



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
February 6, 2017
8:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

- A. Presentation of the Colors by Cub Scout Pack
#130 from Westgate School

III. ROLL CALL OF MEMBERS

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

Also present were: Randy Recklaus, Charles Perkins, Diana Mikula, Tom Kuehne, Robin Ward and Becky Hume.

IV. APPROVAL OF MINUTES

- A. Committee of the Whole 1/3/17 Approved

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

The Motion: Passed

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

Abstain: LaBedz, Tinaglia

- B. Joint Meeting VB/Library 1/14/17 Approved

Trustee Thomas Glasgow moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

Abstain: Blackwood, Tinaglia

C. Committee of the Whole 1/17/17

Approved

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

The Motion: Passed

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

Abstain: Blackwood, Farwell

D. Village Board 1/17/17

Approved

Trustee Jim Tinaglia moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

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

Abstain: Blackwood, Farwell

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register 1/30/17

Approved

Trustee Joe Farwell moved to approve the Warrant Register dated 1/30/17 in the amount of \$4,125,000.09. 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

Trustee Mike Sidor moved to move Old Business item A. to this point in the Agenda. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

A. Hillside Auto - 25 E. University Dr. - PC#15-004 Tabled
Land Use Variation

Mr. Recklaus said this is a continuation of a discussion from November, 2015. Mr. Perkins said this item received a unanimous recommendation from the Plan Commission to recommend approval of a Land Use Variation for Automotive Repair/Major at 25 E. University Drive. The matter was tabled by the Board to allow the petitioner to determine when they would cease business operations at the current location of 200 E. Palatine Road. A letter has been submitted indicating that they will cease operations no later than December 31, 2018 at the Palatine Road location. They have also requested the addition of a paint booth at the new location which was previously excluded. Two other requests for auto repair have been approved by the Village on University Drive. The paint booth would need to meet Building, Fire Codes and design standards. Staff has no objection to that request.

Colleen Balek, attorney for Hillside Transportation, said they need the paint booth as more business has been developed and a contract from UPS was acquired.

Trustee Glasgow asked if the letter regarding ceasing operations is binding. Ms. Ward said that a section of the Ordinance could include this as a condition, but the petitioner would have to agree to it. Trustee Glasgow asked what remedy the village has if the date is not met. Ms. Ward said it would be challenging to enforce. The village could remind them of their commitment and the Board made a decision based on that commitment. Ms. Ward said it is a challenge to condition something on an un-impacted piece of property. Ms. Balek said they would not agree to add this condition to the Ordinance. If the Board is giving a Variance, then Hillside should agree to cease operations at the other location. As there are no assurances, he will vote no.

Ms. Balek said Hillside has already retained a leasing agent for the Palatine Road property and they will be putting up a sign. They are planning to move and clear the property as soon as the Variance passes. She said she doesn't think it's appropriate to make it a condition of the Ordinance on a property that is unrelated to this one. They are making a good faith gesture in agreeing to vacate by a certain date.

Trustee Glasgow said he has heard this before. Ms. Balek said Hillside entered into an agreement prior to 2005 with a company to redevelop the property who subsequently backed out of the agreement and then the economy crashed, so Hillside was not able to lease the property at its full value at that time. Now, they are hoping to do that.

Trustee Tinaglia asked what dialogue has taken place regarding clearing

this property. If nothing were to change but the relocation of the business, the problem is not solved. Ms. Balek said they have talked about taking down the house and the shop, clearing the land and getting it ready for redevelopment. Trustee Tinaglia asked, if this Variance goes through, why wouldn't Hillside not carry through with the other piece of the puzzle? Ms. Balek said they are not saying they won't carry through; they're just not sure if it will be cleared by that 2018 deadline. It depends on how the operations are moved over and there are other owners involved in the property. They would also like to be in talks with a company regarding redevelopment. They do want to clear the property. The house has been cleared out and they are working through that.

