

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, April 1, 2014
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) April 8, 2014 Study Session
 - b) April 17, 2014 Rescheduled Regular Meeting
 - c) May 6, 2014 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) March 11, 2014 Study Session..... 3
 - ii) March 20, 2014 Rescheduled Regular Meeting..... 6
 - b) Approval of Warrant List..... 11
 - c) Resolution R-6-2014: Green Bay Road & Oak Street Traffic Signal – Adoption..... 12
 - d) Resolution R-8-2014: Approving and Establishing the Salaries of Department Heads Effective April 1, 2014 – Adoption 14
 - e) Resolution R-9-2014: Approving and Establishing Changes in the Base Salary of the Village Manager – Adoption 18
 - f) Replacement of Batting Cages at Duke Childs Field, 1321 Willow Road 19
 - g) 2014 Parkway Tree Planting 23
- 6) Stormwater Report: No report.
- 7) Ordinances and Resolutions
 - a) Ordinance MC-4-2014: Amending the Liquor Control Regulations in WVC Chapter 5.09 – Amend & Adopt 25

- b) Ordinance M-4-2014: Disposition of Surplus Vehicles and Equipment – Introduction75
- c) Resolution R-7-2014: Post Office Lease – Adoption80
- 8) Public Comment
- 9) Old Business: None.
- 10) New Business: None.
- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager’s Office at Village Hall (2nd floor).

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village’s web site: <http://winn-media.com/videos/>

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

March 11, 2014

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 11, 2014 at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:02 p.m. Present: Trustees Arthur Braun, Patrick Corrigan, Richard Kates and Stuart McCrary. Absent: Trustees Joe Adams and Jack Buck. Also in attendance: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Katherine Janega, Director of Community Development Mike D’Onofrio, and approximately 7 persons in the audience.
- 2) Progress Report: Urban Land Institute Recommendations. Manager Bahan updated the Council on Village efforts to implement Council direction relating to the Urban Land Institute (ULI) recommendations. He said Staff meets weekly regarding the business districts and has made progress in three key areas:
 - Regulatory review: review of fire sprinkler requirements in February, with amendments to the Ordinance expected in April; review of liquor license procedures.
 - Economic development: (i) staff expects to bring a contract for economic development staffing before the Council on March 20; (ii) a Post Office lease agreement is also expected be ready for discussion in March; (iii) further discussions about long-term plans for the Post Office site will take place in April; and (iv) plans are underway to develop a property inventory and vacancy database.
 - Physical improvements: (i) a bid for traffic signal and streetlight pole painting will be on the agenda for the March 20 meeting, and a bid recommendation for improvements to the Hubbard Woods parking deck is expected to be ready in May; (ii) the Floral Program will be improved this year, thanks to feedback from the Chamber of Commerce, garden clubs and merchants; and (iii) ten crosswalks in the Elm Street District are scheduled for replacement as soon as the weather improves. In addition, the Park District is developing a Master Plan for Hubbard Woods Park, and the Village is hoping to be involved in the process, although not financially.

Mr. D’Onofrio reviewed the status of the review of the Business Community Development (BCDC) ULI recommendations that the Council referred to the Zoning Board of Appeals (ZBA) and the Plan Commission (PC). He also updated the Council on further progress by the BCDC.

- Business Community Development Commission: A review of the Retail Overlay District began at their February 24 meeting, centering around use modifications. Overlay boundaries will be discussed at the March 24 meeting, where the BCDC hopes to complete that discussion.
- Plan Commission: The PC agreed with the following BCDC recommendations: (i) parking for non-residential uses should remain at 2 spaces per 1,000 square feet of floor area; (ii) the minimum required residential parking should be reduced to the parking

space/dwelling unit ratio of 1.25 spaces/1 unit; 1.5 spaces/2 units and 2.0 spaces/3 units; and (iii) modify the gross floor area (GFA) definition to exclude such areas as common hallways, mechanical rooms, stairways, common restrooms, etc. The Commission requested Staff to provide additional information before making recommendations for: (i) eliminating the need for a special use to expand an existing parking lot; and (ii) additional parking requirements for a change of use. In addition, the PC will begin a discussion of building height at its March meeting.

- Zoning Board of Appeals: The ZBA agreed with the BCDC parking recommendations for residential and nonresidential uses, but also suggested further review of the use issues, as the PC is doing. The Board recommended against eliminating a special use to expand an existing parking lot until more data is studied, and also recommended against changing the GFA definition, as it was felt the required spaces would be reduced too far.

The Council discussed the issue of increasing height limitations, and asked if the Caucus had ever asked about it in one of their surveys. Mr. D'Onofrio said he could not recall ever seeing such a question. He explained that it is an issue for developers, who can provide more density by building up, and that different zoning districts could require different heights.

Trustee Corrigan commented that the issue of building height would come before the Council in any case, as part of the Planned Development Ordinance, and that some lot sizes simply cannot accommodate a larger building. He said parking problems are detrimental to the downtowns, and the Village could fix that by making changes to commuter and employee parking.

Trustee Kates called for stronger parking enforcement.

Manager Bahan suggested that Staff analyze the employee parking situation and report back to the Council.

- 3) Updating of Liquor Licensing Procedures and Regulations. Attorney Janega explained that, pursuant to Council direction, Staff had studied the liquor codes of neighboring communities, including a more detailed examination of Wilmette's provisions. She said recommended amendments include changing the definitions, license classifications and hours of service.

