



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

May 15, 2023

7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

President Hayes and the following Trustees responded to roll: LaBedz, Grasse, Shirley, Schwingbeck, Dunnington, Tinaglia and Bertucci. Trustee Baldino was absent.

Also present were: Randy Recklaus, Diana Mikula, Hart Passman, Charles Perkins and Becky Hume.

IV. APPROVAL OF MINUTES

A. Committee of the Whole 05/01/2023 Approved

Trustee Robin LaBedz moved to approve. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

B. Village Board 05/01/2023 Approved

Trustee Tom Schwingbeck moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley,

Tinaglia

Absent: Baldino

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register 05/15/2023

Approved

Trustee James Bertucci moved to approve in the amount of \$4,678,448.96.

Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

VI. RECOGNITIONS AND PRESENTATIONS

President Hayes said the Village received an application for demolition of certain structures on the Arlington Park site on May 5. The Village is reviewing the application to make sure it is complete and compliant with Village code. The Village does not have authority to withhold approval for any reason if the property owner's plans comply with the Code and the plans are complete. Commercial demolition is not subject to discretion. The Board has no role in its approval. Once the demolition schedule is finalized it will be shared with the public on the website, vah.com.

Trustee Tinaglia said the Board is doing all we can to be as transparent as possible regarding this site. This is one more step in the process. It's a marathon, and the race is just getting started.

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

Melissa Cayer said the Federal Department of Labor website has posted their pension fund report.

IX. OLD BUSINESS

A. Report of the Committee of the Whole Meeting of May 8, 2023

Approved

Election of President Pro Tem

Trustee Schwingbeck moved, seconded by Trustee Baldino that the Committee-of-the-Whole recommend to the Board of Trustees to concur in the Mayor's recommendation that

Trustee Robin LaBedz continue as President
ProTem for another two years.

Trustee Tom Schwingbeck moved to concur in the Mayor's appointment.
Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley,
Tinaglia

Absent: Baldino

- B. Report of the Committee of the Whole Meeting Approved
of May 15, 2023

Interview of Shelia Kessler for Appointment to
the Arts Commission - term ending 4/30/26

Trustee Robin LaBedz moved to concur in the Mayor's appointment. Trustee
Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley,
Tinaglia

Absent: Baldino

- C. Report of the Committee of the Whole Meeting Approved
of May 15, 2023

Consideration of recommending to the Liquor
Commissioner the issuance of a Class E liquor
license to Porky's BBQ, Inc dba Porky's BBQ
located at 41 S. Dunton Avenue.

Trustee Nicolle Grasse moved to approve. Trustee Robin LaBedz Seconded
the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley,
Tinaglia

Absent: Baldino

X. CONSENT AGENDA

CONSENT APPROVAL OF BIDS

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

The Motion: Passed

Absent: Baldino

- A. Wilke Road Resurfacing & Multi-Use Path – Approved
Phase 3 Construction Engineering Services
- B. Sodium Chloride (Road Salt) Purchase 2023 - Approved
Secondary Contract
- C. Full Roof Replacement at Fire Station #1 Approved
- D. Uniform Proposal Approved
- E. Stryker Medical LUCAS Device Approved
- F. Thermoplastic Lane Marking Services 2023 - Approved
Contract Extension
- G. Forrest Avenue Stormwater Improvements - Approved
Phase 1 & 2 Engineering Services Agreement
- H. Race-Chicago Stormwater Improvement Project Approved
- Phase 1 & 2 Engineering Services Agreement

CONSENT LEGAL

- A. Wilke Road Resurfacing & Multi-Use Path – Approved
Phase 3 Intergovernmental Agreement

Trustee Jim Tinaglia moved to approve A2023-24. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

- B. Resolution – IDOT Agreement – Wilke Road Approved
Resurfacing & Multi-Use Path

Trustee Jim Tinaglia moved to approve R2023-17/A2023-25. Trustee Robin

LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

C. Ordinance-Code Amendment-Chapter 13- Alcoholic Liquor Dealers Approved

Trustee Jim Tinaglia moved to approve 2023-29. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

D. Ordinance - Code Amendment - Chapter 13 - Alcoholic Liquor Dealers Approved

Trustee Jim Tinaglia moved to approve 2023-030. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

E. Budget Amendment - Illinois Attorney General Organized Retail Crime Grant Program Approved

Trustee Jim Tinaglia moved to approve 2023-31. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

