



Village of Gilberts

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

www.villageofgilberts.com

SPECIAL VILLAGE BOARD MEETING AGENDA

Wednesday, September 30, 2020 - 7:00 p.m. - Village Hall Board Room

In accordance with recent amendments to the Open Meetings Act that authorize remote meeting attendance during the COVID-19 pandemic, the Village President has determined that it is not prudent or practical to conduct an in-person meeting for all members of the Board and the public due to the pandemic. Therefore, some of the Village Board members may attend this meeting by electronic means, in compliance with the amended OMA.

In order to comply with the Governor's executive orders regarding limitations on gatherings and to ensure social distancing, members of the public are encouraged to attend the meeting remotely via video or audio as follows:

Zoom (video and/or audio): <https://zoom.us/j/99164100609>

Meeting ID: 991 6410 0609

Dial-In (audio): (312) 626-6799

Members of the public can also submit written comments via email at info@villageofgilberts.com. Any comments received by 5 pm on September 30, 2020 will be submitted into the record of the meeting.

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLIEGENCE

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT*

4. CONSENT AGENDA

A. A Motion to Approve Minutes from the September 15, 2020 Village Board Meeting

B. A Motion to Approve a Request by Cruisin to Allow Live Entertainment as part of its Outdoor Dining use at 11 Galligan Road on October 3, 2020

5. ITEMS FOR APPROVAL

A. A Motion to Approve Ordinance 11-2020, An Ordinance Amending and Replacing in their Entirety Ordinance Nos. 06-2020, 07-2020 and 09-2020 Approving a Temporary Policy Authorizing and Regulating Outdoor Dining

6. ITEMS FOR DISCUSSION

7. STAFF REPORTS

8. TRUSTEES' REPORTS

9. PRESIDENTS' REPORT

10. EXECUTIVE SESSION*

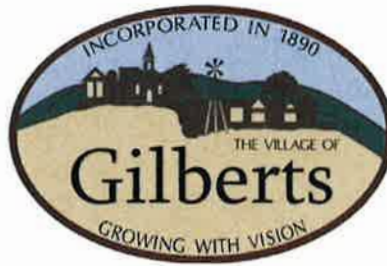
11. ADJOURNMENT

***Executive Session Information**

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2(c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2(c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.

***Public Comment Policy**

Anyone indicating a desire to speak during Public Comments portion of the Village Board Meeting will be acknowledged by the Village President. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President. If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue. During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting. The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.



**MINUTES FOR VILLAGE OF GILBERTS
BOARD OF TRUSTEES MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Tuesday, September 15, 2020**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

2. ROLL CALL / ESTABLISH QUORUM

Deputy Village Clerk Phillip Versten called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell, and President Zirk. Member on phone: Trustee Hacker. Others present: Village Administrator Brian Bourdeau. Staff on the phone: Finance Director Taunya Fischer.

3. PUBLIC COMMENT

There were no public comments at this time.

4. CONSENT AGENDA

- A. A Motion to approve Minutes from the September 1, 2020 Village Board Meeting
- B. A Motion to approve Minutes from the September 8, 2020 Committee of the Whole Meeting
- C. A Motion to approve Bills & Payroll dated September 15, 2020
- D. A Motion to approve the August 2020 Treasurer's Report

President Zirk asked if any of the board members had any consent agenda items they wished to remove for separate consideration. After hearing none, asked for a motion to approve.

A Motion was made by Trustee Farrell and seconded by Trustee Kojzarek to Approve Consent Agenda Items 4A-D as presented. Roll call vote: Trustees Allen, Zambetti, Farrell, Hacker, Kojzarek, and Corbett voted Aye. 0-nays, 0-abstained. Motion carried.

5. ITEMS FOR APPROVAL

There were no items for approval at this time.

6. STAFF REPORTS

Administrator Bourdeau

- Received word that our application for Cares Act funding has been approved.

- The milestones on the completion of the water system at the Conservancy have been established with Gilberts Development LLC, and staff is proactively monitoring progress.
- Received the 11th disbursement request from Troy. Al has completed his engineering review.
- The Movies-In-The-Park drive-in will take place this Friday at Town Center Park. The movie will begin at 7:30 PM. Good registration response so far and the weather looks like it will cooperate.

There were no other staff reports at this time.

