



**Village of Algonquin
Minutes of the Committee of the Whole Meeting
Held in Village Board Room
November 19, 2019**

AGENDA ITEM 1: Roll Call – Establish a Quorum

Trustee Janis Jasper, Chairperson, called the Committee of the Whole meeting to order at 7:46 p.m. Present: Trustees Jim Steigert, Janis Jasper, Jerry Glogowski, Debby Sosine, Laura Brehmer, John Spella, and President Schmitt. A quorum was established.

Staff Members Present: Village Manager, Tim Schloneger; Police Chief, John Bucci; Public Works Director Robert Mitchard; Senior Planner, Ben Mason; Deputy Village Clerk, Michelle Weber; and Village Attorney, Kelly Cahill.

AGENDA ITEM 2: Public Comment – Audience Participation

1. Nancy Dombrowski, 415 S Harrison – Stated she is concerned with the modifications that were done at 121 N. Main Street. She feels it does not meet the preservation code established by the Village, it does not meet the esthetics of the time period of which it the historic home was built, and the modifications done should be removed and replaced to meet the preservation code.
2. Jeff Jolitz, 409 S. Harrison – Stated he agrees with the Historic Commission's recommendation, not to allow on the modifications done to 121 N. Main Street to stay. He also feels that the modifications, done without a permit, does not meet the preservations code and does not stay within the area of which the home was built.
3. Bob Smith, Yosemite Pkwy - He congratulated the Board and Mr. Mitchard on the Downtown redevelopment. He attended the ribbon cutting ceremony earlier in the evening and was quite impressed with the new look. He also would like to the Board to know he is in support of the changes done to 121 N. Main. He feels the changes done to the porch were a much needed safety improvement, for the porch in its pre-restoration state was deteriorating.

AGENDA ITEM 3: Community Development

Ben Mason reporting

A. Consider a request for a Major Amendment to the 2014 Final PUD, for building façade and signage modification and Special Use Permit for a Health Club, Burlington/Planet Fitness at 1400 South Randall Road

Mike Peirce of Storebuild LLC, representing Burlington and Planet Fitness, has submitted a petition for a Major Amendment to the 2014 Final PUD, for building façade and signage modifications at the former Gander Mountain building at 1400 South Randall Road. Additionally, the petitioner is requesting a Special Use Permit for a health club business in a portion of the building. Gander Mountain received Final PUD approval in 2014, however the store closed and building has been vacant for several years.

The former Gander Mountain building will be divided into two tenant spaces, 30,000 square feet will be occupied by a Burlington department store and the remaining 22,000 will be occupied by a Planet Fitness health club. Walmart has significant restrictions on potential future uses for the Gander Mountain building and Staff wants to give particular recognition for the considerable effort undertaken by the petitioner, Mr. Peirce of Storebuild LLC, to work cooperatively with Walmart to gain their permission for the two proposed business uses.

Burlington is a national retailer with 631 stores in 45 states, and Planet Fitness is an expanding fitness center franchise that would be open 24 hours a day, 7 days a week. Also enclosed please find proposed building and sign renderings provided by the project architect, depicting modifications to the building for creating two separate storefronts. The sides and rear of the building will not

change, however the pitched roof and timber log-themed canopy entrance on the front façade would be removed.

Staff appreciates both new business tenants have unique corporate identities and supports their desire to establish separate entrances that reflect their distinct brands. The following revisions are recommended to the east elevation renderings, to be more compatible with the existing building's color tone and architectural character:

