



MINUTES

President and Board of Trustees
Village of Arlington Heights
Virtual Meeting

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005

August 17, 2020

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: Rosenberg, Tinaglia, Schwingbeck, Padovani, Scaletta, Baldino, Canty and LaBedz.

Also present were: Randy Recklaus, Robin Ward, Tom Kuehne, Nick Pecora, and Becky Hume.

IV. APPROVAL OF MINUTES

A. Committee of the Whole 8/03/2020 Approved

Trustee Bert Rosenberg moved to approve. Trustee Tom Schwingbeck
Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta,
Schwingbeck, Tinaglia

B. Village Board 08/03/2020 Approved

Trustee Bert Rosenberg moved to approve. Trustee Robin LaBedz Seconded
the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta,

Schwingbeck, Tinaglia

C. Committee of the Whole 08/10/2020

Approved

Trustee Mary Beth Canty moved to approve. Trustee Bert Rosenberg
Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta,
Schwingbeck, Tinaglia

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register 08/15/2020

Approved

Trustee Bert Rosenberg moved to approve in the amount of \$3,681,974.32.
Trustee Mary Beth Canty Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta,
Schwingbeck, Tinaglia

VI. RECOGNITIONS AND PRESENTATIONS

President Hayes acknowledged the communication from the community on Diversity and Inclusion. It is a top 10 goal for the Board this year. Both making an Diversity, Equality and Inclusion (DEI) statement and developing an DEI Commission are being considered seriously. The Board wants to move forward in a careful and meaningful manner that would include matters in all of local governance. The goal is to include the other local taxing bodies, Park District, School Districts, Library and Townships. President Hayes wants to make sure we do it right and involve the whole community.

Mr. Recklaus said staff is making progress. Last week, four diversity consulting firms were interviewed and their proposals are being reviewed. An audit and plan for the Village will be conducted and created which will include a discussion in the fall with all community partners. Staff asked for a plan that includes feedback, needs assessment, areas of improvement and forward suggestions. Currently, we are working on a formal DEI statement but we want to make sure it reflects the views of the Board and our community, a canned statement won't do the issue justice. That work is underway and is the current team focus.

Trustee Canty asked if we needed to wait for the firm before there is a community meeting. Mr. Recklaus recommend that we have the firm on board because they have expertise in leading these discussions. They can facilitate a meaningful dialogue and ensure a thoughtful discussion.

Trustee Rosenberg asked if there are the other taxing bodies going to be involved at the outset. Mr. Recklaus said they would be involved in the community meeting portion. Then each organization can apply the information from the meeting. The Village Board will have to approve the contract. Trustee Rosenberg asked if staff reached out to the Northwest Municipal Conference to potentially dovetail on another community's experience. Mr. Recklaus said he spoke with them and has looked at other communities who have done these programs before. There are some parallel discussions going on. Ideas and experiences have been shared.

President Hayes said it was important to him for the consultant to be onboard as they bring experience in leading these conversations to help us work together in this goal.

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

Heidi Graham, President of the League of Women Voters, announced that tomorrow is 100th anniversary of the 19th Amendment. Not until 2018 did the local League establish a diversity committee. They have actively sought diverse voices, and are now one of the fastest growing Leagues in the nation. She offered the League's services and experience in running forums and having community conversations. She said the League wants work with the Village in establishing our community as being more diverse.

Ann O'Brien supports an DEI committee and a declaration. She was shocked at how little diversity there was when she moved her from the south many years ago. The Chicago area is very segregated. It lacks diversity because of history and economics. Arlington Heights is a Village of good neighbors and white privilege, and sometimes of bias. Now is the time to be proactive. There was much unease and misinformation disseminated regarding the local, peaceful protests. It had the hint of bias. Even unintentional bias causes racist actions.

Laurie Ford called to support Arlington Alfresco. She lives on Vail and has been nothing but pleased with how it has gone down. In the winter, fewer people will want to eat inside. Residents need to support these businesses. Noise is coming from the tops of the parking garages, not just music.

John Corbett said diversity is needed in the Police Department.

George Motto supports developing a commission on diversity, equity and inclusion.

