



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 5, 2015

8:00 PM

VIDEO **I. CALL TO ORDER**

VIDEO **II. PLEDGE OF ALLEGIANCE**

VIDEO A. Presentation of the Colors by Brownie Troop
#40531 from Olive-Mary Stitt School, 3rd Grade

VIDEO **III. ROLL CALL OF MEMBERS**

The Village Clerk called the roll with President Hayes and the following Trustees responding: Tinaglia, Farwell, Rosenberg, Glasgow, LaBedz, Blackwood, Sidor, Scaletta.

Also in attendance were: Randy Recklaus, Robin Ward, Charles Perkins, Scott Shirley, Cris Papierniak, Bill Enright, Matt Norton of Holland & Knight and Becky Hume.

VIDEO **IV. APPROVAL OF MINUTES**

VIDEO A. Committee of the Whole 08/31/2015 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, Tinaglia

VIDEO B. Committee of the Whole 09/08/2015 Approved

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

VIDEO C. Village Board Minutes 9/8/2015 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

VIDEO D. Committee of the Whole 09/21/2015 Approved

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

Abstain: Scaletta

VIDEO E. Village Board Minutes 9/21/15 Approved

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

Abstain: Scaletta

VIDEO **V. APPROVAL OF ACCOUNTS PAYABLE**

VIDEO A. Warrant Register of 9/30/2015

Trustee Joe Farwell moved to approve the Warrant Register dated 9/30/15
in the amount of \$1,409,793.85. Trustee Thomas Glasgow Seconded the
Motion.

The Motion: Passed

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

VI. RECOGNITIONS AND PRESENTATIONS

VII. PUBLIC HEARINGS

VIDEO **VIII. CITIZENS TO BE HEARD**

Jim Valencia asked about the current status of the fence on Davis Street next to the rail road tracks. Mr. Recklaus said staff is looking at several different cost actions. The fence will be part of the Capital Improvement Budget process. There are a number of worthy projects, and the Village must look at all the projects together. Mr. Valencia asked to be kept informed of the planning so that he can have input as a representative of the community.

Rob Sherman of Buffalo Grove said he had a concern pertaining to the p-ticket adjudication process. He was in attendance at the August hearings which were problematic. He said there were numerous problems with the way the hearings were conducted. He said he contacted Ms. Ward, who looked into the matter, and she said what the Village is doing is proper and no changes needed to be made. Mr. Sherman said he strongly disagrees. He asked the Board to review the p-ticket adjudication process. He asked for a response from the Village or Board within three weeks and would also like to be notified if changes are being contemplated.

President Hayes said staff will follow up with the Board, and will follow up with Mr. Sherman as to the status of his request.

VIDEO **IX. OLD BUSINESS**

VIDEO A. Report of the Committee-of-the-Whole Meeting of Approved October 5, 2015

Interview of Andi Ruhl for Appointment to the Arlington Economic Alliance

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

Trustee Robin LaBedz moved to concur with the Mayor's appointment of Andi Ruhl to the Arlington Economic Alliance with a term ending 4/30/16. Trustee Carol Blackwood Seconded the Motion.

The Motion: Passed

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

VIDEO B. Report of the Committee-of-the-Whole Meeting of Approved
October 5, 2015

Interview of Dr. Michael Bagby for Appointment to
the Bicycle & Pedestrian Advisory Commission

President Hayes administered the Oath of Office to Dr. Bagby.

Trustee Joe Farwell moved to concur with the Mayor's appointment of Dr.
Michael Bagby to the Bicycle & Pedestrian Advisory Commission with a term
ending 4/30/16. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

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

VIDEO X. **CONSENT AGENDA**

CONSENT OLD BUSINESS

VIDEO **CONSENT APPROVAL OF BIDS**

VIDEO A. 2015 Pavement Management Program Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded
the Motion.

The Motion: Passed

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

VIDEO B. Firefighter Turnout Gear Drying Cabinets Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded
the Motion.

