



## 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

June 6, 2022

7:30 PM

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL OF MEMBERS**

President Hayes and the following Trustees were present: Tinaglia, Schwingbeck, Grasse, Baldino, Canty, LaBedz and Scaletta. Trustee Bertucci was absent.

Also present were Randy Recklaus, Charles Perkins, Cris Papierniak, Hart Passman, Jorge Torres, Elliot Eldridge and Becky Hume.

### **IV. APPROVAL OF MINUTES**

A. Village Board 05/04/2022 Approved

Trustee Jim Tinaglia moved to approve. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Grasse, Hayes, Scaletta, Tinaglia

Abstain: Canty, LaBedz, Schwingbeck

Absent: Bertucci

B. Committee of the Whole 05/09/2022 Approved

Trustee Tom Schwingbeck moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

C. Village Board 05/16/2022

Approved

Resident Melissa Cayer asked for the dollar amount of the TIF Agreement for At Home. Mr. Perkins said it was \$1.3 million. Ms. Cayer said you are hobbling existing businesses by taking away customers from existing businesses and covering the cost of existing tax bodies that the TIF isn't covering. The shareholders can cover the costs.

Trustee Richard Baldino moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Absent: Bertucci

## **V. APPROVAL OF ACCOUNTS PAYABLE**

A. Warrant Register 05/30/2022

Approved

Trustee Richard Baldino moved to approve in the amount of \$2,288,527.57. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

## **VI. RECOGNITIONS AND PRESENTATIONS**

## **VII. PUBLIC HEARINGS**

## **VIII. CITIZENS TO BE HEARD**

Resident Karen Thomas introduced herself as a black community member and a League of Women Voters Board Member responsible for DEI. She said last year the Board passed an Ordinance banning any flag outside of one of three designated flags to be flown at Village Hall. Juneteenth is a Federal Holiday commemorating the emancipation of slaves in the United States. Governor Pritzker has made Juneteenth a State Holiday, and a flag will be raised at the State Capital. Last year the Village approved a statement regarding DEI which commits to fostering an environment to engage with community members and employees to make all people feel valued, welcomed and included. She said DEI is not limited to policies and strategies. Ms. Thomas said the Ordinance came about immediately after a request to fly the Juneteenth flag was made. This action made her, and all

those who identify as black, feel they are not valued. She asked the Board to start listening, learning and meeting the needs of an already diverse community. The Ordinance makes her feel excluded, not-valued and unwelcome. She asked for the Board to formally reconsider the Ordinance and to consider Trustee Grasse's suggestion of flying only those flags which have already been State approved. She said this would eliminate the potential problem of fielding requests from a plethora of applicants and organizations.

President Hayes said the issue was raised at the last Board meeting and a poll of the Trustees occurred on whether or not to revisit the flag Ordinance. The issue was put to bed and he said he does not intend on revisiting it at every Board meeting. The DEI policy was unanimously adopted, and the Board signed a Juneteenth proclamation with full support. President Hayes said he understands the importance of Juneteenth, and is fully in support of what it means.

Mr. Recklaus noted that in the Village's calendar this year, Juneteenth is being observed at Village Hall meaning no public meetings can be conducted.

## **IX. OLD BUSINESS**

- A. Report of the Committee of the Whole Meeting      Approved  
of June 6, 2022

Consideration of recommending to the Liquor  
Commissioner the issuance of a Class N(r)  
liquor license to Arlington Hotels, LLC dba  
Sonesta Select Arlington Heights North located  
at 3700 N. Wilke Road.

