

**MINUTES
COMMITTEE-OF-THE-WHOLE
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF ARLINGTON HEIGHTS
BOARD ROOM
MONDAY, FEBRUARY 13, 2023 7:00P.M.**

BOARD MEMBERS PRESENT: President Hayes; Trustees: Baldino, Bertucci, Canty, Grasse, LaBedz, Schwingbeck and Tinaglia

BOARD MEMBERS ABSENT: Trustee Scaletta

STAFF MEMBERS PRESENT: Randy Recklaus, Village Manager; Hart Passman, Village Attorney; Nicholas Pecora, Police Chief; Kim Peterson, Recording Secretary

SUBJECTS:

A. Discussion of an Ordinance Amending Chapter 8 of the Municipal Code of the Village of Arlington Heights Regarding Street Performers

B. Environmental Commission Survey Results

Other Business

Adjournment

President Hayes called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited.

President Hayes advised that there are two items on the agenda to discuss, with the first being an Ordinance Amending Chapter 8 of the Municipal Code of the Village of Arlington Heights Regarding Street Performers.

New Business

A. Discussion of an Ordinance Amending Chapter 8 of the Municipal Code of the Village of Arlington Heights Regarding Street Performers

Mr. Recklaus explained how since the introduction of Arlington Alfresco a couple of years ago, the Village has experienced many good things, but it also brought some things that weren't anticipated, including the more continuous presence of street performers in the downtown area. As Alfresco progressed the Village started to look at their different options when it comes regulating street performers. Mr. Recklaus stated that they did not want to create an elaborate bureaucracy to manage street performers, nor did they want to ban street performers all together, as they create a certain ambiance and are enjoyed by many. However, they wanted to have some reasonable restrictions placed on these performances, therefore they created a

group of basic regulations that they believe are reasonable and allow “busking”, or street performing, to continue in the downtown area, but also eliminates some of the main nuisance concerns some people may have. The Ordinance would regulate street performers in public spaces, but not impact those performing on private property. No permit or license would be required and performers would be able to perform on public rights-of-way or Village parks, whether they’re requesting donations or work for free, from 9:00 a.m. to 9:00 p.m. They may not obstruct safe passage along the street or sidewalk, or erect any structure or tent to support their performance, nor will they be able to use any sound amplification at any time within the area bounded by Arlington Heights Road, Chestnut Avenue, the Union Pacific Railroad, and Sigwalt Street. The Ordinance does not apply to Village sponsored events, which includes Alfresco businesses who are regulated by Village license agreements. This Ordinance would be enforced by the Police, who regularly patrol Arlington Alfresco. If they observe anyone violating any of these types of rules, they can cite them or encourage them to not engage in this behavior. Mr. Recklaus advised that this Ordinance was sent out in advance to both the presidents of the downtown home owner’s association and downtown businesses, who generally had positive feedback.

President Hayes asked Mr. Passman to provide a brief summary of the First Amendment issues associated with this, and more specifically the reasonable time, place and manner restrictions. Mr. Passman explained how “busking” is a form of speech and it cannot be prohibited, but what the Village could do is impose a reasonable time, place and manner restrictions. The constitutional rights of those who want to play a musical instrument or sing on a public street have to be respected, therefore the Village has to permit some form of this. The Village has identified what they think are reasonable hours and some reasonable restrictions, so for those who want to engage in this form of expression, can do so in a manner that balances the needs of the residents, businesses and customers of the downtown area.

President Hayes asked Chief Pecora if there have been any police related incidents from any of these performers over the last few years. Chief Pecora advised there hasn’t been anything noteworthy that has been brought to their attention that has generated a police report, or response.

Trustee Bertucci stated that he likes the way the Ordinance is written and is in support of it. He believes this is a great start, but wants to be sure these street performers are not competing with some of the current music venues.

Trustee Schwingbeck stated that he likes the Ordinance and asked Mr. Passman if the current language that allows performers the use amplification if it is a Village sponsored event, or a business that uses their own space as permitted by the Village, is enough, which Mr. Passman advised that it is probably enough, although he thinks the Ordinance could be tightened up a little further to clarify these points. Trustee Schwingbeck stated that he thinks that a business who already has a license in the Alfresco zone should not be held to the same restrictions when it comes to the use of amplification. Mr. Recklaus advised that it is up to the Board to determine how far they want to go with the definition of a Village sponsored event.