Trustee Tinaglia said the Board wants them to succeed and get this other project under way. There's balancing that needs to be done. That property has been the same for 45 years. He said he would love to get this done tonight, but would like a firm commitment that Hillside will at least clean up the property. Short of that, he won't vote in favor. Ms. Balek said she doesn't see why they wouldn't make that deadline, but they do want to keep the fence up for construction.

Trustee Scaletta asked when operations will cease. Mark Balek said by 2018 they will be out and the buildings will be down. She said they are at capacity and they want to have time in case things come up. They need to put up a fence on University and move the spray booth which requires permits. The 2018 deadline gives them enough time to move out, clear the land and continue their operations on University. Trustee Scaletta asked if it was a condition, and Hillside were unable to meet the condition, wouldn't they just come back and explain why they couldn't meet it. Ms. Balek said she didn't think the village would be willing to hear that. Trustee Scaletta said the Board seems to be listening to everything they have asked for. Ms. Balek said the Board is willing only if they are conditioning unrelated property. Mr. Balek said the property owners and the business owners are separate entities. He said the village is hindering him from opening his place of business and it has cost him 16 months of income and holding him hostage.

Trustee Scaletta asked if they thought the current condition of the property on Palatine Road is an eyesore. Mr. Balek said not in his mind, he offered to put up a fence with landscaping and it was rejected by the village. Ms. Balek said the house is where five generations of their family grew up. Trustee Scaletta asked if Hillside can't get its partners to agree, what will they do? Ms. Balek said the site generates income. The partners will agree if Hillside gets moved, but they need to have income coming in. The date was agreed to by Hillside. They agree to have the building down and green grass there by 12/31/18. Trustee Scaletta suggested if they were worried about getting it done, perhaps another date could be put forward.

Trustee Farwell said Hillside is asking the Board to grant a variance, but they won't give the same consideration for making the exit on the Palatine

Road property. He understands their intention, but unless there is true commitment, he will not vote in favor. He said the village has done this with other businesses as well.

Ms. Balek asked what other businesses has the village conditioned a variance for one property on another property. Trustee Farwell said he didn't know exactly, but the Board is generally a business friendly Board. Perhaps there is a cart/horse issue. Maybe Hillside needs an agreement with their partners before they ask the village to give a variance.

Ms. Balek said she has asked for other examples where the board has linked two properties. If they didn't own Palatine Road, this wouldn't be a conversation. Other businesses have been granted variances for major automotive repair, one right next to the property they are holding. Mr. Balek has spent \$200,000 on University Drive and can't use the space.

Trustee Blackwood questioned why the Board is asking for this condition. It is related by business use only. Ms. Ward said that is why there is a stalemate as the Village cannot force the clearing of the property with a condition.

Trustee Blackwood said it is in Hillside's best interest to release the property on Palatine Road as quickly as possible. Mr. Balek said Hillside leases the property on Palatine Road from the family. He controls the business, but not the Palatine Road property. He wants to move his business and believes he is being held hostage.

Trustee LaBedz asked about the ownership. Mr. Balek owns Hillside with a partner and but there are 4 shareholders of the property. He and his partner are minority shareholders on the property. The majority shareholder makes income off the property and she is 87.

President Hayes said based on the letter of January 2017; Hillside has agreed to cease operations on Palatine Road no later than December 31, 2018. Since they've agreed to that, he doesn't see a difference for it being in the Ordinance if they can agree to that date. Ms. Balek said it is not appropriate to put in the Ordinance.

Mr. Recklaus said the commitment is in writing, but the petitioner is not willing to make the commitment in the Ordinance. Mr. Balek said Hillside will be out of there, but he is not the majority shareholder of the Palatine Road property. Ms. Balek said Hillside will give their best effort and start expediting the situation. Mr. Recklaus said the Board could table the conversation, pass the Variance based on the commitment that the applicant has made or come up with a different date.

Ms. Ward suggested an option would be to attach the letter to the Ordinance, another choice would be to adopt a condition that they will be out with the property cleared by 12/31/18, if for some reason that date

doesn't work, they could submit a request to the Village Board explaining why they cannot be out and the request will not be unreasonably denied. Ms. Balek said no, their letter should be enough of a commitment. If Hillside didn't own 200 Palatine, it wouldn't be part of the conversation.

