



# VILLAGE OF GLENCOE

675 Village Court, Glencoe, Illinois 60022  
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## Virtual Meeting Information

As the Village of Glencoe and its partner agencies continue to follow social distancing requirements and Governor Pritzker's *Restore Illinois* Plan, the June 1 special Village Board meeting will be held virtually via telephone and video conference (individuals may participate either by telephone or by video conference). Individuals may call the following to participate in the meeting:

### **By Telephone:**

Phone Number: 1 (301) 715-8592  
Webinar ID: 914 9587 0905

### **By Zoom Video Conference:**

Zoom video conference link: [Click here](#)

Video conference participants using a computer will be prompted to install the Zoom client; participants using smart phones or tablets must download the Zoom app from their app store.

## **Public Comment Submittal Options**

### **Option 1: Submit Comments by E-Mail Prior to Meeting**

Public comments can be submitted in advance of the meeting by e-mail to [glencoemeeting@villageofglencoe.org](mailto:glencoemeeting@villageofglencoe.org). Public comments received by 4 p.m. or one hour before the start of the Village Board meeting will be read during the Village Board meeting under Public Comment. Any comments received during the meeting may be read at the end of the meeting.

All e-mails received will be acknowledged. Public comment is limited to 400 words or less. E-mailed public comments should contain the following:

- The Subject Line of the e-mail should include the following text: "June 1 Village Board Meeting Public Comment"
- Name of person submitting comment (address can be provided, but is not required)
- Organization or agency person is submitting comments on behalf of, if applicable
- Topic or agenda item number of interest, or indicate if the public comment is on a matter not listed on the Village Board meeting agenda

### **Option 2: Submit Comments by Phone Prior to Meeting**

Individuals without access to e-mail may submit their comments through a voice message by calling (847) 461-1100. Verbal public comments will be read aloud during the meeting and will be limited to three minutes.



**AGENDA**  
**VILLAGE OF GLENCOE**  
**BOARD OF TRUSTEES**  
**SPECIAL MEETING**

Virtual Meeting  
Online  
Monday, June 1, 2020 – 5:00 PM

**I. CALL TO ORDER AND ROLL CALL**

Honorable Lawrence Levin, Village President  
Joe Halwax, Trustee  
Gail Lissner, Trustee  
Barbara Miller, Trustee  
Peter Mulvaney, Trustee  
Gary Ruben, Trustee  
Jonathan Vree, Trustee

**II. PUBLIC COMMENT**

*Individuals interested in addressing the Village Board on non-agenda items may do so during this time.*

**III. REPORTS OF COMMITTEES**

- a. Committee of the Whole*
- b. Finance Committee*
- c. Plan Commission*
- d. Golf Advisory Committee*
- e. Sustainability Task Force*

**IV. REPORTS OF OFFICERS**

- a. Reports of the Village Manager*
- b. Reports of the Village President*
  - a. Consideration of an Extension of the Village President's Declaration of Emergency*

**V. CONSENT AGENDA**

**VI. REGULAR BUSINESS**

- a. Discussion Regarding Outdoor Dining Program Enhancements and Consideration of a Resolution Authorizing an Auxiliary Outdoor Seating Area Program for Restaurants*

**VII. OTHER BUSINESS**

**VIII. CLOSED SESSION (IF NECESSARY)**

**IX. ADJOURN**

*The Village of Glencoe is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4114, or the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.*



# VILLAGE OF GLENCOE MEMORANDUM

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**Date:** June 1, 2020

**Staff Contact:** Philip Kiraly, Village Manager, Village Manager's Office

**Agenda Item:** *4.b.a.1. - Consideration of an Extension of the Village President's Declaration of Emergency*

**Strategic Priority Addressed:** Operational Effectiveness

## BACKGROUND AND ANALYSIS

At its meeting on March 17, 2020, the Board of Trustees approved Ordinance No. 2020-13-3479, granting special powers and authority in the event of a declaration of civil emergency. For these purposes, a “civil emergency” is defined as a disaster, which would include, but not be limited to, fire, flood, earthquake, telecommunications failure or the appearance of an infectious agent or biological toxin. With the emergence of the COVID-19 pandemic, the Board of Trustees determined that such a situation was imminent and approved the Ordinance granting these emergency powers to the Village President.

Immediately following Board approval of the said ordinance, the Village President issued a Declaration of Emergency arising from the COVID-19 pandemic. Immediately following the President’s Declaration, the Village Board approved an extension of the Declaration until the earlier of (i) the adjournment of the next regular, special or emergency meeting of the Board of Trustees, or (ii) June 18, 2020. This was subsequently extended to the adjournment of the next regular, special or emergency meeting of the Board of Trustees at its meeting on April 16, 2020. During its virtual meeting on April 16, the Village Board extended the President’s Declaration to the adjournment of the next regular, special or emergency meeting of the Board of Trustees, which took place virtually on May 6, 2020. The Board extended the Declaration on May 6, and during its virtual meeting on May 21, the Board again extended the President’s Declaration of Emergency to the adjournment of the next regular, special or emergency meeting of the Board of Trustees.

Because the Village President’s Declaration will expire at the adjournment of the Board’s special June 1, 2020 meeting, the Board of Trustees may choose to extend the duration of the Declaration of Emergency. As a reminder, should the Village President determine that the Declaration of Emergency is no longer needed, a special meeting of the Board of Trustees would be called to consider ending the term of the Declaration.

**RECOMMENDATION:**

In consultation with the Village President, staff recommends that the Village Board consider a motion to extend the Village President's Declaration of Emergency through and until the adjournment of the next regular, special or emergency meeting of the Board of Trustees.

**MOTION:**

*Move to approve the extension of the Village President's Declaration of Emergency through a period defined by the Board.*

**ATTACHMENTS:**

1. Village of Glencoe Declaration of Emergency - March 17, 2020

**DECLARATION OF EMERGENCY  
VILLAGE OF GLENCOE, ILLINOIS  
MARCH 17, 2020**

I, President Lawrence R. Levin, do hereby issue this Declaration of Emergency for the Village of Glencoe, this 17 day of March, 2020 (*“Declaration”*).

