



MINUTES

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
October 24, 2016
7:30 PM

I. CALL TO ORDER

President Hayes called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

President Hayes and the following Trustees responded to roll: Sidor, Farwell, LaBedz, Glasgow, Rosenberg, Scaletta, Blackwood.

Trustee Tinaglia was absent.

Staff members present were: Randy Recklaus, James McCalister, Diana Mikula, Robin Ward, Bill Enright, Charles Perkins and Becky Hume.

Also present were: Kevin McCaskey, Len Olson, Jay Roman and Steve Daday.

IV. NEW BUSINESS

A. Downtown Streets - Pedestrian Crossing Study

Mr. Recklaus introduced the results of the civil engineering streetscape study showing enhanced streetscape concept plans for certain downtown streets from Hampton, Lenzini & Renwick (HLR). The costs estimated are tentatively being included in the Village's Capital Improvements Program (CIP). Mr.

Enright said there are three proposed walkways recommended by the study:

- Dunton between Sigwalt and Campbell (\$86,306)
- Evergreen between Sigwalt and Campbell, also recommended for this location is an improved streetscape to add parking spaces and increase the size of the sidewalk on the east side and move the loading zone into the street. (\$200,230)
- Campbell near Highland (\$69,426.50)

Brien Funk of HLR explained that all three locations experience mid-block crossing of pedestrians which are unpredictable and unsafe. Mid-block crossings are safer than jaywalking. Most pedestrians will not walk far out of their way to cross at a crosswalk. Mr. Funk explained the proposed location for each crossing citing the number of pedestrians who cross near the proposed crosswalks. They also do not want to interrupt the loading zone in front of Metropolis as many children are dropped off at that location. One parking space would be lost. On Dunton, most people are crossing to go to the dance studio and restaurants in the center of the block. On Evergreen, there were crossings in multiple places but the majority of pedestrians are crossing in front of Starbucks. There is also an ADA issue in front of the condo building. The study suggests eliminating the 2 way left turn lane to gain parking spaces and create an 8' buffer for garage traffic entering the street. Mr. Funk said they are recommending the use of bump outs in all three locations. Bump outs allow for easier ADA compliance as the bump out section can be used as the compliant ramp leaving the existing elevation as is. It also shortens the crossing distance for the pedestrian.

Mr. Recklaus said Campbell Street has the most urgency because there may be an opportunity to improve the storm water situation on that street at the same time. During a normal rain event, water should go east and south. Now, it goes south faster than it can go east, so it backs up in front of Metropolis. If the curb was moved in at Campbell and Vail, the water might be able to make that turn and head down Vail. This could be a short term fix to help mitigate the issue.

Mr. Recklaus said Evergreen, because it has a larger scope, should be worked on when the street is being redone in a few years. Staff is also discussing if a path from Dunton to Evergreen could be tied into a pedestrian crossing.

President Hayes clarified that the bumps outs would be taking space from parking lanes, not traffic lanes. Mr. Funk said traffic would be unaffected except that bump outs also help slow down traffic. President Hayes asked if there was any accident history in these areas. Mr. Perkins said there was one accident on Evergreen where a lady was hit crossing from the Starbucks. President Hayes said all crosswalks would need to be properly signed in light of the situation in Mount Prospect. Mr. Recklaus said this area is different than the crossing in Mt. Prospect as it is pedestrian heavy and not super vehicle friendly by design. The village is trying to direct pedestrians, who are already crossing the street, to a safe location. He would not suggest a solution like this on Rand Road.

Trustee Rosenberg asked if the Campbell cross walk would affect the outdoor dining other than bringing more traffic in front of the restaurant. Mr. Funk said if the bump outs are used, no, except during construction. Trustee Rosenberg asked what the signage would be. Mr. Funk said signs could be placed in the street initially but are not necessarily needed forever. There could be advance signage and supplemental signs. With the low speeds

downtown, it might be excessive. The signs at the crosswalk just need to be well seen. Mr. Perkins said the crossing on Vail has some signage now, but advance signage was not needed there and it is working well. The drop off/delivery area for the theater would stay in the same place. A bump out would protect it more. Commercial deliveries are typically not pulling into that space now, but rather double parking on Campbell. Evergreen costs more because the whole block is being taken out and resurfaced, not just one crosswalk area. Trustee Rosenberg asked if people use crosswalks. Mr. Funk said they help if they are in the right location; there are no numbers to qualify this.

