

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
JANUARY 23, 2018**

President Byrne called the meeting to order at 7:20p.m.

IN ATTENDANCE: President Byrne and Trustees Koch, Hebda, Marquardt, Oppenheim, and Schultz. Trustee Takaoka was absent. A quorum was established.

Also present were: Village Manager Kalmar, Assistant Village Manager Carey, Building Commissioner Atkinson, Chief Kreis, Public Works Director Brown, Finance Director Larson, Assistant to the Finance Director Bourdeau, Attorney Brankin, and Recording Secretary DeAnda.

1. APPROVAL OF COMMITTEE OF THE WHOLE MEETING MINUTES OF JANUARY 9, 2018

Motion by Trustee Schultz, second by Trustee Oppenheim, to approve Committee of the Whole Minutes for the January 9, 2018 meeting.

Roll call vote:

AYES: 5 – Marquardt, Oppenheim, Koch, Hebda, Schultz

NAYS: 0 – None

ABSENT AND NOT VOTING: 1 - Takaoka

Motion carried.

2. BEARS FIT - 155 E. TOWNLINE ROAD (AVM CAREY)

A. PRESENTATION OF CONCEPT PLANS FOR BEARS FIT HEALTH CLUB

B. REQUEST FOR CERTIFICATE OF BUILDING & USE CONVERSION

Cliff Stein, Senior VP & General Counsel, and Bill Oaten from the Chicago Bears Football Club (Bears) appeared before the COW to present the concept plans for Bears Fit, a boutique health club, and request a Certificate of Building and Use Conversion for the former Sports Authority building located at 155 E. Townline Road.

Sports Authority filed for bankruptcy in March 2016 and subsequently closed its Vernon Hills location. Since that time, the property owner has not been successful in attracting retail tenants to this location.

Bears Fit Description

The proposed Bears Fit will be owned by Football Fit Chicago, LLC, a joint venture between the Chicago Bears Football Club and Mark Mastrov, chairman of New Evolution Ventures. Bears Fit intends to occupy the entire 45,000 square foot space of the former Sports Authority building. The Bears Fit will provide a unique fitness experience, allowing members of the public to take part in many of the strength, recovery, and athletic training activities used by the Chicago Bears.

Bears Fit will be the first Chicago Bears themed fitness club and only the third NFL team themed fitness club in the country (Dallas Cowboys and San Francisco 49ers also have fitness clubs). A Browns Fit is also under consideration. As part of their partnership with the Bears, Football Fit will have a license agreement to use the Chicago Bears' intellectual property which includes the sale of Bears merchandise at the health club.

The Bears are currently proposing no exterior modifications to the building and intend to install signage reading "Bears Fit" and a logo that meets the Village's Sign Code (logo can be no greater than the height

of the letters or the width of two letters). The architectural rendering in the packet illustrates their proposal. Bears Fit indicated they plan to resurface the existing parking lot as part of the proposed development. Any substantial site, landscaping, or architectural modifications will require Bears Fit to appear before the Village Board for approval.

Request for Certificate of Building and Use Conversion

The property is zoned BP-Business Park and falls under the Continental Executive Park Annexation Agreement. A health club is a permitted use under this zoning classification. However, the property also falls within the Village's Core Retail Area which places restrictions on converting retail sales establishments to non-retail sales establishments. For stand-alone buildings over 20,000 square feet, a Certification of Building & Use Conversion is required.

The Village Board may authorize the approval of the Certificate of Building and Use Conversion based on one the following standards:

- The proposed building conversion either through its unique nature or via commensurate PILOT (payment in lieu of taxes) equivalent will not have a detrimental impact on the fiscal health of the Village; or
- The proposed building conversion will strengthen the economic viability of the adjacent properties and Village; or
- Without the proposed building conversion, the property cannot yield a reasonable rate of return.

Bears Fit is not proposing any PILOT and believes the unique nature of the health club will have a positive impact on the Village and strengthen the economic vitality of adjacent properties by increasing traffic into the area. Bears Fit intends to sell Chicago Bears merchandise and estimates that they will generate approximately \$500,000 in annual revenue. This equates to approximately \$6,250 in sales tax for the Village.

Bears Fit requested direction from the COW on the appropriateness of the Certificate of Building & Use Conversion. This approval would allow Bears Fit to move forward with acquiring and developing the property.

Trustee Hebda expressed concern that competition with Bear Fit might affect the Park District's ability to repay its loan to Village for Lakeview Fitness Center.

Motion by Trustee Koch, second by Trustee Schultz, directed staff to prepare the necessary Ordinance granting a Certificate of Building & Use Conversion for Bears Fit for 155 E. Townline Road.

Roll call vote:

AYES: 5 – Marquardt, Oppenheim, Koch, Schultz, Byrne

NAYS: 0 – None

PRESENT: 1 - Hebda

ABSENT AND NOT VOTING: 1 - Takaoka

Motion carried.

3. VILLAGE BOARD REVIEW AND CONSIDERATION - UPDATING THE VERNON HILLS BUILDING CODES FROM THE ICC 2012 EDITION TO THE 2018 EDITION (BC ATKINSON)

BC Atkinson presented a background and proposed building codes.

Background

The Village has traditionally adopted the International Code Council (ICC) series of model codes (formerly BOCA). These nationally recognized model codes are updated every three years by its Standards Council. The 2018 edition represents the most recent publication offered by this agency.