Emails sent in advance of the meeting:

1. Dear Mayor Hayes and Village Trustees, As a bi-racial, black and white family, living in Arlington Heights, we request the Village to take a proactive, anti-racist stand and: (1) make a "Declaration in Support of Diversity, Equity, and Inclusion in Arlington Heights" and (2) create a Diversity, Equity and Inclusion Commission. We are asking the Village to formally make this declaration so the anti-racist values of Arlington Heights can be communicated to the larger community. We also ask for action, via a DEI Commission, to ensure we strive for anti-racism in all our policies and practices. Then we can truly be the Village we want to be – a Village of good neighbors. Thank you, Karen Joseph

2. In recent weeks, there have been several acts of hateful graffiti in our community. Like many others, I thought these were random until I started to hear from Arlington Heights residents of color. I have heard many stories of discrimination, both overt and subconscious. I look around our Village and I don't see many faces that don't look like mine. We don't have activities for people who are differently abled. We don't have representation from the LGBTQ community. And then we wonder why members of marginalized groups don't feel welcome in Arlington Heights. I have chosen to live here because I love my community and I want to raise my daughter here. I know that Arlington Heights can be a community that welcomes and includes all of its residents. If we open our minds and our hearts to the idea of diversity and inclusion, there are no limits to how wonderful our Village can be. Therefore, I urge you all to commit to a future ensuring equity, diversity, and inclusion through a formal declaration. In addition, I request that the Village put its commitment into action by creating a Diversity, Equity and Inclusion Commission. Thank you, Maria Zeller Brauer

3. As a resident, parent, and small-business owner in Arlington Heights, I'd like to express my support for the creation of a Diversity, Equity, and Inclusion Committee in our community and for the village to issue a declaration of Arlington Heights' commitment to diversity, equity, and inclusion. Both of these steps are necessary for our village to take a stand against hate and injustice. First, issuing a formal declaration of Arlington Heights' commitment to diversity, equity, and inclusion codifies our stance as a community and serves as a standard against which future decisions can be measured. Second, engaging a diverse committee of community volunteers will provide a variety of perspectives on issues and decisions, helping to ensure every decision made is true to our DEI commitment and advances justice in our community. We need this. For our neighbors who feel disenfranchised in this community, for our kids who need to see their community stand up against hate, and for all of our residents, who deserve equity and justice in the village they call home. Thank you, Jaci Devine, Ph.D.

4. Arlington Heights is a wonderful place to live. Taking action to support diversity, equity and inclusion will make our Village even better. We all know about the recent increase in racist vandalism that has been reported in the news. There is also a subtler, but just as hurtful, racism and bias in our Village reflected in hurtful comments regarding one's race. Children have been told that they are not invited to parties because of their race. Recently, a young biracial girl was told to tell people she was just white by a restaurant owner. These comments may not make the news, but they occur often and hurt the same. By modeling anti-racist behavior, and behavior that values diversity, equity, and inclusion, residents and patrons will know that they live, shop, or work in a Village that supports them regardless of their race. I ask that Arlington Heights join the ranks of many other Villages and Cities throughout Illinois and the United States by creating a Diversity, Equity, and Inclusion Commission, and by publicly adopting a Declaration on Diversity, Equity and Inclusion. These are easy steps the Local Government can take that will have a meaningful impact. Thank you, Angie Hamada

5. Dear Village Board of Trustees, During May 31-June 23, Arlington Heights saw blatant racist graffiti located around our town that included symbols such as the swastika and KKK. In those 24 days, 13 hateful acts were committed. While the offender of these events was caught, there has been more examples that have happened since. A local Lutheran Church has seen graffiti on their signs stating "Black Lives Suck" as well as the sign being ripped. I have been a resident of this community for 6 years and chose to raise my young family here, looking forward to carrying on our motto of "a city of good neighbors." But we cannot live up to this motto without acknowledging these hateful acts, being self-aware of the work that we have to do, and making sure that Arlington Heights is a Village for everyone, no matter their race, gender, ethnicity, sexual orientation/identify, etc. I urge the Mayor and the Village Board of Trustees to work with your fellow trustees to adopt the Declaration and form a Diversity, Equity, and Inclusion sub commission to demonstrate the importance you, and our Village representatives, place on truly being a City of Good Neighbors. Sincerely, Carina H. Santa Maria

6. I'd like to submit the following public comment for tonight's Village Board meeting: I am a 24-year resident of Arlington Heights, and I support the adoption of a diversity, equity, and inclusion policy and the assembly of a DEI commission by the Village. We are a city of good neighbors, and we need to demonstrate our commitment to providing a safe, welcoming environment for all of our residents, employees, and visitors, regardless of race, religion, ethnicity, gender, or sexual orientation. Thank you, Colleen Kave