The Motion: Passed

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

VIDEO C. Street Sweeper Rental 2015b Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

VIDEO D. Roof Repairs for Historical Society, Public Works and Well #16 Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

VIDEO E. Purchase of Automotive Fuel Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

VIDEO F. Roadway Liquid Deicer Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

VIDEO **CONSENT LEGAL**

VIDEO A. An Ordinance Granting a Land Use Variation for an Adult Day Care Facility (Xilin Adult Day Care, 145 E. Algonquin Road) Approved

Trustee Robin LaBedz moved to approve 15-035. Trustee Bert Rosenberg

Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

VIDEO B. An Ordinance Amending Chapter 20 of the Approved
Arlington Heights Municipal Code
(Sections 20-101, Definitions; 20-104, Driveways
- Materials, Repair and Maintenance and Section
20-115 Parkway Maintenance)

Trustee Robin LaBedz moved to approve 15-036. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

VIDEO C. An Ordinance Amending Chapter 22 of the Approved
Arlington Heights Municipal Code
(New Article - Illicit Discharge Ordinance)

Trustee Robin LaBedz moved to approve 15-037. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

VIDEO D. An Ordinance Granting a Special Use Permit for a Approved
Public Elementary School and Variations from
Chapter 28 of the Arlington Heights Municipal
Code
(Olive-Mary Stitt School, 303 E. Olive Street)

Trustee Robin LaBedz moved to approve 15-038. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

Abstain: Glasgow

VIDEO E. An Ordinance Granting a Special Use Permit and a Approved
Variation from Chapter 28 of the Arlington Heights
Municipal Code
(Ivy Hill School, 2211 N. Burke Dr.)

Trustee Robin LaBedz moved to approve 15-039. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Hayes, LaBedz, Rosenberg, Scaletta, Sidor,
Tinaglia

Abstain: Glasgow

VIDEO F. An Ordinance Amending Planned Unit Approved
Development Ordinance Numbers 88-060, 14-002
and 15-016
(Northwest Crossings, 1421 and 1501 W. Shure
Drive)

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

VIDEO G. An Ordinance Amending Chapter 8 of the Approved
Arlington Heights Municipal Code
(Section 8-504 Criminal Trespass to Real
Property)

Trustee Robin LaBedz moved to approve 15-041. Trustee Bert Rosenberg
Seconded the Motion.
The Motion: Passed
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta,
Sidor, Tinaglia

VIDEO **CONSENT PETITIONS AND COMMUNICATIONS**

VIDEO A. Bond Waiver - St. Edna Bingo Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded
the Motion.

The Motion: Passed

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

VIDEO B. Bond Waiver - The American Legion Approved

Trustee Robin LaBedz moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

CONSENT REPORT OF THE VILLAGE MANAGER

XI. APPROVAL OF BIDS

VIDEO **XII. NEW BUSINESS**

VIDEO A. Comprehensive Plan Update - PC#14-020 Approved

Mr. Recklaus introduced the Comprehensive Plan Update which is an aspirational plan for the community. Mr. Enright said it has been 18 years since the Village has reviewed the Plan. Over the past year, the Comprehensive Plan Subcommittee has met and held Public Meetings. The Plan includes updated demographic information and policies with the added categories of historic preservation, corridors, sustainability and public input. An online survey was conducted to gauge public opinion.

Trustee Tinaglia who served on the Committee said the Historical Preservation category is a huge step forward within the Plan. This is a guide which gives a direction on what the Village wants to be. It is not about raising taxes to do everything in the plan.

Trustee Labeledz said there was concern that having historical districts would have some hand tying. The survey showed that residents do care about the history and want their homes to reflect it.

Trustee Sidor said he was happy with the Sustainability section. He said the impervious surface reduction for storm water runoff is a critical step forward.

Trustee Rosenberg suggested that the Economic Development Chapter be shared with the Economic Alliance. Trustee Rosenberg asked how the

sustainability objectives would be communicated and put into policy and procedure. Mr. Recklaus said there would be a general public outreach program. Mr. Enright said new developments are required to include a narrative of sustainability for their developments. Trustee Rosenberg suggested that the Village feature a chapter a month on the website and that perhaps the Library could create a program. Mr. Recklaus said multiple concepts with periodic review would be a good idea.

Trustee Blackwood said the Economic Alliance would benefit from the Corridors section as well.

Trustee Scaletta said the Plan is mostly unfunded it would be nice to improve the corridors but there is not money to do all that the plan sets out to do. The Plan is not a mandate to be accomplished all at once.

Trustee Robin LaBedz moved to approve the 2015 Comprehensive Plan.
Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

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

Trustee John Scaletta moved to approve the Comprehensive Plan Land Use Map. Trustee Thomas Glasgow Seconded the Motion.

