

LEGAL NOTICE:

SPECIAL MEETING OF
THE VILLAGE OF RIVERSIDE
BOARD OF TRUSTEES

Notice is hereby given that the President and Board of Trustees of the Village of Riverside, Cook County, Illinois, will hold a **Special Meeting commencing at the hour of 5:00 p.m. on Wednesday, May 27, 2020** by teleconference for the purpose of discussing the topics noted on the following Agenda:

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 will be conducted by teleconference. Public comments are welcome on any topic related to the business of the Public Body at Regular and Special Meetings when received by email or in writing by the Village Clerk prior to 4:30 p.m. on the day of the meeting. Emailed comments may be sent to Village Clerk Cathy Haley at chaley@riverside.il.us. Written comments may be submitted to the attention of the Village Clerk at 27 Riverside Road, Riverside, Illinois.



VILLAGE OF RIVERSIDE
BOARD OF TRUSTEES SPECIAL MEETING
Wednesday, May 27, 2020 at 5:00 PM

This meeting will be conducted by teleconference.

A live audio stream of the meeting will be available to the public on <https://riversidetv.us/> and on Riverside TV on Xfinity Channel 6, AT&T U-Verse Channel 99.

Please check the Village's website for more information www.riverside.il.us.

Agenda

- I. Call to Order*
- II. Roll Call*
- III. Presentations / Public Comment*
 - A. Public Comment

IV. Reports of Village Officers

- A. Village President's Report
- B. Village Manager's 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

VI. Adjournment



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

<p>Meeting Date: May 26, 2020</p> <p>Submitted By: Sonya Abt, AICP, Director</p> <p>Department: Community Development</p>	<p><input checked="" type="checkbox"/> Ordinance</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Bid Authorization/Award</p> <p><input type="checkbox"/> Information</p> <p><input type="checkbox"/> Other _____</p>
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PREVIOUS BOARD/COMMISSION ACTIVITY

On May 20, 2020, Governor Pritzker announced that restaurants would be permitted to provide outdoor dining in Phase 3 in addition to carryout and delivery. At the Village Board meeting on May 21, 2020, the Village President and Trustees directed the Village Attorney and Staff to draft an ordinance that would allow for expanded outdoor dining for the restaurants as well as additional temporary regulations such as additional temporary signage and curbside pickup to help support our local businesses.

EXECUTIVE SUMMARY

The ordinance drafted by the Village Attorney authorizes the Village Manager to approve temporary closures of village right 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.)

- Parking Spaces in Right-of-Way/Sidewalk Areas on E. Burlington Street in front of La Barra;
- Parking Spaces in Right-of-Way/Sidewalk Areas on Longcommon Road in front of La Barra;
- Parking Spaces in Right-of-Way/Sidewalk Areas on E. Burlington Street in front of Chew Chew and Sawmilly;
- Public Property/Sidewalk Area off of E. Burlington Street east of Landmark Kitchen at east end of building.
- Expansion of existing Mollie’s outdoor dining area/patio on Forest Avenue to the west.



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 authority. 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.

ACTION PROPOSED

Action Requested: Approval Discussion Information

A motion to approve 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

ATTACHMENTS

- 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

DRAFT – 05-26-20

VILLAGE OF RIVERSIDE

ORDINANCE NO. _____

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

WHEREAS, in late 2019, an outbreak of novel coronavirus (“COVID-19”) occurred in China and quickly spread across the globe (the “COVID-19 Pandemic”); and

WHEREAS, beginning with Executive Order 2020-03 on March 12, 2020 and continuing through Executive Order 2020-36 on May 1, 2020, the Governor of Illinois has issued a series of Executive Orders in response to the COVID-19 Pandemic (the “Executive Orders”) which have shuttered businesses and caused Illinois residents to stay at home except in limited circumstances; and

WHEREAS, the restrictions imposed by the Executive Orders have, and continue to, negatively impact the Village’s restaurants, stores and other businesses; and

