



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

July 6, 2021

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: Grasse, LaBedz, Baldino, Bertucci, Scaletta, Canty and Tinaglia.

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

IV. APPROVAL OF MINUTES

A. Village Board 06/21/2021 Approved

Trustee Robin LaBedz moved to approve. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register 06/30/2021 Approved

Melissa Cayer asked what the payments to the Daily Herald were for. Mr. Kuehne said the could be a number of things: advertisements for employment, public notices or subscriptions.

Trustee James Bertucci moved to approve in the amount of \$1,960,435.72.
Trustee Richard Baldino Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

VI. RECOGNITIONS AND PRESENTATIONS

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

IX. OLD BUSINESS

- A. Report of the Committee of the Whole Meeting Approved
of June 28, 2021

Review of the 12-Month Period ending December
31, 2020 Annual Financial Report

Trustee Canty moved, seconded by Trustee
Schwingbeck that the Committee-of-the-Whole
accept the 12 month period ending December
31, 2020 Annual Financial Report.

Trustee Mary Beth Canty moved to approve. Trustee Jim Tinaglia Seconded
the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- B. Report of the Committee of the Whole Meeting Approved
of June 28, 2020

Review of the Capital Asset Policy Update

Trustee Baldino moved, seconded by Trustee
Bertucci that the Committee-of-the-Whole
recommend to the Village Board that the Board
Approve the Capital Asset Policy Update.

Trustee Richard Baldino moved to approve. Trustee James Bertucci
Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- C. Report of the Committee of the Whole Meeting of June 28, 2021 Approved

Review of the 2022 Capital Improvement Program Update

Trustee Canty moved, seconded by Trustee LaBedz that the Committee-of-the-Whole Approve the 2022 Capital Improvement Program Update.

Trustee Mary Beth Canty moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- D. Report of the Committee of the Whole Meeting of June 28, 2021 Approved

Operating Fund Overview/Recommended Budget Ceilings 2022

Trustee Scaletta moved, seconded by Trustee Tinaglia that the Committee-of-the-Whole recommend to the Village Board that the Board Approve the 2022 Budget Ceilings of \$81,592,500 for the General Fund; and \$25,035,500 for the Water and Sewer Fund.

Trustee John Scaletta moved to approve. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- E. Report of the Committee of the Whole Meeting of June 28, 2021 Approved

Review of the American Rescue Plant Grant - Spending Proposal

Trustee Canty moved, seconded by Trustee Scaletta that the Committee-of-the-Whole approve the American Rescue Plan Grant-Spending Proposal.

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

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- F. Report of the Committee of the Whole Meeting of July 6, 2021 Approved

Interview of Jay Virchow for appointment to the Bicycle and Pedestrian Advisory Commission, term ending 4/30/23

President Hayes administered the Oath of Office to Mr. Virchow.

Trustee Mary Beth Canty moved to concur in the Mayor's appointment.

Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT APPROVAL OF BIDS

- A. Dell Servers - I.T. Equipment Replacement Program Approved

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

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- B. HPE SAN Unit - I.T. Equipment Replacement Program Approved

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

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

CONSENT NEW BUSINESS

A. Cash in Lieu Approved

Trustee Jim Tinaglia moved to approve the Cash in Lieu from District 25, District 214, AH Memorial Library and AH Park District. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

CONSENT LEGAL

A. An Ordinance Amending the Zoning Ordinance of the Village of Arlington Heights, Granting Approval of a Planned Unit Development, and a Variation from Chapter 28 of the Arlington Heights Municipal Code (Hawkeye Chiropractic, 1650 S Arlington Heights Rd) Approved

Trustee Jim Tinaglia moved to approve 2021-023. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

B. An Ordinance Amending Chapters 28 and 29 of the Arlington Heights Municipal Code (Overlay Zoning District - Arlington International Racecourse Property) Approved

Trustee Jim Tinaglia moved to approve 2021-024. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

CONSENT REPORT OF THE VILLAGE MANAGER

XI. APPROVAL OF BIDS

XII. NEW BUSINESS

- A. Hiding Place Banquet Hall - 1863 W. Central Rd. Approved
- PC#21-008
Special Use Permit for a Banquet Hall

Mr. Perkins said Mr. Murati is expanding Toscano's into the space next door, adding a 120 person banquet hall. There are 271 parking spaces and no landscape maintenance issues. Even with a high demand parking analysis, there is a surplus of spaces. Staff and the Plan Commission recommend approval.

