

Village President Besson called the meeting to order at 1:00 p.m.

**1.0 ROLL CALL** – Present: Pres. D. Besson, Trustees: M. Bennett, L. Bergan, K. Meleski, D. Schwartz and M. Stahl. Trustee R. Brinkmeier, absent and excused. Staff: Administrator S. Kulik, Health Director K. Radloff and DPW Director M. Martin. Audience (1).

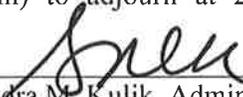
**2.0 DISCUSSION AND ACTION ON REQUEST FOR OUTSIDE RESTAURANT SERVICES AND TEMPORARY OUTDOOR SEATING OPTIONS – CLIFFORD’S RESTAURANT**, 10418 W. Forest Home Ave. D. Besson request for K. Radloff to update the Board on the guidance for restaurants to operate under the COVID-19 conditions. K. Radloff reported that earlier in the day the indicators under the phased reopening plan had improved that it is now in Phase C and restaurants may open up to 75% capacity with as much social distancing as possible and wearing masks along with all other sanitizing and protective measures. D. Besson asked applicant to explain the request. Steve Cannistra, 10418 W. Forest Home Ave, as proprietor for Clifford’s Restaurant responded that he had sent a letter with his request. D. Besson requested S. Kulik to address the zoning issues related to the issue. S. Kulik responded that Chapter 10 Alcohol Licensing describes the premises to be allowed and Mr. Cannistra would need to amend his liquor license application to include in his premise description the parking lot and that in any other area in the Village where outside consumption is allowed, the area is contained with fencing or boundaries that completely control and contain the consumption of alcohol. Chapters 8-10-4 & 20.05(2)(o) requires Plan Commission approval for lighting plans and the code does not indicate whether it is temporary or permanent lighting therefore the Board could make a determination that it was temporary and then Plan Commission is not needed. Chapter 14.07(25) Orderly conduct prohibits “open or unsealed” alcohol within 300 feet of the main entrance of any licensed premises and that the area to be would need to be fully contained or it would violate this section of the ordinance and the Plan Commission has required complete fencing without any gaps in order for outside sales to be considered part of the primary business. D. Besson commented that the letter requesting the outside area did not include a specific date to end it only that it was requested until the virus ended. D. Besson expressed concerns about the location being so close to Forest Home and Scharles Ave. and the safety of the patrons based upon an incident involving a parish festival last year. He proposed an alternative location be on the side of the building at the rear by the banquet area doors on the south west side of the facility but he also wants the Board to recall that restaurants are now able to operate up to 75% capacity. Further, he was concerned about setting precedent if we allow it to every other applicant as the display was already set up and he was asking for approval after he had set this up. S. Kulik commented that she had advised the applicant to be broader in their request and that was language that she had recommended so that it wouldn’t need for it to come back for additional approvals and was intentionally vague for that reason. M. Bennett commented that she understands that businesses are looking for ways to get their customers back but she had driven by the site and was not anticipating it to be on Forest Home and Scharles and was in fact thinking it would be in the back where the alternate location proposed by President Besson has been discussed as that area seems safer and more controllable. She has long been concerned about contained alcohol areas and that in other establishments, customers must enter the building and be in a contained area to consume it even it outside the facility and she prefers that we follow our current code. She also expressed concerns about the lack of end date and that she understands why the vagueness was suggested but that she would like to see it, if approved, end in August or September and that it is contained within a more structured environment. L. Bergan question regarding what 75% of the building capacity would be. S. Cannistra commented that total capacity is 800 people. L. Bergan commented then he could potentially have 600 people in his facility and that it is the people’s choice as to whether they