Introduction

The United States Centers for Disease Control (CDC), the United States Department of Health and Human Services (HHS), and the World Health Organization (WHO) have each determined that the SARS-CoV-2 virus causes the COVID-19 respiratory disease. The SARS-CoV-2 virus is a new strain of coronavirus that had not been previously identified in humans and is easily spread from person to person. The COVID-19 disease can result in serious illness and death.

Dozens of confirmed cases of COVID-19 have been identified in the State of Illinois; to date, most of the confirmed cases are in the greater Chicagoland area. At least one suspected case of COVID-19 has been reported in the Village. On January 31, 2020, the Secretary of HHS declared a public health emergency for the entire United States of America concerning COVID-19. On March 9, 2020, Governor Pritzker issued a disaster proclamation concerning the spread of COVID-19 in Illinois. On March 11, 2020, WHO declared that the spread of COVID-19 is a global pandemic. On March 13, 2020, President Trump declared a national emergency concerning the COVID-19 pandemic.

The Illinois Department of Public Health has now confirmed localized community person-to-person transmission of COVID-19 in Illinois, significantly increasing the risk of exposure and infection to Illinois’ general public and creating an extreme public health risk in the Village and throughout the State. As has been experienced in other locales in the United States and around the world, the SARS-CoV-2 virus has the potential to infect large numbers of people in a short amount of time, placing extreme burdens on the health care system and the economy.

In order to prevent the spread of COVID-19 in the Village, and to protect the residents of the Village from disease and death, I find that it is necessary to issue this Declaration to implement emergency regulations and orders, all as set forth in this Declaration.

Statement of Authority

This Declaration is issued pursuant to the authority granted to me by: Section 2-2D of “The Glencoe Village Code (2011),” as amended (*“Village Code”*); Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11.

**DECLARATION OF EMERGENCY  
VILLAGE OF GLENCOE, ILLINOIS  
MARCH 17, 2020**

Declaration

I hereby declare that a state of emergency exists in the Village of Glencoe, for the reasons set forth in this Declaration.

Emergency Regulations and Orders

I hereby direct and order as follows:

1. *Emergency Purchasing.* I order that the Village may enter into contracts for the emergency purchase of goods and services that may be necessary for the preparation for, response to, and recovery from, the COVID-19 pandemic. The Village President and the Village Manager are hereby authorized to execute such contracts in accordance with applicable law.
2. *Emergency Staffing.* This Declaration constitutes a declaration of civil emergency under the Village’s collective bargaining agreements. Accordingly, I direct the Village Manager to implement such emergency staffing protocols and procedures as may be necessary for the preservation of public health and safety, and for the preservation of the health of Village employees. Specifically, and without limitation of the foregoing, the Village Manager is authorized to implement alternative staffing protocols, procedures, and shifts for the Village Public Safety and Public Works Departments.
3. *Cooperation with Other Government Agencies.* I direct all Village officials and employees to take all practicable steps to coordinate the Village’s resources and emergency operations with the State of Illinois, the Counties of Cook and Lake, and other local governments in and around the Village, to best utilize resources of all agencies in the area for the preparation for, response to, and recovery from, the COVID-19 pandemic.

Pursuant to the authority vested in me pursuant to Section 2-2D of the Village Code, I reserve the right to issue additional emergency regulations and orders in furtherance of this Declaration. Notice of any additional regulations and orders will be provided to the Village Clerk, posted on the Village website, and otherwise provided to the general public as quickly as practicable.

Effective Date and Period of Emergency

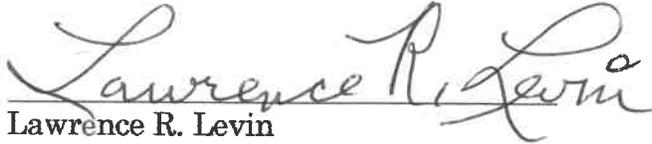
This Declaration shall take effect immediately upon the adoption by the corporate authorities of the Village of an ordinance amending Section 2-2D of the Glencoe Village Code at the Village Board Meeting on Tuesday March 17, 2020, and shall be expire automatically upon the first to occur of: (i) the adjournment of the next regular or special meeting of the corporate authorities of the Village; and (ii) 11:59 p.m. on the date that is

**DECLARATION OF EMERGENCY  
VILLAGE OF GLENCOE, ILLINOIS  
MARCH 17, 2020**

seven days after the date of this Declaration; provided, however, that the corporate authorities, in their discretion, may extend the duration of this Declaration by a majority vote at any regular, special, or emergency meeting of the corporate authorities.

Signed and sealed with the official seal of the Village of Glencoe on this 17th day of March, 2020.

By:



Lawrence R. Levin  
Village President  
Village of Glencoe

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*Village Seal*

Attachment: Village of Glencoe Declaration of Emergency - March 17, 2020 (Extension of the Village President's Declaration of Emergency)





# VILLAGE OF GLENCOE MEMORANDUM

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<b>Date:</b>	June 1, 2020
<b>Staff Contact:</b>	Sharon Tanner, Assistant Village Manager, Village Manager's Office
<b>Agenda Item:</b>	<i>6.a.1. – Discussion Regarding Outdoor Dining Program Enhancements and Consideration of a Resolution Authorizing an Auxiliary Outdoor Seating Area Program for Restaurants</i>
<b>Purpose and Action Requested</b>	Staff requests that the Village Board discuss potential outdoor dining program enhancements and consider a Resolution authorizing an auxiliary outdoor seating area program for restaurants
<b>Strategic Priority Addressed:</b>	Commercial Vitality, Community Engagement

## BACKGROUND AND ANALYSIS:

On March 16, 2020, Governor J.B. Pritzker issued Executive Order No. 2020-07, which prohibited all businesses with the State that offer food or beverages for on-premises consumption - including restaurants, bars, grocery stores and food halls - from providing on-premises service of food and beverage. Food and beverage service establishments' operations were limited to carry-out and delivery services only.