- The EIFS material for Burlington's façade shall be converted to a darker, earth tone tan or beige color – pure white is simply too much of a contrast and not compatible with the rest of the exterior
- Some type of cornice line or cap is needed above the Burlington Nichiha fiber cement paneling – the proposed rendering gives the appearance of a large tip-up wall that is not proportionate to the scale of the rest of the façade
- The window and door framing systems for both storefront entrances need to be black or a dark bronze; anodized silver aluminum would not be acceptable
- The Village Sign Code limits wall signs to the store name and logo; in this case simply "Burlington" would be permitted. The remainder of the retail store's offerings - Ladies, Mens, etc – shall be removed from the sign. Adding such miscellaneous categories would be akin to if Planet Fitness had requested under their name such sub-headings as "Cardio – Fitness Training – Exercise Equipment".
- The heart-shaped B logo next to the Burlington entrance would be considered another store sign, and is not allowed

Staff will need to review further the square footage for the proposed wall signs, but again the important thing at this time is to note only the store name will be permitted and not all the separate types of goods and merchandise. Overall though, staff recommends approval of the request for a Major PUD Amendment to allow the façade modifications, subject to the revisions listed above.

Staff also supports the request for a Special Use Permit to allow the Planet Fitness health club as a business tenant in the building. The business would be open 24 hours a day, and projects an average number of visits per day between 400-800 customers. The health club will offer a large number of services and amenities, including cardio, weights, and fitness training at two levels of membership, either \$10 or \$22.99 per month. All activities will be located within the building.

The Gander Mountain building is 52,000 square feet and has approximately 250 on-site parking spaces, for a ratio of 4.8 spaces per 1,000 square feet. The parking exceeded the requirement for the former outdoor sporting goods store business, but will adequately serve the health club use as the projected number of visitors will be distributed throughout the day and evening hours. For example, even at the peak time of 6:00pm on a weekday evening, the health club projects 80 member visits during that hour, which would still leave more than 150 parking spaces available for Burlington's customers.

On November 11, 2019 the Planning and Zoning Commission considered the petition and voted 6-1 in favor of the request for Final Planned Unit Development Amendment for the building façade and signage modifications, and a Special Use Permit for the health club use, subject to the findings of fact as presented, and conditions listed by staff except for the following changes:

- Whereas staff recommended the pure white EIFS material on Burlington's façade be converted to a darker, earth tone tan or beige color, Planning and Zoning recommended by a vote of 6-1 to permit the pure white EIFS color in accordance with Burlington's prototype store design
- Whereas staff recommended the proposed signage for Burlington be limited to the business name, Planning and Zoning recommended by a vote of 6-1 to permit the business request for the addition of the department store's general retail products to be listed on the sign as well, "Ladies / Mens / Kids / Baby / Home / Coats"

Staff recommends approval of the Major Amendment to the 2014 Final PUD and Special Use Permit with the original conditions as presented to the Planning and Zoning Commission listed below, which continue to include recommendations to convert the pure white EIFS material to a darker earth-tone

color on the Burlington storefront facade and that the wall and ground signage be limited to the official Burlington business name:

1. The building elevations prepared by Interwork Architects, dated October 15, 2019, shall be revised pursuant to staff's recommendations, which include: the EIFS material for Burlington's façade shall be converted to a darker, earth tone tan or beige color; some type of cornice line or cap shall be added above the Burlington Nichiha fiber cement paneling; and the window and door framing systems for both storefront entrances shall be replaced with black or a dark bronze.
2. The building shall be allowed two wall signs, one for each business. Each business shall also be allowed access to a panel on the former Gander Mountain ground sign. Both the wall signs and ground sign panels shall comply with Village Code requirements, notably only the name of the business shall be permitted and all other height and size requirements complied with. The petitioner shall apply for sign permits for review and approval by the Community Development Department.
3. All activities shall be located within the building and the business shall comply with the village code requirements for public peace and safety. The Village Board reserves the right to require security or noise abatement measures should there arise any issues with the business operations, in particular during the overnight hours.
4. The business shall apply for and obtain any necessary Village stickers for vending machines.

Concerns regarding the Burlington side of the building included; the bright white behind the Burlington sign, the bright white on the lower brick, the height of the corneas, "Ladies / Mens / Kids / Baby / Home / Coats" beneath the Burlington sign, and the white on the monument sign.