7. TRUSTEE REPORTS

Trustee Farrell mentioned that, as concerns giving out candy for trick or treat on Halloween, a resident had suggested to her that one way to effectively and safely do this, given COVID-19, would be to space the candy out on a folding table in front of the house or garage and let trick or treaters pick up their candy individually that way. Trustees Zambetti stated that he prefers we leave it up to the community to do what they want. All agreed we will encourage the usual safety practices, including leaving the porch lights on if you are welcoming trick or treaters. It was agreed we would monitor trends and State guidance.

8. PRESIDENT'S REPORT

There was no President's report at this time.

A. EXECUTIVE SESSION*

An executive session did not take place.

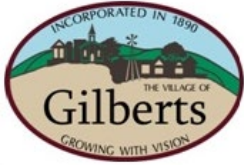
11. ADJOURNMENT

There being no further public business to discuss, **a Motion was made by Trustee Allen and seconded by Trustee Corbett to adjourn from the public meeting at 7:07 p.m.** Voice vote carried unanimously.

Respectfully submitted,



Phillip Versten
Deputy Village Clerk



Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, Illinois 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

To: President Zirk and the Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: September 30, 2020 Special Village Board Meeting
Re: Item 4.B: A Motion to approve a request by Cruisin to Allow Live Entertainment as part of its Outdoor Dining use at 11 Galligan Road on October 3, 2020

On September 24, 2020, Cruisin/Rob Lange submitted an application for live music as part of their temporary outdoor dining use as allowed under the Governor's Executive Orders and Phase 4 guidance.

Cruisin is requesting live music on the following date:

- Saturday, October 3, 2020, 6:00 – 9:00 p.m.

Review Comments

- As submitted, the requested times comply with the Village's sound regulations. Compliance with the Village' sound regulations is required by Ordinance 09-2020.
- Alcohol will be served. In this instance a Class C license is not required. Alcohol service is provided through the Governor's Executive Orders and Phase 4 guidance related to temporary outdoor dining, and Ordinance 09-2020.
- Limitations on the performance and attendees are provided by the State's Phase 4 guidance. It is a requirement of Ordinance 09-2020, that the applicant follow those guidelines.
- No use of Village right of ways or streets are requested.

The special event permit is covered by conditions imposed by Ordinance 09-2020. No additional conditions are recommended at this time.

A copy of the special event license application is attached.

Brian Bourdeau

From: Lynda Lange <managerlynda@aol.com>
Sent: Thursday, September 24, 2020 9:56 PM
To: Brian Bourdeau
Subject: Cruisin special event #2
Attachments: Scan Sep 24, 2020 (2).pdf

Brian

Another request for a music event.

Thank you

Lynda

Begin forwarded message:

From: Lynda Lange <managerlynda@aol.com>
Date: September 24, 2020 at 3:24:20 PM CDT
To: Lynda Lange <managerlynda@aol.com>

Sent from my iPhone

FOR OFFICE USE ONLY
 Date: _____
 Reviewed by: _____
 Approval: _____
 License #: _____



VILLAGE OF GILBERTS
 Courtney Baker, Village Clerk
 87 Galligan Road
 Gilberts, Illinois 60136
 (847) 428-2861 Fax (847) 428-2955
 cbaker@villageofgilberts.com

APPLICATION FOR SPECIAL EVENT LICENSE

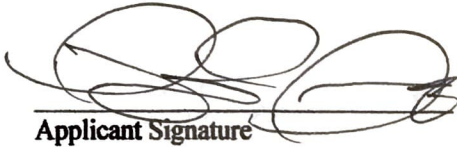
**Please submit the completed application no less than 30 days prior to the date of the event.
 If the event changes due to an unforeseen circumstance, please advise Village Hall at least 48
 hours prior to the rescheduled date.**

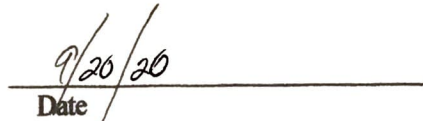
Applicant Name: <i>Cruisin Great Food & Spirits</i> Phone: <i>947-836-7272</i>	
EVENT DETAILS	
Date(s): <i>Saturday October 3</i>	Time Begin: <i>6:00 PM</i> Time End: <i>9:00 PM</i>
Name of Event: <i>Doc Diamond</i>	
Organizer of Event: <i>Robert Lange</i>	
Phone Number of Organizer: <i>847-650-2832</i>	
Event Name/Description: <i>Neil Diamond tribute band - Live Music event</i>	
Estimate Number of Attendees: <i>50</i>	
Will Alcohol be Served? <input checked="" type="radio"/> Yes* <input type="radio"/> No <i>*If yes, complete page 3 of application for Class C Liquor License</i>	
Are you requesting use of Village right-of-ways or streets? <input type="radio"/> Yes* <input checked="" type="radio"/> No <i>*If yes, which street(s)?</i>	
ADDITIONAL EVENT DETAILS	

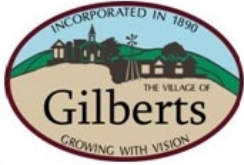
ASSUMPTION OF LIABILITY AND INDEMNIFICATION

I have read and understand the rules and regulations listed in this document and I agree to abide by them. I understand that the violation of any rule or regulation by me or by any member in my party may subject the violator to fines as provided by the Village Code.