Currently, the Village utilizes the 2012 edition of the model codes. Over the past several months, staff has been reviewing the updated series of codes and is now prepared to recommend adoption of the 2018 editions to the Village Board. Staff is not recommending amendments beyond those that were previously authorized by the Village Board. Staff does recommend elimination of the following existing amendments for the reasons described therein:

1. *110.3.9 Other inspections.* “In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the code and other laws that are enforced by the Building Division.” *This amendment is no longer needed because the new code authorizes the Village to require these inspections, including third party inspections as determined by the Building Official.*
2. *507.3 Sprinklered, one-story.* “The area of a one-story, group A-4, B, F, M or S building shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18 288mm) in width.” *The updated model code is more restrictive than the existing amendment. This allowance is now only granted for use group F or S.*
3. *1029.5.3 Protective covers.* “All window wells shall have a protective cover to prevent people and animals from falling into the well”. *The updated model code now requires protective covers. The amendment is no longer needed.*
4. *1507.2.8.2 Ice Barrier.* “An ice barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the eave's edge to a point at least 24 inches (610 mm) inside the exterior wall line of the building.” *The updated model code now requires ice barriers. The amendment is no longer needed.*
5. *R310.1 Emergency escape and rescue required.* “Basements and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue.....
Exception: For other than sleeping rooms, the Building Official may allow less than the minimum opening requirements prescribed in section R310.1 in connection with basement remodeling.” *The updated model code now grants this allowance to the Building Official.*
6. *R311.7.8 Handrails:* “Handrails shall be provided on at least one side of each continuous run of treads or flight with three or more risers.” *The updated model code now requires handrails where more than three risers exist. The amendment is no longer needed.*

7. *603.18.3 Location of registers.* “There shall be no floor registers installed in kitchens, bathrooms and other areas where deleted there exists a potential of water entering the duct through such register.” *This amendment is out dated as supply registers are typically used in bathrooms (Return vents are not). The code now establishes a minimum distance that registers are required to be from sinks, showers and bath tubs; and return vents continue to be prohibited.*

As part of the process, I reviewed and discussed the draft Ordinance with our shared inspection service partners from Mundelein and Libertyville. Buffalo Grove and Lincolnshire also received copies although they are not yet part of the shared inspection agreement. Sharing updates and amendments supports our continuing goal to work toward Building Code consistency between communities.

Maintaining the most current codes allows the Village to be current with the latest construction methods and materials assuring that code requirements are consistent with the needs of the community. The periodic update of these codes also allows the Village to maintain its ISO (Insurance Service Office) rating, which is assessed based on the qualifications of the Building Division staff, the manner in which the division is run, and the adherence to current recognized codes and standards.

Proposed Building Codes

The International Code Council (ICC) publishes ten model codes which encompass all disciplines of building construction. A summary of the codes being considered for adoption includes:

1. *International Building Code:* Establishes the minimum requirements to safe guard the public health, safety and general welfare through structural strength, means of egress, stability, light/ventilation and safety to life and property from fire and other hazards attributed to the built environment for all buildings except one and two family dwellings.
2. *International One and Two Family Dwelling Code:* Establishes the minimum requirements to safe guard the public health, safety and general welfare through structural strength, means of egress, stability, light/ventilation and safety to life and property from fire and other hazards attributed to the built environment for one and two family dwellings.
3. *International Mechanical Code:* Provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, operation and maintenance or use of mechanical systems.
4. *International Fuel and Gas Code:* Provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, operation and maintenance or use of fuel gas systems.
5. *International Fire Code:* Establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire or dangerous conditions in new or existing buildings and to provide safety to fire fighters during emergency operations.
6. *International Property Maintenance Code:* Ensure public health safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises.

7. National Electric Code: Establishes the minimum requirements for the installation of electrical conductors, equipment and raceways; signaling and communication conductors, equipment and raceways; and optical fiber cables and raceways for buildings, structures, yards and parking lots.
8. International Energy Conservation Code: Regulate the design and construction of buildings for effective use of energy and to promote innovative approaches and techniques to achieve effective use of energy.
9. International Existing Building Code: Provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by alterations or additions to existing buildings.
10. International Wildland-Urban Interface Code: Establish minimum regulations to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and to mitigate structure fires from spreading to wildland fuels.

Motion by Trustee Schultz, second by Trustee Marquardt, to direct staff to prepare the necessary Ordinances adopting the 2018 edition of the International Code Council (ICC) series of codes.

Roll call vote:

AYES: 5 – Oppenheim, Koch, Hebda, Schultz, Marquardt

NAYS: 0 – None

ABSENT AND NOT VOTING: 1 - Takaoka

Motion carried.

4. ADJOURNMENT

Motion by Trustee Schultz, second by Trustee Marquardt, to adjourn the Committee of the Whole.

Roll call vote:

AYES: 5 – Koch, Hebda, Marquardt, Oppenheim, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Takaoka

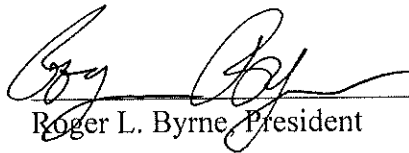
Motion carried.

Meeting adjourned 7:53p.m.

Approved this 6th day of February 2018



John M. Kalmar, Village Clerk



Roger L. Byrne, President