Since Executive Order No. 2020-07 was issued (and extended by Executive Order 2020-33), Glencoe's restaurants have been operating with only carry-out and delivery service. In May, Governor Pritzker announced the Restore Illinois plan, a phased approach to modifying business operations and reopening other facilities throughout the State in the wake of the COVID-19 pandemic. When the Restore Illinois plan was created, in-person dining operations were planned to begin in the fourth of the five-phase plan and were expected to include indoor dining capacity limits of 25%, which may be augmented by outdoor dining. With that in mind, and in anticipation of social distancing regulations specific to dining, staff had begun a process to plan for potential modifications to the Village's outdoor seating program in efforts to provide additional outdoor dining capacity and sought preliminary feedback from some of the Village's restaurants.

However, on May 20, 2020, Governor Pritzker announced that in-person dining would be allowed in Phase 3, for outdoor dining only, and encouraged municipalities to seek opportunities to expand outdoor dining capacity to safely facilitate reopening of the restaurant industry. Working toward the accelerated implementation timeframe of Phase 3, staff began developing outdoor seating concepts

that comply with the regulations that were anticipated to be issued by the Illinois Department of Commerce and Economic Opportunity (“DCEO”). First, the State’s early information indicated that *only* outdoor dining would be permitted, rather than augmenting reduced indoor seating. Second, the State’s early information indicated that outdoor tables must be away from the sidewalk.

The early guidance from the State and initial feedback from some of the downtown restaurants were the underpinnings of potential modifications to the Village’s outdoor seating program that staff presented to the Village Board at its May 21, 2020 Committee of the Whole meeting: <http://glencoevillageil.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=1147&Inline=True>

At that time, staff presented three potential options, which were not intended to be mutually exclusive, to modify the program in a manner that would comply with anticipated State regulations, and take into account both the variety of restaurants in the downtown and the operational differences between dine-in restaurants that offer table service and restaurants that are normally heavily focused on carry-out business.

The options presented to the Village Board at the May 21 Committee of the Whole meeting were:

1. Utilize a portion of the Village Court parking lot for carry-out/picnic-style seating; and/or
2. Designate parking spaces on Vernon Avenue near restaurants to provide outdoor dining space; and/or
3. Close a portion of Vernon Avenue (from Park Avenue to Hazel Avenue) to accommodate weekend outdoor dining.

While evaluating and developing potential modifications to the outdoor seating program, staff studied similar efforts being undertaken in other area municipalities. Strategies implemented by other communities range from not offering additional outdoor seating based on a preference not to do so by the restaurants, to creating outdoor dining spaces on portions of municipal streets, to closing entire streets for the summer months. Ultimately, there is no single set of best practices that is emerging, as each community’s circumstances are unique. In our analysis, several Glencoe-specific factors were considered as outdoor dining concepts were developed for the downtown area.

First, Glencoe’s downtown restaurants are concentrated on Vernon and Park Avenues. Restaurants that offer dine-in table service are on both streets and not all in close proximity, which can pose operational challenges for a centralized outdoor dining location. In some communities where the municipality has opted to close part or all of a street for several months, there is a concentration of restaurants on the street(s) to be closed.

Second, Glencoe’s downtown restaurants are diverse in their business operations. This provides an excellent variety of options for customers, but each requires different seating structures for customers.

Third, Glencoe’s downtown traffic pattern is limited with few alternative routes in the business district. Business traffic primarily uses Park Avenue, Vernon Avenue, Hazel Avenue and to a lesser extent, Village Court. In some communities, the downtown business district area is significantly larger than downtown Glencoe with several alternative/detour options if certain streets are closed.

Recognizing the diversity of the Village’s downtown restaurants, the Village Board discussed that the Village may consider implementing multiple modifications and may further develop an outdoor dining program throughout the summer months based on feedback from the business community and

operational needs.

It is noteworthy that the Village Board's May 21 discussion focused on restaurants in the B-1 downtown business district that ordinarily utilize public sidewalks for outdoor seating, whereas restaurants in the B-2 business district (Hubbard Woods Plaza) utilize private property for outdoor seating and may continue to do so within the State's regulations.

During its discussion on May 21, the Village Board expressed interest in further exploring the concept of closing a portion of Vernon Avenue for weekend outdoor dining. The Board expressed hesitation as to whether there would be a demand for carry-out/picnic-style seating in the Village Court lot and did not support designating parking spaces alone on Vernon Avenue for outdoor seating due to proximity to vehicular traffic. The Board requested that staff continue developing potential modifications to the outdoor seating program for consideration at a special Village Board meeting.

Within days after the Village Board's discussion, the DCEO issued its requirements on outdoor seating, which differed from what was originally anticipated:

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/restaurantbars.pdf>

First, the DCEO indicated that restaurants may utilize limited indoor seating if walls can be opened by at least 50% (such as opening windows or other retractable walls). Second, the DCEO did not stipulate that outdoor tables must be away from the sidewalk and instead indicated that separations of six feet from other tables and customer areas are required.

