

**MINUTES
COMMITTEE-OF-THE-WHOLE
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF ARLINGTON HEIGHTS
BOARD ROOM
MONDAY, JULY 21, 2025 6:00P.M.**

BOARD MEMBERS PRESENT: President Tinaglia; Trustees: Bertucci, LaBedz, Manganaro, Santa Maria, Schwingbeck, Shirley and Zyck

BOARD MEMBERS ABSENT: Trustee Dunnington

STAFF MEMBERS PRESENT: Randy Recklaus, Village Manager; Nicholas Pecora, Chief of Police; Hart Passman, Village Attorney; Darren Brown, Social Services Coordinator and Kim Peterson, Recording Secretary

President Tinaglia called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited.

Approval of Minutes

None.

New Business

A. Regulation of the Use of Village Property

President Tinaglia advised that tonight's topic is very difficult and sensitive and the goal is to find out what options there are and what can be done.

Mr. Recklaus advised that in recent meetings there have been some residents who have spoken out about their concerns about a group of people congregating at a corner near the 200 block of North Vail. Some of the behavior does violate Village ordinances and those individuals have been cited, however some of the behavior does not fall under any Village ordinances and therefore cannot currently be acted upon. Staying or sleeping on a park bench for an extended period is not inherently illegal today, although the discussion tonight will include the possibility of the Village enacting a new ordinance to regulate some of this behavior. Mr. Recklaus stated that this issue relates to the much bigger issue of the unhoused or homelessness in our community. Some of the individuals who have been congregating on this corner are unhoused and some are not. Mr. Recklaus stated that it is important to note that any rules the Village puts into effect or considers putting into effect, have to apply to everybody in any circumstance throughout the entire community. Mr. Recklaus advised that Social Services Coordinator Darren Brown will be discussing some of the things the Village does now to address the issue of homelessness in our community.

Mr. Brown advised that there is a survey that's done every January called the Point in Time Count in Cook County that attempts to measure how many people are dealing with homeless related issues in the County, and at the last count, in North Cook County there were 470 individuals that were sheltered but homeless and 16 that were classified as unsheltered. Mr. Brown explained that the Health and Human Services Department, Social Services Division, provides a wide range of services with their primary function being to connect people with the existing resources in the community. In terms of long-term services, they don't offer many, as their services are more assessment referral, with a few exceptions. The Social Services Division has a small amount of money, that is donation driven, and can be used as emergency assistance to help the unhoused. Mr. Brown advised that the first thing they offer individuals are the routine resources through Continuum of Care through Cook County where they can present and request help for services. In this community, the two agencies that are available to the unhoused are Journey's, The Road Home and Northwest Compass. If these agencies cannot provide assistance than they will broaden their search to shelters further away, or if they are a vulnerable population of some kind, they may provide a temporary emergency shelter for them. Mr. Brown discussed how the use of these emergency funds has dramatically gone up, and as of right now, the Social Services Division has received 45 requests for help this year. Mr. Brown explained how there is not access to shelter availability on a regular basis and how they do sometimes have difficulty working with people due to their behavioral health challenges.

Mr. Recklaus advised that Hart Passman will talk about some of the legal options and limitations the Village would have in enacting an ordinance for regulating the behaviors currently being discussed.

Mr. Passman advised that this issue is not just an issue here in Arlington Heights, but around the country, partly because of a United States Supreme Court ruling last year, involving the City of Grants Pass, Oregon. In this case, the Supreme Court ruled that it is constitutional and permissible for municipalities to regulate and prohibit camping or sleeping on public property, even for those who are unhoused. Mr. Passman advised that if the Board wants to enact a new regulation or enforce its current ones, it has to be done with the actual activity in mind, and not the status of the person engaged in it. Mr. Passman stated that many communities in the area have looked at this issue since the Grants Pass decision, with some taking some various steps, and this is something that is in the Board's legislative discretion. If the Board does desire to see code amendments, Mr. Passman advised he can assist in preparing those to make sure they are compliant with the Grants Pass decision.