Trustee Farwell said half the lights don't work at the cross walk on Vail. Mr. Recklaus said he did not know why, but would find out. Mr. Funk said they are not recommending any active warning systems. The bump outs bring the pedestrians 8 feet out from the sidewalk, so they are more in the driver's line of sight. Mr. Recklaus said active warning systems can create a false sense of security. Trustee Farwell said he would like to see more attention to these areas than just the bump outs as the village would be inviting people to cross there, but not with the same safety parameters as on Vail. He said he would also like uniformity for the crossings.

Trustee Farwell said he liked the Evergreen location, but doesn't want to lose the turn lane. Mr. Funk said there is enough room to go around a turning car there. Trustee Farwell liked the improvement of sidewalk. He said the lack of control has him concerned. The locations of the crosswalks are perfect. He expressed concern that there will be congestion and potential accidents on Evergreen because it is a fast moving street. Mr. Enright said that the north of the pedestrian crosswalk the turn lane could be undone, as the curb lines are not changing there and the street is just being restriped. If dual left turns were needed, they could be put back.

Trustee Sidor said he was good with the Campbell and Dunton recommendations. The mid street sign on Vail by La Tasca does slow traffic down and is respected. It is good to have something to educate pedestrians. He said he would like to see the middle-of-the-street-signs in these cross walks and have them light up. He said the lit cross walks seem hard to keep working. He said he had reservations on Evergreen, a little iffy taking out the turn lane. This is a good plan for the most part. People do funnel to the midblock crossing on Campbell. This plan looks safer than what is there today.

Trustee LaBedz said she would not want planters or art on the bump outs so visibility is not diminished. She said she likes the bump outs better than the flashing lights/crosswalk combination on Vail. Flashing lights are distracting and the pedestrians are walking out between parked cars. Her concern on Evergreen was the exit from the underground garage which is a very dangerous spot. She said there is no way to see pedestrians on the sidewalk until vehicles are all the way out. She asked if something be added like mirrors. She said she liked the idea of widening the sidewalk. She also had

concerns about losing the turn lane in the middle of the block.

Trustee Scaletta asked how trucks will turn on Evergreen and Campbell with the bump outs on the corners. Mr. Funk said the radius of the bump out would match the radius of a truck turn. The bump out protects extra parking and could be widened if needed, but you would lose a parking space. Trustee Scaletta agreed that there has to be some kind of signage or lights. As two of these locations are near apartments, flashing lights may not be desirable. He said he was concerned with the elimination of the turning lane on Evergreen as a car may whip around a stopped car into the pedestrian crossing. Trustee Scaletta expressed concern that trucks trying to make turn from north heading west onto Campbell may end up on the sidewalk. He asked that staff work with the engineer on this. The sign near Jewel works, the one on Kensington comes out in the winter. In the downtown there is still activity in the winter so what will happen when the signs are removed in the winter because of the plows? He asked for cost forecasts using materials other than brick. Mr. Enright explained that Evergreen is more expensive because the geometrics have to change for drainage as a result of the bump outs. Trustee Scaletta said the plan was close, but more work needs to be done.

Trustee Glasgow asked if Oak Park's walks were the model. Mr. Funk said the village's will be narrower and use the whole bump out area to slope. Mr. Perkins said there will be a few small urns with landscaping which are set back for visibility similar to what is on Campbell and Dunton. He said this is just a study. If there is funding, then the full engineering and design work will be done to make sure that everything works. Trustee Glasgow said there were significant differences between these suggestions and the Mount Prospect crossing, as there are not four lanes and cars don't fly through the area. He said it was a good idea.

Trustee Blackwood asked how much traffic slows down with bump outs. Mr. Funk said no as it depends on the initial speed. He said the village could expect a few miles per hour slow down. Trustee Blackwood said she liked the 2 lanes of traffic suggested on Evergreen and bump outs are a good alternative. Crossing in the middle makes a lot of sense.