After discussion, it was the consensus of the Committee to have staff continue dialogs with the developer to address the following:

- The Burlington signage with the underlying "Ladies/Mens/Kids/Baby/Home/Coats" would be allowed as long as it is part of their registered name/trademark;
- Bottom half of White EIFS material to right of storefront entrance shall be converted to Brick and Stone to match existing building
- Top half of White EIFS material above storefront entrance shall be changed to a beige color similar to the tone of the Planet Fitness
- Tone down the white background of the monument sign.

Once conditions are agreed upon/met, staff will then bring the matter before the Board for approval.

B. Consider an Appeal of Certification of Appropriateness Recommendation by the Algonquin Historic Commission for 121 N. Main Street, Jim Dawson Property Owner

Mr. Jim Dawson, property owner of 121 North Main Street, applied for a Certificate of Appropriateness for porch replacement on the property in question. In accordance with Section 10.07-C-3-c of the Old Town District Preservation Code, the proposed improvement is considered a "major improvement" and was reviewed by the Historic Commission on October 9, 2019. A copy of the meeting minutes is enclosed. The Historic Commission considered the petition and voted 5-0 recommending the issuance of a Certificate of Appropriateness with the following conditions:

1. The porch columns, spindles and newel posts shall all be turned, not square.
2. A decorative lattice skirting shall be applied to the base of the porch.
3. The petitioner shall be required to obtain a building permit from the Algonquin Community Development Department prior to starting construction.

Mr. Dawson is appealing the Historic Commission's recommendation to the Committee of the Whole. Specifically, Mr. Dawson is appealing the Historic Commission's requirement that the porch columns, spindles and newel posts must be a turned or round design. Mr. Dawson would prefer to retain the square columns, posts and spindles already constructed.

The property owner removed much of the home's existing front porch this summer, without a building permit, and is in the process of replacing the porch with new decking, stairs, railing, spindles and columns. Due to the vintage of the house – circa the late-1800s Victorian era – staff recommends

turned spindles and columns be used to be most compatible with the character of the home's design. Enclosed please find a copy of the staff report and back-up information that was provided to the Historic Commission and property owner, Mr. Jim Dawson. Staff will present a PowerPoint slideshow illustrating the details of the project at the Committee's meeting on Tuesday evening.

Mr. and Mrs. Dawson addressed the Committee indicating they were not aware they needed a building permit, for they felt this was a repair and not a replacement. With that said, the porch was in a deteriorated state and the repairs needed to be done due to safety concerns. The former posts that held up the roof of the porch and railings were metal and not of the era of when the home was built. He also argued that the requirements of the restoration would be consistent of an upscale Victorian home of that period, which this home never was. The construction done to the home was costly and to remove what was done and start over would be overwhelming. He asks if the Board would consider a compromise where he would not have to remove the unturned support posts but would replace the rails, spindles, newels with spun product, and install a lattice skirt around the porch.

It was the consensus of the Committee of the Whole to allow Mr. Dawson to leave the unturned support posts but replace the rails, spindles, newels with spun product, and install a lattice skirt around the porch.

C. Consider a Special Service Area for Spectrum Senior Living Development

This proposed SSA provides backup funding for common area and storm water maintenance. The Village would levy an additional property tax against this SSA in the instance that Spectrum Senior Living fails to perform the proper maintenance on these facilities. In that case, the Village levy will provide funding for that maintenance, and the Village would perform the maintenance. The Village has to provide notice of failure and an opportunity to correct the issue prior to levying against the SSA. This SSA has been agreed to by Spectrum as part of their annexation agreement with the Village, and is a Village policy for new development.

Attached is a copy of ordinance 2019-O-31, that proposed establishment of the SSA, and was approved by the Board on September 17, 2019. A separate ordinance formally establishing the SSA would be presented for Village adoption at the December 3, 2019 Board meeting.