With this new information and additional feedback from the downtown restaurants and downtown business community (elicited through not less than two separate meetings, one with just restaurants, and the other with all interested businesses in downtown Glencoe as well as the Chamber of Commerce), staff developed a suite of outdoor seating options to meet the needs of Glencoe's diverse downtown restaurant community, including:

- **Modification to the Outdoor Seating Permit Program:** The Village's traditional outdoor seating program was modified to require at least six feet of separation from tables and at least six feet of sidewalk clearance and to allow restaurants to place tables in front of up to two adjacent storefronts in both directions, with the consent of such businesses (ordinarily, the program requires minimum sidewalk clearance of five feet and places greater limits on placement of tables in front of other businesses). This program is managed through an administrative permit process; therefore, no Village Board action is required. Staff released the outdoor seating program application to businesses for the 2020 season with these modifications. As of Friday, May 29, several restaurants have submitted plans under the Village's modified guidelines.
- **Installation of Picnic Tables on Wyman Green:** The Village could obtain a small number of picnic tables to be placed in Wyman Green, for use by carry-out customers or Village employees. Since these picnic tables will not be maintained by a restaurant, the Village would place appropriate signage to advise individuals using the tables that they are not cleaned after each use and should be used at the individual's own risk. While placement of picnic tables does not require formal Village Board action, it is noteworthy that if the Village purchases picnic tables, the estimated cost to do so is expected to be \$5,000 to \$8,000.
- **Utilization of Public Property in the Downtown for Outdoor Dining:** With the Village Board's

feedback and input from the downtown restaurants and businesses, staff is further developing several outdoor seating modifications for the Village Board's discussion and consideration at the June 1, 2020 Special Board meeting. The first concept, ***partial closure of Vernon Avenue for weekend outdoor dining in a centralized location*** (from Park Avenue to Hazel Avenue) would require closure of Vernon Avenue for full weekends, beginning Thursday or Friday afternoon through Sunday evening. The second concept, ***partial closure of the Village Court parking lot for daily outdoor dining in a centralized location*** would require closure of the western portion of the Village Court parking lot to allow interested restaurants to offer outdoor seating (potentially under a tent, at the restaurant's option) seven days per week for an indefinite term. Access to private parking areas adjacent to the north and south portions of the Village Court lot would remain open. The third concept involves ***use of other Village-owned property, such as rights-of-way, streets and/or parking spaces by restaurants that cannot feasibly operate in a centralized outdoor dining location***. In this concept, the Village would work with individual restaurants to evaluate and provide public areas that are more operationally feasible for individual restaurants than a centralized outdoor dining area.

Each of the three concepts for utilization of public property in the downtown for outdoor dining are described in greater detail below.

#### **Concept 1: Vernon Avenue Centralized Outdoor Dining Area**

This concept reflects closing Vernon Avenue between Park Avenue and Hazel Avenue, with a pedestrian walkway and emergency vehicle access path from the Village Court parking lot to the private driveway south of the 682-684 Vernon Avenue building. As conceptualized, the street would be closed from either Thursday afternoon or Friday afternoon (dependent upon Village Board feedback) through Sunday night to accommodate weekend dining operations. Restaurants interested in utilizing this outdoor seating area would be required to submit an application, including furniture specifications and site plans depicting table arrangements to verify that all arrangements comply with social distancing requirements established by the DCEO. Furthermore, restaurants would be required to enter into a licensing agreement with the Village, including a hold harmless and indemnification agreement, for use of the Village's right-of-way.

Staff shared this concept with the downtown business community and restaurants, with mixed feedback. While this concept offers nearly 23,000 square feet of dining space and proximity to several of the Village's restaurants on Vernon Avenue, it is not proximate to restaurants on Park Avenue. A map depicting this concept is included as Attachment 1.

Members of the restaurant community identified that closure of Vernon Avenue for an entire weekend does provide greater operational efficiency, compared to daily closures during the afternoon and evening hours on weekends. A full weekend closure would require closure of all 56 parking spaces on Vernon Avenue for the duration of the weekend, even though all restaurants in this area do not open until the lunch hour. Comments varied about the desirability of this concept. Benefits of this concept that were raised include proximity of the seating area to the restaurants, which provides greater operational efficiency, and potential synergy between restaurants and retailers by providing an opportunity for customers to dine and shop. Some concerns that were raised include the potential impact of this option on their carry out and delivery operations, the mobilization resources required for weekly set up/break down, risk due to inclement weather and the potential impacts to the retail and service businesses on Vernon Avenue and a desire not to negatively impact these businesses, which are

typically open during daytime hours. Other members of the business community expressed support for providing additional outdoor seating in the downtown by closing the street, but also expressing concern about the removal of parking spaces near retail and service businesses for full weekends.

### **Concept 2: Village Court Lot Centralized Outdoor Dining Area**

An idea that emerged from a member of the restaurant community is to utilize a portion of the Village Court parking lot on a daily basis for the entire outdoor dining season (i.e., through November 30, unless modified by the Village), at any time during the restaurant's hours of operation within hours designated by the Village. This concept reflects closing the western portion - and potentially the central portion - of the Village Court parking lot to use for outdoor dining for the season and allowing restaurants to use open-sided tents, at their option, for the season. This option could accommodate both table service for dine-in customers and picnic-style seating for carry-out customers. It was noted by the restaurant community that there is a significant risk to outdoor seating thanks to the unpredictability of weather that could negatively impact their ability to provide a satisfactory dining experience. The option for restaurants to use a tent helps limit that risk by providing a more cost-effective means of installing a tent under which set up and tear down time would be significantly reduced. Restaurants interested in utilizing this outdoor seating area would be required to submit an application, including furniture specifications, tent information (if applicable) and site plans depicting table arrangements to verify that all arrangements comply with social distancing requirements established by the DCEO. Furthermore, restaurants would be required to enter into a licensing agreement with the Village, including a hold harmless and indemnification agreement, for use of the Village's property.

In this concept, eastern portions of the lot would remain open to allow access for deliveries and to the parking spaces on private property immediately north of the lot (340-344 Park Avenue building, which includes Foodstuffs), egress from the private property parking lot immediately to the south of the lot (Grand Foods) and customer parking in part of eastern portion of the Village Court lot. It provides approximately 8,000 to 13,500 square feet of area that could be utilized for outdoor dining in the western portion of the lot by utilizing approximately 20 to 46 parking spaces in the lot, depending on whether the central portion of the lot is used in addition to the western portion. A map depicting this option is included as Attachment 2.