Trustee Scaletta asked that the costs of the study and engineering costs be included in the numbers to understand the total cost of the project.

President Hayes said there was consensus for the bump out concept with some refinements. There is still a lot of work to do.

Trustee Rosenberg asked if the Board chooses the Evergreen suggestion of going to two lanes without a turn lane, could the village add a turn lane back. Mr. Funk said the curbs could not move back, but it could be restriped.

Trustee Scaletta moved to recommend that the Village Board accept the Downtown Streets Pedestrian Crossing Study. Trustee Labeledz seconded the motion. The motion passed.

Trustee Farwell reiterated his concern for the average speed of a southbound car on Evergreen. He asked for staff to explore what could be done further north in the block to slow drivers down.

- B. Consideration of recommending to the Liquor Commissioner the issuance of a Class "L" Liquor License to Arlington Ale House Ltd., dba Arlington Ale House, located at 111 W. Campbell Street, Suite 300. Prior to issuance of the Liquor License, a walk-thru of the establishment will be conducted to confirm compliance with the submitted floor plan.

President Hayes swore in Kevin McCaskey, owner of the Ale House, Len Olson the Project Manager and Jay Roman, consultant for the business.

Mayor Hayes asked Mr. McCaskey about his experience in the restaurant and liquor business. Mr. McCaskey said he had limited experience. He has not held a liquor license previously and has not been cited for any violations of liquor laws. He has completed Basset Training. Mr. Roman said they plan to have all the 20-30 employees who will be handling liquor or food to have basic Basset Training and have continuing education for employees and management. Mr. McCaskey said there will be a general manager, a bar manager, a restaurant manager and an entertainment manager. Mr. McCaskey will not be on the management side. All will be Basset Trained and all employees will be Basset trained and trained on Illinois Restaurant Food Safety. The hours of operation will be Monday through Thursday; 4 p.m. to 10 p.m., Friday; 4 p.m. to 2 a.m., Saturday 11 a.m. to 2 a.m. and Sunday 11 a.m. to 1 a.m. There is no kitchen on site, but food will be available from other sources.

President Hayes asked about the restaurant relationships. Mr. McCaskey said they have agreements with Mago, Armand's and Elegante Cuisine. He does not have actual contracts yet, but has either a letter of intent or a verbal commitment. President Hayes said food must be available until the time of closing, after 11 p.m. can be limited menu. Mr. McCaskey said he understood.

Trustee Labedz asked who will be delivering the food. Mr. McCaskey said they will have a staff member pick up the food. A suggested menu was presented. Mr. Olson said they have identified their target market as the 41-61 year old crowd as they believe it is an under-served market in downtown. Food is a major part of Alehouse experience. They are not accepting revenue for food, the customer will pay directly, using a cell phone or using a phone booth on the site. He presented a suggested menu which recommends the items from the restaurant partners that travel best and some unique creations for the Alehouse. They plan to over staff the pick up service in the beginning to make sure it goes well. Trustee LaBedz asked for confirmation that the restaurants are open as late as the Alehouse. Mr. Olson said Cortland's is open until 1 a.m., after 11:00 they have an abbreviated menu.

Trustee Rosenberg said only Cortland's is open as late as the Alehouse so the menu would be limited to that. Mr. Olson said yes, at this time but they are still looking to augment the late night menu. Customers can still order from anywhere else they would like. These are suggestions, not limitations. Mr. Olson said it is a challenge supplying late night food service.

President Hayes said ordering in doesn't meet the requirements of the liquor license. He said the business must have an established relationship with a restaurant that can deliver to the Alehouse until 1 a.m. Mr. Olson said they have that now and are looking to expand.

Trustee Farwell confirmed there are written agreements with Mago, Elegante and Armand's. He asked if there is only verbal insurance from Cortland's. Yes, Mr. McCaskey said. With resurgence of the need for more food later at night there will be more demand and hopefully Cortland's will have more demand as well so that eventually there will be more offerings. This increased demand may help offset Cortland's staff costs after 11:00. Trustee Farwell said it not so much a reduced menu issue as it is a reduced staff issue at that hour, because there are fewer mouths to feed. He noted that the only restaurant that has the same hours is Cortland's, but there is nothing in writing from them tonight.