Trustee Robin LaBedz moved to approve. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Nays: Schwingbeck

Absent: Bertucci

## **X. CONSENT AGENDA**

### **CONSENT APPROVAL OF BIDS**

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

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck,

Tinaglia

Absent: Bertucci

- A. Pumping Station #16 - Generator Replacement - Approved  
Reject All Bids
- B. Turnout Gear Replacement and Second Set Approved  
Program  
Honeywell Morning Pride Firefighting Structural  
Turnout Gear

**CONSENT NEW BUSINESS**

- A. Cash Paid by Developers in Lieu of Land Approved  
Dedication

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

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

**CONSENT LEGAL**

- A. An Ordinance Granting Variations from Chapter 30, Sign Regulations of the Arlington Heights  
Municipal Code for the Property at 750 East  
Rand Road  
(At Home, 750 East Rand Road) Approved

Trustee John Scaletta moved to approve 2022-033. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

- B. An Ordinance Amending Chapter 13 of the Approved  
Arlington Heights Municipal Code  
(Surrender of 1 Class "A" liquor license)

Trustee John Scaletta moved to approve 2022-034. Trustee Robin LaBedz

Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

- C. A Resolution Approving an Agreement with the Arlington Heights Park District and Arlington Heights Historical Museum (Operation and Maintenance of Historical Society Properties) Approved

Trustee John Scaletta moved to approve R2022-016/A2022-040. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

### **CONSENT REPORT OF THE VILLAGE MANAGER**

### **CONSENT PETITIONS AND COMMUNICATIONS**

- A. Bond Waiver - Arlington Heights Garden Club Approved

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

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

### **XI. APPROVAL OF BIDS**

### **XII. NEW BUSINESS**

- A. Ridgeline/Rohrman Development - 1100 & 1400 W. Dundee Rd. & 1510-1530 W. Dundee Rd. - PC#21-009 Final Plat of Subdivision Approved

Ben Harris of Ridgeline Property Group said the process has been a partnership and he complimented Village Planner Sam Hubbard, who has

been really helpful throughout the process.

Mr. Perkins said the Plat has the unanimous recommendation from the Plan Commission.

Trustee Scaletta noted that the language presented said the final plat is substantially compliant and asked for an explanation why it was not 100% compliant. Mr. Perkins said there are few little things which have been adjusted but it is within compliance of what the Board approved.

Trustee John Scaletta moved to concur with the Plan Commission's recommendation and approve the Final Plat of Subdivision for the Ridgeline/Rohrman Development. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

B.	Chapter 28 Text Amendments - Adult Use Cannabis Dispensaries - PC#22-005	Disapproved
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Mr. Recklaus explained that in August of 2020 the Board adopted a pilot program to allow one adult use medical cannabis dispensary. This Ordinance has been extended twice. There have been no issues with this business and multiple traffic and parking studies have been done. Police have had no issues either. After researching, Staff learned that adjacent communities also have not had any police enforcement issues. Based on the lack of problems and the revenue generated, the Board directed staff to create an ordinance to allow these kinds of businesses to continue with certain restrictions. Cannabis restrictions by the State preempt Home Rule. There are a couple of things municipalities can do; dictate location/zoning and decide whether or not to tax them. The Village already adopted a tax. The Board indicated it did not want to see a proliferation of outlets, but was okay with a modest expansion. The Board indicated that they also did not want them on top of one another, nor in the business district. The proposed Ordinance allows a maximum of 3 dispensaries; up to one within each of three zones: 1 north of Hintz, one between Hintz and Central, and one south of Central. The business can be in B-2 and B-3 zones only. The Ordinance contains a slightly more restrictive parking ratio, 1 space per 200 square feet, the same as a medical use. Staff recommends approval. The Plan Commission and Ordinance Review Committee also approved.

Trustee Tinaglia noted that the amount of taxes the current business generates is similar to a big box retailer. They are doing this in under 5,000 square feet whereas a big box retailer has 150,000 square feet or more. Mr. Perkins said staff is recommending this level of parking because it is working well in the existing location and staff wanted to ensure there were not issues with a site being under parked. Trustee Tinaglia said he was

amazed by the tax dollars with such a small footprint.

Trustee Scaletta asked about the revenues. Mr. Perkins explained the exact amount is protected information. A grocery store would generate about half the amount of tax dollars. He clarified that cultivation is not permitted. Mr. Passman said the State law defined a variety of cannabis related uses. Staff made clear in the use table that all other uses are prohibited, only adult use sales are permitted. Trustee Scaletta asked if there are any stop gaps in controlling the store once it is approved. Mr. Perkins said zoning and parking are what the Village can control. The operators are heavily regulated by the State. Mr. Recklaus said if we found that a dispensary was in violation of State law, we would report it to the State for sanctions. We do have recourse.