It was the consensus of the Committee of the Whole to move this forward for Board approval.

AGENDA ITEM 4: General Administration

A. Consider an Amendment to Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Algonquin Municipal Code by Adding New Section 43.35, Cannabis, amending Section 43.36, Drug Paraphernalia, and Adding New Section 43.40, Adult-Use Cannabis Business Establishments Prohibited

Ms. Cahill Presented:

As directed by the Village Board to create an Ordinance to address the Cannabis Sales/Use laws that go into effect January 2020. Her staff combined possession, public use, and prohibition of cannabis businesses and added these provisions to Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Municipal Code. This draft ordinance accomplished the following:

1. Creates a new Section 43.35, Cannabis. Section 43.35-A lays out possession limits, 43.35-B lays out exemptions (as allowed in the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act), and 43.35-C prohibits public use;
2. Amends the Drug Paraphernalia section to allow for drug paraphernalia as allowed in the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act; and
3. Creates new Section 43.40 prohibiting adult-use cannabis business establishments.

Also, the Village currently does not prohibit the possession of cannabis in its Municipal Code. There is a provision for Synthetic Alternative Drugs (Section 43.35) and for Drug Paraphernalia (Section

43.36). Therefore, we added a new section prohibiting possession in limits above the legal quantity that is now allowed.

Consensus of the Committee of the Whole was to move this on to the Board for approval.

AGENDA ITEM 5: Public Works & Safety
Bob Mitchard reporting

A. Consider an Agreement with Plote Construction for the Terrace Hill Roadway Rehabilitation Project

Bids were opened for the Base Bid and Alternate #1 for the project on October 22, 2019. We had five qualified bidders on the project submitting fairly competitive and consistent bids.

Alternate #1 broke out the section of Fairway View Drive that extends from the last house on the west side of Fairway View Drive to Algonquin Road, as we anticipate that section of road will be disturbed by future storm water culvert work and proposed residential development on the existing golf course. The Base Bid includes the rest of the entire Terrace Hill Subdivision, including utility and bridge work, and select sections of bike path.

Because of the uncertainty of future development in the area, it is our recommendation, at this time, to only award the Base Bid and reject Alternate #1, anticipating the deferment of that improvement to the future developer.

Plote Construction, Elgin, IL was the low bidder on the project with a Base Bid of \$5,529,917.00, and an Alternate #1 Bid of \$5,695,035.15. The Village of Algonquin has earmarked \$2.5 million dollars to the Terrace Hill project in the current FY19/20 Budget in Street Improvement and intend to budget the remainder in FY20/21. The engineer's estimate for the project was \$6,287,052.20, so our low bid is well within the estimate and our proposed budgets. The Water and Sewer Improvement Fund will pay for the sanitary sewer work on the project via funds that will be provided in next FY20/21 proposed budgets.

Therefore, we recommend that the Committee of the Whole take the action necessary to authorize the Board of Trustees to enter into an agreement with Plote Construction of Elgin, IL, for the Base Bid only, in the amount of \$5,529,917.00, and reject the Alternate #1.

Plote has worked successfully for the Village before and is currently working on the Longmeadow Drive project and the Randall Road widening project. We are fortunate to have them on the project and I anticipate a successful improvement.

Trustee Brehmer asked if there would be an ecologist on site throughout the project? Also, please ask the contractor to be cognizant of trash and cleanup throughout the project.

Mr. Mitchard indicated there will be an ecologist on site during the construction during the Woods Creek portion of construction. Plote will be working very closely with AES and Encap. It will be mentioned, in the pre-con meeting about the cleanup efforts.

Consensus of the Committee of the Whole was to move this on to the Board for approval.

B. Consider an Agreement with an Agreement with Williams Brothers Construction for the Waste Water Treatment Facility Phase 6 Improvements

Bids were opened on Wednesday, November 13, 2019 at 11:00AM in the Village Board Room and three responsible proposals were received on the project. All bids were in an acceptable and tight range, indicating our consulting engineer, Trotter and Associates, prepared a quality set of plans and specifications.