The Motion: Passed

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

VIDEO B. Christina Court - Final Plat of Subdivision - Approved
PC# 15-001

Mr. Recklaus said the preliminary plat was approved in June. At that time, the Board was primarily concerned with the retention basin. Since then, the Village has negotiated a maintenance fee \$68,250 which will cover 10 years of the maintenance cost. The Village will not accept ownership until the total fee is paid and the detention area is established. Staff has accomplished what the Board set out to do. Mr. Isherwood of K. Hovnanian said they will meet all the conditions.

Trustee Rosenberg asked how the deal was structured. Mr. Recklaus explained that at the end of 10 years, the Village will assume maintenance. Once all of the lots are sold, the fees will be paid and the detention area established. Mr. Perkins said once the basin meets engineering requirements; the money will be put into a fund that can be drawn down to cover maintenance. Trustee Rosenberg asked what happens if there is a lot outstanding? Mr. Perkins said the developer would probably pay the fee if it

came to that. If not, the developer maintains the responsibility of the basin. The agreement will be recorded against the property.

Trustee Farwell asked if there were discussions regarding the retaining wall on the northwest corner of the subdivision. Mr. Isherwood said there will be native plantings on back side of basin to screen the retaining wall. Also, there has been a set of stairs added to the retaining wall for proper access to the lot. There will not be a homeowner association established here. The homeowner will be responsible for the maintenance of this wall. Mr. Perkins said the value of house will be such that the homeowner will most likely maintain it, but if they don't it would be a Code violation. Trustee Farwell said that his concern was that in tough times, the wall might not be maintained. He said he hopes future developments keep a sharper eye on this issue. As it stands, the Village must rely on Code enforcement to make sure the wall is property maintained.

Trustee Glasgow asked if the developer had agreed to everything the Board asked for. Mr. Recklaus said yes.

Trustee Tinaglia said he is voting "no" because he did not like the detention pond being the Village's responsibility. In future would like Village to find better ways to manage storm water detention on site.

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

The Motion: Passed

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

Nays: Farwell, Tinaglia

C. A Resolution Approving a Final Plat of Subdivision Approved
(Christina Court, 1306 and 1310 E. Olive Street)

Trustee Thomas Glasgow moved to move Legal XIII A to this point in the meeting. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

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

Trustee Bert Rosenberg moved to approve R15-037. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

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

Nays: Farwell, Tinaglia

VIDEO

D. Holy Nation Presbyterian Church - 2501 N.
Chestnut Ave. - PC#15-010

Approved

Mr. Recklaus said there are two items to be discussed, parking variation for a church/synagogue and a Comprehensive Plan Amendment. A church is a permitted use in this district. The only regulatory change being discussed is parking. The Comprehensive Plan Amendment is not necessary for the project to go forward as it is a permitted use. It is unlikely that this site will be a school again in the future.

Mr. Perkins said the proposal is to convert the Glenkirk facility into a church. Glenkirk will lease a portion of the building. Most churches in the Village are in R-3 districts like Our Lady of the Wayside, St. Peters and Orchard. The parking variation is to reduce the Code requirement from 308 spaces to 97 spaces. The Plan Commission recommended land banking 73 spaces to be in keeping with other variations given to other churches. There is a condition that the petitioner work with the Park District on sharing parking if it is expanded. Mr. Scholten from the Park District said they would be interested in working with Holy Nation to modify their existing parking agreement. There is a tree arboretum on the property, so a tree preservation plan would need to be submitted to preserve the grove if parking were added.

Trustee Glasgow questioned the parking. Mr. Perkins said each phase of the parking plan would need to be reviewed when the additional parking was requested. The church is legally permitted; they just need a parking variation. The conditions limit capacity to 200 people and limit their ability to have overlapping functions. Trustee Glasgow asked how that would be enforced. Mr. Recklaus said parking is the true driver of the 200 person limit, so it is a function of parking. Enforcement would occur on a complaint basis driven by parking outside of the lot and on street parking. Trustee Glasgow said the choices are to allow variance and destroy greenspace or deny the variance and not have enough parking for the congregation.