Trustee Sidor asked how much is this is an internal family issue? Ms. Balek said they hope to have the property cleared by that date. They will have the business completely moved by the 2018 date. She said they will take care of the family issues. Trustee Sidor asked if the company is out by 12/31/18, how long what it take for the property to be demolished and cleared. Mr. Perkins said a demo permit must be submitted to Cook County which can take up to six weeks. The village approval takes a few weeks. It would take a few weeks to clear it and grade it. Trustee Sidor asked if they cease operations by 12/31/18 would they agree to have property cleared by 6/18/19. Ms. Balek said she didn't think it was appropriate to make it a condition of the variance and the Board can't unless Hillside agrees to it.

Trustee Tinaglia said Hillside is asking the community to give a commitment to Hillside for what they want to do on other projects, while this project keeps getting set aside. The Board is willing to keep doing that, but needs the same in return. A variance was given to Hillside in 2009/2010 for a property, and in 8 years nothing has changed on Palatine Road. The windows aren't fixed, the house is not painted and it doesn't look like it is habitable. Mr. Balek asked about the village not allowing a new fence there. Trustee Tinaglia said a fence would be 6 feet high. The house is 30 feet tall and 5 feet from property line. The Board is working to help you, but you are being strict on what you require.

Trustee Farwell said the petitioner agrees that all operations will cease and be completely moved to University site by 12/31/18. The village can't require Hillside to knock down a building it does not own. It is proper for the Board to require them to cease operations in one location for a variance in another location. There is a vacant property Ordinance already. The vacant property can be subject to the vacant property law. Ms. Balek said they would not agree to make it a condition of the Ordinance.

President Hayes said this should be tabled so that the partners and the village can work something out.

Trustee Glasgow said Hillside is asking for a unilateral gift with nothing in return. Ms. Balek said it is not proper under the law. Trustee Glasgow said since it is not a matter of the time, but of principle, he doesn't see why it can't be a condition of the Ordinance if they truly intend to vacate the property.

Trustee Scaletta asked when the lease on Palatine Road expires. The answer was 2025.

Trustee Mike Sidor moved to table the discussion. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

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

Nays: Blackwood

VIII. CITIZENS TO BE HEARD

Christina Klein said she has owned a unit in Courtyard Condominiums for 15 years. The residents have been told they cannot contact the condo board. Lieberman Management Company will not respond to any communication. The Building Department cited the Condo's with 15-20 code violations 3 years ago. There are holes in walls and nothing has been done. The exterior is in complete disarray. Locals now are adding their own trash as the appearance has become so unsightly. Sofas, Christmas trees, and other items are dumped there and the garbage service is not equipped to handle it. Some of the garbage is there 4-6 weeks. Tenants are now the majority renters, and pet excrement is all over. She said she understand that the Village Board has no authority over the Home Owners Assoc. or Liebermans. She said the Code violations must be addressed. The Building Department has assured her they will do another walk through.

President Hayes said the village does not have a lot of authority, as this is a private dispute. The village has a role in code enforcement and will execute its role to make sure village codes are being enforced.

President Hayes said there is a troubling matter in the village and the subject of much discussion. He read the following personal statement:

We try very hard to keep politics out of village government, but situations have arisen which compel a public statement from me as Mayor of our great community. As troubling as it is for me to have to do so, these situations need to be addressed in order to protect and preserve the reputation for open and honest government many of us have worked so hard to establish over the years.

In the matter of the comment posted on Facebook by now former Village Trustee candidate, Joe Favia, let me be clear that I found it to be offensive and inappropriate for anyone to make, let alone someone intending to serve and represent the residents of Arlington Heights. The Mayor and Trustees run as independents in non-partisan at-large elections and not as members of any political party because, if fortunate enough to be elected, we represent all residents of Arlington Heights. The public's trust that we do so is the bedrock foundation of our service and I oppose any action that erodes that trust.

