



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

October 2, 2023

7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

President Hayes and the following Trustees responded to roll: Baldino, LaBedz, Grasse, Shirley, Schwingbeck, Dunnington, Tinaglia, and Bertucci.

Also present were: Randy Recklaus, Hart Passman, Charles Perkins, Rob Horne and Becky Hume.

IV. APPROVAL OF MINUTES

A. Committee of the Whole 09/18/2023 Approved

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

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

B. Village Board 09/18/2023 Approved

Trustee Richard Baldino moved to approve. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,

Schwingbeck, Shirley, Tinaglia

V. APPROVAL OF ACCOUNTS PAYABLE

- A. Warrant Register 09/30/2023 Approved

Trustee James Bertucci moved to approve in the amount of \$4,832,891.81.

Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

VI. RECOGNITIONS AND PRESENTATIONS

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

IX. OLD BUSINESS

- A. Report of the Committee of the Whole Meeting of October 2, 2023 Approved

Interview of Michael O'Conner for appointment
to the Zoning Board of Appeals, term ending
April 30, 2026

President Hayes administered the Oath of Office to Mr. O'Conner.

Trustee Robin LaBedz moved to concur in the Mayor's appointment. Trustee
Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

- B. Report of the Committee of the Whole Meeting of October 2, 2023 Approved

Interview of Steve Raminiak for appointment to
the Senior Citizens Commission term ending
April 30, 2026

President Hayes administered the Oath of Office to Mr. Raminiak.

Trustee James Bertucci moved to concur in the Mayor's appointment.

Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

- C. Report of the Committee of the Whole Meeting Approved
of October 2, 2023

Interview of Pamela McVoy for appointment to
the Commission for Citizens with Disabilities
term expiring April 30, 2026

President Hayes administered the Oath of Office to Ms. McVoy.

Trustee Richard Baldino moved to concur in the Mayor's appointment.

Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

- D. Paragon Mechanical - 2400 S. Arlington Heights Approved
Rd. - PC#22-010
Amendment to LUV Ord. 20-022, Variations

Mr. Perkins reported on the background of the project. After Elk Grove Township sold the property to Paragon in 2018, Paragon began using the property without the appropriate approvals. In 2020 they submitted a Plan Commission application. They are seeking to use the property as a contractor shop, which would allow them to have equipment on the property. The Staff Development Committee recommended denial. The Plan Commission recommended approval with some phased in landscaping. Paragon submitted the present application in 2022 to modify the phased landscape improvements recommended and to eliminate the redevelopment timeline. The Plan Commission voted to deny this new application. In December the Village Board considered the application and continued the request. Since then, staff has been working with Paragon to develop a solution. The key issues are the permanent land use of the property as a contractor shop and compliance with the landscape plan.

The Board has three options to consider.

1. Approve the request to eliminate condition #8, whereby granting the

land use variation with no expiration date. This approval would be subject to implementation of the Village Recommended Alternative landscape plan, with construction and completion of all work no later than May 31, 2024. Prior to adoption of an Ordinance authorizing this amendment, the Petitioner shall provide a performance guarantee for completion of the work.

2. Approve the request to eliminate condition #8, whereby granting the land use variation with no expiration date. This approval would be subject to implementation of the Paragon Proposed Alternative A landscape plan, with construction and completion of all work no later than May 31, 2024. No performance guarantee would be required.

3. Deny the request to eliminate condition #8, meaning the Land Use Variation to allow the Contractor Shop would become null and void. The petitioner would need to either sell the site and relocate, or remove all parts, equipment, and vehicle storage to qualify their business as a Contractor Office. Should they occupy the site as a Contractor Office, they would need to maintain all existing site landscaping to comply with Code requirements. Compliance with landscape regulations could be achieved by implementing Paragon Proposed Alternative

Option one is a staff developed alternative. It eliminates safety town and adds landscaping near the Tollway and Arlington Heights Road. Accessible stalls would be located to the north of the building and in front of the building.

Paragon submitted an alternate plan. They did not offer to plant landscaping on the Tollway/Arlington Heights Road corner. If they do not get approval, they will remove their equipment and use the site as an office with minimal landscaping on the frontage and not remove safety town.

The Staff development committee recommends approval of the request to amend 20-022 by eliminating condition #8 and granting the Land Use Variation for a Contractor Shop on the subject property, subject to the conditions and restrictions as outlined in Ordinance 20-022.

Mr. Polka countered that landscaping the Tollway/AH Road corner adds \$60,000 to the landscaping budget, and he cannot afford it. Mr. Perkins replied that the budget for pavement removal is there, we are just asking for a small corner to be improved.