7. I was angry and heartbroken to hear of the recent acts of hateful graffiti in our community. As word of these incidents made their way into our local friend circles and various community groups, we expressed our outrage, but learned these incidents were not isolated. Just more public. We heard

from many residents of color and marginalized groups who have not felt safe or welcome in Arlington Heights for some time, due to frequent micro-aggressions and more overt acts of discrimination/racism. As a mom to two children, my heart breaks for these families. All kids deserve to grow up in a community that is inclusive and accepting, regardless of their race, gender, and sexual orientation. I know that Arlington Heights can be that community, with your help. Please take a stand against these acts by issuing a formal declaration and implementing a Diversity, Equity and Inclusion Commission for Arlington Heights. Let's celebrate our diversity and show our residents that it is a welcome place for all. Thank you, Laura Mantel

8. To the Village Board, I am a village resident of several years and request that the village formally put forth a Diversity, Equity and Inclusion Declaration as well as create a Diversity, Equity and Inclusion Committee to maintain a focus and create a more substantive response to this important issue. The residents of the Village need the board's leadership to help insure that Arlington Heights is a desirable place for people of all backgrounds to live, work, and patronize. It is the responsibility of all of us in the community to enact policies and take action to create a truly inclusive community. We must all work to do this. It is critical that the village be affirming to all people. While we cannot control who chooses to live or work here, we absolutely can create the welcoming and inclusive environment necessary to attract the more diverse population we should aspire to. Thank you for your attention and commitment to this vital issue. Regards, Will Stephens

9. To the Village Board, I have been a resident of Arlington Heights for 6 years and the issues of diversity and inclusion are of the utmost importance to me. I request that the village formally put forth an anti-racist declaration as well as create a Diversity, Equity and Inclusion Committee to commit to working on this important issue. The residents of the village need the board's leadership to create change and make Arlington Heights a desirable place for people of all backgrounds to live, work, and patronize. It is the responsibility of community members as well as government representatives to enact policies and take action to create a more inclusive community that celebrates diversity. It is critical that the village take decisive action on this issue now and in the future. We have the power to create the welcoming and inclusive environment necessary to attract the more diverse population we should aspire to. Thank you for your attention and for your continued work for the village. Regards, Lauren Rzepka

10. In the book "Sundown Towns: A Hidden Dimension of American Racism," Dr. James Loewen identified over 500 Sundown Towns in Illinois, towns that refused to allow minorities within their borders when the sun went down. Loewen said towns with that kind of history suffer from what he calls "second-generation sundown town problems." He said they're often characterized by all-white police forces, teaching staffs and public

employees, and adds that such a monolithic situation harms the larger society. Whether or not Arlington Heights was a Sundown Town in the past, a Diversity, Equity and Inclusion Committee in Arlington Heights can help recognize and then improve upon diversity, equity and inclusion in our village. Wendy Dunnington

11. Dear Mayor and Board Members, Recent acts of racism and hate are increasing in our lovely village. Our officials need to take action to insure that AH is capable of being an inclusive, diverse and welcoming community. Worrisome that these acts seem to be increasing recently. Our community leaders and police department need to know the best way to deal with this. By forming a DEI (Diversity, Equity and Inclusion) commission or committee, we will move forward toward becoming a safer and more neighborly community. Having a more diverse group of village employees and police officers will also help communicate a commitment to provide a welcoming community and more accurately reflect our society. Being mindful of diversity, equity and inclusion, should also be something our leaders reflect and take action upon on a regular basis, in all communities. Will the Board be looking at the hiring practices for the Village? Will a DEI commission be formed to help our village be the best we know it can be? Thank you for your consideration and your service to our community. In kindness, Nancy Eberhardt

12. As a 10-year resident of AH, I am deeply concerned by the lack of diversity in our community and more so by our leadership's failure to address it. The need for action is increasingly apparent in recent incidents with hate related graffiti, in comments on neighbor groups in social media, and in the faces that represent Village leadership and our police department. Ultimately, it will be a significant factor in my family's decision to stay or leave the community when purchasing our next home.