Attorney Janega reviewed her recommendations for changing the definition of restaurants, citing the need for more flexibility for potential license applicants. The new definition would still exclude coffee shops, fast food restaurants and diners from being eligible for a liquor license. The proposed expanded license categories provide for full service of alcohol and beer and wine, with and without a bar area for each type; specialty restaurants and stores; grocery stores; and the Park District golf clubhouse. The television rider would be eliminated, and the packaged meal rider and sidewalk service rider are incorporated into the license category. The only rider to remain would be the automated wine station rider, since it is difficult to predict which type of restaurant would apply for a wine station option.

Attorney Janega explained that the Council would still have oversight over each new liquor license application. In addition, the business must meet statutory eligibility requirements, pass a background check and premise inspections.

Other proposed changes to the Liquor Ordinance include changing the model for liquor only service to allow the service of two drinks per customer without a meal, slight expansion of

restaurant and sidewalk hours, a modification to the Class P Park District license, possible approval of a BYOB license, and option to require BASSET (Beverage Alcohol Sellers and Servers Education Training) for liquor licensees.

The Council asked questions and discussed the proposed changes. They were in favor of most of the recommendations, but asked for more information about the BYOB provision and BASSET training. The Council also ascertained that Staff had streamlined the license renewal process and will work with new applicants to process their license application efficiently and quickly.

Attorney Janega explained that Staff plans to circulate a draft of the Ordinance amending the Liquor Code to restaurant owners in Winnetka and invite their comments. She noted that the proposed amendments do not negatively affect any of the Village's current businesses.

- 4) Public Comment. None.

Trustee Adams arrived at 8:40 p.m.

- 5) Executive Session. Trustee McCrary moved to adjourn into Executive Session to discuss personnel matters, pursuant to Section 2(c)(1) of the Illinois Open Meetings Act. Trustee Adams seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Adams, Braun, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Buck.

President Greable announced that the Council would not return to the open meeting after Executive Session. The Council retired to Executive Session at 8:41 p.m.

- 6) Adjournment. Trustee Adams, seconded by Trustee Braun, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:12 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
RESCHEDULED REGULAR MEETING
March 20, 2014**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Thursday, March 20, 2014, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:05 p.m. Present: Trustees Arthur Braun, Patrick Corrigan, and Richard Kates. Absent: Trustees Joe Adams, Jack Buck and Stuart McCrary. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Katherine Janega, Public Works Director Steve Saunders, Community Development Director Mike D’Onofrio, and approximately 23 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) April 1, 2014 Regular Meeting. All of the Council members present, with the exception of Trustee Braun, indicated that they expected to attend.
 - b) April 8, 2014 Study Session. All of the Council members present indicated that they expected to attend.
 - c) April 17, 2014 Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Braun, seconded by Trustee Kates, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Braun, Corrigan and Kates. Nays: None. Absent: Trustees Adams, Buck and McCrary.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) March 4, 2014 Regular Meeting.
 - b) Warrant List. Approving Warrant List in the amount of \$961,437.45.
 - c) Traffic Signal & Street Light Pole Painting Bids. An item authorizing the Village Manager to award a purchase order to Bill’s Commercial Painting in an amount not to exceed \$60,460, according to the terms and conditions of Bid #014-002.
 - d) Installation of Bulk Material Outdoor Storage Bins, Bid #014-004. An authorization for the Village Manager to award the installation of bulk material outdoor storage bins to Lenny Hoffman Excavating, Inc., in the amount of \$30,481, in accordance with the terms and conditions of Bid #014-004.
 - e) Trenchless Lining of Sanitary Sewers – Municipal Partnering. An item awarding the Village of Winnetka’s portion of the Municipal Partnering Initiative’s trenchless lining of existing sanitary sewers work to Insituform Technologies, in the amount of \$128,648.76.

- f) Bid Extension, Secondary Cable: Wesco. An authorization for the Village Manager to waive the bid process and extend the current purchase order for secondary cable with Wesco to cover the period from April 1, 2014 through December 31, 2014, subject to the same prices, terms and conditions as those in Bid #013-008.
- g) Bid Extension, Primary Cable: The Okonite Company. An authorization for the Village Manager to waive the bid process and extend the current purchase order for primary cable with The Okonite Company to cover the period from April 1, 2014 through December 31, 2014, subject to the same prices, terms and conditions as those in Bid #013-008.

Trustee Braun, seconded by Trustee Kates, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Braun, Corrigan and Kates. Nays: None. Absent: Trustees Adams, Buck and McCrary.

- 6) Stormwater Monthly Summary Report. [Trustee McCrary arrived at 7:10 p.m.] Public Works Director Steve Saunders reviewed the report that brings together status, cost and schedule information for each separate stormwater project:
 - (i) Spruce Outlet at Tower Road: Tentative start date of April 14, weather permitting.
 - (ii) Winnetka Avenue Pump Station: Work is progressing towards an expected June completion.
 - (iii) Northwest Winnetka: Village staff and consultants met with area residents and are working to address their concerns; in addition, notice has been received that a grant partner will provide significant funding for this project.
 - (iv) Willow Road Tunnel: MWH is working on the modeling verification and permitting plan and is expected to give its first report to the Council in May.

Debbie Ross, 921 Tower Road. Ms. Ross said the Village's residents made their opinion clear in the March 20 election by voting "no" on the Willow Road Tunnel referendum. She called on the Council come up with an alternate plan, and offered the assistance of Protect Our Water Winnetka, an activist group in the Village.

Marc Hecht, 1096 Spruce. Mr. Hecht asked what the Council planned to do in light of the referendum vote.