Having said that, we all make mistakes. Life is a learning process and hopefully we learn from our mistakes and do not repeat them. Contrary to what you might think, holding elected office is not an easy job. It takes time to learn the job and how to best serve the people you represent. I can tell

you that I am still learning after 26 years in elected office.

As Dr. Favia was only a candidate and not a member of the Village Board, we could not take any action for or against him. Ultimately, the court of public opinion is the appropriate forum for this debate and Dr. Favia has and should speak for himself in his defense.

In the matter of any political maneuvering that resulted in Dr. Favia's candidacy, I had no part in, and do not approve of, how that may have occurred. I will say that it was my desire to keep the current Board together in order to continue the good work we have done on behalf of this community. While it appeared to the public and to me as well, that all four incumbents were running for re-election, let me make it clear that there was nothing preventing any and all eligible residents from running against them. As it should be, the voters decide who their Trustees are and the top four vote getters win.

Let me be clear, however, that any effort to take the process out of the voter's hands and engineer a specific result is wrong and not in keeping with our reputation for open and honest government.

As someone who believes that things happen for a reason, I believe that Arlington Heights will get through this and come out better for it. Thank you all for your interest in the welfare of our community and your contributions and commitment to ensuring that it remains a great place to live and work.

Janet Meinheit said people were asleep during the past election cycle. She said women assumed they had earned respect and would be treated with dignity. On January 21st women stood together, shared stories, laughed, cried, hugged, hoped, and believed. Women are now resolved to engage in the political process and make their voices heard. When Mr. Favia withdrew from the Village Trustee Election, he called the people who called him out bullies and played the victim. The meme he posted represented hundreds of years of denigrating women. Women were criticized for their appearance, rather than for their ideas. The fastest way to marginalize a woman is to criticize her appearance and deflect her brain. Ms. Meinheit said she will not stand by to allow the Board to make back room deals to appoint their cronies especially when the people they choose then use that position to disparage and belittle members of the community.

Dr. Kathleen Neacy, an emergency physician, said she is a participant in the SHE Project which is emerging within the village to promote communications with the Board and other political allies. She commended the Mayor's comments. Women voters are renewing their efforts to partake, scrutinize and shape the future policies of the village. When you make an isolated comment on social media, generally it is more indicative of the person's personality and goes deeper. Dr. Favia tried to turn the tables on the bullies that have attacked him as a result of his post, this is not appropriate. The regional attention given to the village is also worth taking

very seriously. This is not how we behave in Arlington Heights. Women, who are 51% of the population in the village have been demeaned and marginalized. Dr. Favia was actively promoted by members of this Board and other Trustees to assume a position on this Board. She said she would like to understand the Board's goals in whom they promote. She said citizens who raised criticism have been referred to as special snowflakes. As a 25 year, inner city ER Physician, I am done with the rhetoric and I hope you are as well.

Tom Schwingbeck said there are other examples of voters getting cut out of choosing their elected officials and cited Justine Slaughter's dropping out of the primary race in Chicago, and then retiring just before Christmas. Democratic leaders got to choose the replacement rather than have the residents elect one. It is residents' right as citizens to choose their elected officials. On January 17, Keith Moens spoke at a Village Board Meeting saying he was discouraged that the Village Trustee race did not have challengers. As a former candidate, it is extremely difficult to get elected when 4 incumbents are running. Mr. Schwingbeck said he decided not to run but offer his services to help a few trustees collect petitions signatures. Had he known that there was one trustee who was not running, he would have submitted his petition. Mr. Schwingbeck thanked Mr. Baldino and Mr. Walker for running as write-in candidates.

Richard Baldino said he was running as a write in candidate for Trustee. He is involved at First United Methodist Church. He said he will listen objectively and looks forward to being a fresh set of eyes. He is a professional environmental consultant and has experience with storm-water issues. He said he was interested in meeting with various boards and commissions. He said he will listen to business leaders.

Mark Walker declared his intent to stand as a write in candidate. He hopes to provide citizens with a voice in their municipal government. A body as impactful to citizen's lives must be responsible and responsive to the village at large. He said he wants to reflect the concerns and goals for the voters of the village by having an open door policy with the constituency. He said he will bring the qualities of respect, trust and collaboration to the Board. He hopes to keep the village a sterling example of suburban life.