felt comfortable for social distancing guidelines and asked whether they would even need to have people outside. S. Cannistra commented that it's the customers calling the shots and they seem to be more comfortable outside without having to wear a mask. He commented that it is an art installation and to give people something to look at as well as bring customers in as he is concerned to be able to keep his business going under the rough conditions and the financial hole this situation has created. He commented that it is not intended to be for outside dining as he agrees that the need to control the area is needed to prevent people walking away without paying their bills or taking the plates and other items. D. Schwartz commented that he would like the Village to work with Mr. Cannistra in order to help the community businesses and that the items under discussion could be resolved. M. Stahl commented that she agrees that we need to work with the businesses as they are hurting. She is in favor of the alternative location for safety and the ability to contain the area. She also commented that she would like to see this eventually go to the Plan Commission as she doesn't like to bypass them on these issues. K. Meleski commented that he prefers the alternate area for reasons stated so far as it is distracting for traffic and safety. He feels the contained area is a must and he does not like to see the lack of end of date and that he would recommend a 30 day review so that if conditions of COVID-19 should worsen we would be able to adapt to new conditions. M. Bennett asked for Mr. Cannistra to address the alternative area as it appears the Board favors a different location and asked that he address the end date along with the discussion on containing the area. S. Cannistra commented that he was okay with the sunset timing of end of summer. He does not like the area requested as you cannot see the display from there as the building is in the way and that containing it makes it impossible to use the entrance to his building and that he feels what he has up contains it adequately. S. Kulik commented she had discussed this with the Village Attorney and he indicated that the motions must include the premise description change and that the Village Attorney had concerns about the area not be access point controlled after viewing the photos submitted. Motion (Besson, Schwartz) that the alcohol license would need to be modified to include the parking lot, that the alternate site on the southwest side of the building behind Annie's and Clifford's be designated for the proposal, that it be completely enclosed and that the lighting/artwork would need to go before the Plan Commission for their approval and that the concept would end on Labor Day and that the premise description would revert back to the pre-parking lot addition once the outdoor area allowed expires. D. Schwartz asked if the lighting / artwork could be allowed on a temporary basis. D. Besson commented that the ordinances require Plan Commission reviews of signage and lighting. Motion (Schwartz, Bennett) to amend the motion to allow temporary lighting. M. Bennett question regarding whether both motions are temporary versus permanent changes. Roll Call on amendments: Ayes: Bennett, Schwartz, Stahl. Nays: Bergan, Meleski, Besson. Motion on a tie goes to negative, amendment defeated. Roll Call on original motion: Ayes: Bennett, Bergan, Stahl, Meleski, Schwartz, Besson. Nays: none. Motion passes.

**3.0 REQUEST FOR NOISE ORDINANCE VARIANCE EXCEPTION – STARK ASPHALT – REQUEST TO PROCEED WITH CONSTRUCTION BEYOND 6:00 P.M.** M. Bennett request to take this item before 2.0 due to issues with logging into the meeting by the requester under item 2.0. Consensus to proceed with item 3.0. M. Martin addressed the Board regarding the request and commented that his memo was incorrect it should be request to work after 8 p.m. D. Besson commented that the construction area is in an entirely residential neighborhood and while he did not have concerns with work to be performed on a Saturday, he was concerned with work after 8 p.m. M. Bennett expressed concern with the after 8 p.m. issue as well as the Saturday options as homeowners and families move about their day. She expressed concern about the request providing carte blanche approval throughout the length of the project. M. Martin commented that the contractor does have to provide 36 hours' notice. M. Stahl expressed concerns about the work zone as a residential area but that she would not be opposed unless complaints are received at which point it should be revisited. She questioned M. Martin if it was really needed. M. Martin commented that it was better now rather than trying to convene the Board at short notice as well as 90%

of all the Village road work is in residential areas as the commercial areas are all State highways. M. Stahl commented that it should be rarely an issue and emergency basis only. L. Bergan agreed with previous comments and that she does not want to see it as a daily thing. D. Schwartz is in favor of the request as he is concerned that weather can impact the projects and they need the flexibility to get their work done. He questioned M. Martin on project length. M. Martin commented the contract is approximately 70 days. K. Meleski is in favor of allowing the request as we are finally addressing our road complaints and this only makes this a better program and complaints can be dealt with if they come in. Motion (Schwartz, Stahl) to approve request as presented and require 36 hours' notice and that it be revisited if complaints are received. M. Bennett requested that M. Martin notify them if they plan to work under this agreement. Motion (Meleski) to waive the 36 hour notice requirement, motion fails for lack of second. On original motion: Roll Call: Ayes: Bennett, Stahl, Meleski, Schwartz, Bergan, Besson. Nays; none. Motion passes. Motion (Meleski, Stahl) to allow less than 36 hours' notice if an emergency arises. M. Bennett requested clarification on if it is for an emergency and weekend notice only as it appears this motion overrides the first motion. K. Meleski commented that it is for that purpose. D. Besson commented that this notice should be a rare basis. Roll Call: Ayes: Bennett, Stahl, Bergan, Meleski, Besson. Nay: Schwartz. Motions passes.

**4.0 ADJOURNMENT** – Motion (Schwartz, Stahl) to adjourn at 2:07 p.m.; unanimously approved.

  
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Sandra M. Kulik, Administrator/Clerk