We are respectfully requesting to expedite the approval of this contract, so that we can begin the required paperwork and processes dictated by the Illinois Environmental Protection Agency for projects using the Low Interest Loan program. In addition, we need to work with our consultants and the contractor immediately to begin approving the shop drawings and purchasing of some of the long lead-time items associated with the aerobic and anaerobic digester conversions.

Therefore, we recommend that the Committee of the Whole take the action necessary to authorize the Board of Trustees to enter into an agreement with Williams Brothers Construction of Peoria, IL, for the Base Bid only, in the amount of \$16,270,000.00, and reject the four deductive Alternate bids.

Trustee Glogowski stated he had never heard of Williams Brothers Construction, so he did some research. This company comes highly recommended.

Consensus of the Committee of the Whole was to move this on to the Board for approval.

C. Consider an Intergovernmental Agreement with the State of Illinois Department of Transportation for the Route 62 Bridge Improvements

Very recently the Village was advised by the Illinois Department of Transportation (IDOT) that they plan to “overlay” the bridge deck over the Fox River on Illinois Route 62. When we met with IDOT staff, we requested several items be added to the scope of work:

- The installation of a “decorative” parapet and bike railing along the length of the bridge.
- The painting of the railing in a color required by the Village to match other elements of the downtown streetscape (black).

IDOT had proposed their “standard” railing systems using galvanized (grey) material and did not propose painting the railings. The decorative railings and black color are “nonstandard” in IDOT’s view and the Local Agency (Village) is required to pay the incremental difference for the standard and what IDOT considers and upgrade.

We have attached an Intergovernmental Agreement (IGA) and an exhibit that identifies the cost distribution related to the decorative upgrades requested by the Village. The Village share of the upgrades is estimated at \$142,600. You will note that depending upon the bid prices received, the Village cost could be higher as IDOT is limiting their contribution to the maximums noted.

IDOT would like to bid this project in January 2020 and the Village needs to act on the IGA and cost distribution. The Public Works Department has reviewed all the documents and the dollar amounts included, and, therefore, recommends the approval of the IGA and the Village costs associated with this project.

Trustee Brehmer asked, what is the timeframe of the project and if the specialty railing would cause any delay?

Mr. Mitchard indicated, the letting would begin in January with an April construction date. The specialty rails would not cause a delay.

Ms. Sosine asked if anything could be done about the ongoing graffiti under the bridge.

Mr. Mitchard indicated, they are in constant contact with the IDOT regarding the graffiti, but the construction division does not handle that type of work.

Consensus of the Committee of the Whole was to move this on to the Board for approval.

D. Consider an Agreement with Aries Industries for the Purchase of a Sewer Televising Camera and Tractor Unit

Tom Hall, Utilities Superintendent, has recommended the purchase of a new sewer televising camera and tractor unit. This unit will replace our 8-year old unit that has met its useful life and has had issues with ongoing maintenance and repair. The old tractor unit was designed to work in small pipe sizes, and now that we are televising both sanitary and storm lines due to the new MS4 regulations, we need a mobile tractor that can run in multiple pipe sizes without flipping or becoming stuck.

Therefore, we recommend that the Committee of the Whole take the action necessary to authorize the Board of Trustees to enter into a purchase agreement with Aries Industries, Inc. of Waukesha, WI, in the amount of \$42,742.00, for both the camera and the tractor transport unit.

Consensus of the Committee of the Whole was to move this on to the Board for approval.

AGENDA ITEM 6: Executive Session
None

AGENDA ITEM 7: Other Business
None

AGENDA ITEM 8: Adjournment
Being no further business, the meeting was adjourned at 9:45 pm.

Submitted by: Michelle Weber, Deputy Village Clerk