Staff also discussed clarifying that any amplification is prohibited in the zone, as well as a change to how the zone is defined.

Trustee Canty stated that she is a little concerned with this language, as Alfresco tends to end fairly early in the season and there may be a situation when a downtown business might want to take advantage of the nice weather and have a street performer. Trustee Canty asked if they would be held to these restrictions because it would be outside of the Alfresco parameters, which Mr. Recklaus advised that even if it's not during Alfresco, the Village still has license agreements with the businesses to be on the public sidewalks, therefore these regulations would not apply. Trustee Canty stated that she thinks taking out the reference to "Alfresco" would make the intent clearer. Mr. Recklaus advised that "Alfresco" is not referenced in the way the Ordinance is currently written, it just states "Any Village Sponsored Event." In addition, Mr. Recklaus advised that Alfresco currently runs from May until the end of September, however the Village typically allows these businesses to keep their patio furniture out on the sidewalk, while the weather is still conducive to outdoor dining.

Trustee Grasse stated that she likes the simpleness of the Ordinance and that it's not overly restrictive. Trustee Grasse asked how the buskers will know about this Ordinance, which Mr. Recklaus advised they have discussed handing out flyers to first time offenders, as they are trying to encourage compliance and not focus on writing tickets.

Trustee LaBedz stated that she appreciates that the Village is considering having an Ordinance for this and asked if it's possible to delay the permitted start time to perhaps 10:00 a.m., as 9:00 a.m. is really early. Mr. Passman stated that he would have to check into this and if he doesn't find anything prohibiting the Board from moving this to 10:00 a.m., he will let everyone know.

President Hayes asked if it makes sense to hold off recommending approval of this tonight until these changes are made, which Mr. Recklaus advised these are relatively minor changes and if the Board wants to make a motion to draft an Ordinance with the changes discussed, that would be acceptable. Mr. Recklaus indicated that Staff would get something in writing to everyone before the next Board Meeting to make sure all of these changes were captured.

President Hayes asked if there was any public comment on this item and there was a response.

Chip Brooks, co-owner of Hey Nonny, referenced the proposed Ordinance and the suggested changes he made in red, and advised that his business's conduct downtown is governed by their license agreement and the people that his business hires to perform in his licensed area are not street performers and should not be included in this Ordinance. Mr. Brooks stated that they should be regulated under the license agreement, which has been done successfully, therefore he would like the Board to consider drafting as part of the final Ordinance something that says when the downtown business owners contract with performers in their licensed area, they are not included in this Ordinance. Mr. Recklaus advised that they are in

agreement with the intent, however he is unsure about how far they should go with the specificities.

Mr. Passman advised he would put similar language in hours of performance as there is in the beginning of sound amplification. Mr. Passman stated that this is uncharted territory, so they'll have to see how it all works.

Mr. Recklaus advised that the Village is trusting that the business is going to put a performer of good quality during reasonable hours, and that there is a stronger standard for the license agreement businesses.

Trustee LaBedz moved, seconded by Trustee Grasse, that the Committee of the Whole recommend to the Village Board approval of the Ordinance regarding street performers as drafted with the changes as discussed.

Upon a voice vote, the motion passed unanimously.

B. Environmental Commission Survey Results

President Hayes welcomed the members of the Environmental Commission and thanked them for all of their hard work on the survey, as well as all the great work they do for the community.

Mr. Recklaus stated the Environmental Commission took the initiative to put this survey together and the results are very enlightening. Mr. Recklaus noted that this is not a joint meeting of the Environmental Commission and Village Board, so there won't be a quorum of the Environmental Commission participating in the discussion.

Commissioner Theresa Jordan introduced the other members of the Commission that were present in the audience, including Chairperson Dennis O'Brien, Commissioner David Jaeschke, Commissioner Susan Skrudland, Commissioner Steven Sawyer and Commissioner Philip Flores. Commissioner Jordan advised that they did send the survey out to the residents this summer and they would like to present those results tonight, as well as some recommendations.

Commissioner Jordan advised that in the beginning of 2022, the Environmental Commission sat down and took a look at what their mission and purpose is, and created a new mission statement, as they felt like they needed some alignment and focus. It was under the auspicious of the new mission statement that they developed this survey. As they contemplated what they should be working on in 2022, it seemed logical to ask the residents what issues are important to them and start working on those issues on their behalf. The survey had only seven questions and was open from early April to the middle of September. The survey was available online, via QR codes, the Village Newsletter, as well as the Village's various social media platforms. They also put it on bulletin boards throughout the community, passed it out at the Farmer's Market and it was even included in the Daily Herald. Commissioner Jordan advised the survey went well and they received

603 responses, which is more than they expected.