Comments from restaurants varied about the desirability of this concept. Benefits of this concept include using off-street parking spaces (which leaves on-street parking spaces on Vernon Avenue available for carry-out customers and customer of the retail and service businesses during their hours of operation), the opportunity to offer outdoor dining on a daily basis, decreased mobilization resources required to set up outdoor dining areas and the opportunity to utilize a tent for the duration of the season. Some concerns that were raised include decreased operational efficiency and additional staffing required to serve customers in this area and customers at sidewalk tables, the cost of procuring a tent and the smaller area (which allows fewer seats than the Vernon Avenue concept).

### **Concept 3: Authority to Use Public Spaces Other Than a Centralized Dining Location**

As noted above, not all of downtown Glencoe's restaurants are located on the same street. Feedback from the restaurant community and downtown business community recognized that a centralized dining location (whether on Vernon Avenue or in the Village Court lot) may not be operationally feasible for restaurants on Park Avenue that offer table service. In order to provide support to all restaurants, staff requests that the Village Board grant the authority to designate additional public spaces in the downtown, such as individual parking spaces or other public areas, for restaurants to offer outdoor

seating. This concept is intended to be considered *in addition to* a potential centralized outdoor dining area in either the Vernon Avenue or Village Court lot concepts.

**RECOMMENDATION:**

Members of the downtown restaurant community provided differing feedback regarding the Vernon Avenue concept and the Village Court lot concept, and one concept is not clearly favored over the other. Each option presents different potential benefits and drawbacks; however, both offer the core benefit of enhanced outdoor seating that does not exist today and offers added flexibility for the downtown restaurants to operate within the State's requirements. As the Village Board commented during its May 21 discussion, the process of beginning and maintaining a new outdoor dining program is expected to be iterative, and there is valuable insight to be gained from developing a concept, implementing it on a trial basis and working closely with key stakeholders to evaluate opportunities for improvement, or trying a different concept altogether. With that in mind, staff would continue to work closely with the downtown restaurants and business community to evaluate any program that is implemented and make necessary adjustments. A strong partnership exists among the downtown restaurants, businesses and the Village, underscored by shared goals of supporting a vibrant downtown and providing safe, enjoyable experiences to the Village's residents and our businesses' customers.

In order to implement any option, staff requests that the Village Board provide feedback regarding the concepts and approve a resolution authorizing the use of public space for auxiliary outdoor dining. With the Board's earlier feedback that any new outdoor dining program may need to be adjusted to best meet the needs of all stakeholders (including restaurants, downtown businesses, residents and the Village), the resolution is drafted in a manner that provides staff with authority to amend the program administratively, in efforts to maintain as much flexibility as possible to make adjustments to the program to optimize its success. Similarly, it is drafted in a manner that grants staff administrative authority to designate public spaces outside of a centralized outdoor dining area (such as individual parking spaces) to accommodate restaurants that cannot feasibly operate in a centralized location. It is important to underscore that throughout the duration of the program, staff will remain in close contact with the restaurants, retailers and services businesses in the downtown to evaluate aspects of the program that are working well or those that need to be modified. The downtown business community is a strong partner in this effort and their continued input and support is vital to the success of the program.

If the Board approves this resolution, staff will prepare an application form for restaurants that wish to participate in the auxiliary outdoor dining program. The application will include a licensing and hold harmless agreement, and a sample agreement is included as Attachment 3.

Staff will be available at the June 1 Village Board meeting to present a comprehensive summary of each concept and respond to questions from the Village Board.

**MOTION:**

***Move to approve a Resolution authorizing an auxiliary outdoor seating area program for restaurants.***

**ATTACHMENTS:**

1. Vernon Avenue Map
2. Village Court Map
3. Sample Licensing and Hold Harmless Agreement

**VILLAGE OF GLENCOE**  
**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AUXILIARY  
 OUTDOOR SEATING AREA PROGRAM FOR RESTAURANTS**

**WHEREAS**, on March 9, 2020, Governor J.B. Pritzker, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19. On March 19, 2020, President Levin issued a Declaration of Emergency pursuant to the authority granted by: Section 8-47 of The Northbrook Municipal Code (1988), as amended ("*Village Code*"), Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11 to address the health threat posed by the COVID-19 pandemic ("*Declaration*"); and

**WHEREAS**, since issuance of the Declaration, the corporate authorities of the Village have approved and extended the duration of the Declaration through and until the next regular or special meeting of the Village Board; and

**WHEREAS**, on March 16, 2020, Governor Pritzker issued Executive Order No. 2020-07, which prohibited all businesses within the State that offer food or beverages for on-premises consumption - including restaurants, bars, grocery stores, and food halls - from providing on-premises service of food and beverages and limited their operations to delivery and carry-out services only, which Executive Order was extended by Executive Order 20-33 ("*Executive Order*"); and

**WHEREAS**, of the many businesses within the Village that have been significantly and adversely affected by the ongoing COVID-19 pandemic, restaurants have been particularly hard-hit by the requirement that they cease providing on-premises services during the pandemic; and

**WHEREAS**, restaurants are crucial parts of the social and economic fabric of the Village and have worked diligently and creatively since entry of the Executive Order to continue their operations and provide carry-out and delivery service to residents of the Village and neighboring communities; and

**WHEREAS**, after issuing the Executive Order, Governor Pritzker released the "Restore Illinois" Plan to provide a path for reopening businesses and facilities based on when geographic regions of the state meet specific goals regarding the spread of the virus and the availability of medical facilities; and

**WHEREAS**, Governor Pritzker has announced that, as of May 29, 2020, all regions of the state are expected to have satisfied the criteria to allow the entire state, including the North Eastern region, to transition to Phase III of the Restore Illinois framework, the "Recovery" Phase; and

**WHEREAS**, Phase III will allow all retail businesses and open subject to compliance with social distancing best practices. On May 20, 2020 Governor Pritzker announced that restaurants will be allowed to open for in-person dining exclusively with outdoor seating configured to comply with social distancing best practices.

