

Due to the ongoing public health emergency, and based on the authority provided by Executive Order 2020-07, issued by Governor Pritzker on March 16, 2020, as most recently extended by Executive Order 2020-33, dated April 30, 2020, and Executive Order 2020-32, issued by Governor Pritzker on April 30, 2020, limiting public gatherings and suspending the Open Meetings Act physical presence requirement, this meeting was conducted by teleconference. Public comments on any topic related to the business of the Board received by email or in writing prior to 4:30 p.m. on the day of the meeting were welcome.



VILLAGE OF RIVERSIDE  
BOARD OF TRUSTEES SPECIAL MEETING

Minutes

*I. Call to Order:* The Special Meeting of the Village of Riverside Board of Trustees was held by teleconference on Wednesday, May 27, 2020. President Sells called the meeting to order at 5:00 p.m.

*II. Roll Call:*

Present:	President Sells Trustee Peters Trustee Gallegos Trustee Jisa Trustee Hannon Trustee Evans Trustee Pollock
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Absent: None

Also Present: Village Manager Frances  
Village Attorney Marrs  
Village Clerk Haley

Also participating on the call: Police Chief Weitzel, Fire Chief Buckley, Public Works Supervisor Tabb, and Community Development Director Abt.

*III. Presentations / Public Comment*

A. Public Comment – None.

***IV. Reports of Village Officers***

**A. Village President's Report**

President Sells thanked Staff and the Village Attorney for preparing an ordinance for the Board to consider and for working with local business owners to facilitate an expansion of outdoor dining.

**B. Village Manager's Report – No report.**

***V. Ordinances and Resolutions***

**A. An Ordinance Approving Temporary Uses of Village Right-of-Way and Other Public and Private Spaces for Outdoor Dining and Other Authorized Purposes, and Approving Certain Temporary Signage**

Community Development Director Abt stated that on May 20, Governor Pritzker announced that restaurants would be permitted to provide outdoor dining in addition to carryout and delivery in Phase 3 of the Restore Illinois plan. At the Village Board meeting on May 21, the Board directed the Village Attorney and Staff to draft an ordinance that would allow for expanded outdoor dining for restaurants as well as additional temporary regulations such as additional temporary signage and curbside pickup to help support our local businesses.

The ordinance drafted by the Village Attorney authorizes the Village Manager to approve temporary closures of village rights of way and other public and private spaces for the placement of tables, tents and other dining and retail infrastructure, for the purpose of facilitating consumption, by members of the public, of food and drinks, including alcoholic liquor, and for other purposes related to furthering the economic recovery of Village business establishments.

The Village Manager, in consultation with the Chief of Police, may temporarily close a public right-of-way to thru-traffic and/or parking and may authorize the closure of private property and parking for the areas listed below and additional areas as deemed appropriate. Any additional closures must be reported to the Village Board at their next regular meeting following their designation.

The Temporary Closures will continue until the Board acts to terminate the temporary uses or the Northeast Health Region reaches Stage 4 of the Restore Illinois plan, whichever occurs earlier, but in no event later than September 7, 2020.

The fee for outdoor dining permits will be waived however certificates of insurance with the Village named as an additional certificate holder and hold harmless agreements will still be required. All outdoor dining areas must comply with all protocols, guidelines and regulations issued by the Illinois Department of Commerce and Economic Opportunity, the Illinois Department of Public Health, Centers for Disease Control and other official State or Federal authorities. All closure areas must be demarcated by physical barriers approved by the Village Manager.

Temporary signage, as approved by the Village Manager, may be posted by the Village or by individual businesses and may include, but is not limited to, additional 15-minute loading zone spaces on Village Rights-of-Way, window or outside signage related to curbside pickup or delivery of food and drink orders, and the posting of menus and phone numbers for placement of orders.

Trustee **Gallegos made a motion** to approve the Ordinance. Trustee **Pollock seconded** the motion.

Trustee Gallegos asked how the termination date September 7 was selected. Attorney Marrs stated that it was suggested by Staff because it is Labor Day, but the date could be amended.

President Sells called attention to the phrase “but in no event” in Section E. on page 4 of the ordinance. He recommended that the language be removed and the decision to terminate the Temporary Use be left up to the Board.

Attorney Marrs proposed adding language allowing the Board to extend the Temporary Use.

Trustee Hannon expressed concern that there could be scenarios the Board has not contemplated and he would prefer the ordinance have a termination date of August 7 with an option to renew. This will provide an opportunity to address any concerns that might arise during the first 60 days.

Trustee Gallegos stated that his reading of the ordinance gave him the impression staff was empowered with the authority to make changes as needed throughout the term of the Temporary Use.

Trustee Pollock asked if amendments to the ordinance could be made at a later date if the Board voted to approve the ordinance as presented. Attorney Marrs stated that the ordinance can be amended as needed at any time.