Trustee Tinaglia said at the last discussion there was talk that the drive aisle was too wide. The solution to create a one-way set-in drive aisle and allow landscaping and parallel parking spaces was proposed. Mr. Polka said they are doing a berm there. If the strip is widened and the plantings a little further away and a little higher, it will look nicer. Trustee Tinaglia warned that if they do not remove the gravel, and there is grass and topsoil on top, it will burn out. They'll need fresh material so the water can drain. The installer needs to know. Trustee Tinaglia said this is a nice compromise

from where we were. Mr. Polka said he would love to see the triangle piece beautified, but it was adding at least \$40,000 to the price.

Trustee Schwingbeck asked if safety town will be removed. The answer was yes, and the northern drive will be removed. Landscaping will be added there. Mr. Polka said he is okay with all of that and the asphalt removal in that area. Trustee Schwingbeck asked if this will all be done by May 31, 2024. Mr. Polka said he didn't know if he could meet the date, everyone is ready, but he can't make the commitment as he is not in charge of the other trades. Trustee Schwingbeck said that is a concern, if it can't be done by then, we shouldn't be voting on it.

Trustee Schwingbeck asked why Mr. Polka wanted to get rid of #8. (#8 - Within two years of ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently approved, the Land Use Variation becomes null and void.) It's our gateway. It seems Mr. Polka doesn't want to do his original project. Mr. Polka said he initially came before the Board with a vision, but made no promises. He said he doesn't have the funding to do all the Village wants. He said he didn't agree to saying he would do it, he wanted it, but the process has been very difficult. He stated he wants everything to look good too and is going to put over \$100,000 of landscaping into the site.

Trustee Bertucci restated Conditions #8 and #3 from the original ordinance. Mr. Perkins said the landscaping along Arlington Heights Road (#3) is the most important as it is what is most visible. The May date came from the Board discussion in December. He would be happy to consider extensions if necessary. Trustee Bertucci asked Mr. Polka if he was willing to landscape the corner, if the funding became available. Mr. Polka said he doesn't have the funding right now, and he didn't want to have anything hinge on it. Either he does what he can right now or he does less and moves some of his stuff out. Its detrimental to his business not knowing where the project stands.

Trustee Bertucci said it is a problem. Across the street to the east will be a large beautification project starting next year. If Paragon will commit to do something with the corner in the future, that would be a potential compromise. Staff would like a performance guarantee for completion of the work. It could be a cash bond or a letter of credit. Code requires a 30% cash bond on the issuance of a permit. Mr. Polka said he would not bond work on his own property. Trustee Bertucci summarized that Mr. Polka is not on the same page with staff on the timing or on the guarantee/bond. Trustee Bertucci said he agreed with staff, but would be willing to give some leeway to get some of these things done.

Mr. Polka said when he met with staff, none of this was discussed. The overall cost is the issue.

Trustee Shirley asked if there was a Comprehensive Plan for the area since

this is in a TIF district. What is the goal for this property? Mr. Perkins said in 2018 the long-term vision was adopted for the South Arlington Heights Corridor. In it, commercial uses with multiple floors were envisioned with enhanced landscaping and new sidewalks 8-10 feet from Arlington Heights Road. We are asking this owner to take some baby steps toward this plan.

Trustee Grasse said part of what makes the Village special is that we have plans for landscaping. Staff backed off some of the expressway landscaping, and the date is a concern. If every business did this, our community would look different. We ask all businesses to do these things. She said she would be willing to be flexible with the date. Mr. Polka said his plan has a lot more landscaping than most plans have to provide.

Trustee LaBedz said the staff recommended proposal includes the one-way drive around the building and the relocation of the handicapped space to the north of the building. Mr. Polka said he has agreed to those changes. Trustee LaBedz said she is willing to consider an adjustment to the date if a good faith effort is being made to make the improvements that are being discussed. The contractors should be able to give you a reasonable framework.

Trustee LaBedz asked if it was typical for a homeowner to get a bond on a project. Mr. Perkins said yes, the Code requires performance bonds for permits. Staff's suggestion is that the bond be provided prior to the ordinance being approved. To not provide a bond at all would require a variation from Chapter 28, and Mr. Perkins could not think of a situation of when that has occurred. Mr. Polka said he was willing to follow the normal procedure, why would his project be treated differently? He claimed he hadn't seen the staff recommendation until this evening. Mr. Perkins said staff was looking for certainty that the project would move forward.

Mr. Recklaus said an email to Mr. Polka was sent on September 5th which included all of the information being presented tonight. He said the Village can't have a requirement without a date, because then it is not a requirement. If the Board wants to be flexible, it could add language to the recommendation to allow the Village Manager to approve an extension.