Trustee Scaletta asked what the condition was of the adjacent space. Mr. Murati said they are gutting it and then it will be built out. The outdoor seating will serve the restaurant more than the Banquet Hall.

Trustee John Scaletta moved to approve the recommendation of the Plan Commission for a Special Use Permit for a Banquet Hall in the B-2 zoning district. Trustee Robin LaBedz Seconded the Motion.
The Motion: Passed

Absent: Schwingbeck

- B. Mini-Golf - 955 W. Dundee Rd. - PC#21-011 Approved
SUP for Restaurant & Amusement Facility, Large

John Clery, attorney for the petitioner, said they have a contract to purchase the building contingent on the Board's approval of the project. The building has been vacant and the facility would be a welcome addition to the Village. There are no mini golf courses within 15 miles. They plan to improve the parking lot with landscape islands and upgrade the building. There are no concerns with traffic or parking. A bicycle rack will be added and they will comply with all Village regulations.

Mr. Perkins said this is a welcome upgrade. There are 69 parking spaces on site. Staff has requested that if a future cross access drive is needed, that it shall be installed. The facility will have food service and an arcade area. Staff and the Plan Commission recommend approval. There will be open golfing as well as kids' parties. There is no plan to add alcohol service.

Trustee Mary Beth Canty moved to approve the Plan Commission's recommendation for a Special Use Permit to allow a 8,400 SF Restaurant

and Amusement Facility (large). Trustee Jim Tinaglia Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

XIII. LEGAL

- A. An Ordinance Amending Chapter 2 of the Arlington Heights Municipal Code (Section 2-202a Quorum; Meetings) Approved

Mr. Recklaus explained the ordinance amends the time that Village Board meetings start. The former 8:00 p.m. time was one of the later start times in the metro area. During Covid, the Board started meetings earlier, and subsequently found that the Board prefers an earlier start.

Mr. Moens, who asked for this item to be removed from the Consent Agenda, asked if there will be a defined ending time. He noted some of the appointed Boards and Commissions have 10:30 p.m. end time. Could the Village Board also have an ending time? Mr. Recklaus said there used to be an informal rule of ending by 11:00 p.m. which went away a few years ago. Sometimes, discussions are timely, and the Village is hamstrung if the meeting goes late. If we are past the point of having a productive conversation it is always the Boards' prerogative to adjourn and continue the discussion at another time.

Trustee Jim Tinaglia moved to approve. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

- B. Permit Fee Waiver - Arlington Heights Park District Approved

Melissa Cayer suggested the financial books of the Village and the Park District show the true cost of the services and for the Village not to waive the fee. Mr. Recklaus said when another taxing body is doing work on their facilities, we typically waive the permit fees for them. They are taxpayer supported entities so it doesn't make sense to take money from one pocket just to put it in another.

Trustee Scaletta clarified that the costs being waived did not used to be included in the information to the Board. It is good to know what it is we are waiving for transparency purposes.

Trustee John Scaletta moved to approve. Trustee Nicolle Grasse Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck

C.	An Ordinance Adopting the Village's Flag Display Policy	Approved
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President Hayes clarified the proposed Ordinance. It was precipitated by the discussions in other communities about flying the Pride flag. This Ordinance codifies our longstanding unwritten policy of limiting the flags to those we fly currently, the Stars and Stripes, the State of Illinois Flag, the Village of Arlington Heights Flag and the POW/MIA flag. President Hayes explained that local government flag poles should be limited only those flags that all of its residents can support so should not have social or political comment on its flagpoles. He said there is a distinction between issuing a proclamation and flying a flag. A proclamation is signed by the Mayor, and has the names all the Trustees. Those proclamations belong to the 9 people as representatives of the community. Flag poles belong to all residents. Flying a flag means that the government endorses what it stands for, and that all residents owe allegiance to that flag. The flags that are indisputable are flown at Village Hall. From a practical standpoint, the Ordinance allows us to treat all requests the same and avoid controversial conversations. We don't need special flags to support diversity, equity and inclusion (DEI). There is already one symbol that already does that, the Stars and Stripes. One flag works for us all. It symbolizes peace, honor, truth and justice.