Michael Kerr, 266 Linden Street. Mr. Kerr said the Council has a fiduciary duty to respond to the referendum vote and uphold the interest of Winnetka residents.

President Greable stated that he questioned the value of the referendum because it does not clearly inform the Council about what it should do. The Council needs time to accurately assess what the referendum really means. He noted that it is important to have a fact-based discussion, and he urged the community to stay informed and provide input as the Village moves forward with the next phases of the Tunnel Project.

Trustee Kates said he has been involved in many environmental issues throughout his career, and he knows the permitting agencies to be responsible entities. He reiterated that discussions about the Tunnel Project must be based on facts, and he noted that the Council has a fiduciary responsibility to reduce Winnetka's flooding. He welcomed opponents of the Tunnel Project to present the Council with an alternate plan.

Trustee McCrary said he tries to represent the interests of the community and attempts to understand differing points of view. He noted that notwithstanding misleading statements and inflammatory emails that were circulated in the community prior to the election, he hears the message that people are concerned about the cost and the environment. He suggested that the issue of flood risk tolerance could be revisited, and that he would continue to keep cost and the environment uppermost in his mind as the process moves forward.

Trustee Braun said the Council has a responsibility to all of the residents, whether they flood or not; or whether they approve of the Tunnel Project or are against it, and the Council is on the right course of getting all the data before taking final action. He asked the community to have patience and let the process run its course.

7) Ordinances and Resolutions.

- a) Ordinance MC-4-2014: Amending the Liquor Control Regulations in WVC Chapter 5.09 – Introduction. Attorney Janega reviewed the changes to the Liquor Code, drafted pursuant to direction by the Council as part of its effort to implement the Urban Land Institute (ULI) recommendations. She said the bulk of the amendments have been made to definitions, license classifications and hours of service. No negative feedback has been received from the any of the Village’s restaurant owners.

The Council were in agreement that the changes are necessary, and that the issue has been thoroughly discussed.

Mr. Kaveh Mirani, owner of Mirani’s restaurant at 727 Elm. Mr. Mirani said he thought the changes were good for restaurant owners in the Village, but he thought there were too many license categories. He commented that the wine shops only pay half the license fee that restaurants do, which seems unfair. Attorney Janega said she would meet with Mr. Mirani to discuss his concerns.

Terry Dason, Director of the Winnetka-Northfield Chamber of Commerce. Ms. Dason congratulated the Council on making the changes, as the businesses need to know that the Village supports them. She added that a new demographic is moving into Winnetka that is used to eating out and ordering in, and a variety of restaurant uses will keep their business in the Village.

Glen Weaver, 2436 W. Thorndale, Chicago. Mr. Weaver said he is happy to see the contract for ULI implementation assistance on the agenda and he asked a question about domestic vs. commercial lines for fire sprinklers. Manager Bahan said fire sprinklers will be reviewed in April, and he would ensure that the difference between the two types of lines would be discussed.

Trustee Braun, seconded by Trustee McCrary, moved to introduce Ordinance MC-4-2014. By voice vote, the motion carried.

8) Public Comment. None.

9) Old Business. None.

10) New Business.

a) Urban Land Institute Implementation Assistance: Business Districts, Inc.

Manager Bahan explained that, pursuant to Council direction to implement the Urban Land Institute's recommendation to form an economic development team, Staff proposes to enter into an agreement with Business Districts, Inc. (BDI) for assistance in this goal. BDI is a well-known provider of commercial area development services for mid-sized municipalities. The team brings a wealth of experience in downtown revitalization, market analysis and commercial retail development. He introduced the BDI team, Bridget Lane, Diane Williams and Judith Aiello.

Bridget Lane, Director of BDI. Ms. Lane described the services that her organization provides, and noted that she is a member of ULI and has participated in TAP processes, as have both of her teammates. She said the team will expand the capacity of existing Village staff and then set up systems to help keep that capacity in place. She listed Evanston, Northfield, Lake Forest, Lake Bluff and Oak Brook as communities that BDI has worked in.

The Council asked questions and the BDI team members responded.

Jeffrey Liss, 1364 Edgewood. Mr. Liss commented that the ULI Report is a breath of fresh air for the Village, but he said the parking comments on parking were confusing. He asked that commuter parking be taken into account.

Trustees Kates and Braun were not in favor of approving the contract. Trustee Corrigan said the project is necessary to streamline Village processes and to effectuate the change recommended by ULI.

Trustee McCrary, seconded by Trustee Corrigan, moved to authorize the Village Manager to enter into an agreement with Business Districts, Inc. for ULI implementation assistance, for an amount not to exceed \$32,600.

After a brief Council discussion, Trustee Corrigan withdrew his second so the Council could wait until the full Council is in attendance to consider economic development staffing.

b) Illinois Department of Commerce and Economic Opportunity IKE Disaster Recovery Grant: Contract Award. Mr. Saunders stressed the benefits of moving forward with the IKE grant program, which has awarded the Villages of Glenview, Niles and Winnetka \$200,000. The grant funds are intended for local and regional planning in the wak of flooding from Hurricane Ike. He explained that the proposed project will provide multiple benefits to each participating community, including a documented and repeatable process for addressing common flooding problems. The program produces a template, resulting in a more rapid project timeframe, which is implemented on a parallel path with larger scale and longer-term stormwater improvements. Since the grant calls for a "green first" approach, each community will have a process to implement neighborhood-level Best Management Practices that will serve to protect water quality, reduce runoff peaks and reduce smaller episodes of flooding that occur with lower-volume storms.