Trustee Sidor said that after 120 days, he was concerned that these questions had still not been answered. He needs a document that the Alehouse has a contractual agreement with a food vendor until it closes in order to support the petition. Trustee Sidor asked if there was an employee handbook written. Mr. Roman said he is the Vice President of the Signature Room in the Hancock building and he has a handbook drafted. He has been brought on as a consultant. He said he didn't know it was needed today or he would have brought it. He will be bringing the same Basset training that they do to the Alehouse. Trustee Sidor asked if some of the security concerns regarding the School of Performing Arts (SOPA) have been resolved and if the parents of the students had been notified and if any feedback has been received.

Mr. Recklaus said this issue has to get resolved with the Condo Board Association. There are measures that can be taken almost immediately and other measures that can be taken long term.

Ms. Ward said that the elevators can be adjusted so that one goes to the third floor only. Longer term, they are looking at options for the SOPA second floor space. Mr. Recklaus said this tenant is not creating this issue. Designating the elevators seems a manageable step. Ms. Ward said the Association hasn't reviewed this idea yet but as the village manages the condo building she did not anticipate a lot of concerns.

Trustee Sidor asked how they planned to staff the food pickup service. Mr. Olson said they will have two dedicated staff to pick up food most nights and one on the less busy nights. He said they will add people if necessary. He said the Alehouse wants the delivery role, but if they are overpopulated, the

restaurant staff will help too. Trustee Sidor asked if they had a draft copy of the agreements with the restaurants regarding delivery in place. Mr. Olson said no. Mr. McCaskey will also have catering in place. There may be food sold on premises for game days or things like that.

Trustee Blackwood asked if the Alehouse could have an abbreviated kitchen rather than depending on the restaurants. Mr. Olson said that putting in a kitchen is prohibitive. It will happen someday down the road when money is coming in. They are holding back on that to make sure that this will work. Trustee Blackwood said the real problem is around the 11-12 p.m. hour. You have to be responsible for the time after that and unless you have a dedicated food service provider, it will be difficult. Part of experience indicates that you will have food, what about breakfast after midnight? She asked if there are problems with people delivering food, will they cut hours. Mr. Olson said if there is a need for food and they can't satisfy it, people won't come back, so they believe it is necessary too. Mr. Roman said they need a kitchen; they are not making money on the food and eating the labor costs. They will try to offer something exclusive from the Alehouse in the future. Mr. Roman said Cortland's is on board and he can't believe they haven't sent the letter yet. Mr. McCaskey said Brian (from Cortland's) came to the Special Use hearing, so he thought that would suffice. He said he will get an official letter and it was his fault for not following up.

Mr. Recklaus said formal approval will occur on November 7th. He asked if the applicant could provide a letter of intent by the 7th. Mr. McCaskey said yes. President Hayes said he would need to see that before he would give final approval.

Trustee Blackwood asked what Big Shots hours were and what foods did they have available. Ms. Mikula said a majority of the downtown restaurants have a 2:00 a.m. liquor license on weekends, but they may not choose to be open that long. Big Shots is open until 2 a.m. on Friday and Saturday. They have a kitchen and a menu, with a modified menu after 11:00. Mr. Olson said Big Shots is part of the Alehouse plan, but it is not official yet. Trustee Blackwood observed there are no inconsistencies with the other downtown businesses.

Trustee Scaletta said the liquor license classification does not give language for limited menus after 11:00 p.m. Ms. Ward said the Liquor Commissioner has the ability to approve a limited menu after 11:00. President Hayes said he would have it be consistent with what is done in other restaurants that have the opportunity to provide limited menus after 11:00. Trustee Scaletta asked if there was no other business that they had a relationship for food, would they be cited for not having food available. Ms. Ward said the license requires that they have some availability for food. They could provide customers with a pizza menu and that would be allowable. Ms. Ward said the Liquor License was drafted with the intention that the Alehouse would have information for their customers so they could order food the entire time they are open. Ms. Ward said the vision was that the petitioner would provide the

Mayor a complete listing of all the potential food offerings, via a group of takeout menus. The ordinance would come before the Board on November 21st if the approval occurs on the 7th.