Mr. Recklaus advised that the Village Board has taken on some of these issues in the past, including the creation of an ordinance regulating activities in the Village's public parking facilities. Mr. Recklaus explained that it's easier to regulate activity in a space that has a particular purpose rather than regulating activity in an outdoor public space. Mr. Recklaus stated that for example, the Village Board can if they would like enact an ordinance that one cannot sleep on a park bench or on public property between 7:00 PM and 7:00 AM, however it would apply to anyone in those circumstances. Something else the Board needs to consider is that this is not an easy issue to regulate, and generally you're not solving the broader issue, you're just

moving it around.

Trustee Schwingbeck asked if the Village's current situation allows people to camp out on park district property or parkways on residential streets, which Mr. Recklaus advised that it does, unless the park district were to enact their own ordinance. Trustee Schwingbeck advised that listening to some of the residents that have spoken during recent meetings, it is his understanding that these individuals who are camping out on public property are also drifting onto private property, which he does not think is right. Mr. Recklaus stated that if someone is on private property, the owner has options for trespassing that person off the property and in this particular case, the Police Department has worked with the property owner to discuss their options.

Trustee Bertucci asked Mr. Passman if the Board decides to go in the direction of creating an ordinance, could they include a time frame and perhaps prohibit someone from sleeping on public property for more than two or three nights, as to not make the law too tough, which Mr. Passman advised that legally it would probably be okay. Mr. Recklaus stated that in terms of ease of enforcement, the easiest situation is where a Police Officer comes across a situation that is clearly in violation of Village code. Chief Pecora advised that the ordinance would have to codify if it's consecutive nights and the Officer would then have to make the observation and memorialize it to be able to testify to it, should the enforcement be challenged.

Trustee LaBedz asked if anything the Village Board does also regulates park district property, which Mr. Passman advised that anything the Village Board does would likely be restricted to Village owned properties. Trustee LaBedz asked if an ordinance could allow permit camping, which Mr. Passman advised that it could but he would want that permit to be generally available.

Trustee Shirley asked if the Village owns the train station property, which Mr. Recklaus advised they do. He then asked if anything that is done for public property would apply to the train station, which Mr. Passman advised that it could if they define it like that. Trustee Shirley advised that he would be in favor of something to provide law enforcement with some kind of tool they could use in these types of situations, and it is possible that people in this predicament who are compelled to move on, may actually get the help they need.

Trustee Manganaro asked Mr. Brown about the Point in Time survey and if he has any data of when those who are sheltered become unsheltered when the PADS sites close. Mr. Brown advised that he does not have any data on that, although there hasn't been a huge correlation that he has noticed during that time. Trustee Manganaro asked how long it may take for someone who is motivated to become rehoused, which Mr. Brown advised that most people he has worked with have gotten some sort of sustainability plan in about a month. Trustee Manganaro asked Mr. Brown if he has any data or experience on what happens when they are forced to move from where they are. Mr. Brown advised that their general philosophy is to try and provide some sort of resolution and path forward, as opposed to shifting things, and the overwhelming majority of people want to have shelter. Trustee Manganaro asked if an ordinance prohibiting sleeping or leaving belongings on public property would also apply to someone napping in Harmony Park or leaving things out before a concert,

which Mr. Passman advised that an overly broad ordinance would apply. Trustee Manganaro also asked if an ordinance that is crafted to prohibit multiple nights could open up the Village to a liability for targeting someone based on their status. Mr. Passman advised that the details of an ordinance would matter and an ordinance focused on nighttime versus daytime would be easier to enforce. Trustee Manganaro asked Chief Pecora what his opinion is on enforceability, which Chief Pecora stated that he thinks it's doable, but they have to make sure the right observations are made so they can support the burden of proof. Trustee Manganaro asked if the Police Department has experienced any change in behavior since the no trespassing signs went up near the courtyard, which Chief Pecora advised he is not personally aware of anyone trespassing since the signs were put up.

