not the problem of the residents. The building was built with the knowledge that the property was zoned OT. He said homes should not have to back up to commercial properties. He appealed to the Board to change the Comprehensive Plan designation to OT to reflect the actual zoning as it should never have been changed in 1984. He said a mistake was made and asked for it to be corrected. He asked for the Village to keep its promise to residents.

Mr. Perkins explained that it appeared that the Comprehensive Plan was changed to reflect the actual use of the property in 1984. However, there is no documentation explaining this change. There were many changes made to the Plan at that time, but there was no detail regarding that particular site. The bordering property on the corner has been B-2 for a long time and currently has a Land Use Variation for Japan Auto Sales. When this Land Use Variation was approved, Mr. Cozak suggested the Village look at the Comprehensive Plan because of the disparity between the zoning and the Plan.

The Board discussed the viability of the building. Forty percent of the basement is refrigeration equipment. There are no fixtures in the building. The electric capacity is 600 amps. The State put in a concrete median on Central Road limiting the ingress and egress of the building and changing the viability of the site. The property has a reduced property tax assessment and currently pays \$24,000 in taxes. It was noted that when the beauty shop was operational, staff was parking on Evergreen and No Parking signs were installed. There are 30 parking spaces on the site.

Ms. Skordilis said that they have used ten different realtors, have offered reduced rent and tried to market the building in a multitude of ways. Most recently there has been interest from a day care operator, a trophy shop and a marital arts studio, all B-1 businesses. She said any potential business must be a destination one for it to work because of the limited access to the site.

Mr. Siegel explained that the Comprehensive Plan is a non binding planning tool, not zoning code. He said any use outside of OT must come before the Board for a Special Use or re-zoning. No permits can be issued outside of OT without Board approval.

Trustee Glasgow said that he did not see a reason to change the Comprehensive Plan as there would not be a negative impact on the keeping it as is. He said any proposed use outside of OT would still be controlled by the Board and must meet the criteria of a Special Use which includes not negatively impacting the neighborhood.

Trustee Glasgow moved to approve the Plan Commission's recommendation to maintain the Commercial designation on the Comprehensive Plan for 108 to 112 East Central Road. Trustee Breyer seconded the motion.

Ayes: 9 Nays: 0 The motion carried.

LEGAL

Mr. Dixon said that Nokia-Siemens is planning a multi-million dollar investment at this location and employs 1,000 people there. They have indicated the Class 6B is necessary to mitigate the effect of a higher Cook County property taxes as opposed to Lake County. Staff recommends approval.

A RESOLUTION APPROVING RENEWAL OF INDUSTRIAL REAL ESTATE TAX INCENTIVE FOR CERTAIN REAL ESTATE IN THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS R13-007.

(Nokia Siemens, 1455-75 W. Shure Drive, [formerly Motorola])

Trustee Glasgow moved to approve the application for a renewal of the Nokia-Siemens Class 6B Tax Incentive for the property located at 1455-75 W. Shure Drive. Trustee Scaletta seconded the motion.

Trustee Breyer noted that this is how the Board helps businesses be competitive and stay in the Village where otherwise they might leave for the collar counties.

President Mulder noted this is the former Motorola site. She commended Mr. Perkins and John Melaniphy in the Planning Department for helping the employers of the Village.

Ayes: 9 Nays: 0 The motion carried.

PETITIONS AND COMMUNICATIONS

Trustee Blackwood said that March 23 from 8:30-9:30 p.m. is Earth Hour sponsored by the World Wildlife Fund. Residents are encouraged to turn off or dim all unnecessary lights during this time to recognize the ecological challenges we face today.

REPORT OF THE VILLAGE MANAGER

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

ADJOURNMENT

Trustee Hayes moved to adjourn the meeting into closed session at 10:08 p.m. Trustee Scaletta seconded the motion. The motion carried unanimously.