**WHEREAS**, the Governor has encouraged municipalities to work with restaurants in their communities to expand opportunities for outdoor seating to safely facilitate the reopening of the hospitality industry. To assist in this effort, the Illinois Department of Commerce and Economic Opportunity has publishing a detailed set of outdoor dining guidelines for restaurants to follow; and

**WHEREAS**, Village staff has reached out to the business community to determine what steps can be taken to assist local restaurants to open for in-person outdoor dining. Based their feedback and examination of best practices from other communities, the Village staff recommends the Village Board approve a plan to (a) temporarily close certain streets, public rights-of-way and/or public parking lots in the Village; (b) allow restaurants to utilize portions of the public rights-of-way, including closed streets, rights-of-way and/or public parking lots, for auxiliary outdoor seating areas pursuant to a temporary license agreement (c) authorize the Village President to temporarily modify existing on-premises alcoholic beverage licenses to allow restaurants to serve alcohol in authorized auxiliary outdoor seating areas; (d) to direct Village staff to prepare guidelines, procedures, and legal instruments necessary to implement the auxiliary outdoor seating area program (collectively, the "*Auxiliary Outdoor Seating Area Program*"); and

**WHEREAS**, the Village President and Board of Trustees have determined it is in the best interest of the Village to accept the recommendations of the Village staff and authorize the implementation of an Auxiliary Outdoor Seating Area Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS**, as follows:

**SECTION ONE: RECITALS.** The President and the Board of Trustees hereby acknowledge and accept each of the foregoing recitals which are incorporated into and made a part of this Resolution.

**SECTION TWO: ADMINISTRATION OF PROGRAM; WAIVER OF CERTAIN REQUIREMENTS.**

A. The Village Manager or his designee is hereby authorized to develop and publicize qualifications, rules, and procedures for food service establishments seeking to participate in the Auxiliary Outdoor Seating Area Program ("*Program Rules*"). The Program Rules shall conform to and comply with the latest guidance from the Centers for Disease

Control, the Illinois Department of Health, the Illinois Department of Commerce and Economic Opportunity, and the Cook County Health Department. The Village Manager shall post the Program Rules on the Village's website no later than Friday, June 5, 2020. Participation in the Auxiliary Outdoor Seating Area Program will be a privilege contingent on compliance with the Program Rules. Violation of the Program Rules shall be grounds for immediate termination of a restaurant's participation in the Program by Village staff.

B. Restaurants that are deemed eligible to qualify to participate in the Auxiliary Outdoor Seating Area Program shall not be required to comply with the off-street parking requirements of the Village's Zoning Code so long as the establishment remains in compliance with the Program Rules. Auxiliary Outdoor Seating Areas shall be permitted as temporary uses in all zoning districts in which food service establishments are allowed as permitted or special uses under the Zoning Code.

**SECTION THREE: TEMPORARY CLOSURE OF PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC PARKING LOTS.**

The Village Manager is hereby authorized to close or partially close Village streets adjacent to, or in close proximity of, restaurants, public rights-of-way and/or public parking-lots on a temporary basis to facilitate the Auxiliary Outdoor Seating Area Program,

**SECTION FOUR: TEMPORARY LICENSES ON PUBLIC RIGHTS-OF-WAY.**

The Village Manager is authorized to enter into license agreements with owners of food service establishments that seek to establish temporary seating areas on public rights-of-way including sidewalks and closed streets in furtherance of the Auxiliary Outdoor Seating Area Program. The license agreements shall be in a form and substance acceptable to the Village Attorney.

**SECTION FIVE: MODIFICATION OF ON-PREMISES LIQUOR LICENSES.**

The Village President, in his capacity as the Village Liquor Commissioner, is hereby authorized to temporarily modify on-premises alcoholic beverage licenses issued to restaurants seeking to participate in the Auxiliary Outdoor Seating Area Program to allow such licensees to serve alcoholic beverages outside of their licensed premises, so long as such service conforms with the Program Rules. Any modifications of licensed premises shall terminate at the conclusion of the Auxiliary Outdoor Seating Area Program.

**SECTION SIX: EFFECTIVE DATE; TERM.**

A. This Resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

B. This Resolution shall remain in effect until the earlier of (i) the termination of the state of emergency associated with the COVID-19 pandemic by rescission of Governor Pritzker's declaration of emergency or its lapsing without replacement; or (ii) the repeal of this Resolution and termination of the Auxiliary Outdoor Seating Area Program by duly adopted motion of Board of Trustees.

PASSED THIS 1<sup>st</sup> DAY OF JUNE, 2020.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS 1<sup>st</sup> DAY OF JUNE, 2020.

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Lawrence R. Levin, Village President

ATTEST:

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Philip A. Kiraly, Village Clerk



## Vernon Avenue closure

- Closed to vehicular traffic
- Seating areas north and south of Southway Court separated by traffic cones for emergency access between alleys west of Vernon Ave and Village Court parking lot
- 56 parking spaces lost
- 23,000 square feet of new seating area

-  New seating area
-  Type 3 barricades
-  Type 2 barricades
-  Traffic cones

Attachment: Vernon Avenue Map (Outdoor Dining)



## Village Court parking lot partial closure

- Western end of lot converted to seating area, with option for more in central parking rows
- No access to Vernon Ave
- Maintain exit from Grand Food Center and two-way access to 340 Park Ave lot
- 20 parking spaces lost in west side, 26 in remainder of central parking row
- 8,000-13,500 square feet of new seating area

-  Western end seating
-  Optional central seating
-  Type 3 barricades
-  Traffic flow

Attachment: Village Court Map (Outdoor Dining)

**AUXILIARY OUTDOOR SEATING LICENSE AGREEMENT**

**THE VILLAGE OF GLENCOE** does, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020, enters into this Auxiliary Outdoor Seating License Agreement ("**License Agreement**") with:

Name of Applicant: \_\_\_\_\_, a/an  
State of Formation: \_\_\_\_\_  
Type of Business: \_\_\_\_\_ (Corporation/LLC/Partnership)  
Contact Name: \_\_\_\_\_  
Contact Email: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_

(the "**Licensee**").