WHEREAS, on May 5, 2020, the Governor announced the “Restore Illinois” plan (“the “Restore Illinois Plan”), which combined the State of Illinois’ eleven existing medical services regions into four broadly grouped regions, and requires each region to have certain healthcare benchmarks before moving to the next phase of the Plan; and

WHEREAS, under the Restore Illinois Plan, the Governor’s five-phase plan for lifting restrictions on movement and activity in the State, the Village of Riverside is included in the Northeast Health Region; and

WHEREAS, on May 20, 2020, the Governor announced modifications to the Restore Illinois Plan that would allow outdoor dining and various other additional activities during Phase 3 of the Plan; and

WHEREAS, pursuant to the Restore Illinois Plan, it is anticipated that the Village and the rest of the Northeast Health Region will move to Phase 3 of the Plan effective May 29; and

WHEREAS, the President and Board of Trustees of the Village of Riverside believe that it is imperative that it help facilitate and support the immediate reopening of those restaurants harmed by the current restrictions; and

WHEREAS, one way the Village can assist its restaurants to recover economically is to allow, on a temporary basis, and where allowed by the State's Restore Illinois Plan, the initiation or expansion of outdoor seating, outdoor dining with certain restrictions to require social distancing, appropriate and safe pedestrian paths, additional temporary signage and to protect outdoor dining patrons from vehicular traffic hazards; and

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

WHEREAS, pursuant to the Illinois Municipal Code (65 ILCS 5/1-2-1) the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the President and Board of Trustees of the Village of Riverside have determined that it is appropriate to take the following actions set forth below as temporary uses, and find that such actions satisfy the standards established in Section 10-6-3 of the Riverside Zoning Ordinance governing temporary uses, subject to the conditions stated in this Ordinance.

BE IT ORDAINED by the President and Board of Trustees of the Village of Riverside, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Approval of Temporary Uses. The President and Board of Trustees, acting pursuant to the authority vested in it by laws of the State of Illinois and Section 10-6-3 of the Riverside Zoning Ordinance, authorizes and approves the following as temporary uses:

A. Temporary Right-of-Way, Parking Area and other Public Property Closures: Temporary closure to thru-traffic and/or parking, and use for the Authorized Purposes specified herein, is authorized for the following Village Rights-of-Way, Parking Areas and other Property (collectively, the "Village Closure Areas"):

1. Parking Spaces in Right-of-Way/Sidewalk Areas on E. Burlington Street in front of La Barra;

2. Parking Spaces in Right-of-Way/Sidewalk Areas on Longcommon Road in front of La Barra;
3. Parking Spaces in Right-of-Way/Sidewalk Areas on E. Burlington Street in front of Chew Chew and Sawmilly;
4. Public Property/Sidewalk Area off of E. Burlington Street east of Landmark Kitchen at east end of building.

During the term of the temporary uses authorized by this Ordinance, the Village shall not consider a business or area to be in violation of any parking requirements imposed by the Village's zoning ordinance as a result of the use of any parking spaces or lots for Village Closure Areas.

The Village Manager is authorized to designate additional Village Closure Areas as deemed appropriate by her. Such additional Village Closure Areas shall be subject to all requirements of this Ordinance, and shall be reported to the Village Board of Trustees at the next regular meeting of the Board following their designation.

B. Authorized Purposes - Village: During Periods of Temporary Closure, and subject to the parameters set forth in this Ordinance and any additional parameters, guidelines and regulations developed by the State of Illinois and the Village Manager, in consultation with the Chief of Police, the Village is authorized to erect barriers and to place tables, tents and other dining and retail infrastructure into the Village Closure Areas for the purpose of facilitating consumption by members of the public of food and drinks, including alcoholic liquor, obtained from Village dining establishments, and for other purposes related to furthering the economic recovery of Village business establishments (collectively, the "Authorized Purposes").