Trustee Scaletta asked about the limitations regarding a family with children. Ms. Ward said if someone is underage with a parent it is okay. Someone underage without a parent is prohibited by Code at this time. The Board will be discussing potential modifications to the Code as the next item on tonight's agenda.

Mr. Olson said the letters of intent will cover the operations procedures, the requirements for the Alehouse and verification of the restaurant's food handling licenses; it's more of a contract. There will also be a manual. Their partners have to live up to their commitments; they have to guarantee to the Alehouse what is expected. There will also be a backup. If there is no backup, then they will do a last call and close.

Trustee Glasgow said purchasing the property was a giant leap of faith. The Board changed everything up to give the Alehouse a new type of liquor license. He asked about the management's experience. Mr. Roman said the General Manager has been employed locally with a restaurant for 8 years. The Bar Manager has been a manager for 5 years and a bartender for 15. Both are Basset certified. The potential assistant manager has 10 years in the business, is a full basset server and currently works in a lunch type atmosphere. Mr. Roman said he will be there much of the time to help. Trustee Glasgow asked if they would you be willing, in confidence, to letting the Liquor Commissioner know who these people are. Mr. McCaskey said no, that is why Mr. Roman is here to explain his experience and speak for these people. Trustee Glasgow asked Mr. Roman how long he will be with the Alehouse. He said indefinitely, at least 3-4 days a week for a year at a minimum. Mr. Olson said the market study is proprietary. Mr. Olson said he would disclose it to the Liquor Commissioner.

Trustee Glasgow asked if they can make any food in house. Mr. McCaskey said adding in house food will be phase 2. They are investigating hoodless systems and Turbochef. Trustee Glasgow reiterated that if other places shut down the Alehouse can't serve liquor. He asked Mr. Roman what the long term view is. Mr. Roman said he will continue to focus on Basset and food safety training. He will also help Mr. McCaskey roll in some kind of kitchen within two years while still using the local restaurants.

Steve Daday, President of Metropolis Board of Directors, said several issues are concerns. The SOPA cannot have people on the second floor, and they can't have patrons of the restaurant on elevators with the SOPA students. There is only one shot, if there is an incident or problem, SOPA will lose students and parents.

Trustee Rosenberg asked Mr. Daday if he had any issue with the concept. Mr. Daday replied no, but the logistics are the key. Students cannot interact with

the patrons. There have been some inquiries on how that will be handled and there are concerns. In the lobby, they have fewer concerns. He hopes that the Alehouse patrons are Metropolis patrons and that there is symmetry.

Trustee Scaletta asked for feedback from the Metropolis Board to see make sure their concerns have been addressed.

Trustee Farwell said it's important that this business does not negatively impact Metropolis and SOPA. A formal meeting with the Condo Association is required, feedback is needed and direction from the managers to implement these ideas. After that he can see moving forward. The Board has been very pro- business and wants to see this concept work. A critical eye shouldn't be viewed as anti-idea or anti-petitioner, but an attempt to get it right. Mr. Daday said normally you wouldn't have a school next to a bar.

President Hayes restated that the recommendation will come back on the 7th and final Ordinance on the 21st. He said that allows for some time to work out some of these issues. Ms. Ward said she can fine tune the elevator piece in the next few days. President Hayes said he needed something in writing regarding food service. A contract would be preferable and at least one provider that is going to be open until the Alehouse closing hours. It can be a modified menu after 11. These documents must be received prior to November 7.

Trustee Rosenberg asked what happens next with the Condo Association. Ms. Ward said the goal is to have the elevator issue resolved by next week. The Condo Association does not have to approve the Ale House as tenants. Trustee Farwell said he wants Metropolis, SOPA and the Condo Association satisfied with elevator change. Mr. Daday said they will be very responsive.

Trustee Sidor asked how much it would cost to put in a kitchen. Mr. Roman said anywhere from \$100,000-\$150,000. The proposed sky deck cost would be \$250,000 and the walkway to the garage \$75-\$125,000. Trustee Sidor said why not put in the kitchen? Mr. McCaskey said that would be phase 2 or 3.