13. Mayor Hayes has recently made statements that VAH does nothing to discourage POC from moving into the village; however, this viewpoint is naive and untrue. By simply failing to encourage and commit to increasing diversity here at home, you are sending a clear message about who is truly welcome. This passive and irresponsible approach is no longer acceptable to the people of Arlington Heights. I ask that the Village Trustees take intentional and decisive action to ensure authentic representation, empowered participation, full access, and a true sense of belonging for all people in Arlington Heights, beginning with a Declaration in Support of Diversity, Equity, and Inclusion, and creation of the Diversity, Equity and Inclusion Commission. Michele Hilgart

IX. OLD BUSINESS

- A. Report of Committee-of-the-Whole Meeting of August 10, 2020 Approved

DACRA and Administrative Adjudication

Trustee Padovani moved that the Committee-of-the-Whole recommend to the Village Board that the Village Manager enter into a software license agreement with DACRA to use in the administrative adjudication process and expand the adjudication process to include tickets written by police officers as appropriate. Trustee La Bedz seconded the motion. Motion passed.

Trustee Rosenberg asked how officers choose for an offender to be sent to adjudication over court. Chief Pecora said officers make their decision using the totality of the circumstances. They speak to the individual, and decide if the situation is perhaps a learning experience for a first offense. For a person with a documented history, criminal proceedings might be more appropriate. Trustee Rosenberg asked if the person has been previously arrested in another community, if we can access that data. Chief Pecora replied not at the local level, but we can check the Secretary of State's data base. It's the same with criminal history. Officers typically check internal and external resources to be thorough. We have 72 hours to press charges. There is no statewide data base for administrative adjudication, so we have to ask neighboring communities for adjudication records.

Trustee Greg Padovani moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT APPROVAL OF BIDS

A. Liquid Deicer 2020 - Contract Extension Approved

Trustee John Scaletta moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

B. Buffalo Creek Multi-Use Trail Extension Project Approved

Trustee John Scaletta moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

- C. Water Distribution System Leak Survey - Professional Services Approved

Trustee John Scaletta moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

CONSENT LEGAL

- A. A Resolution Approving a Second Addendum with the Illinois Department of Transportation (Improvements at intersection of Rt 14 and New Wilke Rd) Approved

Trustee John Scaletta moved to approve R2020-017. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

- B. A Resolution Approving an Intergovernmental and Subrecipient Agreement with the County of Cook, Illinois (Coronavirus Relief Funds) Approved

Trustee John Scaletta moved to approve R2020-018. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

CONSENT REPORT OF THE VILLAGE MANAGER

CONSENT PETITIONS AND COMMUNICATIONS

- A. Permit Fee Waiver - Arlington Heights Memorial Library Approved

Trustee John Scaletta moved to approve. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

XI. APPROVAL OF BIDS

- A. General Obligation Bonds, Series 2020 Approved

Trustee John Scaletta moved to move the Ordinance for approval to this point in the meeting. Trustee Bert Rosenberg Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

- B. An Ordinance Providing for the Issuance of \$11,650,000 General Obligation Bonds, Series 2020, of the Village of Arlington Heights, Cook County, Illinois, to finance water main replacement, street rehabilitation and public parking lot improvements in and for the Village, providing for the levy and collection of a direct annual tax sufficient to pay the principal and interest on said bonds, and authorizing the sale of said bonds to the purchaser thereof Approved

Mr. Kuehne said the Village received bids for the 2020 bond sale. This action will help the Village lower its debt service. We got the best rate we could hope for and the lowest rate he has seen in his career.

Anthony Miceli of Speer Financial said it was an excellent sale. They received 32 bids, and had 8 bidders. The winner was Huntington Securities. The bonds have a 10 year maturity with a 0.9217% rate. The

offering hit the market at a good time. The Village's credit worthiness was reaffirmed. Having good budgeting, strong reserves and liquidity provided for this high rating and the demand we saw today. This will give the Village \$13.7 million in project funds. The true interest rate equals 0.8979%.

Trustee Bert Rosenberg moved to approve 2020-016. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

XII. NEW BUSINESS

- A. Arlington 425 Planned Unit Development Ordinance 19-019 Request for Extension Approved

Trustee Tinaglia recused himself, his firm is the architect for the project.

Mike Firsel, attorney for Arlington 425, asked for a one year extension in the spring, but received 90 days. The project would now like an extension for the remaining 9 months. Mr. Recklaus explained the 90 day extension was granted to expedite resolution of power issue with Sigwalt 16 and ComEd. That issue is resolved.