C. Authorized Purposes – Individual Businesses: During Periods of Temporary Closure, and subject to the parameters set forth in this Ordinance and any additional parameters, guidelines and regulations developed by the State of Illinois and the Village Manager, in consultation with the Chief of Police, and submittal to, and approval by, the Village Manager of an application on a form provided by the Village requesting use of a portion of the Village Closure Areas for Authorized Purposes, individual businesses may be authorized to utilize the Village Closure Areas for Authorized Purposes.

D. Temporary Parking Area and other Private Property Closures: During Periods of Temporary Closure, and subject to the parameters set forth in this Ordinance and any additional parameters, guidelines and regulations developed by the State of Illinois and the Village Manager, in consultation with the Chief of Police, the temporary closure of privately owned parking areas or portions of parking areas or other private property for use by individual businesses for the Authorized Purposes stated herein is authorized at the following locations (collectively, the "Private Closure Areas"), subject to the approval of the owner of the Private Closure Areas:

1. Expansion of existing Mollie's outdoor dining area/patio on Forest Avenue to the west.

During the term of the temporary uses authorized by this Ordinance, the Village shall not consider a business or area to be in violation of any parking requirements imposed by the Village's zoning ordinance as a result of the use of any parking spaces or lots for Private Closure Areas.

The Village Manager is authorized to designate additional Private Closure Areas from time to time as deemed appropriate by her. Such additional Private Closure Areas are subject to all requirements of this Ordinance, and shall be reported to the Village Board of Trustees at the next regular meeting of the Board following their designation.

E. Times and Term: Closures of the Village Closure Areas and Private Closure Areas for Authorized Purposes may take place on days and hours to be determined by the Village Manager in her discretion as appropriate for each area ("Periods of Temporary Closure"), but in no case shall exceed hours during which outdoor dining or service of alcohol may take place as presently set forth in the Village Code. Periods of Temporary Closure shall continue until the Board of Trustees 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.

F. Liquor Consumption: During Periods of Temporary Closure, and subject to the parameters set forth in this Ordinance and any additional parameters, guidelines and regulations developed by the State of Illinois and the Village Manager, in consultation with the Chief of Police, the Village hereby waives enforcement of subsection 3-2-12(C) of the Village Code prohibiting possession and consumption of alcohol in public places in the Village Closure Areas and Private Closure Areas.

G. Liquor Licensing: The Authorized Purposes include, during Periods of Temporary Closure, and subject to the parameters set forth in this Ordinance, and any additional parameters, guidelines and regulations developed by the Village Manager, in consultation with the Chief of Police, and completion and approval by the individual business of an application for such purposes on a form provided by the Village, individual businesses may utilize designated portions of the Village Closure Areas and Private Closure Areas for the service of alcoholic liquor as an extension of their existing licensed premises. No bar areas are permitted in the Village Closure Areas and Private Closure Areas.

H. Fee Waivers: No outdoor dining permit or other fee shall be imposed by the Village based on the temporary uses approved by this Ordinance.

I. Temporary Signage: Temporary signage, as approved by the Village Manager or her designee, may be posted by the Village or by individual businesses in furtherance of the Authorized Purposes of this Ordinance. Such temporary signage 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.

Section 3. Conditions. The approvals granted in Section 2 of this Ordinance are expressly subject to all of the following conditions:

A. Compliance with State and Federal Protocols, Guidelines and Regulations: All Authorized Uses conducted under this Ordinance shall comply with all protocols, guidelines and regulations issued by the Illinois Department of Commerce and Economic Opportunity, the Illinois Public Health, Centers for Disease Control and other official State or federal authority.

B. Compliance with Village Parameters, Guidelines and Regulations: The Village Manager, in consultation with the Chief of Police, shall develop such parameters, guidelines and regulations as are deemed by her to be necessary to safely and effectively implement the temporary uses authorized by this Ordinance. All Authorized Uses conducted under this Ordinance shall comply with all such parameters, guidelines and regulations, as revised from time to time.