Trustee Scaletta concurred saying the Ordinance codifies the existing practice of the Village. Some people are using this opportunity to politicize the situation. The Board's job is to provide residents safety and wellbeing. He noted his support for people in the LGBTQ+ communities.

Trustee Bertucci agreed. He asked what the legal issues were regarding non-public and public forums in relation to flag poles. Mr. Passman said not all public property is designated for public speech. Public streets are a public forum. Village Hall is not. Flag poles are not public forum because they have not been opened up for political discussion. If a municipality makes a flag pole open to public expression, it becomes open to everyone on all sides of an issue. Trustee Bertucci asked if the POW/MIA flag was a considered a Federal Flag on par with the Stars and Stripes. Mr. Passman explained In 2019, former President Donald Trump signed a bill requiring the POW/MIA flag be flown with the US flag on certain federal properties at all times. There is a law that requires the POW flag to be flown at airports in Illinois and at State Parks. This flag has an express mention in the Illinois Flag Display Act. It makes sense to fly it with the U.S. flag and it fits with other governmental bodies.

Trustee Grasse asked if we had had an ordinance in place prior to 2019, would the POW/MIA flag be considered a special flag. Mr. Passman said it is not in the Statutes. There are differences in the law and the speech the Village engages in. President Hayes said this is part of our longstanding policy, and the flying of the POW/MIA flag goes back more than 30 years. The Federal laws and State laws do not impact the Village's choice to fly or not fly individual flags. The only flag we are required to fly is the American flag.

Trustee Tinaglia said he supports the LGBTQ community. He said there are certain flags he does not want to see on a taxpayer funded building. For him, it's not about the Pride flag, he doesn't want to open the discussion to other flags and spend tax dollars fighting about it. He recommends keeping it simple, straightforward and inclusive. If you are a resident, you are a part of Illinois, Arlington Heights, and the U.S.A. The Ordinance is not about singling anyone out, but the opposite, Old Glory is the most inclusive flag.

Trustee Grasse supports flying the Pride flag to recognize and respect that all are welcome in the Village. She does not believe it is a moral, partisan or political issue. She thinks it is to support those who have been persecuted and denied basic human rights. Flying the Pride flag symbolizes that we welcome all people in the Village. She does not support a restrictive response. There are legal ways we can remain open and reduce our exposure to lawsuits. Culture changes with time, and a static concept of tradition fossilizes our history. The Pride flag has flown over Federal buildings and over the State capital since 2019.

Trustee Grasse moved to amend the proposed Ordinance by inserting into A, #5 'other special flags recognized and flown by the U.S.A. or the State of Illinois by statute or proclamation or as requested by a sitting Village Board member and voted upon by the Village Board'. Trustee Canty seconded the motion.

Trustee Canty asked how many flag requests we get. Mr. Recklaus said the request this year was the first in his tenure. Trustee Canty said after this request, within 2 days, this Ordinance came forward. She said the Board is better and smarter than this. Trustee Canty said it seems opposite of furthering the DEI goal. The Ordinance gives special consideration to one non governmental flag, who's flag to which she is not opposed. She said the Stars and Stripes has not been historically inclusive as the country, and at one time said she was 3\5's of a person. That flag also previously stated her brother could not marry the man he loved. If we are welcoming, we should show we are welcoming. She said there was no pressing or urgent need to go through with this Ordinance at this time. Trustee Canty said the Pride Proclamation was hard fought and required a lot of discussion by the Board.

President Hayes strongly disagreed with this assertion that the Pride Proclamation was not unanimous. Trustee Canty said President Hayes did

not want a proclamation initially, but that he did ultimately vote for it, which she appreciated. President Hayes said his public actions and statements were clear and that Trustee Canty was misrepresenting him and defaming his character.