Mr. Patterson, attorney for the church, said the parish has 90 members. It was created in 1987, and doubled in membership in 30 years. The services are in Korean. Trustee Glasgow asked how they would limit attendance to 200 people. Mr. Patterson said it would be self-enforcing, and the church was aware of their relationship with community. The desire is to do everything they can to make the community comfortable. Trustee Glasgow asked if the church reached out to the neighbors. Mr. Patterson said they followed the Village requirements of notification.

Mr. Patterson said the church currently shares space with two other churches and are now seeking a home of their own. The staff report and the Plan Commission conditions are acceptable. Additional parking may be required, but it would be in the future. The church would like to maintain the green space as much as possible. This is an organization that does not intend on growing a lot. Mr. Patterson explained that Glenkirk will occupy

13% of the building. The gymnasium space is what triggers the Code parking requirement and thus the need for a variation. Traffic during the week will be significantly reduced from what it is today.

Trustee Scaletta asked how the 200 person capacity number was determined. Mr. Perkins said it was based on the seating plan of the sanctuary. The chapels will be used for infants/toddlers and smaller children so they can have their own worship services. Trustee Scaletta said the impact of a church is on evenings and weekends, different from a school. Mr. Patterson said based on their traffic study, peak demand will be on Wednesday evening, Friday evening and on Sundays. Parking never exceeds 80% of the parking in their current location which has fewer parking spaces than this property has. Staff estimated there would be 3.75 persons per vehicle based on the churches current numbers. There have been no neighbor complaints or parking issues in Mt. Prospect.

Trustee Scaletta asked how the landscaping would be if they had to add parking. Mr. Perkins said they will have to provide heavy landscaping on the north side with a fence and any new parking expansion would have to meet current Village requirements. Three feet of landscape screen are required on street frontage. The church has agreed to replace the existing perimeter landscaping.

Trustee Tinaglia said this is a permitted use and dozens of churches have this same zoning. The parking requirement is based on the Village's Zoning Ordinance and is the only thing stopping this from going through. The church doesn't want all the parking stalls. The Plan Commission recommended 73 stalls be land banked if determined necessary by the Village. He asked if the church will have other churches joining them. He said he was afraid of functions every night. How can the church ensure that this will not happen? Mr. Patterson said there are so many conditions created that they eliminate the possibility of other congregations joining.

Trustee Labeledz asked how the Park District obtained land between two buildings that do not have parking. Mr. Perkins explained that the park space was a trade with District 25 for a park at Olive Mary Stitt School. Trustee Labeledz asked if homes could be developed here. Mr. Perkins said yes. The Park District is not interested in obtaining this property at the current price.

Trustee Farwell said the property could hold 16 homes. If it were developed as townhomes it could be more. The tree grove would not be kept in those cases. He noted two other faith communities received similar parking variations.

Trustee Sidor asked how is capacity enforced at other churches. Mr. Perkins said staff works with churches to recommend staggering services, and other techniques. Typically, complaints drive enforcement. Trustee Sidor asked how the 200 person limit was arrived at. Mr. Perkins said it was a

conservative estimate based on actual seating proposed in the sanctuary.

Trustee Blackwood asked if there was a plan to have school. Mr. Patterson said no.

Leslie Plass said he found out about the proposal two days before the Plan Commission meeting. They had a 5 month advantage. He questioned the church's financial ability to handle a \$4 million property with only 80 families. The church has two employees and \$110,000 in annual revenue. It is not registered with the IRS. He said he had concerns that the minister or others may live in facility. He wants to make sure that doesn't happen. He said banquets and weddings can occur in this facility and it will have more people in it than what you have been told. They are saying what you want to hear. They say they moved out of Chicago, two years ago, but the church is still there. He said he was concerned that the fence next to the playground will not hold back a car.

President Hayes asked if people can live in the facility. Mr. Perkins said some churches have a rectory, but rectories are typically separate buildings which require a PUD for approval. It may be allowed in Code for a pastor to live on site but it is not typical. Mr. Perkins did not know if they would need approval or not for that. The property is zoned residential and the Code does allow rectory use.