Trustee Scaletta asked if there was a nuisance created could we stop it. Mr. Recklaus said if they meet State criteria, the zoning requirements have been met, and they have enough parking, they would be able to maintain their operation. The Village has a very narrow ability to regulate it, the State has overwritten local authority. Trustee Scaletta said these businesses can go in a lot of places that he did not envision previously. Mr. Passman said there are advertising restrictions, Cannabis cannot be advertised within 1,000 feet of an existing school. Trustee Scaletta is concerned with a potential use on Northwest Highway, because if someone came forward with a petition like for the old Plass Appliance building, we would be obligated to go through the process. He said he doesn't want the traffic on a site like that because it's on the edge of a residential neighborhood. He explained that it's different on Northwest Highway, because the residential streets connect, versus a shopping center next to residential because there is not direct access. Mr. Perkins said the zone definitions of the streets could be changed. Mr. Passman said the Board has the ability to define where they are allowed. A double layer has been created by zone and the number of dispensaries per zone. Street restrictions are fair game.

Trustee Canty suggested part of his concern might be alleviated by the parking requirement. She noted there is a large facility in Prospect Heights at the end of Village residential streets near Thomas Middle School. Home sales don't seem to be affected. Traffic isn't terrible, and based on the traffic studies, we are not seeing these problems. The businesses are further limited by the number of licenses issued by the State and they are also limited to three in the whole Village. She said she didn't see where there is a problem with proliferation.

Trustee LaBedz asked since they are not allowed to advertise within 1,000 feet of a school, does the sign on the building considered advertising? Mr. Passman said probably not, an approved dispensary is limited in how it can display its product. There are words they can't use, and they can't show a leaf. The intent is to try to keep away from the colloquial terms. There is no restriction in State law on where a dispensary can be in relation to a school.

Trustee Tinaglia stated the Village is limiting the number to three locations, and also dictating where they can exist. He wondered if maybe we should leave the locations open? We regulate restaurants much more. Can we make them come to us for each proposed location?

Mr. Recklaus said restaurants are nowhere near as highly regulated by the State. We have more authority in those situations. We make these kinds of businesses apply as a Special Use, but if people were upset, the Board might not be able to deny the request based on the reasons people are upset. Staff doesn't want to put the Board in a no-win situation.

Trustee Grasse asked what other retail businesses are regulated in this way. Mr. Passman said none. A business was created out of whole cloth, it didn't exist before 4 years ago. Mr. Perkins said the only one he could think of was the race track.

Trustee Scaletta said Rand and Thomas are arterial streets and not adjacent to residential on one arterial. He worried we will have unforeseen consequences and sees more downsides for a neighborhood than upsides for the Village.

Trustee Schwingbeck said Verilife has good layout, security, and location. If we bring in two more, we're not necessarily going to have the opportunity to see them in action like we did with Verilife. He asked if the State controlled the layout. Mr. Passman said State regulations limit the variety a dispensary can offer. Most of the regulations deal with security. They have menus, tablets, and product is held within certain secure spaces. The cash and safes are handled the same way. He guessed they all look similar. Violations are reported to the State. Because the State does the vetting and regulates security, it shrinks what we can change. Trustee Schwingbeck worried that someone will come in and not do it as well as Verilife. Mr. Passman said the ultimate check would be to undo the approval.

President Hayes said he will vote no. His vote is not a reflection on our existing dispensary. He's been pleasantly surprised that there have been no negative effects and he's happy to have them for medicinal purposes. He has a problem with recreational adult use. You have to take the bad with the good, some think the money is worth it.