Trustee Sidor asked about the food delivery in regards to health. Mr. McCalister said the Health Department would be looking at the time and temperature control. This includes how it is being delivered and the type of packaging. He would like to see the agreements. Mr. Recklaus said there is still building permit process and Special Use process that have to be satisfied. These reviews by staff would occur then. Trustee Sidor said he wants to see the business to succeed, but so many details still need to be worked out. He said he was not satisfied yet and didn't want to diminish the village's standards.

Trustee Farwell encouraged Mr. Roman to review the entire application. The Liquor License was created for this business and there is no margin for error. The Board has citizens to protect, business guests to protect, a reputation

and the law to protect. He said he was not comfortable moving forward with a vote tonight. He encouraged them to come back with every "I" dotted and every "T" crossed so to ensure they know how important every detail is.

President Hayes said the petitioner knows what is expected now. Mr. McCaskey said his number one concern is with safety of children in building and everyone in the building. He said a delay after November would cost him \$20-\$30,000 dollars a month. If he had to open in January, it could be financially devastating.

Trustee Scaletta asked if the elevators would be on timers. Ms. Ward said no, they require a manual change. It is anticipated that one elevator will go to floor 3 and the other will go to floors 2 and 4 permanently.

Ms. Ward said waiting for a formal vote on 7th would not cause any delay in the Ordinance if it passed. A motion tonight does not expedite the process. Staff needs the information on the 2nd of November to have it ready for the meeting on the 7th. Mr. Olson would like staff to review prior to that time to make sure it meets the requirements. Ms. Ward said okay.

Trustee Glasgow moved to recommend to the Liquor Commissioner the approval of a Class "L" Liquor License to Arlington Ale house pending the requested documents are provided to the Liquor Commissioner and the food service achieved the Commissioner's approval. There was no second. The motion failed.

Trustee Scaletta moved to continue the consideration of the recommendation of the issuance of a Class "L" Liquor License to Arlington Ale House located at 111 West Campbell St., Suite 300 to the November 7th Committee of the Whole meeting at 7:15 p.m. Trustee Rosenberg seconded the motion.

Trustee Glasgow asked what the distinction was between his motion and Trustee Scaletta's.

President Hayes said there will not be a vote on the liquor license tonight as some Board members indicated they were not ready to recommend approval tonight. Trustee Scaletta said there is uneasiness across the Board that there needs to be more information and a comfort level. If you took a vote now and it failed, it does not do service to the petitioner. If it passed, it gives him a false sense of security when the Board wants to see more information. Trustee Glasgow said if the conditions aren't met, it doesn't get approved, so it's the same thing.

Mr. Recklaus said copies of the contracts will go to the Liquor Commissioner. In the submission, it must be shown that there will be coverage to the 1:00 a.m. hour. President Hayes said he would share the contracts with the Board. The Board will also receive an explanation of the elevator/security issue. The Alehouse contracts can be kept confidential or information can be redacted.

President Hayes said discussion will be limited to the additional items submitted only. There will not be another two hour discussion. Trustee Sidor said he wanted to hear from the Health Department. Mr. Recklaus said with every liquor application and build out, that reporting happens subsequent to the process. The Health Department response will occur prior to final approval and an update can be provided.

The motion passed.

C. Possible Amendment to Section 13-610d of the Liquor Code

Ms. Ward said that the Alehouse would like to offer events like teen nights. However, the Code prohibits individuals under the age of 21 from being in an establishment that has a liquor license unless the primary business is not the sale of liquor. Staff has looked at several other municipalities' liquor codes and did not find any that have similar provisions. There is also no similar restriction in the State liquor code. Staff is presenting three possible changes.

President Hayes said he wanted to allow for a teen night, but not allow liquor to be served under any circumstances while the teens are present. That is option 2. So, if teens were in the auditorium, the other part of the facility could not serve alcohol.

Trustee Labeledz said she leans to option 1, which eliminates this code section entirely, as it something that is never checked. She didn't think the village should have a rule on the books that it never enforces. All of the serving limitations and laws would still apply.