The Council asked Mr. Saunders questions about the projects and also about the grant fund distribution, ascertaining that the Village would not incur large costs in administering the grant.

Jeffrey Liss, 1364 Edgewood. Mr. Liss asked if there are already project templates that the Village could use. Mr. Saunders explained that there are various tools, but that each municipality does things differently, and this project is designed to deliver specific elements that could be used in other similar communities. He noted that the projects will be smaller, local, scalable and repeatable.

Ms. Ross commented that the Council should have waited to approve the Tunnel Project until the Village had installed some of the projects associated with the IKE Grant, as she believes retrofitting is the wave of the future.

Trustee Braun, seconded by Trustee Kates, moved to award a contract to Baxter & Woodman Consulting Engineers for completion of the Flood Hazard Mitigation Planning for the Villages of Winnetka, Glenview and Niles, in an amount not to exceed \$199,795. By roll call vote, the motion carried. Ayes: Trustees Braun, Corrigan, McCrary and Kates. Nays: None. Absent: Trustees Adams and Buck.

11) Appointments.

12) Reports.

- a) Village President. President Greable congratulated Trustee McCrary on his re-election, and welcomed the new Trustees-elect, Carol Fessler and Marilyn Prodromos.
- b) Trustees. None.
- c) Attorney. None.
- d) Manager. None.

13) Executive Session. Trustee McCrary, seconded by Trustee Kates, moved to schedule a special Executive Session at 5:30 p.m. on Wednesday, March 26, to discuss Personnel, pursuant to Section 2(c)(1) of the Open Meetings Act. By roll call vote, the motion carried. Ayes: Trustees Braun, Corrigan, McCrary and Kates. Nays: None. Absent: Trustees Adams and Buck.

14) Adjournment. Trustee Braun, seconded by Trustee Kates, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:25 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 04/01/2014

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input checked="" type="checkbox"/> | Informational Only |

Item History:

None.

Executive Summary:

The Warrant List for the April 1, 2014 Regular Council Meeting was emailed to each Village Council member.

Recommendation / Suggested Action:

Consider approving the Warrant List for the April 1, 2014 Regular Council Meeting.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution R-6-2014: Green Bay Road & Oak Street Traffic Signal- Adopt

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/01/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History: *(reference past Council reviews, approvals, or authorizations)*

Executive Summary:

The Village of Winnetka is proposing to modernize the traffic signals at Green Bay Road and Oak Street. This project entails removal and replacement of the existing traffic signal system with a modernized traffic signal system, including mast arms, emergency vehicle priority system, and pedestrian LED countdown signal heads.

The project is to be funded using \$250,000 of Motor Fuel Tax funds.

The Village's Motor Fuel Tax funds are subject to supervision by the Illinois Department of Transportation, and use of funds for eligible construction projects requires an authorizing resolution. Resolution R-6-2014 (attached) authorizes use of \$250,000 in Motor Fuel Tax funding for the Traffic Signal Modernization Project for Green Bay Road and Oak Street.

Recommendation / Suggested Action: *(briefly explain)*

Consider adoption of Resolution R-6-2014, authorizing expenditure of \$250,000 in Motor Fuel Tax funds for the Traffic Signal Modernization Project for Green Bay Road and Oak Street.

Attachments: *(please list individually)*

Resolution R-6-2014



Illinois Department of Transportation

Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the PRESIDENT AND BOARD OF TRUSTEES of the VILLAGE of WINNETKA Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: GREEN BAY ROAD, 1291, AT OAK ST INTERSECTION, (blank).

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of the traffic signal modernization at the intersection of Green Bay Road and Oak Street. This project will involve the removal and replacement of the existing traffic signal standards and wiring. The project does not involve any geometric modifications, right of way acquisitions, or street lighting, and is not located within a historic district. This resolution is for construction.

and shall be constructed wide and be designated as Section 14-00102-00-TL

2. That there is hereby appropriated the (additional Yes No) sum of Two-hundred and fifty thousand dollars and no cents Dollars (\$250,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Form for Department of Transportation signature: Approved, Date, Department of Transportation, Regional Engineer

Form for Clerk signature: I, Robert Bahan Clerk in and for the Village of Winnetka of Cook County, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the President and Board of Trustees at a meeting on IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of (SEAL) City, Town, or Village Clerk



Agenda Item Executive Summary

Title: R-8-2014 and R-9-2014 - Establishing Department Head & Manager Salaries

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 04/01/2014

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None.

Executive Summary:

As required by Village Code, Resolution R-8-2014 approves and establishes the salaries for Department Heads, while Resolution R-9-2014 establishes the Village Manager's Salary.

Both resolutions provide that the salary changes are effective April 1, 2014, consistent with other employee pay adjustments.

Recommendation / Suggested Action:

1. Consider adoption of Resolution R-8-2014, titled "A Resolution Approving and Establishing the Salaries of Department Heads Effective April 1, 2014."
2. Consider adoption of Resolution R-9-2014, titled "A Resolution Approving and Establishing Changes in the Base Salary of the Village Manager."

Attachments:

1. Agenda Report
2. Resolution R-8-2014, "A Resolution Approving and Establishing the Salaries of Department Heads Effective April 1, 2014."
3. Resolution R-9-2014, "A Resolution Approving and Establishing Changes in the Base Salary of the Village Manager."