Trustee Zyck stated that the Village is dealing with two different issues, the situation with the public benches on Vail and the homeless issue. Trustee Zyck asked Mr. Recklaus if he knows how many public benches there are, which Mr. Recklaus advised he does not know, but can find out. Trustee Zyck suggested that perhaps the Village can utilize the current ordinance that prohibits parking on Village streets between the hours of 2 – 5 a.m. and extend that to prohibit individuals from sleeping on public benches between these hours. Trustee Zyck asked Mr. Brown if it is correct that there are issues with finding available space at the shelters, which Mr. Brown advised that it is, as there is only one shelter, Journey's, for the northern suburbs, which is a lot of communities. Trustee Zyck stated that the Village needs to help the homeless as much as they can. Mr. Brown stated that he thinks there are some opportunities for better solutions, but everyone is facing these challenges.

Trustee Santa Maria asked if this ordinance would apply to someone sleeping in a car, which Mr. Passman advised that it depends on how the Board crafts the ordinance, although he has not seen a post Grants Pass ordinance that includes a car that is on the street. Mr. Recklaus advised that nobody has discussed this yet at Staff level. Trustee Santa Maria asked Chief Pecora how he envisions enforcement of an ordinance such as this. Chief Pecora advised that if the ordinance as proposed here states that more than two consecutive days would constitute a violation, an Officer would have to memorialize it in a police report or personal observation, and then take action by issuing a local ordinance ticket if a violation does occur. Trustee Santa Maria asked if they would then be jailed, which Chief Pecora stated they would not. Trustee Santa Maria asked if posting a no trespassing sign between public and private property is a good first step for property owners, which Mr. Passman advised that private property owners have the authority to define who is and is not permitted on their property and take steps in that regard. Trustee Santa Maria stated that Mr. Brown suggested there are opportunities for better and would like to challenge the Board to utilize their time to think about the what the opportunity for better would be versus thinking about criminalizing people who are already hurt and would love to think about a task force and work with the Social Services Division. Trustee Santa Maria asked Mr. Brown what he needs from the Board, which Mr. Brown advised that the continuum of care is a very difficult system to understand and follow in terms of how people move through it and the suburbs can communicate and work together to create some coordination. Mr. Brown also suggested that ensuring the Village is doing everything they can to support these agencies that are doing the work in the communities is very important to get the positive outcomes that we want. Trustee

Santa Maria stated that she is struggling with fact that the Board just decided that attainable and affordable housing is one of their strategic priorities and now they are discussing the possibility of this ordinance, which are in disagreement with each other.

Trustee LaBedz asked if a no trespassing sign must be posted for a property owner to call and say that someone is on their property uninvited, which Mr. Passman advised that the alleged trespasser has to be on notice. Chief Pecora stated that the trespasser has to be given forewarning, by means of either a trespass warning or posted sign.

President Tinaglia advised that when it comes to this issue, he is focusing on safety and not criminalization. Safety is important to him and he wants to keep the community wonderful and safe. President Tinaglia stated no one can just claim a space that doesn't belong to them and is in favor of crafting something that allows these individuals to find better solutions. President Tinaglia advised that he is all in favor of creating a task force with neighboring communities to come up with better solutions on how the Village can serve this community.

Trustee Schwingbeck advised that he is in favor of crafting something as well, as he is concerned if they don't do anything anyone can just camp out anywhere, which could ultimately affect a property owners home value or ability to sell their home.

Philip Grier, 226 S. Vail, advised that he has worked with the homeless population in Chicago and wants everyone to recognize that they are human beings. He thinks that the Village could approach the various PADS sites and ask if they would be willing to work with the Village to remain open during the summer months. Mr. Grier also stated that the Village needs to think creatively about affordable housing options.

Terri Passolt, 1310 N. Sunset Terrace, stated that the last mental health board that was elected didn't accomplish anything and advised that she is hopeful the newly elected board will. Ms. Passolt stated that the federal government is failing the people of this country and the state and local municipalities need to step in and provide affordable housing and mental health care to help the homeless. She asked to not criminalize the homeless and thinks that the mental health board funds could fund a mental health emergency room.

Jean Wood, 1346 Village Drive, advised that there are many reasons that there are unhoused in our community and hopes that the causes for the situation before the Board tonight are the primary concern and it should not be incarceration.

Monika Stajniak, 1234 Aspen Dr., Elk Grove Village, stated that she is a street outreach program manager and would like to discuss how they can respond to homeless in the community and shift from reacting to real solutions. Ms. Stajniak advised that telling people to move along without giving them a place to go doesn't solve the problem, it simply hides it. It costs more to manage homelessness than to help and house a person and what the homeless need most is safety, stability and support.