F. Ordinance - Organized Retail Crime Grant (Fusus) Approved

Trustee Jim Tinaglia moved to approve 2023-32. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

G. Ordinance - Organized Retail Crime Grant (Flock) Approved

Trustee Jim Tinaglia moved to approve 2023-33. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

H. Ordinance - Organized Retail Crime Grant (AVI) Approved

Trustee Jim Tinaglia moved to approve 2023-34. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

CONSENT REPORT OF THE VILLAGE MANAGER

CONSENT PETITIONS AND COMMUNICATIONS

A. Permit Fee Waiver - Arlington Heights Memorial Library, 500 N Dunton Approved

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

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

XI. APPROVAL OF BIDS

XII. NEW BUSINESS

A. Betty Haag Academy of Music - 3255 N. Approved
Arlington Heights Rd. / PC#23-001
Land Use Variation to allow 'Music
Conservatories or Instruction' in M-1 District

President Hayes disclosed that his children were violin students of Mrs. Haag in the 1980's.

Betty Haag said her school moved to a site in the Village in 2021. It has a long and storied history in the community. Currently, she has approximately 100 students. They were unaware the site was not zoned for this kind of school until they applied for a business license. They were told to close within 60 days as they did not have permission to operate a school on the site and a sticker was put on the door. She believes they were treated unjustly.

Mr. Perkins said music instruction is not a permitted use in the zoning district. After the zoning was rejected, the school began to go through the process for approval. They do not have concerts on the site. If noise was an issue, then we could require noise reduction panels. The instruction is one on one. Staff and the Plan Commission recommended approval. There are some landscape issues on the site, but that is the responsibility of the property owner, not the tenant.

President Hayes noted one concern was the potential noise, there are 5 classrooms with individual instruction. The noise would not be louder than a person learning or practicing in a home. He said he was not concerned about the sound traveling.

Trustee Schwingbeck spoke with a few of the businesses nearby and none of them were worried that the noise would be disruptive. Mr. Perkins concurred saying no one came to the public hearing either. Trustee Schwingbeck said as there are other businesses there that are not manufacturers, he had no problem with this.

Trustee Bertucci asked Mrs. Haag if she agreed to the conditions. Mrs. Haag said she is willing to comply.

Trustee LaBedz pointed out that the petitioner is actually the property owner. Mrs. Haag is not responsible for the landscaping. This is not the first time this property owner has not alerted their potential tenants of zoning requirements. Mr. Perkins said they have been provided a letter saying that before they finalize a lease, future tenants should check with the Planning Department. Trustee LaBedz said she did not want this to happen to anyone else.

Trustee Dunnington asked if bicycle parking would be installed. Mr. Perkins said there are a couple of locations where they could be located, at this time it would be voluntary. The requirement is if the intensity increases causing more need for parking, otherwise it is not required.

Trustee Schwingbeck asked if the property owner agreed to the conditions. Mr. Perkins said the ordinance will be drafted, and the owner must sign that they are in agreement. Mrs. Haag said she could not afford soundproof panels. Mr. Perkins said that would be a private matter between the landlord and the operator.

Trustee Grasse said through the petition process, it is shown that we can be creative in bringing different kinds of uses to the community.

Ellen Placek-Zimmerman said she supports Mrs. Haag and the Academy. She said the Landlord agreed to the conditions at the Plan Commission hearing. This is not the first time this landlord has done this type of thing and she hoped the Village would put forth rules so others don't have to go through what Mrs. Haag has had to go through.

Alan Zimmerman said at the Plan Commission Hearing, the recommendations were put forth. The property owner acknowledged them. Anything beyond the front door is not Mrs. Haag's responsibility. Hopefully the Village can apply some pressure on the landlord so that Mrs. Haag can get a business license and function in the Village. Changing zoning should not be difficult. He said he was surprised the landlord has been able to create this kind of havoc for so long.