AGENDA REPORT

TO: Village Council

SUBJECT: **Resolution R-8-2014 – Approving and Establishing the Salaries of Department Heads Effective April 1, 2013**

Resolution R-9-2014 – Approving and Establishing Changes in the Base Salary of the Village Manager

FROM: Robert M. Bahan, Village Manager

DATE: March 27, 2014

Attached hereto are Resolutions R-8-2014 and R-9-2014, which approve and establish the salaries for the Department Heads and the Village Manager, respectively, effective April 1, 2014.

Recommendation:

1. Consider adoption of Resolution R-8-2014, titled “A Resolution Approving and Establishing the Salaries of Department Heads Effective April 1, 2014.”
2. Consider adoption of Resolution R-9-2014, titled “A Resolution Approving and Establishing Changes in the Base Salary of the Village Manager.”

**A RESOLUTION
 APPROVING AND ESTABLISHING
 THE SALARIES OF DEPARTMENT HEADS
EFFECTIVE APRIL 1, 2014**

BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: In accordance with the sections of the Winnetka Village Code referenced in the table below, the Village Council hereby approves and establishes the following monthly base salaries for the department heads.

Name and Title	Monthly Salary Effective April 1, 2014	Monthly Salary Effective October 1, 2014
Alan Berkowsky (Fire Chief, WVC 2.52.030.B)	\$ 11,398.11	\$ 11,597.58
Michael D’Onofrio (Community Development Director WVC §2.44.030.B)	\$ 11,602.87	\$ 11,805.92
Katherine S. Janega (Village Attorney WVC §2.28.010.B)	\$ 14,314.40	\$ 14,564.90
Brian L. Keys (Water & Electric Director WVC §2.68.010.C)	\$ 12,625.01	\$ 12,845.95
Patrick Kreis (Chief of Police WVC §2.60.030.B)	\$ 12,192.13	\$ 12,405.50
Edward F. McKee, Jr. (Finance Director WVC §2.48.010.D)	\$ 13,673.01	\$ 13,912.29
Steven M. Saunders (Director of Public Works WVC §2.64.010.C)	\$ 13,040.54	\$ 13,268.75

SECTION 2: In addition to the salaries established in Section 1 of this resolution, and in addition to all other compensation and benefits paid to each of the department heads listed in Section 1 of this resolution (the “Department Heads”), including all other benefits available

generally to Village employees: (a) each of the Department Heads shall be entitled to an annual, lump sum payment of \$2,500.00, which the Village Treasurer shall deposit, on behalf of each Department Head, into a qualified Internal Revenue Code Section 457 deferred compensation plan; (b) Director of Public Works Steven M. Saunders shall be paid a one-time bonus of \$12,500.00; (c) Director of Water and Electric Brian Keys shall be paid a one-time bonus of \$5,000.00; and (d) Finance Director Edward F. McKee, Jr. shall be paid a one-time bonus of \$5,000.00.

SECTION 3: This resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Article VII, Section 6 of the Illinois Constitution of 1970.

SECTION 4: This Resolution shall be in full force and effect upon its adoption as provided by law.

ADOPTED this 1st day of April, 2014, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

**A RESOLUTION
APPROVING AND ESTABLISHING
CHANGES IN THE BASE SALARY OF THE VILLAGE MANAGER**

BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: In accordance with Section 2.12.040 of the Winnetka Village Code and Section 5 of the Employment Agreement between the Village of Winnetka and Robert M. Bahan, Village Manager, which was approved by the Village Council on September 29, 2010, the Village Council hereby approves and establishes the following changes to the monthly base salary of the Village Manager:

	Monthly Salary Effective April 1, 2014	Monthly Salary Effective October 1, 2014
Robert M. Bahan	\$ 15,882.45	\$ 16,160.40

SECTION 2: In addition to the salary, benefits and payments established in Section 1 of this Resolution and in the above-referenced Employment Agreement, including all other benefits available generally to Village employees Village Manager Robert M. Bahan shall be paid a one-time bonus of \$17,500.

SECTION 3: Except for the salary and payment adjustments made pursuant to this Resolution, all provisions of the above-referenced Employment Agreement remain in full force and effect, without change.

SECTION 4: This resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Article VII, Section 6 of the Illinois Constitution of 1970.

SECTION 5: This Resolution shall be in full force and effect upon its adoption as provided by law.

ADOPTED this 1st day of April, 2014, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Replacement of Batting Cages at Duke Childs Field, 1321 Willow Road

Presenter: Brian Norkus, Assistant Director of Community Development

Agenda Date: 04/01/2014

Consent: YES NO

- | | |
|--------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

In 1979, the Village conveyed Duke Childs Athletic Field to New Trier High School, subject to restrictive covenants that require Village approval for the "construction, enlargement or reconstruction" of any structure on the property. Duke Childs Field is also subject to the Village's zoning regulations, which require a special use permit for the location and dimensions of the baseball facilities on the property.

Executive Summary:

Pursuant to a special use permit granted by the Village, New Trier High School has constructed baseball diamonds, dugouts and batting cages at Duke Childs Field.

The existing batting cages, which are located between the Varsity and Junior Varsity ballfields (see Attachment B), are made of netting supported by poles. The netting is worn and requires replacement. The proposed replacement batting cages would be in the same location, have the same dimensions, and use the same materials as the current baseball batting cages. The proposed new installation will utilize fewer poles than existing through use of a galvanized steel cable for netting support.

Although the like-for-like replacement does not require an amendment to the special use permit, Council approval is needed due to the wording of the restrictive covenant.