Janet McDonnell, 1322 N. Vail, stated that we live in a time of extreme wealth

inequality in America and it's only getting worse and we need much more than band-aid policies that sweep the problem down the road or to the next bench. The Village needs to think creatively and strategically about how to help the unhoused people get the assistance they need to get their lives back on track.

Keith Moens, Arlington Heights resident, advised that he thinks this is an overreaction and asked if the Village really needs this ordinance. Does the Village really need to be the first municipality since Grants Pass, Oregon, to wrestle this problem, which is nothing new, as it seems as if the Village already has the tools to deal with the situation on Vail. The Village has the resources and expertise to help the person on the bench and alleviate the stress of the residents nearby.

Mr. Recklaus advised that there are roughly 100 park benches in the central business district and just a small handful outside.

Mr. Recklaus stated that Trustee Dunnington was unable to make this meeting but wanted her comments read, which is as follows: "I am not in support of a new ordinance that limits sleeping and camping on public property in Arlington Heights. Criminalizing unsheltered individuals might address a specific concern but it is not an effective solution to the problem of homelessness. Instead, I prefer that our experts in Health & Human Services work with unhoused individuals and provide them with the appropriate services for their situation. The AHPD should continue to work within the existing noise, littering and open alcohol ordinances to deter those activities. Finally, I believe that the Village should focus on affordable housing and shelter space to combat homelessness."

President Tinaglia advised that the purpose of this meeting was to learn and gather information so they can decide if anything needs to be done and what it might be. President Tinaglia asked if anyone on the Board would like to make some sort of suggested conclusion to direct staff to do anything further on this or make a motion to craft an ordinance.

Trustee Santa Maria asked if the AHPD could physically move a person or tell them that they have to leave, which Chief Pecora advised that they could always tell them that they are in violation of the ordinance but they could put hands on them.

Trustee Zyck advised that the Board needs to know what Mr. Brown and his team need to be able to handle these types of situations, as he cannot figure out how an ordinance would handle this situation and handle it the right way.

Trustee Manganaro stated that given the Board has no consensus and there is a Board member missing, he would like to motion that they table this discussion until they get some of these answers from Staff. Mr. Passman stated the motion should be made to continue the discussion.

Trustee LaBedz advised that she agrees with a continuance of this discussion, as she is not in any position to come up with any kind of an ordinance, because this is a short and long-term issue that cannot be solved in one night. Trustee LaBedz also agrees with forming a task force to look at some of the long-term issues.

Trustee Bertucci advised that no one wants to criminalize someone that's going through homelessness. Trustee Bertucci stated that the Board still needs to keep in mind what the effect is to those residents that are directly affected by situations like this and he is favor of continuing the discussion, but would like it to occur soon.

Mr. Recklaus stated that what he has heard collectively from the Board tonight is that they would like focus on enforcing the negative behaviors versus the issue of being present on a bench or particular spot, as well as working on the deficiencies in terms of regional coordination and coordination with the municipalities in Cook County on some of these issues. Staff can reach out to some of their counterparts in neighboring communities to see what is working for them and perhaps form a work group to work with the county better.

Trustee Shirley stated that he feels like they are letting down the people in that apartment building. He is in favor of continuing the discussion, however many of the suggestions discussed tonight, the Village is already doing and he doesn't think looking out for these property owners takes them away from their strategic priority of attainable and affordable housing.

President Tinaglia asked Mr. Recklaus if there is a potential date that they can continue this discussion, which Mr. Recklaus advised that they can do it at the August 11th COW meeting, or before an upcoming Regular Board Meeting.

Trustee Manganaro moved, seconded by Trustee Santa Maria, to continue this discussion until such time as they can see the situation play out a little further and they have all of the Board members present and so they can get more information to help them reach a consensus.

Upon a voice vote, the motion passed unanimously.

Other Business

None.

Public Comment

None.

Adjournment

Trustee LaBedz moved, seconded by Trustee Schwingbeck, to adjourn the meeting at 7:42 p.m. Upon a voice vote, the motion passed unanimously.