**NOW THEREFORE**, in consideration of the recitals, mutual covenants, and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby mutually agree as follows:

**SECTION 1. RECITALS.**

**A.** On June \_\_\_, 2020 the Board of Trustees of the Village of Glencoe adopted Resolution No. \_\_\_\_\_ authorizing the implementation of an Auxiliary Outdoor Seating Area Program ("**Program**") to assist restaurants and taverns in the Village to open to outdoor service of food and beverages in accordance with Governor Pritzker’s “Restore Illinois” framework. The Program allows qualifying restaurants and taverns to utilize Village owned property, including streets, sidewalks, and other publicly owned property, for temporary outdoor seating areas in compliance with guidelines established by the Illinois Department of Commerce and Economic Opportunity ("**DCEO Guidelines**").

**B.** The Licensee is the [**SELECT ONE: Owner / Tenant**] owner of Property located in the Village of Glencoe with a common address of:

Address of Property: \_\_\_\_\_, Glencoe, IL, 60022

("Property") and operates a restaurant or tavern on the Property.

**C.** The Licensee desires to utilize a portion of Village-owned property, depicted in **Exhibit 1** to this Agreement, for the purpose of locating auxiliary outdoor seating thereupon ("**Licensed Premises**") in accordance with rules published by the Village ("**Program Rules**") and the DCEO Guidelines.

**D.** The Licensee executes this Agreement to demonstrate its agreement and consent to the use of the Licensed Premises in accordance with the Village’s terms and conditions.

Attachment: Sample Licensing and Hold Harmless Agreement (Outdoor Dining)

**SECTION 2. AUXILIARY OUTDOOR SEATING AREA LICENSE.**

**A. Grant of License.** Subject to the terms and conditions set forth in this Agreement, the Village hereby grants to the Licensee, and the Licensee hereby accepts, a temporary license for the Licensee and its employees, agents, customers, and guests, to use and occupy the Licensed Premises for auxiliary outdoor seating, as defined in the Program Rules.

**B. Limitation of Interest.** Except for the License granted pursuant to this Agreement, the Licensee acknowledges and agrees that it does not have, and will not have, any legal, beneficial, or equitable interest, whether by adverse possession or prescription or otherwise, in the Licensed Premises.

**C. Term.** This License shall be for a term commencing on the Effective Date of this Agreement and ending on the earlier to occur of (i) a termination of Village President Levin’s March 19, 2020 Declaration of Emergency without renewal or replacement; or (ii) an occurrence of a terminating event as described in Section 2.D of this Agreement.

**D. Terminating Event.** The License shall automatically expire upon the occurrence of any of the following:

- a. Failure to Comply. A determination by the Village Manager that Licensee has violated the terms of this Agreement.
- b. Determination of Public Necessity or Public Detriment. A determination by the Village Manager that the Licensee’s use of the Licensed Premises should immediately cease due to either (i) a need to for the Village to utilize the License Premises unencumbered by the Licensee’s use; or (ii) the Licensee’s use constitutes a danger or detriment to the public’s health, safety, or welfare.

The determination that a terminating event has occurred shall be in the sole and absolute discretion of the Village Manager and shall not be subject to appeal or dispute.

**SECTION 3. LICENSEE OBLIGATIONS.**

**A. Use of Licensed Premises.** Licensee may use Licensed Premises only for auxiliary outdoor seating and must maintain and operate the Licensed Premises in full compliance with the Program Rules and the DCEO Guidelines. The Licensee will maintain the auxiliary outdoor seating on the Licensed Premises in substantially the configuration and condition depicted on the Seating and Site Plan attached hereto as **Exhibit 2**.

**B. Maintenance and Responsibility for Licensed Premises.** The Licensee must maintain the Licensed Premises in a clean and sightly manner. The Licensee shall be responsible for all costs associated with any repair or restoration work that the Village is required to undertake as a result of the Licensee’s use of the Licensed Premises.

**SECTION 4. INDEMNIFICATION, ASSUMPTION OF RISK, AND INSURANCE.**

**A. Indemnity.** The Licensee agrees to indemnify, and hold the Village harmless from, all claims, causes of action, suits, damages, or demands, liabilities, losses, and expenses, including attorneys' fees and administrative expenses, that arise, or may be alleged to have arisen, out of or in connection with the use of the Licensed Premises by the Licensee or its employees, agents, customers, and guests for the Program.

**B. Assumption of Risk.** Licensee accepts the Licensed Premises in an "as-is" condition and understands that the Village makes no warranty as to the suitability of the Licensed Premises for the purposes set forth herein. Licensee agrees to assume the full and sole risk of any injuries, including death, and all costs, damages, and losses that Licensee or its employees, agents, customers, and guests may sustain in connection with the use of the Licensed Premises by the Licensee for the Program.

**C. Insurance.** The Licensee represents and agrees that: (i) it has confirmed that it maintains general liability insurance, and if it serves alcohol, its dram shop insurance, with coverages equal to or in excess of the minimum coverage limits set forth in **Exhibit 3** and that such coverages have been extended to include outdoor service or food and beverages in the Licensed Premise; (ii) it will maintain such insurance during the term of the License; and (iii) it will provide the Village with a certificate of insurance evidencing such coverage and naming the Village as an additional insured on all relevant policies prior to commencing use of the Licensed Premises.

**D. No Waiver.** Nothing set forth in this Agreement shall be deemed a waiver by the Village of any defenses or immunities that are or would be otherwise available to the Village or its officials, employees, agents or volunteers under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this Section shall survive the expiration or earlier termination of this Agreement or renewal thereof.

**SECTION 6. GENERAL PROVISIONS.**

**A. Authority to Execute.** The Village hereby warrants and represents to the Licensee that the persons executing this Agreement on its behalf have been properly authorized to do so by the Village. The Licensee hereby warrant and represent to the Village that the Licensee have the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement.

**B. Exhibits.** **Exhibits 1** through **3** are attached hereto and, by this reference, incorporated in and made a part of this Agreement. In the event of a conflict between the Exhibits and the text of this Agreement, the text of this Agreement controls.

