

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
Committee of the Whole

April 12, 2022

President Johnson called to order the Committee of the Whole at 7:00 p.m. Those present were: President Donna Johnson, Trustees Scott Adams, Peter Garrity, Matthew Hickey, Matthew Krummick, Dan Love, and Jim Connell. Also in attendance were Kelly Amidei, Village Administrator, Ashley Engelmann, Deputy Village Administrator and Director of Community Development John Spoden.

**PROPOSED OUTDOOR DINING REGULATIONS**

Director Spoden provided an overview of the proposed outdoor dining regulations. He noted that to accommodate customers, the Board allowed additional temporary outdoor dining opportunities in 2020 and 2021 during the COVID-19 pandemic. The Village Board further directed staff to review outdoor dining possibilities for 2022. Director Spoden presented the following recommendations:

- Temporary Outdoor Dining defined as eating areas outside of a structure, open to the sky except for umbrellas, temporary tents, awnings or canopies, unless otherwise included in a Planned Development, that are issued permits on a yearly basis for no more than six continuous months.
- Temporary outdoor dining be allowed with a Staff issued permit for the period of May 1 – November 1. Any outdoor dining outside of that timeframe is capped at 500 sq. ft., unless parking is provided. Insurance listing the Village of Libertyville as additional insured is required.
- Temporary outdoor dining on Village of Libertyville property or public right-of-way requires approval of the Village Administrator conditioned upon Staff recommendation of issuance of a permit. Approval can only be granted in areas that do not close off access to the public. Any proposed use longer in term than the annual May 1 – November 1 permit for Village of Libertyville property or right-of-way requires a license agreement and approval of the Village Board of Trustees. Consideration will require a review of the benefits to the “public good”.
- Any use of public space must designate a 48” wide public pedestrian path.
- Use of public parking spaces, streets or lots is prohibited.
- Use of private property for outdoor dining requires documented owner approval and submission of property owner’s authorization.

- Temporary outdoor dining does not require an applicant to provide parking for that use. Permanent enclosures and permanent outdoor dining requires compliance with the Zoning Code.
- Any use of louvers/glass or other types of enclosures requires compliance with the Zoning Code for providing of parking.
- No amplification of live music.
- Compliance with the noise ordinance regulations.
- Compliance with Sign Code of the Zoning Ordinance (no temporary signs up for more than 30 days).
- Use of tents requires a tent permit in compliance with Village Code. The Village can only issue a tent permit for up to 6 months in any calendar year.

Businesses will be required to submit an application permit for review and approval.

Discussion among the Village Board ensued.

Mayor Johnson asked if the Village Code included minimum material requirements for tents. She noted that she wants to ensure that any tents used are of the appropriate quality and grade.

Trustee Krummick asked if the policy will define permanent versus temporary outdoor dining.

Trustee Adams asked if the policy should include the ability to extend through winter months.

Mayor Johnson noted that she would like to see the policy include different options to try to reduce the burden on staff. She also noted that we should consider including a lookback provision within the Ordinance.

Trustee Adams noted that we should consider potentially using decorative planters to block School Street at Milwaukee to allow for dining on the street like Mundelein.

Trustee Connell stated that he was not sure that closing School Street would be a good idea because of new businesses such as Duck Donuts, which could potentially make it difficult for visitors. He also noted that other businesses have spent funds to make their own private spaces and closing School Street would give the businesses in the area an advantage that would be provided by the Village but not to other businesses outside of the area.

Trustee Love asked if closing School Street would impact the Fire Department.

Fire Chief Carani responded that it may cause a small delay in response times.

Trustee Garrity asked if it could just be blocked on weekends.

Mayor Johnson responded that blocking it on weekends only would be difficult from a staffing perspective.

Trustee Hickey inquired about density level standards.

Trustee Garrity asked if there are regulations for tie downs and inclement weather events.

Mayor Johnson stated that we do need to achieve a balance with the regulations and look at liability standards.

Mayor Johnson conducted a straw poll of the Board members regarding the proposed regulations.

Trustee Hickey stated that he liked what was outlined by staff. He would like to see a timeline provided; visual standards included as well as anchoring requirements. He feels that the School Street discussion should be tabled to the future.

Trustee Garrity recommended that the Board move forward with the guidelines so that businesses can plan accordingly. He agrees to hold off on the School Street conversation.

Mayor Johnson agreed a separate discussion should occur around closing School Street for outdoor dining.

Trustee Adams agreed with the proposed regulations and would like to explore the option of School Street more.

Trustee Connell asked if branding would be allowed on tents and umbrellas. He believes it should be addressed in the ordinance. He would also like to see tie down requirements and public access in the right-of-way addressed. He expressed concerns regarding staffing to manage a closure of School Street for dining.

Trustee Love was in favor of the regulations that were proposed by staff. He believes ensuring public access is important. He would like to see material specifications included for tents and tie down requirements. He does not support closing School Street.

Trustee Connell asked that staff look at how they will address issues of outdoor dining encroaching on public property.

Mayor Johnson summarized the Board's direction as follows:

- Goal of having the regulations available and ready for the businesses by May 1
- Include weather considerations
- Material requirements
- Ensure public access to the right-of-way is maintained
- Address branding on umbrellas and tents (do not allow)
- Hold off on any closures related to School Street

#### **DRAFT BUILDING CODE UPDATE**

Due to time constraints this item was deferred to a future meeting.

#### **ADJOURNMENT**

With no further business to come before the Committee of the Whole, the Mayor asked for a motion to adjourn. Trustee Garrity moved to adjourn the Committee of the Whole, and Trustee Connell seconded. The motion carried on a unanimous voice vote at 7:59p.m.

Respectfully submitted,

Ashley Engelmann  
Deputy Village Administrator