Trustee Baldino said what didn't come out of the minutes in February was why we came up with the three zones. If the intent was to have it go on Rand, why didn't we say so? Mr. Recklaus said when this was discussed, there were a couple of different ways to do it. The Board was looking to limit the number and didn't want them on top of each other, so the zone idea came forward. Two objectives were accomplished; limit the total number, and have one per zone. How to accomplish this was subjective. Trustee Baldino said 3 was his top number. He suggested being more specific with where, within the zone, the business can locate. Mr. Recklaus said we could get much more specific. Mr. Perkins said you could change the zone to south of White Oak; north of Oakton - south of Hintz, which



includes Rand Road and precludes the race track, and then north of University. Trustee Baldino said we can define the areas within the zones, including Arlington Park.

Trustee LaBedz asked if it would have to go back through the Plan Commission process. Mr. Passman said you could send it back or do it here.

Trustee Scaletta said he only wanted locations north of Oakton - south of Hintz, north of Hintz - south of Lake Cook and south of Central. Nothing between Central and Oakton. The Board could always make a change or set up a 4<sup>th</sup> zone in the future. Anything south of Northwest Highway is too close to the current location. He really only wanted 2, but will go along with 3.

Trustee Canty asked if that cuts out Arlington Park. Trustee Scaletta said the Board could choose to add a 4<sup>th</sup> location at another time. He does not want dispensaries adjacent to residential with only one arterial. Trusty Canty thinks we should do the ordinance, and said she did not want to put it off. She said she was not sure it would be revisited.

Trustee Grasse agreed with Trustee Canty. She said she was comfortable with three and said the Board could revisit it at another time.

Trustee LaBedz clarified that there would be no location between Oakton and Central.

Trustee Canty moved to move Legal A & B to this point in the Agenda. Trustee Schwingbeck seconded the motion.

Ayes: Canty, Schwingbeck, Tinaglia, Grasse, Scaletta, Baldino, Canty, Hayes

The motion: Passed

Trustee Nicolle Grasse moved to approve the text amendments to Chapters 28 and 9. Trustee Mary Beth Canty Seconded the Motion.

The Motion: Failed

Ayes: Baldino, Canty, Grasse

Nays: Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

C.	Adult Use Cannabis Dispensary Ordinance	Approved
	Amending Chapter 28 of the Municipal Code	

Trustee Tinaglia said he will vote in favor for two reasons. He wants to make it clear that he is in favor of 3 locations and this is a reasonable compromise that still leaves a door open for more dialogue if necessary.

President Hayes wondered if the Board was being impulsive. Mr. Recklaus said the motion is a refinement, but the principles are the same. The

Ordinance can be adjusted and expanded in the future.

Trustee Tinaglia said let's say one of the new licensees comes forward, and they have a spot between White Oak and Oakton, could petition to adjust for a variation? Mr. Perkins said yes, we deal with that all the time

Trustee Grasse said she could support the compromise, but stated she didn't like to limit businesses in how they can benefit themselves and the Village.

Trustee Schwingbeck said he is okay with a total of three with Verilife being one of them, not three new ones.

Trustee LaBedz said this is a good compromise and keeps us at three which is what she was comfortable with.

Trustee John Scaletta moved to concur with the Plan Commission's recommendation with the following changes to the Ordinance: 1. South of White Oak; 2. north of Oakton to south of Hintz; 3. north Hintz to Lake Cook. Only three are allowed. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, LaBedz, Scaletta, Schwingbeck, Tinaglia

Nays: Hayes

Absent: Bertucci

D.	Adult Use Cannabis Dispensary Ordinance	Approved
	Amending Chapter 9 of the Municipal Code	

Trustee LaBedz said she likes the sunset provision.

Trustee Robin LaBedz moved to adopt the Adult Use Cannabis Dispensary Ordinance Amending Chapter 9 of the Municipal Code. Trustee Mary Beth Canty Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, LaBedz, Scaletta, Schwingbeck, Tinaglia

Nays: Hayes

Absent: Bertucci

E.	Removal of certain amendments to the basic	Approved
	Building & Fire Codes	

Jorge Torres said the Building Code Review Board discussed the removal of some of the Building and Fire regulations that are not needed at their May 11<sup>th</sup> meeting. The Fire Department and staff members from Building and Life Services were present. He explained the role of the International Code Council and its importance in setting construction and public safety codes. It's a trusted source for modern safety codes and creates a standard for safety and products. Staff believes the basic code has been tested and certain amendments to the basic model code are not needed.