Tom Dineen said the project seems pushed on them at the last minute, there was not a lot of public relations on behalf of the church. He said he was not against the church but against the impact. He said church activity in a neighborhood was different from park and school activity. He said not all institutions have been good neighbors. Waverly is a cut through with people driving too fast. There are stop signs on Chestnut and Waverly, but people don't stop and they are not enforced. Parking for soccer and softball is all on Waverly, and it's an accident waiting to happen. He suggested having parking on the north side of street only. He asked for better Code enforcement, the Futabakai mobile classrooms are an eyesore, and the park area behind Glenkirk is a haven for drugs, drinking and bad behavior. He said he has complained but nothing is being done. He asked for the Village to get the mobile classrooms out of there. He said the church will add traffic two nights a week that they are not accustomed to. Headlights will be coming in and out. He said the facility could be rented out for other activities, multiple nights a week. He wanted reassurances that the landscaping will be improved and maintained. He asked if there will be more lighting and if these assurances are in writing. Every church wants to get bigger and the problems will get worse. He wants assurances that this will be done well and the church will be good neighbors.

President Hayes said the conditions require new lighting in the existing lot; this condition is in writing along with improved landscaping. He said the Village will take note of the traffic enforcement and speeding and try to improve the situation. He said other areas are experiencing this problem as

well.

Alice Sylvester said there are 38 churches in the Village and all but three are on major thoroughfares. They are not in the middle of neighborhoods. The Comprehensive Plan made her neighborhood one of meandering streets with schools and parks. This is not a church of Arlington Heights residents, these are not Berkley Square neighbors. She said the neighborhood suffers a great deal with traffic and now will have to suffer Wednesday evenings, Saturday and Sundays as well. There are too many people and it is too crowded. She said it floods, there is crime, and she was unhappy with the process. She said the church had a 6 month leg up, and it was not fair. She said she believed the church will grow to 200 people. She said residents pay taxes but the church won't.

Frank Abbinati said he has enjoyed a beautiful neighborhood for 30 years. He said 99% of the neighbors are against the church, not the people or what they stand for, but of how deeply it will affect the neighborhood. It's a great neighborhood; their biggest concern is the effect on traffic and the serious drug problem. It is so dark at night. Stonebridge brings in people on certain nights; it's a haven for people to gather. The church traffic will bring in multiple problems.

Greg Zyck said it seems like a done deal, this is just a parking variation. There are a lot of issues; the church will make the area better looking than it does now. Lighting will go up. The church is going to help some of the situations. However, the traffic situation is a problem. The Park District brings so much. Futabakai brings even more. He wants to make sure when the church comes that more problems don't come. He said the church has more than enough spots. He asked for the Village to not destroy the green space and keep the park. A parking lot on the north side would encroach on the other homes and reduce their value. He asked for the Board to keep the property how it is now. The parking variance is too much when 62 spaces is all they need.

President Hayes said this is not a done deal. The Board has open minds and comes into meetings with open minds until petitioner and residents have had their say. He said he was sympathetic to the residents and their concerns, most of which are addressed by the conditions set by the Plan Commission and agreed to by the petitioner. The conditions will improve the situation in the neighborhood. Lighting will disburse the youth congregating. The church growth pattern is an accurate representation based on his view of the community. This is not just a permitted use but a reasonable use for this facility under the conditions. He said he would prefer to see no new parking developed.

Trustee Farwell asked about the historical use of property. Mr. Perkins said it was Berkley School and then District 25 sold it to Glenkirk in the early 90's. In 1993 the school became privately owned and operated. There were no restrictions on size put upon Glenkirk, but there were restrictions to

preserve the arboretum and shared parking. Futabakai leases their property from District 25. Trustee Farwell said this is an upkeep issue with Futabakai and a parking issue for the parks. He recommended talking to D25 about upkeep and Police for protocol for a safe environment. A church is a permitted use, similar variations have been granted for other churches, from a lawyer's perspective, if the proposal doesn't go, it would be a legal liability for the Village.

Trustee Scaletta said he agreed with the Plan Commission on the land bank parking because it keeps the percentages on parking in line with other variations that have been provided to other churches. Also, the parking is there if it is needed. The uses for this property are a school or a church but that could change and the residents could have something different that they didn't want.

Trustee Glasgow disagreed saying each neighborhood is unique, just because variations are granted one place does not ensure they will be granted in another. He asked what the growth pattern was. He said the overflow parking onto Waverly is ridiculous. He saw three people blow through the stop sign. The Police need to deal with it. This church will add pressure on the weekends that wasn't there before. People will try and park in the church parking lot during sports events. Church members will overflow into the streets. He said he will vote no.