President Hayes said as these are special circumstances, he allowed the write in candidates to introduce themselves. However, a public meeting is not a campaign vehicle and political speeches will not be allowed.

Kathleen Sances said it is positive that residents of the village woke up over the last two weeks. She said that the notion of keeping politics out of the Village Board goes against the definition of election which is a formal and organized process of members being elected to a political body. The Board is charged with being stewards of taxpayer dollars, and they are honored with residents' votes. When citizens see unprofessional conduct or mismanagement of funds or services, it is their right to hold the Board's

feet to the fire. The voters elected you. Remember that you represent all of us.

Mary Beth Canty thanked President Hayes for his statement, but said both he and Dr. Favia omitted two simple words, I'm sorry. She said the outcry was not about trying to silence someone's speech, but when views attack people in a community, it is a problem. "I'm sorry" is the most effective thing you can say. She said she was a marcher, and people were there to support all different causes; immigrants, minorities, the environment, economics, but people marched for everyone. They did not just march for women and not just for exercise.

Court Harris said a small group of people pounced on a mistake made by a man, have taken it out on the man, his business and his family. Neighbors don't do this. In 2015, there were 6 candidates for 4 spots. To say the incumbents only looked out for themselves is not true. He said he was one of those candidates. The process was above reproach and there were no issues. There was no small group of people choosing candidates. He said he regrets seeing the village's name dragged in the mud. Worse is what has happened to Dr. Favia where people have fabricated things about his business. He is a neighbor, a business owner, a Heart of Gold winner, and the Past President of the Chamber of Commerce. Next time one of us makes a mistake, do you want to be pounced on or have the community help pick you up.

Courtney Dirksen said it is possible to be a great father, successful business man, church goer, and still be sexist. Sexism is referring women in your office as girls, or in the middle of an argument complementing a woman on her intelligence. Those are the kinds of things that men and women in the community need to be aware of so they can be addressed. She said she spoke with Trustees and one of them called the Board a glorified homeowners association. She respectfully suggested that the person who said that should step aside. Maybe there is something ethically dubious about how Dr. Favia arrived on the ballot. Where were the Trustees voices? If this has happened before, why not step up. She called on the Trustees to have a higher level of integrity.

President Hayes thanked the speakers and said his statement was very heartfelt. The village will move on, and hopefully be better.

Trustee LaBedz thanked all who turned out and said she appreciated all the statements.

IX. OLD BUSINESS

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT APPROVAL OF BIDS

- A. EAB Tree Removal Contract Extension Approved

Trustee Thomas Glasgow moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

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

- B. Ash Tree Stump Removal and Restoration Contract Extension Approved

Trustee Thomas Glasgow moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

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

- C. Well #11 Change Order Approved

Trustee Thomas Glasgow moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

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

- D. Emergency Generator Upgrade and Replacement Approved

Trustee Thomas Glasgow moved to approve. Trustee Mike Sidor Seconded the Motion.

The Motion: Passed

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

CONSENT LEGAL

- A. An Ordinance Amending Planned Unit Approved

Development Ordinance Number 13-065,
Including Granting a Variation from Chapter 28
of the Arlington Heights Municipal Code,
Amending the Zoning Ordinance of the Village of
Arlington Heights, Granting Preliminary Approval
of a Planned Unit Development and a
Preliminary Plat of Subdivision
(Medical Office, 1519-1531 and a portion of
1625 S. Arlington Heights Road)

Trustee Thomas Glasgow moved to approve 17-006. Trustee Mike Sidor
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

XII. NEW BUSINESS

XIII. LEGAL

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

Trustee Scaletta announced the Hearts of Gold Dinner and encouraged
residents to attend on February 18th.

XVII. ADJOURNMENT

Trustee Robin LaBedz moved to adjourn at 9:30 p.m. Trustee John Scaletta
Seconded the Motion.

The Motion: Passed

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