I do hereby agree to defend, indemnify, and hold harmless the Village of Gilberts, its officers, employees, agents, and volunteers from any loss, damage, expense, claim, and cost of every nature and kind whatsoever, including attorneys' fees, arising out of or in connection with applicant's and its invitees' use of the Village property at, during, or in conjunction with the activity or event described in this application.


Applicant Signature


Date



Village of Gilberts

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Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

To: President Zirk and the Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: September 30, 2020 Special Village Board Meeting
Re: Item 5.A: A Motion to Approve Ordinance 11-2020, An Ordinance Amending and Replacing in their Entirety Ordinance Nos. 06-2020, 07-2020 and 09-2020 Approving a Temporary Policy Authorizing and Regulating Outdoor Dining

A request was received from a Trustee Kojzarek to place the attached Ordinance before the Village Board for consideration pertaining to the temporary policy authorizing and regulating outdoor dining. Specifically, the proposed Ordinance would modify Section 3.F, which is presented in redline format as follows:

F. Outdoor Music. Outdoor music will be permitted as part of an outdoor dining use; provided, however, that live entertainment is restricted to Fridays and Saturdays only ~~and must first be approved by the Village Board~~. All outdoor music must comply with the Village's sound regulations.

VILLAGE OF GILBERTS

ORDINANCE NO. 11-2020

**AN ORDINANCE AMENDING AND REPLACING IN THEIR ENTIRETY
ORDINANCE NOS. 06-2020, 07-2020 and 09-2020 APPROVING A TEMPORARY
POLICY AUTHORIZING AND REGULATING OUTDOOR DINING**

WHEREAS, the Village of Gilberts, is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village is authorized to generally regulate the sale of beverages and food for human consumption (65 ILCS 5/11-20-2); and

WHEREAS, the Village may regulate the use of streets and other municipal property (65 ILCS 5/11-80-2); and

WHEREAS, the Village is authorized to license retail sales of alcoholic liquor (235 ILCS 5/4-1, 4-2); and

WHEREAS, on March 9, 2020, April 2, 2020, April 30, 2020, and May 29, 2020, Illinois Governor Pritzker declared all counties in the State of Illinois as a disaster area; and

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency concerning the novel COVID-19 pandemic; and

WHEREAS, beginning on March 16, 2020, Governor Pritzker suspended on-premises consumption of food and alcohol at restaurants in Illinois (Exec. Order 2020-07, 2020-33); and

WHEREAS, on May 5, 2020, Governor Pritzker announced “Restore Illinois: A Public Health Approach to Safely Reopen Our State”; and

WHEREAS, on May 20, 2020, Governor Pritzker announced that outdoor dining at bars and restaurants would be authorized to permit outdoor dining consistent with state guidance under the Restore Illinois plan, starting May 29, 2020, and encouraged local governments to assist restaurants and bars to expand outdoor seating; and

WHEREAS, the COVID-19 pandemic and the necessary public health response has created an economic challenge to local businesses including bars and restaurants; and

WHEREAS, the Village desires to temporarily authorize outdoor dining at bars and restaurants, consistent with state guidelines and the terms of this Ordinance, in order to provide economic relief while protecting the health and safety of its residents; and

WHEREAS, the Village desires to ratify all actions taken by the Village President or Staff to-date in order to implement the necessary local authorizations with the state authorizations for outdoor dining at bars and restaurants beginning May 29, 2020; and

WHEREAS, on June 2, 2020, the Village Board of Trustees approved Ordinance No. 06-2020 to approve a temporary policy authorizing and regulating outdoor dining, which Ordinance was replaced in its entirety by Ordinance No. 07-2020 and then extended by Ordinance No. 09-2020; and

WHEREAS, the Village Board now desires to amend and replace in its entirety the previous Ordinances and to modify the provisions relating to outdoor music, as set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT VILLAGE BOARD OF THE VILLAGE OF GILBERTS, ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.