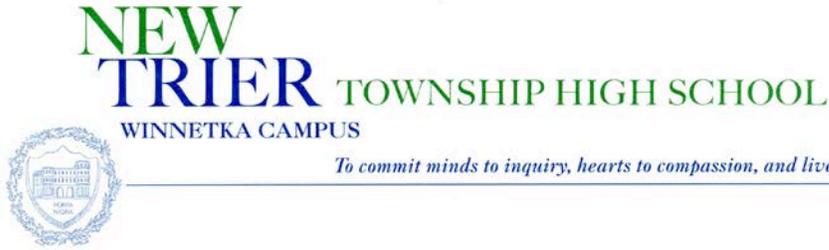
It should be noted that the current request is not related to New Trier's 2013 request to install enlarged batting cages behind home plate, which was withdrawn due to a lack of Council support.

Recommendation / Suggested Action:

1) Consider a motion to approve the replacement of two batting cages at Duke Childs Athletic Field in the same location as the existing batting cages, subject to consistency with attached plan by Protective Sports Concepts LLC.

Attachments:

- 1) Attachment A - Letter of request from New Trier
- 2) Attachment B - Site plan
- 3) Attachment C - Elevation plan and details



To: Brian Norkus (Assistant Director of Community Development)
 From: Steve Linke (Facilities Manager, New Trier High School)
 Date: March 24, 2014
 Re: Batting Cage replacement

Mr. Norkus,

New Trier High School would like to replace the two existing batting cages at Duke Childs Field.

The existing batting cages have been in place for over 15 years and are showing their age. The nets are worn out and due to be replaced. It does not make sense to put new nets on the existing system as the poles supporting the nets are fatigued and sagging.

The system we are proposing is the same height, width, and length of our existing cages. The new system will be installed in the exact same location as the existing cages.

The new system will have fewer polls and will use cables from poll to poll instead of horizontal pipes to support the nets. This will give much better support and the nets will not sag as they do now.

The Proposed system will be an aesthetic improvement to the site.

Thank you for your consideration.

Sincerely,

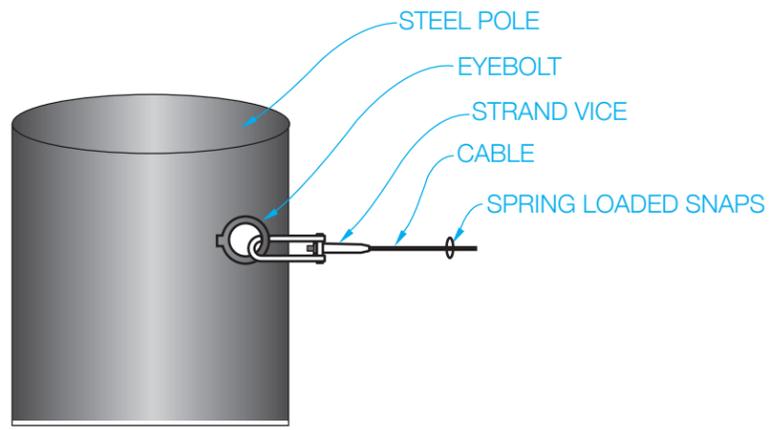
Steve Linke
 Facilities Manager
 New Trier High School