C. Liquor Licensing Compliance: All Authorized Uses conducted under this Ordinance shall comply with any specific direction relative to alcohol service issued under this Ordinance by the Local Liquor Control Commissioner. The Local Liquor Commissioner reserves the right to issue additional directions during the term of the temporary uses, to modify or revoke previously issued directions during the term of the temporary uses, and has authority to immediately revoke or terminate the approvals for alcoholic liquor service in the Village Closure Areas and Private Closure Areas extended under this Ordinance in general or as applied to any specific business where violations are observed to have occurred. Any failure by a specific business to comply with any of the provisions of the temporary uses, generally applicable Village Code provisions relative to service of alcoholic liquor, or any directions issued by the Local Liquor Control Commissioner or Village Manager relative to the service of alcoholic liquor or to the temporary uses, may result in the immediate modification or revocation of the use as applied to them.

D. Physical Barriers and Signage: All Village Closure Areas and Private Closure Areas shall be demarcated by physical concrete barriers or other barriers approved by the Village Manager, in consultation with the Chief of Police. No alcohol consumption or dining service shall be permitted beyond the demarcated areas. Only signage pre-approved approved by the Village Manager shall be allowed.

E. Masks and Social Distancing: Village employees and employees of individual businesses, and members of the public, except where engaged in eating and drinking activities, shall utilize face coverings in all Village Closure Areas and Private Closure Areas at all times when proper social distancing cannot be maintained. Tables shall be sized and spaced to observe proper social distancing.

F. Smoking: Smoking is prohibited in all Village Closure Areas and Private Closure Areas.

G. No Bar Service: No bars are allowed in Village Closure Areas and Private Closure Areas.

H. Release and Hold Harmless; Insurance. Any individual business applicant seeking to utilize Village Closure Areas for any of the Authorized Purposes is required to provide an executed Release, Hold Harmless and Indemnification Agreement, in a form provided by the Village, relative to the use. The Applicant must also provide the Village with proof of general liability insurance (and, when applicable, dramshop liability insurance) including the village as a named insured and insuring the village against any liability resulting from the temporary uses permitted by this Ordinance. Minimum coverage shall be one million dollars (\$1,000,000.00) per occurrence.

I. No Sidewalk Encroachment. The Village requires a minimum sidewalk width of no less than five (5) feet clear of all obstructions. The right of any individual business to temporarily utilize the Village Closure Areas may be rescinded by the Village for cause at any time, should the Village need to perform work on the right-of-way, or should circumstances reduce the width of the public sidewalk exclusive of the encroachment to less than the required five (5) feet, or should the Village determine for any other reason that continuing encroachment onto the public right-of-way is not in the best interests of the Village. Upon rescission, the encroachment by the individual business must be removed by the individual business at its cost.

J. Compliance with Codes, Ordinances, and Regulations: Except as specifically set forth in this Ordinance, the provisions of the Riverside Village Code and the Riverside Zoning Ordinance shall apply and govern all use of the Village Closure Areas and Private Closure Areas at all times.

Section 4. Modifications. The Village Board of Trustees recognizes the need for the Village's economy to revitalize in a safe and healthy manner for its residents. The Village Board also realizes the temporary uses authorized herein are approved during the current emergency conditions which are quickly evolving and ever-changing. The Board delegates to the Village President and Village Manager the ability to implement such modifications to the temporary uses authorized hereunder as may be necessary due to those changes in conditions, so long as such changes are consistent with the overall intent of this Ordinance. It is further understood that these temporary uses may need to be postponed, suspended, modified and/or terminated for a variety of reasons, including health and safety reasons. In addition, these temporary uses may need to be withdrawn if they are abused or if violations of this Ordinance or other conditions warrant.

Section 5: Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

ADOPTED this _____ day of _____, 2020, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2020, and attested to by the Village Clerk this same day.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