The first request is to change Chapter 23, Section 202, IRC 803.2.2.1 for Allowable Thickness in lumber sheeting for a residential roof. The Village added to the base code a 5/8" thickness sheeting. The base code requirement is 1/2". There is no reason we should require more. We are the only municipality that requires that kind of sheeting for residential.

Second, we are addressing a commercial Elevator Car amendment which requires the accommodation of an ambulance stretcher of 60"x 85". The base building code already covers a 24"x 84" stretcher. The Fire Department has that size of stretcher so there is no reason for the larger size to be required.

Third, in Chapter 11, we require existing structures to be equipped with standpipes. The Fire Department does not trust fire hoses in any buildings and encourages property owners to remove the hoses. The Fire Department recommended this change the we would like to make it easier for properties to comply with the Fire Department's request.

Trustee Tinaglia said he was part of the Building Code Review Board meeting and these changes were well discussed. They are very reasonable and logical and he wholeheartedly agrees with them.

Trustee Schwingbeck asked since one elevator in each building has to accommodate the stretcher, what happens if this elevator is not working. Mr. Torres said the number of elevators required to hold a stretcher is not affected by this request. We are saying it doesn't have to be bigger.

Trustee Jim Tinaglia moved to direct staff to prepare an ordinance amending the Village code to remove the following sections: Chapter 23 Section 2102 IRC 803.2.2.1 - Allowable Thickness, Ch 23 Section 302 IBC 3002.4 - Elevator car to accommodate ambulance stretcher and Ch 27 Section 102 IFC 905.12 Existing Buildings. Trustee Mary Beth Canty Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci

### **XIII. LEGAL**

### **XIV. REPORT OF THE VILLAGE MANAGER**

### **XV. APPOINTMENTS**

### **XVI. PETITIONS AND COMMUNICATIONS**

A. Forest View Educational Center-District 214 -

2121 S. Goebbert Rd.

Mr. Recklaus said District 214 is requesting to proceed at their own risk at the Forest View Education Center. Building permits for school buildings are issued by the Illinois State Board of Education. The District understands that if they don't get the zoning approvals, they will have to modify what they have built. The zoning entitlement process is not expected to occur for several months and they would like to complete a portion of the work prior to the beginning of school in the fall.

Resident Keith Moens said this agenda item wasn't there on Friday when he pulled the agenda up. He asked if it appeared on the agenda 48 hours before as required by OMA. He also said it should be a new business item and asked why it was not under new business? Mr. Recklaus said the item was put up before the end of the day Friday but was not sure what time. It was previewed by staff as a request. It's designation on the agenda as a New Business item or a Report of the Village Manager item is somewhat arbitrary. Mr. Passman said there is no distinction on what you call it.

Trustee Scaletta said the item was initially listed below the request for Closed Session when he looked at the agenda. He called the office on Friday and had it moved ahead of the Closed Session citation. He suggested it was possible Mr. Moens missed it as its location changed, but didn't know if this was the case.

Trustee Robin LaBedz moved to allow D214 to Proceed at Own Risk to allow construction of the proposed improvements prior to finalization of the village zoning entitlement process. This approval is subject to the following conditions:

1. That the Petitioner understands that they are proceeding at their own risk, since final zoning approval has not yet been granted by the Village.
2. The Petitioner shall submit a complete Plan Commission application in a timely fashion and diligently proceed through the zoning entitlement process until completion.

Trustee Nicole Grasse seconded the motion.

Ayes: Schwingbeck, Canty, Tinaglia, Grasse, LaBedz, Scaletta, Baldino, Hayes

The Motion: Passed

- B. Request for Closed Session per 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

## **XVII. ADJOURNMENT**

Trustee John Scaletta moved to adjourn to Closed Session at 9:03 p.m.  
Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

Absent: Bertucci