Attachment
B - Site Plan

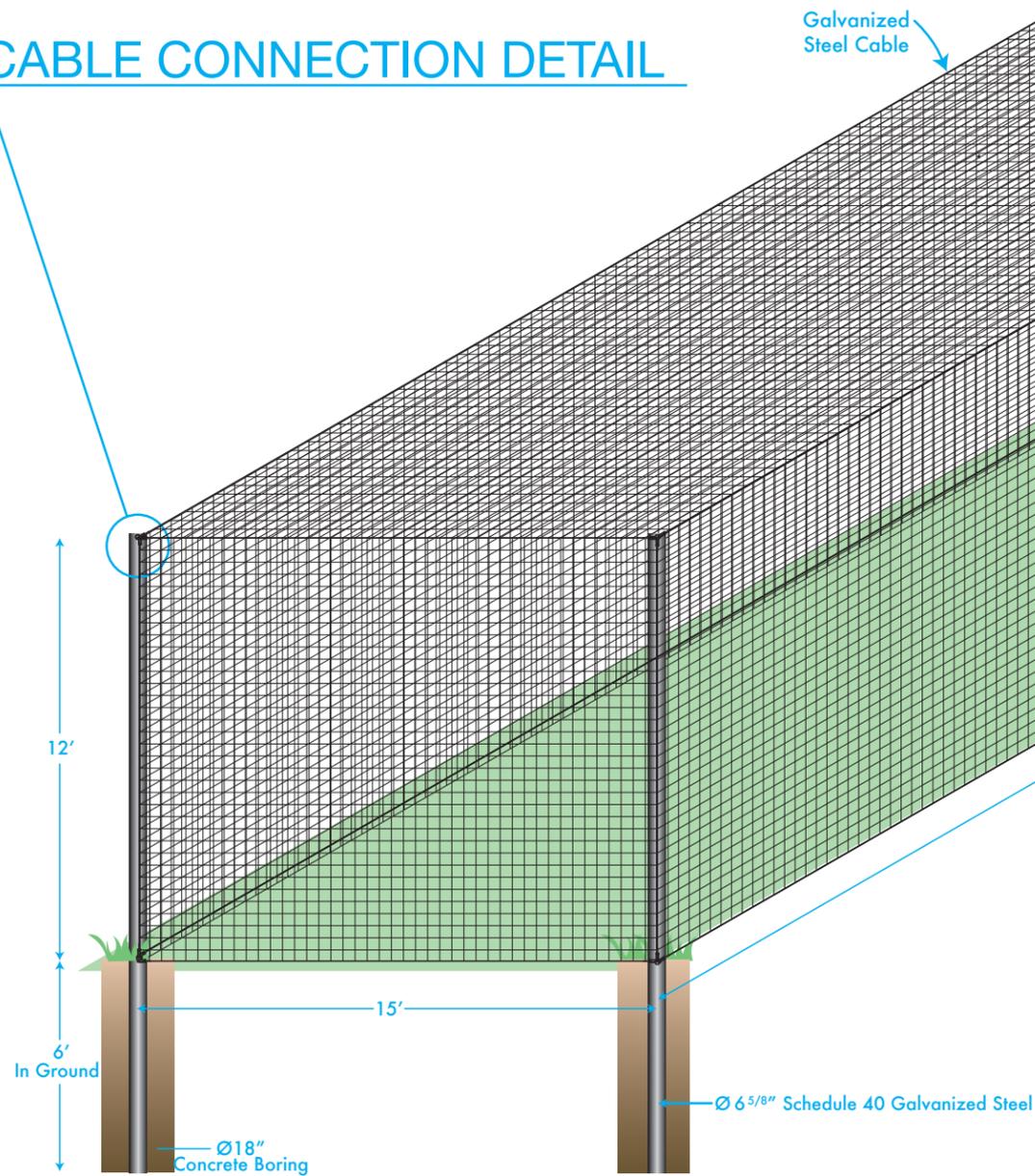
Existing and
proposed
location



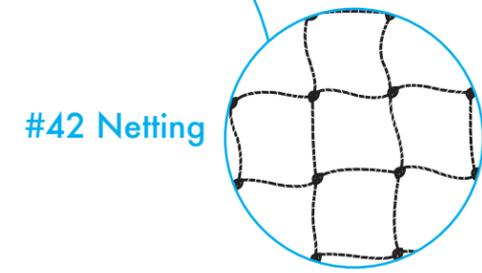
Willow Rd



CABLE CONNECTION DETAIL



7" Gap between cages
Netting Is Connected To Cable With Snaps



Attachment C



Agenda Item Executive Summary

Title: 2014 Parkway Tree Planting

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/01/2014

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

Executive Summary:

The Village recently received sealed bids for the 2014 Parkway Tree Planting Program. Five bidders participated. The bid was structured to allow the Village to award the bid to one or more bidders on the basis of lowest bid per tree species, whatever is most advantageous to the Village.

Staff has reviewed the bids in detail and recommends that the bid to be split jointly between St. Aubin Nursery and Acres Group Services based on low bid per species.

Recommendation / Suggested Action:

Consider awarding the 2014 Parkway Tree Planting Program jointly to St. Aubin Nursery and Acres Group Services based on lower price per tree species as submitted for an estimated total amount of \$45,624.00.

Attachments:

Agenda Report

Agenda Report

Subject: 2014 Parkway Tree Planting Bids

Prepared By: Jim Stier, Village Forester

Date: March 20, 2014

The Village recently received sealed bids for the 2014 Parkway Tree Planting Program. Five bidders participated and their bids are summarized below. The bid was structured to allow the Village to award the bid to one or more bidders on the basis of lowest bid per tree species, whatever is most advantageous to the Village.

Bidder	# Species Low Bid	Amount for Low Bid	Alternate Award
Arthur Weiler	2	\$920.00	\$0.00
Greco Landscaping	1	\$840.00	\$0.00
Landscape Concepts Management	2	\$1,428.00	\$0.00
Acres Group Services	35	\$24,914.00	\$26,636.00
St. Aubin Nursery	29	\$17,311.00	\$18,988.00
Total		\$45,413.00	\$46,624.00 Difference +\$211.00

64 of the 69 low price per tree species were submitted by two contractors, Acres Group Services and St. Aubin Nursery. Staff has reviewed the bids in detail to see what the cost difference would be if the 5 remaining tree species were to be supplied by one of the two main low bidders. This would greatly simplify administering the contracts and scheduling the work, coordinating two contractors rather than five, and would increase the program cost by \$211, from \$45,413 to \$45,624.

Based on estimated tree quantities, the Village staff recommends the bid to be split jointly between St. Aubin Nursery and Acres Group Services based on low bid per species.

Recommendation:

Consider awarding the 2014 Parkway Tree Planting Program jointly to St. Aubin Nursery and Acres Group Services based on lower price per tree species as submitted for an estimated total amount of \$45,624.00.



Agenda Item Executive Summary

Title: MC-4-2014 - Amending Liquor Control Regulations, WVC Chapter 5.09 (Amend & Adopt)

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 04/01/2014

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

January 14, 2014 Council Study Session, Agenda pages 140-147
 February 11, 2014 Council Study Session, Agenda pages 53-71
 March 11, 2014 Council Study Session, Agenda pages 10-37
 March 20, 2014 Rescheduled Regular Meeting, Agenda pages 37-91

Executive Summary:

Ordinance MC-4-2014 amends the Village's Liquor Ordinance, Chapter 5.09 of the Village Code, to implement the Council's policy direction regarding certain recommendations made by the Urban Land Institute following its completion of two Technical Assistance Panels of the Village's commercial districts.