Commissioner Jordan discussed the survey questions, beginning with Question 1, which asked residents to pick the statement which best matched their opinion and 73% of these individuals indicated that the Village is doing good or great things with environmental issues, although 45% stated that the Village really needs to do a lot more in addition to the things they are already doing. Question 2 asked residents if having strong environmental programs makes Arlington Heights a more attractive place to live, which overwhelming, 80%, agreed or strongly agreed with this statement. Questions 3, 4 & 5, were ranked on a scale of 1 thru 5, with 5 being the highest. The questions asked residents how important is it that the Village of Arlington Heights has a Green Procurement Policy, how important is it that the Village of Arlington Heights converts its fleet of vehicles to alternative fuels, and how important is it that the Village of Arlington Heights has a policy and a plan to address climate change and environmental protection, with the average score being 4 for all three questions. Question 6 asked residents what the most important environmental issue facing the Village of Arlington Heights is, with the three top answers being the overuse of single-use plastic items, increasing access to renewable energy and protection of open/green space. Question 7 asked whether or not there are any programs in place that could or should be expanded, with the top two answers being curbside composting and Tree City USA.

Commissioner Jordan advised that the Commission's next step was to decide what they should do with this information and how to really get feedback from the residents. The Commission decided to take a look at the Greenest Region Compact (GRC), which is an initiative of the Metropolitan Mayors Caucus, that Arlington Heights is a member of, and is essentially a list of goals that the participating communities have. There are 10 categories of sustainability goals, with 49 different, very high-level sustainability goals fit into these 10 categories. They are consensus goals and are aligned with other important local, regional and national goals, in the area of sustainability. The Commission did some benchmarking with other local GRC communities and found that out of 14 of these communities, eight of them already have published sustainability plans that aligns with the GRC goals. Arlington Heights is not one of them.

Commissioner Jordan stated that based on the Village's pre-existing commitment to the Greenest Region Compact and the results of the survey and the feedback they got from the residents, the Environmental Commission is recommending that the Village of Arlington Heights develop and publish a sustainability plan that aligns with Greenest Region Compact. The Environmental Commission would like to see priority given to the concerns of the residents expressed in the results of the environmental survey as part of the plan. Commissioner Jordan next discussed the six recommendations to Village Staff, that were related to the survey results.

Commissioner Jordan referenced the 49 GRC goals and advised that there is no requirement to meet all of them, as it is a framework, and the Village will have to take a look at what the expense is for the community, where they need and want to make improvement, and align efforts with these goals. Commissioner Jordan stated that the Village should publish the great things they are already doing, as

communication and education are keys to successful programs. In addition, the Environmental Commission will continue benchmarking other villages and communities in the area to see what they are doing, to make Arlington Heights more attractive in regards to sustainability.

President Hayes thanked all of the Commissioners and Staff for the hard work they put into this survey and the development of the new mission statement. Their commitment and passion is evident and much appreciated. President Hayes asked exactly what the curbside compost program is, which Mr. Recklaus advised that residents have the option to get a compost/yard waste bin from Groot to use when discarding table scraps or yard waste. The bin would then be placed at the curb, with the other roller bins, on normal pickup days.

Trustee Tinaglia asked about the composting container and the process for using one of these. Mr. Recklaus advised that if a resident chooses to subscribe to this service, they will get a special bin with a list of what can go into the bin and what cannot, similar to how it works with the recycling bin. The container will then go to the curb for pick up with the existing garbage and recycling bins. This service is only available during certain times of the year. Mr. Recklaus indicated certain table scraps and landscape waste are just some examples of what can go into the bin, although the website provides more detailed information. Trustee Tinaglia thanked the Environmental Commission for their hard work and stated that he supports everything that they are doing.

Trustee Grasse advised that she is in full support of this effort and is so excited about the new mission and the idea of having a sustainability plan that aligns with GRC. Trustee Grasse stated that she is so pleased with how many residents responded to the survey and how clear they are with what they want for our Village.

Trustee LaBedz thanked everyone for all of the hard work that went into creating the new mission statement and getting the survey and analyzing it. The comments were fascinating, as they reflected what is really important to the residents. Trustee LaBedz asked if you could put your landscape in the compost bin, which Commissioner Jordan advised that you can mix in landscape waste with certain food waste in the bin. Trustee LaBedz stated that she believes education regarding these programs is important, as some residents may not know they exist.