Trustee Rosenberg asked if they needed the additional 9 months. Mr. Firsel said the future is uncertain because of the financial markets. They need the balance of the year and are working diligently to move this project forward. Do not want to ask for another extension.

Trustee John Scaletta moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck

Abstain: Tinaglia

XIII. LEGAL

- A. An Ordinance Granting an Exception by Approving a Pilot Program (PharmaCann, Inc., d/b/a Verilife, 1816 S Arlington Heights Rd) Approved

Mr. Recklaus said a few weeks ago, the Board directed staff to develop a pilot program for recreational marijuana sales with Verilife. Verilife is the existing medical marijuana retailer in the Village and already has a State

license.

President Hayes asked why the trial was 18 months versus 12 months. Mr. Recklaus said Verilife's original proposal was for 18 months. The Board can make adjustments if it likes. President Hayes said he would like a mechanism or criteria to cease operations if problems occurred. Ms. Ward said if the Board wanted to terminate the program, it could repeal the Ordinance. President Hayes said he wanted the ability to cease operations if something occurs that we don't want. If there is sufficient authority, then he is okay.

Trustee Scaletta said the Board can always repeal an action. The Ordinance presumes they will operate for 18 months. Verilife has been a good business and has been responsible. Now that they are expanding, our biggest concerns were parking and making sure they operated efficiently and did not create problems. If they manage sales online and set appointments, they will be able to do that. This meeting is enough notice that if there is an event, they will hear from the Village to remedy any problems. He said the business was acting in good faith already and is bring in extra taxes that were not anticipated. He is okay with 18 months.

Trustee Canty said she understood President Hayes' concern, but is inclined to go with the pilot program for 18 months. She said the Ordinance is a result of compromise and she appreciated the work to get this done on both sides.

Trustee Tinaglia said these days are in uncharted times with retail and online sales. He believes that we will need 18 months to get a good peek at how this will behave. The terms seem reasonable, and he would like to see them succeed.

Trustee LaBedz said she was said she was comfortable with 18 months. Recreational users will be making appointments. Verilife Chief Revenue officer Phil McMany clarified that medical patients do not need to make a reservation, but recreational users will to help to control traffic, customers and social distancing. They are operating under strict Covid protocols.

Trustee Rosenberg asked if they violate any laws, will the State will address the issues. Brandon Nemec of Verilife said their facilities are monitored 24-7 with remote access to the regulators. There is full camera access on a daily basis, and the Illinois State Police monitor for compliance. Depending on the issue, a different branch of law enforcement has oversight. The Village would investigate and report any issue we receive. The Village will do undercover operations to make sure underage people are not being served. Rather than reporting to the Local Liquor Commissioner, violations would be reported to the State. Trustee Rosenberg asked if there were violations could we pull the program? Ms. Ward said if they are not operating under State provisions, they have bigger problems than this pilot program. The State would shut them down

long before the Village would have an issue. The State controls licensing. The Village only has jurisdiction over parking and local controls, not licensing or operations.

Trustee Baldino said he was fine with 18 months and the Ordinance.

John Corbett asked if the Village has statistics on how much money we may have lost by not doing this earlier and how much we would lose in the future by not doing it? Mr. Recklaus said it is impossible to say exactly. We are conservatively estimating that the Village will bring in \$500,000 a year.

Mr. Nemec said Verilife will work in partnership with the Village and would like to be back and extend the pilot program.

Trustee John Scaletta moved to approve 2020-017. Trustee Mary Beth Canty Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

Nays: Hayes

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| B. | An Ordinance Amending Chapter 7 of the Arlington Heights Municipal Code (Article XVI Municipal Cannabis Retailers' Occupation Tax) | Approved |
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Trustee Tinaglia asked how the 3% tax rate was determined. Mr. Recklaus said it is the maximum amount allowed under State law.