Trustee James Bertucci moved to approve the Land Use Variation to allow "Music Conservatories or Instruction" on the subject property with the following conditions: 1. The Petitioner, being an agent of the property owner, shall install landscaping in accordance with the approved site plan to the satisfaction of the Village no later than June 30, 2023. Should installation of landscaping not take place, the Village will enforce landscape installation requirements separately via the code enforcement process. 2. Should noise issues arise as determined by the Village, the proposed sound installation panels shall be installed with 30 days' notice. 3. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies. Trustee Tom Schwingbeck Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

B.	Metropolis PUD Amendment #2 - 11 S. Highland Ave / PC#23-003 Amendment to PUD to Amend Ord. 98-061, Variation	Approved
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Jeffrey Evans, attorney for the petitioner said they are seeking a variation for the Metropolis PUD. The area zoning is B-5, which allows medical offices, however, the PUD prohibits medical uses. They are hoping to build a dental office. The former use was a podiatrist/physical therapy office,

also a medical use, so their office would not alter the essential character of the property. The dentist is moving a few blocks from his original office of 16 years.

Mr. Perkins said the Metropolis PUD has three buildings on 3 lots. Medical uses can have a significant impact on parking. The previous medical use was there without the Village's knowledge. This is a 1,200 square foot space. There is sufficient parking for their use, as their clients are day clients. The Plan Commission recommends approval for only this space to be used as Medical within the PUD.

Trustee Schwingbeck confirmed that this is not an expansion of the practice. The office is closed Thursdays. Friday and Saturday are half days, two weekends a month. Is there interest in operating on Thursdays? Dr. Walter Zattera said no, he is keeping his current practice in its current form.

Trustee Grasse asked if there a different kind of garbage pick-up? Dr. Zattera said they do have a special pick up and they have that service contracted.

Trustee Tinaglia noted there is no room to grow in this space.

Trustee LaBedz explained there are several types of businesses which are exempt from municipal licensing by State Statute. Trustee Bertucci said many businesses which are licensed by the State are exempt from municipal licensing. Mr. Passman said there are some professions that are exempted from municipal licensure if they are licensed by the State, but not exclusively. He said he will work with staff so there is complete understanding.

Trustee Robin LaBedz moved to concur with the Plan Commission's recommendations. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

XIII. LEGAL

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| A. | Ordinance Amending Chapter 18 of the
Municipal Code Regarding Electric Vehicle
Parking | Approved |
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Mr. Recklaus explained that in October the Board decided to install electric vehicle chargers for residents and customers of the Downtown. These chargers have been installed and their operation brings forward some needed changes to the Code for parking enforcement to ensure these

spaces are used for charging and not parking. The proposed Ordinance also eliminates the banning of backing into parking spaces. Chargers can pay via app or credit card. Enforcement officers will check to make sure people don't plug in and just sit there. If people are staying in the charging space over the limit, they will be charged through the app or credit card. If they are not charging, they will receive a ticket.

Trustee Robin LaBedz moved to approve 2023-35. Trustee Wendy Dunnington Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

B.	Ordinance Amending Chapter 18 regarding Village Parking Facilities	Approved
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Mr. Recklaus said on April 10, the Board discussed possible code and physical changes in regards to the Village's parking garages to improve safety. The proposed Ordinance designates our parking facilities for parking only. If people are camping or using the spaces for other activities, they will be cited for trespassing. For those with property in the garages, notice to remove property within seven days will be given. After that notice, staff will collect the items and dispose of them after 30 days. Those currently camping in the garages are known to staff and we will let them know personally of these changes. The Village will be securing boxes that can be locked to store their materials if they are removed from the garages. Warnings will be given to first offenders; the next step is a ticket with a fine of \$5-\$850. Repeat offenders could be charged with criminal trespassing and be placed under arrest.

Trustee Grasse asked how this policy will be made known. Mr. Recklaus said staff will be speaking to the people who are occupying the garages now to give them some notice. Signs will also be posted. Most juvenile activity is skateboarding, bottle dropping, and jumping between structures. Individuals will be warned and their name entered into our system. After that, we will call the juvenile's parents.

Trustee Tinaglia asked what happens if someone is warned. Mr. Recklaus said if someone is warned, they will be asked to leave. Later that day a sweep will occur. If they have not left, or return, a ticket be issued. These interactions will be entered into the system.

Trustee Shirley asked how the Constitution protects personal belongings located in a public place. Mr. Passman explained a combination of Constitutional property rights and State laws inform how we can deal with abandoned property. The Ordinance intends to balance those rights and ensure garages are used as they were intended. The Ordinance gives the Village the ability to hold belongings left in the garages, gives the property

owners fair warning, says the Village will keep the belongings for a limited amount of time, and allows for unclaimed property to be disposed of.