Trustee Bertucci advised that he did a quick search on Groot's website to see what items are acceptable and not acceptable when it comes to the Village's composting container program, and then read aloud these items.

Trustee Baldino stated that he is so happy that the Environmental Commissioners are present at tonight's meeting, as he fully supports their mission, as do other Trustees. Trustee Baldino stated that the Village absolutely needs a sustainability plan and explained how these can be lengthy, which is problematic because no one follows it then. Commissioner Jordan advised that they understand this and will be using the GRC framework, to help them structure it. In regards to green procurement, Trustee Baldino advised that the same problem can happen, and

asked if they will be using a list of vendors. Commissioner Jordan advised that she likes to think of sustainability as a journey, and in terms of green procurement, it is up to the Village to define what makes sense and set goals around improving within that scope. It is not their intention to do everything 100% right now, it's about taking the first step on this journey. Trustee Baldino agreed and stated that this process is about taking small steps towards a larger goal. Trustee Baldino asked about the goal of the Village moving towards 100% alternative fuel vehicles, which Commissioner Jordan advised that the goal is to come up with a plan and timeline to change all of the Village's vehicles to alternative fuel vehicles. Trustee Baldino advised that the Village is already using some alternative fuel vehicles, but agrees that a long-range plan is needed. Trustee Baldino asked about renewable energy and if the Village is already 100% renewable, which Mr. Recklaus stated the Village as a whole uses renewable energy credits for 100% of the energy in the Village. Trustee Baldino stated that this message needs to be communicated to the residents, as it is very important to them. Commissioner Jordan stated that she agrees, which is why the Environmental Commission has listed improving communication to the residents and stakeholders as one of their goals. Trustee Baldino stated that he is happy to see that they are benchmarking with surrounding communities, but also encourages them to take a broader look at the rest of the country to see who else might be doing things better.

Trustee Schwingbeck thanked everyone for the nice report and asked if the Village has the resources to put a sustainability plan together, which Mr. Recklaus advised that the timing of this conversation is great, as the Village Board is preparing to do another strategic priority session and business plan this Spring.

President Hayes stated that he agrees with developing a sustainability plan in conjunction with the Environmental Commission, however he is not in favor of aligning with all 49 goals of the GRC. President Hayes also expressed concern with committing to a specific timeline for 100% alternative fuel vehicles, as this could add additional costs that might interfere with other strategic goals, as well as committing to limiting the Village's climate impact, as he is unsure what the cost would be and how it would be measured. President Hayes stated that the sustainability plan needs to be cost effective, in line with the Village's other strategic priorities and is measurable and effective.

Mr. Recklaus discussed some of the environmentally friendly things the Village is already doing, including how the Village's fleet is one of the greenest in the State, how Arlington Heights is one of seven municipalities, out of 1200, that uses the higher percentage of bio diesel fuel, the Police Department has begun using hybrid patrol vehicles, the first electric vehicle was just purchased and another four electric vehicles will join the Village's fleet very soon, and the installation of electric vehicle charging stations have begun in the Vail Parking Garage. Mr. Recklaus stated that he is very proud of what the Village has done so far and applauds the Environmental Commission for their initiative and taking the lead on this endeavor.

Trustee Canty stated that she appreciates all the work the Environmental Commission has done and wants to make a push for a timeline and strategic plan that is measured, as what gets measured, gets done.

President Hayes asked if there was any public comment on this item and there was a response.

Melissa Cayer, Arlington Heights resident, stated that it doesn't make sense to have a 3,000-pound vehicle transport 30 pounds of groceries.

Keith Moens, Arlington Heights resident, stated that he wanted to complement the Environmental Commission on the quality of their survey and suggested that the Village use this as a prototype next time they want to survey a neighborhood.

Other Business

Melissa Cayer, Arlington Heights resident, attended the District 214 Board Meeting last week and learned that they are hiring a lobbyist to support the District's financial interests with the Chicago Bears move. Ms. Cayer stated the Village should terminate the Tax Increment Finance statute, which allows municipalities to take property tax money from the taxing bodies.

Adjournment

Trustee Tinaglia moved, seconded by Trustee Schwingbeck, to adjourn the meeting at 8:09 p.m. Upon a voice vote, the motion passed unanimously.