**C. No Third-Party Beneficiaries.** No claim as a third- party beneficiary under this Agreement by any person will be made, or be valid, against the Village or the Licensee.

[SIGNATURE PAGE FOLLOWS]

{00115377.1}

**IN WITNESS WHEREOF** the parties hereto have caused this Agreement to be executed, effective as of the date first written above.

**VILLAGE OF GLENCOE**  
an Illinois municipal corporation

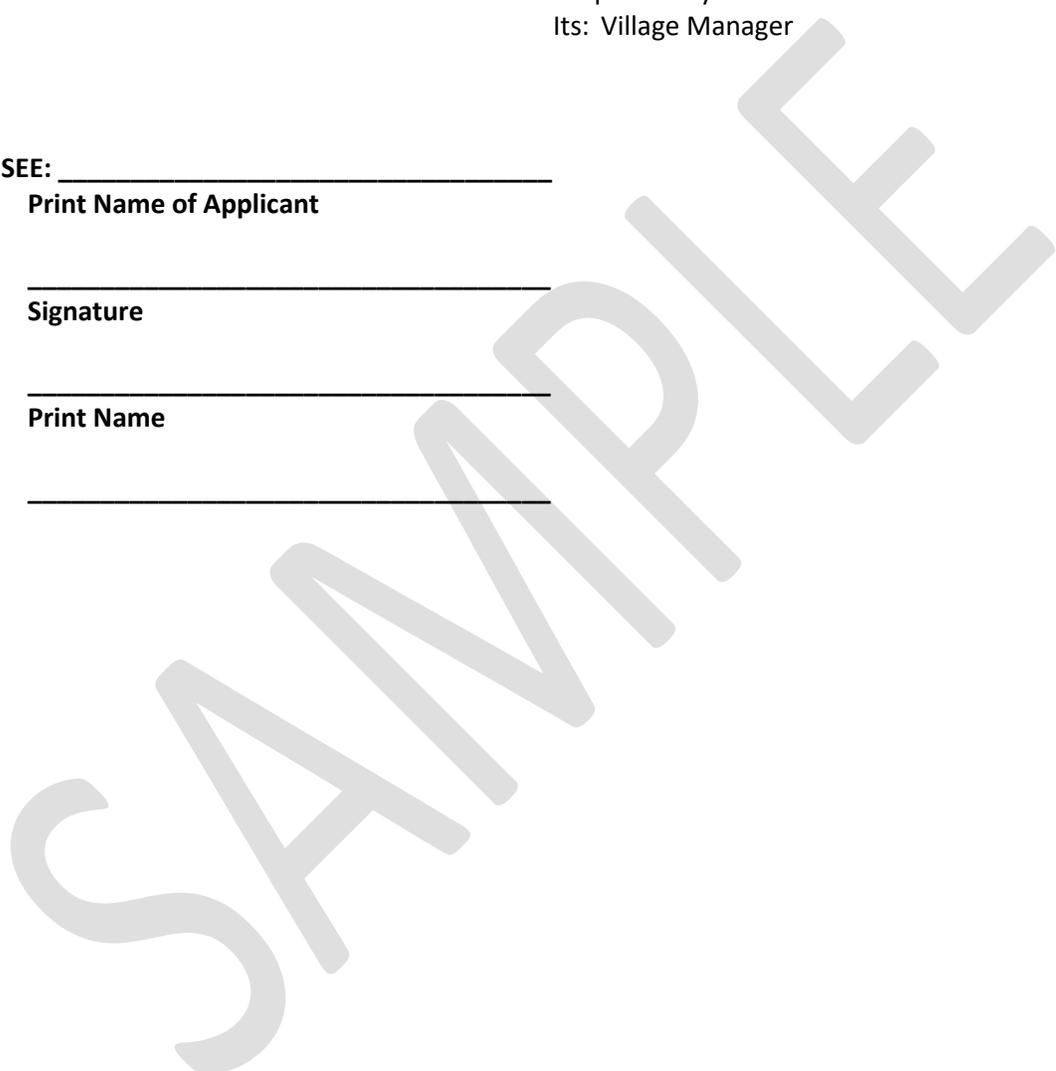
By: \_\_\_\_\_  
Philip A. Kiraly  
Its: Village Manager

**LICENSEE:** \_\_\_\_\_  
**Print Name of Applicant**

**By:** \_\_\_\_\_  
**Signature**

**By:** \_\_\_\_\_  
**Print Name**

**Date:** \_\_\_\_\_



Attachment: Sample Licensing and Hold Harmless Agreement (Outdoor Dining)

EXHIBIT 1

DEPICTION AND LOCATION OF LICENSED PREMISES  
FOR AUXILIARY OUTDOOR SEATING AREA

SAMPLE

Attachment: Sample Licensing and Hold Harmless Agreement (Outdoor Dining)

EXHIBIT 2

LICENSED PREMISES SEATING AND SITE PLAN

SAMPLE

Attachment: Sample Licensing and Hold Harmless Agreement (Outdoor Dining)

**EXHIBIT 3****MINIMUM INSURANCE COVERAGES**

Licensees will be required to maintain the following minimum insurance coverages at all times to continue participation in the Program:

- a. Commercial General Liability: \$2,000,000 combined single limit per occurrence for bodily injury, property damage and personal injury with a general aggregate of \$4,000,000 limit. The Village, its officials, employees, agents and volunteers shall be named as an additional insured on a primary and non-contributory basis under the policy or coverage by original endorsement signed by a person authorized to bind coverage.
- b. Liquor Liability: maintain a minimum of \$2,000,000 per occurrence for its sale of alcoholic beverages and name the Village, its officials, employees, agents and volunteers as additional insured on a primary and non-contributory basis by original endorsement signed by a person authorized to bind coverage.

All policies of insurance or liability coverage shall contain a waiver of subrogation as against the Village, its official, employees, agents and volunteers except with respect to the sole negligence of the Village.