Resident Response

The following residents spoke against the Ordinance: Keith Moens, Meil Johnson, Luc Neacy, Roger Wohlner, Lisa Doty on behalf of Elisa Kohlber, Luke Sparreo, Felix Garkisch, Eric Hubbs, Will Kelly, Jean Furlan, June Furlan, Michael Furlan, Heidi Graham, Jean Wood, John Sparreo, Thomas Furyk, Janice Phares, and Corrine Fiore.

They cited the following reasons: Does not promote a progressive or welcoming community perception, a better policy could be crafted, it's a solution without a problem, it is not a first amendment problem, the timing is embarrassing, flying the Pride flag would show that LGBTQ people are valued and appreciated, it's an unnecessary prohibition of free speech, it's a step back from DEI goals, the reasoning is based on fear, the Village should represent people who have been marginalized, flying the Pride flag would help fight racism and hatred, it would improve property values, it would show we are progressive.

The following Residents spoke in support of the Ordinance: Mary Lou Olhava, Mark Rymsza, Diane Mulheim, Thomas Bruno, Steven Ryder, and Sue Hayes.

They cited the following reasons: putting up a flag does not make us more diverse, keep politics off the flag pole, the Village is acting on DEI so doesn't need a flag to show it, it's unwise to allow displays of special interests, the municipal flag pole is a visual expression of jurisdiction.

President Hayes said he was opposed to the amendment stating we can make our own decisions, and he didn't want the Village to be submissive to the Federal or the State governments. These are our flag poles, they belong to the people of the community.

Trustee Grasse said she researched successful ordinances and policies of other communities to allow for the change in culture that is our reality. Two different communities used her suggested amendment in their ordinances. This amendment means the State and Federal government vets the flags, so works as a filter or guide, and then we can decide for ourselves which flags we want to fly for ourselves.

Trustee Canty said the Pride flag flies in Chicago, Buffalo Grove and at the State capital. There is no reason we can't consider flying the Pride flag. This Ordinance takes away our opportunity to hear from our residents and make our own decisions.

Trustee Tinaglia disagreed with Trustee Canty regarding the Pride Proclamation assertion. He said the allegation was embarrassing and the

Board has never seen anything like it since he has been a Trustee. Old Glory is the only flag that should mean anything to anyone about being inclusive. We are all Americans, we are here for the same reason. When he ran for office, he heard the same things from residents; don't raise my taxes and fix the flooding. These issues are what people care about the most. The Village pays hundreds of thousands of dollars to attorneys fighting claims from people on issues they don't like. The Board members are basically volunteers, the folks who get paid are the employees. Those guys have to battle with the attorneys and take time out of their day. They are fighting battles over stupid things and it costs a lot of money. The only answer is to be completely inclusive of all, red white and blue. He expressed his love for his LGBTQ friends and family. He does not want to debate whose flag can go on our pole.

Trustee LaBedz said it seemed like flying the Pride flag was a no brainer. Then she learned there was a Juneteenth flag, how do you decide? She wrestled with the proposed Ordinance from the start. This is a very difficult decision. The American flag has not always been seen and observed in an inclusive manner. It has been used as divisive sometimes. Patriotism comes in all sizes and stripes. It would be easy to say it represents us all and ideally it does. She supports of the amendment by Trustee Grasse as a good compromise. Mr. Passman said the decision on what to fly is made by the government. The Ordinance alleviates the potential fight.

Trustee Baldino said he was sympathetic to the Ordinance and appreciates the symbolism of the flags we do fly. He said he would support the amendment.

The question was called on the amendment to the Ordinance.

Ayes: LaBedz, Grasse, Canty, Baldino

Nayes: Scaletta, Tinaglia, Bertucci, Hayes

The Motion: Failed

President Hayes said this was not a referendum on the Pride flag but a decision based on the bigger picture of requests that would be coming down the road.

Trustee John Scaletta moved to approve the Flag Display Policy. Trustee Jim Tinaglia Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Hayes, Scaletta, Tinaglia

Nays: Canty, Grasse, LaBedz

Absent: Schwingbeck

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

XVII. ADJOURNMENT

Trustee Jim Tinaglia moved to adjourn at 9:41 p.m. Trustee John Scaletta
Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Tinaglia

Absent: Schwingbeck