Trustee Shirley asked if we tag it and they move it to another location in the garage, does the clock start over? Mr. Recklaus said there is a finesse aspect the police officers will have to deploy, but there is the chance that that could happen. Mr. Passman said there will be learning curve for those who leave their things in our garages. If it doesn't work, we can amend the Ordinance. Trustee Shirley asked if they don't show for the adjudication because we can't serve them notice, what happens. Mr. Recklaus said it can escalate if we find people repeatedly trespassing. They will be in the system, warned, fined, didn't show up, and can be arrested for criminal trespassing.

Trustee Bertucci said the safety of those who live, work and visit the Village is a fundamental responsibility of village government. This Ordinance makes clear the garages will be used for their intended purposes. This is the 3rd safety ordinance the Board has passed in the last 12 months. Earlier tonight, the Board voted for equipment to help police enforcement, last year a Hotel Nuisance Ordinance was passed and calls have decreased greatly. The Village is one of the safest in the Chicago metro area.

Trustee Dunnington thought the people in the garages will move somewhere else in the Village. What services will be offered to them? Mr. Recklaus said staff will continue to connect them with social services to help find a home or temporary housing. He met with Journeys to discuss how we can leverage our resources and strengthen our partnership with them. Journeys is opening their facility next week, and we hope that facility will be helpful. As the weather is getting nicer, its good time to change patterns and usage of facilities. The garages are not intended for living, they are for parking. The Village also has a General Assistance program, we will help them.

Trustee Dunnington suggested increasing the holding time to 90 days as their property may include ID's, insurance information, or medicine. Unhoused people have issues with time management. It could take a lot of effort to replace IDs and supplies. It takes homeless people on average 4 months to find housing. Mr. Recklaus replied 30 days is the staff recommendation because the longer you keep an item, the more likely security becomes an issue. We are trying to strike a balance and don't want to create more administrative issues.

Trustee Schwingbeck asked about those sleeping in the garage, can staff safely remove their items? Mr. Recklaus said it depends, we are working with our contract cleaning service on how to handle some of the items. Trustee Schwingbeck noted many of the homeless will not have the money to pay fines. These items are their personal effects and may be everything they own. If they are in the hospital, he could make a case for holding the items longer, would that be possible? Mr. Recklaus said if someone is

hospitalized or incarcerated, we could make arrangements to work with the individual. The idea is to have a standard, to give predictability. We hope they will take it upon themselves to move out on their own and it won't be a major problem. Notice will be put on the wall for them to find their belongings.

Mr. Passman said the 30 days is not accidental, it is based on case law, and the Federal case law has held up the 30-day rule.

Trustee LaBedz asked how much stuff will there be? Mr. Recklaus said it is not known. We will learn and adjust as we go. We will make it easy for them to retrieve their belongings.

Trustee Tinaglia asked how often are we going to patrol the garages? Mr. Recklaus said every day, a couple of times a day. Trustee Tinaglia asked if someone is being asked to leave, why can't we ask them at the very first discussion, to take their things with you when they leave? Mr. Recklaus said we can tell them, but it presupposes they have a place to put it. We will sign it and let them know. If someone is setting up, we will tell them to take their things and leave. Trustee Tinaglia said after the first wave of challenges are past us, before anyone makes a home, they will be stopped quickly. Mr. Recklaus agreed saying word is already spreading. We will continue to communicate with the people.

Resident Keith Moens said the Village shouldn't criminalize people who need our help. Rousting them along does not solve the problem. He doesn't see where social services are mandated to be offered to them. We are giving millions of dollars to a sports franchise who doesn't need it, and not offering more humane services to these individuals.

President Hayes responded that the Village is not giving millions of dollars to a football team. We are trying to strike a balance between the constitutional rights of these unhoused people and the rights of the people to use the parking garages safely. Everyone is a stakeholder including those who wish to park safely.

Trustee James Bertucci moved to approve 2023-36. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

President Hayes extended condolences to the family of William Ploger, a former Park District Trustee who passed away suddenly last week.

Trustee Schwingbeck reminded residents of the Memorial Day Parade on May 29th. Arlington Remembers signs will be passed along the Parade route.

XVII. ADJOURNMENT

Trustee James Bertucci moved to adjourn at 9:07 p.m. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Bertucci, Dunnington, Grasse, Hayes, LaBedz, Schwingbeck, Shirley, Tinaglia

Absent: Baldino