Section 2. Approval. Notwithstanding any contrary provision of Village ordinance, regulation, or policy concerning outdoor dining and minimum parking, permits for outdoor dining areas may be approved for restaurants consistent with the terms of this Ordinance during the pandemic. This Ordinance will expire on December 7, 2020, unless extended, modified, or terminated by the Village Board.

Section 3. Authorization.

A. **Outdoor Dining Permit.** Any restaurant that desires to provide outdoor dining consistent with this Ordinance and state orders and regulations must submit to the Village for review and approval a plan for the use of outdoor space for food and beverage service, including amenities, barriers, tables, spacing, restroom use, and any other requirements deemed necessary by the Village. The applicant must also submit with its plan an executed copy of the Unconditional Agreement and Consent form attached to this Ordinance as **Exhibit A**. The request will be reviewed by the Village President, who has the authority to approve the plan, and impose any conditions on the approval.

B. **Use of Right of Way or Other Public Property for Outdoor Seating is Prohibited.** The use of the right of way or other public property for outdoor seating or outdoor dining is prohibited.

C. Use of Parking Lots for Outdoor Seating. Any restaurant that desires to use a parking lot for outdoor seating must request approval as part of its outdoor dining permit. No use will be allowed to block access or fire lanes. The request to use the parking lot for outdoor seating will be reviewed by the Village President, who has the authority to approve the request, and impose any conditions on the approval.

D. Conditions on Approvals. Any approval granted by the Village President under this Ordinance is subject to the following conditions:

1. The applicant must comply with all conditions imposed by the Village for use of the outdoor dining area.
2. The applicant must comply with all plans approved by the Village governing the operation and maintenance of the outdoor dining area.
3. The applicant must comply with all laws governing the operation and maintenance of the outdoor dining area, including all applicable Executive Orders and state guidance.
4. The applicant must submit the signed unconditional agreement and consent substantially in the form attached as Exhibit A.

E. Outdoor Dining Roof Coverings. Notwithstanding any provision of the Village Code to the contrary, the applicant may install or use an outdoor covering over the outdoor dining area (i.e., awning, canopy, or other roof covering) provided it complies with the State guidelines for coverings. The applicant must submit a plan depicting the type of roof covering proposed to be installed or used and the location where it will be placed at the time it submits its application for the outdoor dining permit.

F. Outdoor Music. Outdoor music will be permitted as part of an outdoor dining use; provided, however, that live entertainment is restricted to Fridays and Saturdays only. All outdoor music must comply with the Village's sound regulations.

G. Village Discretion. The authority to grant the various approvals described above, and the imposition of conditions on those approvals, will be an exercise of the Village's sole discretion.

Section 4. Ratification. To the extent that the Village President made any outdoor dining area approvals between May 29, 2020 and the date of this Ordinance, the Village Board hereby affirms and ratifies those approvals.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Conflict. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

Section 7. Effective Date. This Ordinance shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

PASSED BY THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____ 2020.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Lou Hacker	_____	_____	_____	_____
Trustee Kurt Kojzarek	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____, 2020

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Courtney Baker

Published: _____

EXHIBIT A
Unconditional Agreement and Consent

WHEREAS, _____ (“*Applicant*”) sought approval of a temporary outdoor dining area (“*Temporary Use*”) located at _____, Gilberts, IL (“*Property*”);

WHEREAS, the permit dated _____, 2020, grants approval of such Temporary Use, subject to certain conditions (“*Permit*”); and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations in the Permit.

NOW THEREFORE, the Applicant agrees and covenants as follows:

1. The Applicant unconditionally agrees to accept, consent to and abide by all terms, conditions, restrictions, and provisions of the Permit.

2. The Applicant acknowledges and agrees that the Village will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s approval of the Permit by the Applicant, and that the Village’s approval does not, and will not, in any way, be deemed to insure the Applicant against any damage or injury of any kind and at any time.

3. The Applicant acknowledges and has considered the possibility of penalties provided for noncompliance with Permit conditions, and agrees not to challenge any such penalties on the grounds of any procedural infirmity or any denial of any procedural right.

4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village’s corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the Village’s approval of the Permit, (b) the procedures followed in connection with the approval of the Permit, and (c) the performance of the Applicant of its obligations under this Unconditional Agreement and Consent;

5. The Applicant agrees to pay all expenses incurred by the Village in defending itself with regard to any and all claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out of pocket expenses, such as attorneys’ and experts’ fees, and will also include the reasonable value of any services rendered by any employee of the Village.

Agreed this _____ day of _____, 2020.

APPLICANT