Trustee Bert Rosenberg moved to approve 2020-028. Trustee Greg Padovani Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

Nays: Hayes

XIV. REPORT OF THE VILLAGE MANAGER

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| A. | Arlington Alfresco Continuation - Coronavirus Relief | Approved |
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Mr. Recklaus said staff is asking the Board for direction on the possibility of extending Arlington Alfresco. The event was developed in response to the Covid 19 pandemic as a way to safely serve customers, keep staff employed and keep the doors open. Staff is suggesting continuing operations until November 2nd or the first snow fall. The Village received 245 emails and the event has been viewed as a major success. Many people are asking for Alfresco to be open on an annual basis. The Village

has hosted many virtual meetings with residents and businesses. There are noise complaints from the Metrolofts Condominiums. We have tried to work with the music venues with varying degrees of success. The Village usually does not allow outdoor music except for the Sounds of Summer. Music was allowed this year because we know certain businesses are music venues first, and restaurants second. If we did make this an annual event, music would move back indoors, but that is not for discussion tonight. Staff is recommending that we continue to allow live music and work on a case by case basis rather than an across the board restriction. Mr. Recklaus reminded the audience that Arlington Alfresco was an emergency response and without it there would have been an extended loss of businesses.

President Hayes said he liked the suggestion to extend outdoor dining to November 2nd, but was concerned about first snowfall provision, as it seemed a little vague. A dusting should not shut it down. Mr. Recklaus said staff will be flexible. If we got to Nov. 2 and great weather continued for a few weeks, we would suggest keeping it going. The concern is tripping hazards after a snowfall and we cannot hand shovel the area.

Trustee Schwingbeck said although he loves Arlington Alfresco, if he had to put up with music at his home for a whole summer, he would not enjoy it. Leaving it to the discretion of the restaurants is not the answer. Not a weekend that has gone by that he hasn't gotten a complaint. He asked the restaurants to turn the music down. The music needs to stay within the restaurant's space. The restaurants do not need to be entertaining the whole downtown area. He said he would like the music and outdoor dining to continue but we have to control the music and turn it down. Police or Village staff should be standing at the entrances or at Vail and Campbell to monitor the music so residents can enjoy their own activities. Right now there is loud music, dogs, bikes, skateboarding, and no oversight at all.

Trustee Padovani agreed with Trustee Schwingbeck. Alfresco is a unique setting and has distinguished our town in ways we didn't anticipate. About 2,000 residents live downtown. He went to a condo in Metro Lofts last Friday and was surprised at how much louder the music was higher up. If one wanted to watch TV, the volume had to double to overcome the noise. If the windows were open it was louder. As the night went on, the volume of music went up. These folks will have been listening to it for 5-6 months. The dining is fine, the music is another consideration. Trustee Padovani said he would like the music to continue, but with the understanding that it stay within their boundaries. He said he didn't want the residents to experience this any longer.

Trustee LaBedz recounted her condo visit experience. The music got louder the higher up it went. On the parking garage the music is loud too. She suggested increasing foot patrols. Children are lingering on the top of the parking garage. She said when everything is on a complaint basis, where is the burden? After a point, people are frustrated and feel like they have not been heard.

Trustee Tinaglia said there have been unintended consequences. Alfresco has been such a success and a wonderful surprise. It's awesome. However, one kid's accident on a roof wreck's the whole thing. Things can happen and it behooves us to get it under control. He suggested a better form of guidance to make it a safe place. Originally, there was no music because we forgot that a few businesses depend on it. These buildings are like a canyon, the sound bounces off the walls and the sound gets louder and rises. The owners don't want to make anyone uncomfortable and we have to help them. He asked staff to offer thoughts on how to get this under control so everyone is happy.

Mr. Recklaus said there is an increase in number of young people hanging out on the parking deck during the day. Staff is discussing strategies and will put something in effect. Already, officers are being more aggressive and asking riders to dismount. Rotation message boards will be placed at the entrances of Alfresco reminding residents to get off bikes, keep dogs out, and keep a mask on. The officers assigned to that beat walk through and make their presence known, but they can't be there at all times.

Trustee Padovani asked what can be done about the noise. Ms. Ward said if the nuisance Ordinance is invoked, staff would have to be in a resident's home. Noise must prevent an individual the enjoyment of their home for the Ordinance to be actionable. Then code enforcement could happen. She suggested restrictions could be placed on hours or frequency of music. Trustee Padovani said the volume and the duration are the issues. Ms. Ward said noise must disrupt the quiet enjoyment of their property and it cannot be measured. It's a know-it-when-you-experience-it situation. An option is to write the business a ticket or talk to the business and have them turn the music down. She suggested having the business owners listen to the impact of their music.

Mr. Recklaus said the goal is compliance. The Village has tried to be understanding to the businesses, but we have received complaints. He asked how far the Board would like to go.