Trustee Pollock stated that he would like Staff to update the Board at each meeting following approval of the ordinance. He feels the September 7 date gives business owners the assurance they need to plan for the summer months. He noted that if the Board is not comfortable with how the Temporary Uses are being managed, they can rescind the ordinance.

Trustee Evans agreed with Trustee Pollock. She believes the September 7 date gives businesses enough time to work out any issues that may arise. She feels a 60 day window is too short.

Trustee Jisa asked Manager Frances how quickly the Village would be able to respond if there are issues that arise with the Temporary Uses. He also asked if Staff has considered having a kick-off meeting with owners to get everyone on the same page.

Manager Frances stated that Staff has already met individually with owners and managers in preparation for implementing the various Temporary Uses. Staff feels that individual meetings are more appropriate because not everyone's circumstances are the same. Staff will continue meeting with interested parties as needed. Frances noted that each business owner will need to complete an outdoor dining application and provide insurance and an executed hold harmless agreement. If there are issues with a particular Temporary Use, staff can suspend or terminate outdoor dining privileges.

Trustee Jisa stated that he was suggesting a group meeting more as a team building exercise than anything else. He stated that he is not concerned about the restaurants' ability to properly execute their plans, he is more concerned about patron behavior and he wants to make sure all the business owners are on the same page about what will and will not be tolerated.

Trustee Hannon expressed concern about smoking, social distancing and other infractions that could lead to a resurgence of the virus. He noted that he was recently in Columbus, OH, where everything has reopened and people were behaving as if there was no pandemic. He does not want to see that happen in Riverside. He wants to make sure the Manager has the authority to suspend outdoor dining for between 1 – 5 days if needed. Hannon also expressed concern regarding hours of operation and suggested that seating in the public right-of-way be closed at 10:00 p.m.

President Sells asked the Village Attorney to insert language giving the Village Manager authority to suspend the Temporary Use.

Trustee Hannon also recommended including a list of specific violations so everyone knows what will "end the party."

Trustee Pollock concurred and stated that strong language will ensure strong enforcement.

President Sells note that violations related to masks, social distancing and smoking are already listed on page 5 of the ordinance. He asked that the phrase social distancing be changed to physical distancing. Attorney Marris suggested adding the language "including but not limit to" in front of the references to masks, physical distancing and smoking. The amendment addressed the concerns of Trustees Hannon and Pollock and Attorney Marris made a note of the amendment.

Trustee Hannon again brought up hours of operation and requested that outdoor dining end at 10:00 p.m. Monday through Thursday. He would also like to see a differentiation in the hours of outdoor dining operations between each establishment's regular outdoor dining footprint and the extended footprint being afforded by the ordinance.

Trustee Pollock inquired as to the current hours of operation for outdoor dining.

Direct Abt stated that currently, restaurants that have outdoor dining are permitted to serve patrons outside until 11:00 p.m. all week.

It was noted that Scott Zimmer of The Chew Chew is not interested in serving past 10:00 p.m.

Trustee Gallegos recommended that the Board let the 11:00 p.m. closing time stand and let business owners decide if they want to stay open that late.

Trustee Evans agreed with Trustee Gallegos. She urged the Board not to micromanage and noted that the Board has the ability to revisit the issue if there is a problem.

Trustee Jisa stated that he shares Trustee Hannon's concerns and supports his position.

Trustee Hannon stated that he is not recommending a change in hours of operations for anyone's existing outdoor dining footprint. He is just concerned about dining in the public right of way after 10:00 p.m. For example, he would like to see all outdoor diners under the canopy at LaBarra after 10:00 p.m.

Trustee Pollock expressed sympathy for Trustee Hannon's concern, but he believes logistical considerations might prevail. He noted that it would be awkward if patrons who were seated and dining were made to change tables. He will support allowing outdoor dining in the extended footprint until 11:00 p.m.

Trustee Hannon again stated that he is only concerned about hours of operations Monday – Thursday, not on the weekends.

Trustee Peters agreed with Trustee Pollock and noted that if there are issues, the Board can address them.

President Sells polled the Board.

Trustees Gallegos, Evans, Peters and Pollock expressed support for allowing outdoor dining until 11:00 p.m. Trustees Hannon and Jisa favored a 10:00 p.m. closing time.

President Sells stated that Staff will stress to owners that the Board has concerns about this issue and notify everyone of the need to monitor patrons closely. He called for the vote.

**AYES:** Trustees Peters, Gallegos, Jisa, Hannon, Evans and Pollock

**NAYS:** None.

**Motion passed.**

## *VI. Adjournment*

President Sells thanked everyone for participating in the Special Meeting and called for a motion and second to adjourn.

Trustee **Gallegos made a motion** to adjourn. Trustee **Pollock seconded** the motion.

AYES: Trustees Peters, Gallegos, Jisa, Hannon, Evans and Pollock.

**NAYS:** None.

**Motion passed.**

President urged everyone to take care of one another and stay safe. He declared the Special Meeting adjourned at 5:33 p.m.

Respectfully submitted:

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Village Clerk Haley

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Date Approved