Trustee Tinaglia asked Mr. Polka if he understood that taking out condition #8 is a pretty big compromise. Every other project has to follow the same process when the use of a property changes. The Board would be giving him a very large compromise. Mr. Polka said he has a building with a contractor's office, Village staff says it's a shop. He doesn't know why. He wanted to build something bigger. Trustee Tinaglia said everyone in this room is trying to help, but it seems Mr. Polka is not hearing the Board. The Board is asking for a few things, and has compromised on many like omitting landscape islands. This has been going on 4 years. Trustee Tinaglia suggested that the date remain May 31. It can be done by then. Trustee Tinaglia suggested that Mr. Polka accept these conditions and be grateful. He would like to see the triangle done, it shouldn't stay asphalt,

but he didn't want to handcuff Mr. Polka.

Trustee Schwingbeck liked staff's recommendations but said he was not going to vote in favor, as he didn't believe Mr. Polka would follow through.

Trustee Bertucci expressed concern that the bonding is a sticking point. Mr. Passman explained there is a discrepancy. Code requires a bond when the permit is written, staff's recommendation is for a bond to be obtained prior to the ordinance being passed in two weeks. Mr. Polka said he understands that the Board may not believe him. He doesn't want this to go on. Mr. Polka offered to do the south corner in 2 more years.

Trustee Richard Baldino moved to amend the Staff Development Recommendation to remove the requirement to provide a performance guarantee prior to adopting the ordinance, a bond is required upon permitting. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Shirley, Tinaglia

Nays: Schwingbeck

Trustee Nicolle Grasse moved to amend staff recommendation #1 to allow the Village Manager to extend the completion date of May 31, 2024 if the petitioner is working in good faith to complete the project. Trustee Wendy Dunnington Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Shirley, Tinaglia

Nays: Schwingbeck

Trustee Robin LaBedz moved to approve staff recommendation #1 with the approved amendments. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Shirley, Tinaglia

Nays: Schwingbeck

X. CONSENT AGENDA

CONSENT APPROVAL OF BIDS

Trustee Richard Baldino moved to approve. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

- A. Lead Service Line Replacement - Contract Award Approved
- B. Vehicle Purchases - Police Department Approved
- C. Police Department - Parking Enforcement LPR System Approved

CONSENT LEGAL

- A. Resolution - IDOT - Permit for Maintenance Work on State Highways 2023-2024 (Permit required by Village for all work on IDOT rights-of-way) Approved

Trustee Richard Baldino moved to approve R2023-28. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

- B. Ordinance - Code Amendment-Chapter 13- Alcohol Liquor Dealers Approved

Trustee Richard Baldino moved to approve 2023-64. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

- C. A Resolution Approving an Intergovernmental Approved Agreement with the Illinois Department of Transportation (Sustained Traffic Safety Enforcement Grant)

Trustee Richard Baldino moved to approve R2023-29/A2023-56. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

CONSENT REPORT OF THE VILLAGE MANAGER

CONSENT PETITIONS AND COMMUNICATIONS

A. Bond Waiver - St Edna Church Approved

Trustee Richard Baldino moved to approve. Trustee Tom Schwingbeck
Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz,
Schwingbeck, Shirley, Tinaglia

XI. APPROVAL OF BIDS

XII. NEW BUSINESS

A. Patton School Gym Addition - 1616 N. Patton Ave. - PC#23-010 Approved
Special Use Permit Amendment, Variation to
Waive Traffic & Parking Study

Trustee Dunnington recused herself from the discussion and vote as she is
an employee of the District.

Ryan Shultz, Facilities director for D25, said they are breaking ground on
the kindergarten expansions. They are here to add PE space in this school.
Patton is currently a single station gymnasium. The number of PE hours per
week is increasing as the curriculum is changing, not because of
enrollment. There will be a new underground stormwater system which was
included in the previous expansion design. The increased gym size will not
accommodate outside activities or competition youth programs, it has a
different configuration than the other gyms in the district.

Trustee LaBedz asked about the curriculum change which merited this
addition. Dr. Lori Bein of D25 said State Law requires 3 sessions of PE a
week. Schools used to be able to have a waiver if they had an extra
recesses. Starting this year, the waiver is no longer possible meaning the
District needs to expand from 2 sessions of PE a week to three.

Trustee LaBedz asked about a neighbor who had some issues. Mr. Shultz said they are working with the property owner to provide some additional screening of the gym wall

Trustee Richard Baldino moved to approve. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Abstain: Dunnington

- B. An Ordinance Approving a First Amendment to Approved
the Lease Agreement with Shree Neelkanth, Inc.

Mr. Recklaus said Mr. Patel, who is the tenant, would like to add revenue as train ridership has declined. This amendment allows him to add an ATM and vending machines.

Trustee Dunnington said it would be useful to have nonfood items in the vending machine like items related to hygiene, phone chargers, and other things useful to commuters.

Trustee James Bertucci moved to approve 2023-65/A2023-57. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

XIII. LEGAL

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

XVII. ADJOURNMENT

Trustee Richard Baldino moved to adjourn at 8:51 p.m. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia