



## 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 4, 2016

8:00 PM

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

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

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

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

Also in attendance were: Randy Recklaus, Diana Mikula, Mark Burkland, Robin Ward, Scott Shirley, Charles Perkins, Steven Touloumis and Becky Hume.

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

A. Committee of the Whole 9/19/2016 Approved

Trustee Carol Blackwood moved to approve. Trustee Joe Farwell Seconded the Motion.

The Motion: Passed

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

B. Village Board 9/19/2016 Approved

Trustee Carol Blackwood moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

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

A. Warrant Register of 9/30/2016 Approved

Trustee Joe Farwell moved to approve in the Warrant Register dated 9/30/16 in the amount of \$2,815,539.89. 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**

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

## **IX. OLD BUSINESS**

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

Consideration of recommending to the Liquor Commissioner the issuance of a Class "A" Liquor License to Sea & Wave Corporation, dba Seoul KKakdugi, located at 234 E. Golf Road (International Plaza)

Trustee Thomas Glasgow moved to recommend to the Liquor Commissioner the issuance of a Class "A" Liquor License to Sea and Wave Corporation at 234 E. Golf Road. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

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

## **X. CONSENT AGENDA**

## CONSENT APPROVAL OF BIDS

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

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

## CONSENT LEGAL

Trustee Thomas Glasgow moved to approve 16-045. Trustee Robin LaBedz Seconded the Motion.  
The Motion: Passed  
Ayes: Blackwood, Farwell, Glasgow, Hayes, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia

B.	An Ordinance Amending Chapter 13 of the Arlington Heights Municipal Code (Making available a Class "AA" liquor license)	Approved
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Trustee Thomas Glasgow moved to approve 16-046. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

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

- A. Destruction of Recordings from the Closed Session Meetings of 8/14/14, 10/20/14, 12/15/14, 1/5/15, 2/2/15 as per State Statute. Approved

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

The Motion: Passed

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

### **CONSENT PETITIONS AND COMMUNICATIONS**

- A. Bond Waiver - American Cancer Society Approved

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

The Motion: Passed

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

## **XI. APPROVAL OF BIDS**

- A. Paver Brick 2016 Improvements Approved

Trustee Rosenberg removed this item from the Consent Agenda and asked if it would be better to defer the purchase in order to get a better price. He also wanted to know what exactly is happening on these streets.

Mr. Shirley said the bid was just a few percentage points over the engineer's estimate, whose numbers are always a little bit old. The final plan was not accepted until July 11, so there was no opportunity to bid the job out earlier. If the bid had gone out earlier in the season, the savings would not have been dramatic. Staff is anxious to correct some of the

downtown paver issues before winter sets in. The new design will have paver brick with 18" concrete banding every 30 feet. The new enhanced brick pavers have better color retention and will wear better. The sub-base will have improved drainage to alleviate deterioration of the sub base. The key stones at the corners will be primarily concrete. This installation gives people the opportunity to see the new design before the larger area is redone next year.

Trustee Bert Rosenberg moved to approve. Trustee Joe Farwell Seconded the Motion.

The Motion: Passed

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

## **XII. NEW BUSINESS**

- A.      Arlington Ale House - 111 W. Campbell St.-3rd      Approved  
Floor - PC#16-019  
Special Use for Restaurant, Land Use Variation

Mr. Recklaus said this space is unique, has great potential and some special challenges. It has been vacant over 10 years. The petitioner is requesting a Special Use and some Land Use Variations. One of the challenges already addressed by the Board was the Liquor Code which was amended to allow alcohol service without a kitchen on upper levels if the business can provide food by another means. A Liquor License will need to be approved separately.

Mr. Perkins said that the space is on the 3<sup>rd</sup> floor of the Metropolis building and has a more than 120 seat auditorium and three bars in it. This petition is brought by a private businessman willing to invest his funds to enhance the downtown entertainment district. The petitioner has presented updated floor plans with slight modifications to the uses within the space and detailed maximum occupancy calculations. He has also provided further information on the food service options with letters of intent from nearby restaurants. The existing patio will be improved, Plan A shows no expansion of the patio, Plan B shows an expansion of that space. A parking summary was presented showing adequate parking capacity is in place. A proposed sign was presented which would require a variation to the sign code.

The Plan Commission gave a unanimous recommendation with some modifications and staff has recommended additional conditions which are outlined in the Memo of 9/28/16. Kevin McCaskey agreed to all the modifications.

Len Olson described the Ale House and said they are looking to create a

gathering place with a stable crowd geared toward 31 years and up. The also intend to host recitals, open mic nights, comedy and charity events. It could also be used as a corporate training site. Available will be bags, table tennis, family board games and pool tables. They are not looking to expand the patio until summer and need to do more research before a final plan comes forward on this section. The patrons will be ordering their own food from nearby restaurants so parking for deliveries is not a problem.

Tom Manetti said he was the caterer for the establishment under its previous ownership and will provide catering for functions at the Ale House.

Joe Keefe, Executive Director of Metropolis, said he is very enthusiastic in his support of this new venture. It will bring new patrons, fresh marketing opportunities and many other advantages. There are some challenges in the building regarding fire exits, elevators and the Performing Arts School on the second floor. Maintenance of the elevators is critical. He said a comprehensive engineering review should be conducted. The problems exist already and are not being created by the Arlington Ale House; however, it is an opportunity to address these issues separately.

Trustee Scaletta asked for clarification. Mr. Keefe said the exits for the current stairways may need to be modified for stage security. There have been two recent stuck elevator incidents. Staff response is immediate, but it may be that more engineering is useful.

Mr. Recklaus said that there have been some discussions regarding elevator access. Mr. Perkins said floors could be keyed to limit access. Staff is seeking proposals to convert to a swipe card system. The exits are required fire exits which do go through the back stage. It's possible that one could be partitioned with an additional door. Security cameras and panic alarms are also being explored. Any changes will have to be run through the Condo Association.

Trustee Sidor said he was concerned with student access coinciding with patron access in the elevators. He said there is a safety hurdle in his mind and he would like student security buttoned up. Mr. Keefe said that was important, but should be addressed in totality of the building. He said they already get visitors to the second floor who do not belong, there may be more with the Ale House, but it is already a problem.

Trustee Farwell said some of the challenges brought forth by Mr. Keefe would be in play regardless of the nature of the business residing on the third floor. Trustee Farwell said signage is an issue and challenge. Mr. Keefe said a marquis sign would increase revenue by \$100,000 a year. A sign package that works for the Ale House and meets the needs of Metropolis and respects the neighbors would be very helpful. Trustee Farwell said signage for a multi-level entertainment building will be a solution to some of the issues raised by Mr. Keefe.

Trustee Tinaglia clarified that the elevators are the primary transport between floors. The stairwells are for exiting only and used by few people. If the elevators are not working, it will drastically affect business. He suggested some balance for the transit issues and investing in the elevators so they are trustworthy. Trustee Tinaglia asked what happens when more than 300 people show up. Mr. McCaskey said they will develop a count system and likely set it to a lower number. The village intends on inspecting the counts especially at larger events and periodically during the year. Also, if it is known a large event will occur, a fire guard would be employed. Mr. McCaskey said the food partners are not investors.

Trustee Labeledz asked if people can bring their own food. Mr. McCaskey said yes. There is no smoking allowed on the patio. The bathrooms are code compliant.

Trustee Scaletta asked if the Board was considering just proposal A or both A and B. Mr. McCaskey said considering B later was okay. Trustee Scaletta said the space will need a lot of management oversight because of the occupancy issue and because the elevators are involved. Mr. McCaskey said it will be easy to keep tabs on the numbers because there is only one entrance. A reception committee would meet patrons at the top door; it does not open right up to the bar. If the Ale House is full, they would post an employee downstairs.

Trustee Scaletta expressed concern that concert noise might seep into the condos next door. Mr. Olson said they were thinking of lower key events, rock bands would not be a good fit. Trustee Scaletta said he wanted it on the record that together the petitioner and the village want to keep noise from intruding in the condos next door.

Trustee Scaletta said he hoped the ideas to buffer sound on the patio will satisfy nearby residents. Mr. Olson said they have had good discussions with neighbors and will continue to work with the neighboring condos. Trustee Scaletta said he did not want patrons looking into people's homes. He said Option B will need trees or something to separate the space. There will not be TV's outside. There was discussion regarding locating speakers correctly to avoid noise pollution. The Ale House will have full service menus from the restaurants where there are established partnerships. They have to use the existing garbage space, but may need to have more frequent pick-ups.

Trustee Glasgow questioned the availability of food if the take out partners closed before the Ale House. Mr. McCaskey said there will be food available as long as they are open. Mr. McCaskey said he would be willing to put in interior sound proofing if it was deemed necessary. Trustee Glasgow said he could not find anything detrimental to the health well-being or safety of the residents and motioned for approval of option A. He said the project meets all the legal definitions and nothing warrants a denial. Trustee

Tinaglia seconded the motion.

Mr. McCaskey said he agreed to the terms and conditions, but by not approving option B at the same time, a financial hardship is created as he needs to use option B to help sell the master plan of the facility. One of the big draws to the project is the outdoor patio which they truly plan to expand. Trustee Glasgow said he would like the details of B before approval.

There was further discussion regarding the consideration of both option A and B. It was decided that the Board would be voting for both options, but that in order to proceed with option B, the petitioner must reappear before the Board with detailed plans and receive approval. Ms. Ward suggested adding the following language to 4b "If the Petitioner desires to move forward with this Option, the Petitioner's proposal must be presented to the Village Board for its consideration and approval."

Trustee Rosenberg questioned the variation of hours. Mr. McCaskey said he wanted the option to be open until 1:00 a.m. and the liquor license will be from 1:00-2:00 a.m. Trustee Rosenberg warned that closing before the listed hours of operation may frustrate potential customers. Trustee Rosenberg asked how the food service will work late at night. Mr. McCaskey said Peggy's has a late menu and the Ale House will be serving whatever they offer.

Trustee Rosenberg asked if children will be accommodated at all times. Mr. McCaskey said generally, after 9 p.m., they will phase out the children aspect of environment. Ms. Ward read from the Liquor Code which states that minors must be with a parent. Mr. McCaskey said that is a problem because they would like to host teen nights. Ms. Ward said the Code can be amended, but because the principle business relies on the sale of alcohol, there can't be people under 21 without parents. Mr. McCaskey said he also wanted to be able to have children practice in the auditorium. Trustee Rosenberg suggested there could be a moratorium on alcohol if events are kid focused. He said a family having pizza, watching sports should be able to have 20 year olds with them who are not their children. He asked for staff to work with the petitioner to come up with options.

Trustee Scaletta asked if the use auditorium could be separate from the rest of the facility or the Code amended. Mr. Recklaus said the unique space requires creative thinking and presents unique challenges. The Board, staff and the petitioner will have to continue thinking creatively. These issues can be fleshed out in the liquor hearing.

Trustee Rosenberg asked how many employees the business would have on hand at any one time. Mr. McCaskey said 12-15. Mr. McCaskey said he would limit patrons on the patio with seating arrangements. There will be no standing tables or spaces. Doors will be closed to the exterior at all times.



Trustee Rosenberg asked if there was a conflict in deciding this matter because the village is a majority owner of the building. Ms. Ward said this is a zoning issue, not a condominium association issue. A condo association cannot make zoning decisions; it only comes into play if the roof is expanded or there are signage issues. Mr. Burkland said zoning approvals are the decision of the Village Board, and there is no conflict. The Metropolis Condo Association is a separate body, and will make decisions on its own when issues come before it. Ms. Ward said the expansion of the roof would require the approval of the Condo Association and the Village Board.

Trustee Blackwood asked if there was a kitchen fire on the first floor, what would happen if elevators did not work and the stairwells were smoke filled? Mr. Touloumis said the building was designed to prevent stairwells from getting smoke and the exits are designed to not allow smoke and heat to penetrate the stair wells.

Trustee Blackwood recommended that the business have a marketing plan to work on keeping enthusiasm for the business going after the initial opening.

Trustee Farwell asked what tools the village has to cease operations if there were noise complaints. Ms. Ward said there is no music allowed outdoors, if there is a sound nuisance the village has a right to talk to the business. One additional condition is that the business must apply each year to have an outdoor dining café. Trustee Farwell said he wanted administration to realize its ability to withhold this privilege.

Trustee Sidor said deliveries on Highland are disruptive already and he had concerns about the added volume because of the Ale House. He recommended the business use the side loading zones whenever possible. Mr. Perkins said the PUD requires deliveries in the loading zones, but some trucks are too large to fit there and must load off of Campbell.

Trustee Sidor said even though the Plan Commission voted unanimously, their vote was tepid at best. He said he would like a sound check to make sure nearby condos are not affected by noise, he would like to see formal agreements with the restaurants, and the elevator issue needs to be addressed. He said there are many challenges that are not yet resolved. There are too many unanswered questions for him to vote yes, but he did not want to vote no either. Mr. McCaskey said once they are open they will figure it out from there.

President Hayes said the proposal has come some distance from the Plan Commission meeting and many questions were answered this evening. It is unlike any other business and may require some adjustments on the fly. He said the village would help adjust and address concerns as they come up.

Trustee Tinaglia said it is important to remember the existing condition and space. It wouldn't be built today. This is an experiment and a gamble on everyone's part. Everyone needs to be in on it together.

Conditions for the project are:

- 1.** The Petitioner shall provide food service from Arlington Heights restaurants and/or catering establishments for customers within the restaurant in accordance with liquor license requirements.
- 2.** The room with pool tables as shown in pink on the "Plan Option A" and "Plan Option B" and located along the western side of the subject unit must have mechanisms installed that prevent the ability to open the two windows within this room during normal operation.
- 3.** The petitioner shall obtain the appropriate number of parking permits for employees to park in the Municipal Garage subject to availability.
- 4.** The Petitioner has provided a capacity analysis of the maximum number of individuals permitted to occupy the space based on all building code regulations. Based upon the two revised occupancy plans, the following conditions shall apply:

**a. Plan Option A:** Existing outdoor patio (no expansion of the outdoor patio), which is subject to the following conditions:

i. The Petitioner must ensure that the maximum occupancy of the space shall not exceed 313 persons and must be in accordance with all building code requirements.

ii. The Petitioner shall put measures in place to manage the maximum occupancy and have an accurate occupancy count at all times. Such measures must be approved by Village Staff. If, upon inspection by the Village, there are repeated violations to the maximum occupancy the Village may pursue any and all legal remedies, including possible closure, revocation of liquor license, or other actions as deemed appropriate by the Village.

iii. The maximum occupancy may be increased in the future in accordance with all building codes if approved by the Village in writing.

**b. Plan Option B:** Expanded outdoor patio. If the Petitioner desires to move forward with this Option, the Petitioner's proposal must be presented to the Village Board for its consideration and approval. At a minimum, the plan shall be subject to the following conditions:

i. No expansion to the patio is allowed unless an additional qualified means of egress is provided in compliance with the building code and subject to Village approval.

ii. The maximum capacity may be increased as outlined in condition 4a may be removed if the Village approves an additional qualified means of egress.

**5.** The exterior patio area shall not be detrimental to the health, safety, morals or general welfare of person residing or working within the vicinity.

As such, the Village, at its sole discretion, reserves the right to impose additional restrictions on the exterior patio or revoke the portion of this special use permit that authorizes use of the exterior patio.

**6.** The outdoor dining patio, whether under Plan Option A and Plan Option B, shall be subject to the following:

a. As part of the Outdoor Eating Café Permit process and building permit process, the applicant must provide complete details on all screening and railing around the patio, all furniture and equipment on the patio, all lighting elements on the patio, and any sound/speaker elements on the patio, all for review and approval by the Village.

b. Live entertainment is prohibited on the outdoor dining patio.

c. The petitioner must renew the Outdoor Eating Café Permit annually for compliance with the applicable criteria.

**7.** For the outdoor dining patio under Plan Option B, in addition to those conditions listed in paragraph 4, 5 and 6, the following conditions shall apply:

a. Prior to issuance of a building permit to allow the expanded patio and associated improvements, the petitioner shall obtain Metropolis Condo Board approval and shall be subject to any conditions required by the condo association.

b. Prior to the issuance of a building permit for expansion to the patio and associated improvements, construction details and material specifications shall be provided for review. The petitioner shall provide a review and certification from an acoustical consultant/engineer stating that the expanded patio design will not create noise that may impact the Metropolis Theater operation. Upon completion and use of the patio area, should any negative noise impact be experienced by the Metropolis Theater, the applicant will be required to add additional noise suppression materials to eliminate the noise impact to the theater.

c. The petitioner must provide documentation from a licensed structural engineer certifying that an expansion of the patio, including all proposed improvements to the rooftop area, will not threaten the structural integrity of the roof. Upon receipt and review of this documentation, the Village reserves the right to approve or deny any proposed expansion to the rooftop patio and/or any associated improvements to the roof.

**8.** The proposed bridge connection between the Metropolis building and Vail Avenue garage shall be subject to the following:

a. Documentation from a licensed structural engineer indicating the structural ability of the Vail Avenue garage to accommodate said bridge connection (all costs to be incurred by the Petitioner).

b. An analysis of the impact of said bridge connection to the parking within the garage.

c. Acceptance of a maintenance and liability agreement for said bridge connection.

d. Upon receipt and analysis of the information outlined in paragraphs 8a through 8c, the Village reserves the right as the owner of the garage to approve or deny the bridge connection at its sole discretion.

**9.** The petitioner shall comply with all applicable Federal, State, and Village Codes, regulations, and policies.

Trustee Thomas Glasgow moved to approve the proposal with the listed conditions. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

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

Abstain: Sidor

### **XIII.LEGAL**

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

### **XV. APPOINTMENTS**

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

### **XVIIADJOURNMENT**

Trustee Thomas Glasgow moved to adjourn at 10:39. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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