Trustee Padovani asked when late night revelers take up positions at the chairs and tables of one of the dining areas what should be done. Mr. Recklaus said that type of complaint is routine in a normal summer. Generally officers sweep through at closing time which discourages that behavior. If people hear a disturbance, they should call 911.

President Hayes said he didn't want to see police officers in people's condos. We know the people who are responsible for the music. He hoped they were getting the message. The Village cannot go on like this. Our residents can't put up with this anymore. You will have to change the volume immediately, or you will have to change how you operate.

Trustee Rosenberg agreed we should extend Alfresco to November, and

concluded with the comments about noise. He asked if there were noise level devices in the Health Department. He asked if a device could be mounted on a building and measure the sound and then notify the people who are producing the noise that they are in violation. Mr. Recklaus said he did not have knowledge of those devices. It is difficult to engage enforcement action on decibel levels and we don't have an Ordinance on decibels. Ms. Ward said the Village used to have decibel standards in the Code but now follows the State Code. She said noise outside is not the problem, you have to know what is happening inside. Trustee Rosenberg said if the noise hits a certain level outside, then it would be disruptive inside. Ms. Ward said legally, we don't know that. Mr. Recklaus said the only complaints have come from Metrolofts. No one else is disturbed. It's a particular issue for that building. Trustee Rosenberg agreed with President Hayes, the Board has an obligation to the residents to satisfy their issues.

Mike and Carrie Hemphill recommended a ceiling covering or buffering over the outdoor space that would prevent the noise volume going up. They live on Vail and they do not hear the music. They love Alfresco and the music sounds normal at street level. Perhaps if the speakers faced inward. The piano bar is very loud it feels like a competition. They need to lower their music.

Colin Gilbert thanked the Board for allowing and promoting Alfresco. He said it has done more good than they can imagine. It's been fantastic and he asked for the Board to extend it. The longer we keep it going the better for everyone. Every day we can serve people outside is a blessing. It helps employees, customers and businesses.

Jim Memolo said the event has been terrific for the town. As a downtown resident, he expects some level of ambient noise. Your tolerance of the noise cannot be zero. He hoped a compromise could be reached and asked for the Board to continue it. He said the acoustics in Metrolofts are pretty bad. If you move into an area like this, you should expect some ambient noise. In terms of these businesses being able to survive the cold dark winter, please consider an extension. He would hate to see a local business take a hit because one or two people were bothered.

Dave LoSavio said Downtown Arlington Heights is a place of fun and enjoyment. He moved to Metrolofts because he wanted to live in a downtown area. He said during lockdown it's been blessing because he didn't feel so segregated from society. He commended the Village for putting Alfresco together saying it showed up for the community and businesses. When you live in a downtown area, you expect to hear noise. It's a different year than it's ever been and it won't last forever. He suggested a little leeway at this point, music in the community is a blessing. He expressed hope that a balance could be found.

Greg Mazur said the central business district comes with some noise and bother sometimes. The people who live there need to take some

responsibility. Not all of these businesses are going to make it and the Village shouldn't make it harder than it already is. He asked if there was there anything else we can do to make them viable.

Chris Dungan of Hey Nonny said Alfresco was a lifeline. If we didn't have it, many of our businesses would be closed. They are a live music/local kitchen business and opened as a live music venue. If we take the music out, it's taking the identity of the business. They have been listening to the complaints, and talked to Metrolofts' building manager and association president. He believes they can work together to find common ground. President Hayes said he wasn't talking about limiting hours, but limiting volume. Mr. Dungan said they have been very careful and are always looking for ways to reduce noise. They will continue to look for ways to keep their music closer to their space.

Chip Brooks of Hey Nonny said Alfresco needs consistent but minimal police presence. Having one police person walking around would solve a lot of nonsense. Music is how Hey Nonny exists, without it they will be seriously injured. They always have their speaker pointed into their space. They monitor sound every night, talk to the musicians, and use decibel meters. They had a very good meeting with Metrolofts and would like to working together without involving the Village. Mr. Brooks said their business is at stake. They put millions of dollars into this venue and are trying to protect it. This is not a music festival, they are just trying to save their business and get through the next couple of months. Hey Nonny is not trying to cause trouble.

Larry Rebodos said music is who Big Shot Piano Bar is. The music is why people come. They did not intentionally go outside and are not trying to create noise. He said they are making the adjustments as they can and taking decibel meter readings. Their speakers are now pointed inwards.