Trustee Tinaglia said it is a quandary; what do the neighbors want? A church is allowable; it's in the Zoning Ordinance. A church can be in any residential neighborhood as long as there is enough parking. Do the residents want to force the church to take down trees and add parking stalls to meet an Ordinance, or should the Board deny the variance and let them use it as is? The Board can't break the law to vote against them moving in so, how much of a parking variation can we give them?

Trustee Rosenberg asked if the land banking could occur in increments with a cap of 73. Mr. Perkins said parking would be added incrementally as needed based on impact. Trustee Rosenberg said he thought that no matter what is going in, people would not be happy, if it was a school it would be more crowded, there would be more parking issues at night. This is a small church; it's only grown 50% in 30 years. There are an extreme number of conditions put upon them. There is added light in the parking lot. He apologized on behalf of the Village that residents didn't receive the notification in a timely way. The petitioner is only required by law to contact residents 250 feet from their property. Projects are sometimes worked on a long time, and then the meeting date gets set.

Trustee Farwell said in 1982, 240 children attended Berkley. He said he continued to be concerned that by not granting the variation, the Board would be putting the Village in a legal quandary as the use was a zoned use. In 2017 Futabakai may be renegotiating their lease; he hoped staff would talk to D25 and address some of these issues. He said he understood

the congestion and safety issues, but perhaps they can be addressed without barring the petitioner. Mr. Patterson said the petitioner has agreed to the 11 conditions.

Trustee Glasgow cited the Code 28-2 (2.10) saying the Board had the power to limit congestion on public streets. He said he foresees more traffic problems and if the variance is denied, the church will have to pave the greenspace.

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

The Motion: Passed

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

Nays: Glasgow

XIII.LEGAL

XIV. APPOINTMENTS

VIDEO XV. PETITIONS AND COMMUNICATIONS

The Katie Project will occur on November 7. Contact Nancy Kluz to have the batteries in your smoke detector changed or to volunteer at 847-368-5000.

The Fire Station Open House is Saturday, October 10 at Fire Station #1, 300 E. Sigwalt.

President Hayes thanked the Special Events Commission for a successful Autumn Harvest.

VIDEO XVI. REPORT OF THE VILLAGE MANAGER

VIDEO A. Staff Update on Status of Stormwater Control Studies

Mr. Recklaus said analysis of a number of small unique localized flooding issues has been ongoing. It requires very detailed engineering models with many assumptions. Almost all the low hanging fruit has already been taken advantage of. The Village has already invested \$140,000 Million in inflation adjusted dollars in the storm sewer system and these upgrades have been successful and impactful. The storm event of 2011 exposed weaknesses in the system. The Village is looking for further enhancements.

Mr. Shirley said the Village has been active in addressing flooding issues since 1963. A decision was made in 1977 not to separate the combined area. It was an important fork in the road. In 2001 the Village created the

overhead sewer system. In some areas storm water is held on the streets on purpose so water doesn't go into people's basements using inlet control systems. Two studies were commissioned after the July 2011 storm event. In January of 2016 the studies will be presented. Resident meetings will occur at that time. There is no current revenue source for storm water improvements and they will cost more than several hundred thousand dollars. Over 100 homes have taken advantage of the overhead sewer program and the program should be part of any solution. Potential upgrades will be included in the Capital Improvement Program beginning in March.

Mr. Recklaus said staff wants residents to see the models and problems and understand the impact of improvements. The decisions will not be easy and the Board will have to weigh the costs with full understanding that any solution will not prevent all flooding. Information will be forthcoming on the website.

Trustee Rosenberg asked if there was any possibility that something could be started next year. Mr. Recklaus said there is some money budgeted in the regular storm water program that may be identified for some of this work. There is no funding for major improvements.

Trustee Sidor asked if grant money for flooding can be explored. Mr. Recklaus said staff intends to seek grant money as part of the strategy.

Trustee Scaletta asked if the more than 200 residents who reported water damage will be notified of the hearings. Mr. Recklaus said yes.

President Hayes said this was an important process and he asked that it stay on course even if there is not funding as he wanted to produce the study results the Village has been promising.

VIDEO **XVIIADJOURNMENT**

Trustee Bert Rosenberg moved to adjourn the meeting at 10:58 p.m..

Trustee John Scaletta Seconded the Motion.

The Motion: Passed

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