Trustee Rosenberg asked if the only place this would apply is to the Alehouse. The answer was yes. Mr. Recklaus said enforce-ability is an issue and the village has no ability to regulate. Other establishments could be having teen nights and the village would never know. If the Board wants to be consistent with other establishments striking the language is the best choice. The assumption is that every other establishment sells more food than liquor so this code provision does not apply to them. Because the Alehouse does not sell food, it does apply to them. Mr. Recklaus said some of the restaurants probably do sell more alcohol than food, but it not audited or checked. Trustee Rosenberg asked if anyone has a teen night. Mr. Recklaus said there are often times where minors are accompanied by someone other than their parent like after a game where coaches might take a team out to a restaurant for pizza. It is possible alcohol may be being served at the same time. Ms. Mikula said there is no provision for notification regarding teen nights so the village would not know. Trustee Rosenberg said he did not want to discriminate.

Trustee Farwell said it was cleaner to eliminate the code section as many teens have homecoming dinners in places like Peggy's or Armand's and their parents are not present. He said there should not be a difference.

Trustee Farwell moved to delete Section 13-601d from the Village of Arlington Heights Municipal Code. Trustee LaBedz seconded the motion. The motion passed.

Trustee Scaletta left the meeting at this time.

D. Possible Expansion of Administrative Adjudication Process

Mr. Recklaus said expanding the Adjudication process to Code Enforcement offenses can benefit the alleged offender as it allows defendants to present their case through the mail rather than having to go to court. Further, any fines assessed do not include the typical court fees. Finally for any fines assessed, the Village retains all of the money. The village retains the option to go to court, but this would give staff the option of having some compliance issues go to a hearing instead.

Mr. McCalister said HHS Citations are primarily issued from Chapter 11, Food and Food Establishments and Chapter 19, Health & Sanitation of our Municipal Code. In the last 12 months our Health Officers had 11 new court cases that required 17 court appearances. The Citations were written for:

1. Lack of State certified food manager in food establishments
2. Lack of employees with food handler certificates in food establishments
3. Improper hot food holding in a food establishment
4. inoperable vehicles on residential property
5. Accumulation of solid waste
6. Allowing animal areas to become unsanitary
7. Tall grasses/weeds

These cases were heard in either Housing or Traffic Court. In 1998 the Illinois legislature expanded administration adjudication authority, allowing home rule municipalities to use it for local ordinance violations. Prior to 1999, all of our neighboring communities had their citations heard at the 3rd Municipal District Court House in Rolling Meadows. The code enforcement cases for the municipalities were heard on 2 different days each month in housing court. Today almost all of our neighboring communities use their own administrative adjudication program for their code enforcement cases. In August of this year, we surveyed 12 communities in the NW suburbs that use the administrative adjudication process. Some possible benefits of using adjudication that were mentioned in the survey results included:

1. Faster compliance than the current L ticket system in County Court
2. Cases not getting continued as frequently
3. Saves staff time
4. Judge has more familiarity with cases
5. More convenient for residents by not requiring trips to the County Courthouse

When asked what percentage of their cases still ends up being heard in court, of those that gave a percentage, all but one said less than 5%.

Trustee Rosenberg asked if someone doesn't pay a fine or fee, will the village use this. Mr. Recklaus said it is a tool. The Food and Beverage Tax does not work well in the court system. If they don't show up to the adjudication hearing, we would fine them. The next step is unknown, the issue could go to collections, or the village could take them to court. The Food and Beverage tax requires businesses to report after the fact. This would give us a better tool to make sure everyone is paying. Mr. Recklaus said with this process, the village would cite them for not paying the tax. This provision would be more used for Health Department enforcement. It increases the village's teeth and makes sure everyone is on the same playing field. The village will not issue a business license if a business is not paying. It will not issue a liquor license if there are any outstanding fines.

Trustee Glasgow said judges don't understand it and slough it off.

Trustee Glasgow moved to direct staff to prepare the appropriate Code Amendment for the expansion of administrative adjudication. Trustee Farwell seconded the motion. The motion passed.

V. OTHER BUSINESS

VI. ADJOURNMENT

Trustee Glasgow moved to adjourn at 10:29 p.m. Trustee LaBedz seconded the motion. The motion passed.