President Hayes said the audience participation songs are the ones that need to be reevaluated. Don't stop the music, but the volume should be adjusted.

Carrie Hemphill said Alfresco has been a phenomenal experience. She asked for the Board to extend it and have it every year. She said it's like Europe and she would like to keep it and the businesses.

Trustee Scaletta said Alfresco has been a tremendous success, but this discussion is not about the future. There are potentially lots of parking issues and many things aren't open like Metropolis and the Ballroom. Commuters are not present. He said there should be two separate motions.

Trustee Scaletta moved to continue outdoor dining at Arlington Alfresco until November 2nd or the first significant snowfall.

Trustee Tinaglia seconded the motion.

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta,

Schwingbeck, Tinaglia
The Motion: Passed

Trustee Scaletta said he wanted to see the restaurants self-monitor. The Village has the right to end the entertainment option if it is untenable. Maybe the windows at Metrolofts aren't as thick as they need to be. These hard surfaces are a factor. He said he wants the businesses to find a way to work with Metrolofts. If they can't find a way to keep the music down after 2 months, then there won't be any music down there.

Trustee Tinaglia said it's a perfect storm for Metrolofts. The units have concrete floors, brick walls, concrete ceilings, and all the materials are exposed. Most homes have drywall and insulation, this building does not. It's 7 stories at the end and faces a canyon. When speakers are aimed at their space, the sound bounces back and forth and makes life miserable for the people in that building. There are 60-75 more days that we have to get through. Trustee Tinaglia said he didn't want to cut hours or the businesses ability to make money. He suggested putting up a tent with a heavy curtain to deaden the sound to stop the bouncing.

Mr. Recklaus said tents could be used, but they need to be very secure to survive the elements which makes them difficult for firefighters to remove quickly. There is limited access to the buildings, so tents may not be feasible. Trustee Tinaglia suggested looking at covers, buffers and smaller speakers. Somehow, we have to work this out together.

Trustee LaBedz said the music from Big Shot was the loudest and she could hear it down the street, not just across the street. It was surprising to her how loud it was. Separately, the businesses and employees are excellent at wearing masks at Alfresco but the people walking through are not. She said all of this could go away if the Village's Covid numbers go up. She asked residents to please be careful and follow the rules.

Trustee Padovani moved to allow music to continue with the restaurants self-monitoring. If there are continued complaints, action will be taken by the Board. Trustee Tinaglia seconded the motion.

Trustee Scaletta asked if the Village Manager had the authority to put an end to outdoor music or if it had to come back to the Board. He didn't want there to be a lag time for enforcement. Ms. Ward said the authority comes from the Board, the motion could be tweaked to give him that authority.

Trustees Padovani withdrew his original motion. Tinaglia seconded the withdrawal.

Trustee Padovani moved to continue music at Alfresco with self-monitoring the music and allow the Village Manager the authority to suspend the music until the Board has the ability to review.

There was no second.

Trustee Canty said she would like to try to do what's best for the majority. She said the Board needs to be careful empowering the Village Manager without objective standards to shut down music based on something so amorphized.

Ms. Ward said the Village Manager is able to enforce the nuisance Ordinance already. What you are getting at is the ability to extend the music and have the Village Manager be to be able to say, if there are too many complaints, to please stop. Ms. Ward said the Board can authorize the Village Manager to suspend music if it becomes a serious problem using the nuisance standard.

Mr. Recklaus discerned that the Board's patience for complaints is wearing thin. He is okay with staff using the authority they already have to issue citations. This would mean staff entering a home to determine if it meets the standard. Then we can issue a ticket.

There was much back and forth regarding the language of the motion.

Trustee Padovani moved to allow music to continue at Arlington Alfresco. The Board gives the Village Manager authority to suspend music at an individual business if it has become a nuisance or is significant. Trustee Tinaglia seconded the motion.

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia

The Motion: Passed

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

Trustee Tinaglia said he heard a lot about masks, dogs, and kids on the roof Downtown. He asked if there was budget for more police officers. Mr. Recklaus said staff will talk about strategies this week. There are budget constraints and the Country is in the middle of a recession. Trustee Tinaglia believes Alfresco will get busier as the weeks go on.

XVII. ADJOURNMENT

Trustee John Scaletta moved to adjourn at 10:34. Trustee Mary Beth Canty Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Scaletta, Schwingbeck, Tinaglia