The Ordinance updates key definitions, adds new liquor license classifications to allow limited licenses for beer and wine only, and incorporates the packaged meal and sidewalk service riders into the basic license classifications. The ordinance also eliminates the television rider, expands liquor service hours, and replaces the cumbersome time and location-based limits on liquor-only service with an easily administered standard allowing two servings of alcohol without food per customer.

The Ordinance has been published on the Village's web site, and all licensees, the Chamber of Commerce and the Business Community Development Commission were notified of the Ordinance before it was introduced at the March 20, 2014, Council meeting. The only questions regarding the amendments came from the one licensee who spoke at the Council meeting and later met with the Village Attorney to discuss them. No other comments have been received.

Amendments since introduction are highlighted in Attachments 1 and 2 and explained in the attached Agenda Report.

Recommendation / Suggested Action:

1. Consider a motion to amend Ordinance MC-4-2014, as presented.
2. Consider a motion adopting, as amended, Ordinance MC-4-2014, titled "An Ordinance Amending Chapter 5.09 of the Winnetka Village Code as It Pertains to Liquor License Classifications and Service Regulations."

Attachments:

Agenda Report dated March 27, 2014
 Attachment 1 - Ordinance MC-4-2014 - Clean text
 Attachment 2 - Ordinance MC-4-2014 - Red-lined draft

AGENDA REPORT

SUBJECT: **MC-4-2014 – An Ordinance Amending Chapter 5.09 of the Winnetka Village Code as It Pertains to Liquor License Classifications and Service Regulations**

PREPARED BY: Katherine S. Janega, Village Attorney

REFERENCE: March 20, 2014 Council Meeting, Agenda pp. 37 – 91
March 11, 2014 Study Session, Agenda pp. 10 – 37
February 11, 2014 Study Session, Agenda pp. 53 – 71
January 14, 2014 Study Session, Agenda pp. 140 – 147
August 6, 2013 Council Meeting, Agenda pp. 22 – 92

DATE: March 27, 2014

Background

Ordinance MC-4-2014, which was introduced at the March 20, 2014, Council meeting, amends various provisions of the Liquor Ordinance, Village Code Chapter 5.09. Those amendments reflect the Village Council’s policy directives regarding the implementation of certain recommendations made by the Urban Land Institute (ULI), which conducted two Technical Assistance Panel (TAP) reviews of Winnetka’s three commercial areas.

The Ordinance is the culmination of discussions at three successive Village Council study sessions, in January, February and March of this year, at which the Village Manager and Village Attorney presented an array of policy issues and suggested Code changes, after researching liquor regulations in communities that are in close proximity to the Village of Winnetka, or that have similar community characteristics.

Village staff has taken steps to disseminate specific information about the proposed amendments. The liquor license renewal package sent to all licensees informed them that changes were forthcoming, and a copy of the Ordinance was delivered to each liquor licensee before Ordinance MC-4-2014 was introduced. Community Development Director Mike D’Onofrio has seen to it that the Business Community Development Commission (BCDC), whose members include the Executive Director of the Winnetka-Northfield Chamber of Commerce and the owner of O’Neill’s, Little Ricky’s and Trifecta, is aware of the Ordinance and the licensing changes it would make. The Ordinance was also specifically noted in E-Winnetka, with a link to the agenda materials that are posted on the Village’s web site.

On Monday, March 24th, the Village Attorney also met with the one licensee who raised questions at the March 20th meeting. That licensee’s comments are noted in the course of the discussion, below. No other comments or inquiries have been received, either via “Contact Us” on the Village’s web site, or via e-mails directly to the Village Manager or Village Attorney.

Final Ordinance Draft and Reference Materials

As with the agenda materials at the time of introduction, Ordinance MC-4-2014 is again being provided in two forms. Attachment 1 is a “clean” draft of Ordinance MC-4-2014, showing

only the proposed final text of the various provisions of Chapter 5.09 that are being amended. Attachment 2 provides Ordinance MC-4-2014 in red-lined form, so that the Council can see how the Liquor Control Regulations in Chapter 5.09 would be changed if the Ordinance is adopted.

It should be noted that, in the course of the final review of the Ordinance in preparation for adoption, some inconsistencies in language were identified. In addition, after reviewing the Ordinance, it became clear that further consolidation of text was necessary, to enable the public, the licensees and the Village's officials and employees to get a clearer picture of the key characteristics of each license, without having to refer to multiple sections of Chapter 5.09.

Consequently, some additional revisions have been made to the Ordinance, to refine and clarify some wording, to move or consolidate some text wherever possible, and to assure parallel structure. Each of the additional changes is explained in detail, below, and all are highlighted in **bold type** in Attachment 1. Although virtually all of the amendments since introduction are structural, rather than substantive, the changes to the text since introduction make it necessary to vote to amend the Ordinance before voting on its passage.

The following discussion provides an overview of Ordinance MC-4-2014 and the proposed amendments to the Liquor Ordinance.

Summary of Ordinance MC-4-2014

Ordinance MC-4-2014 can be broken down into three parts. The first part consists of the Preamble and Section 1. The Preamble contains the "Whereas" recitals, which Section 1 incorporates by reference and adopts as the Council's legislative findings. This part of the Ordinance provides legislative history and can assist in interpreting the substantive text. (See Attachment 1, pp. 1-2)

The second part of the Ordinance comprises Sections 2 through 21. These sections amend various provisions of Chapter 5.09. Sections 2 through 12 amend various definitions, while Sections 13 through 21 amend both procedural and substantive liquor regulations. The heart of these amendments is the restructuring of the liquor license categories and the incorporation of the various riders into the specific characteristics of the different license categories.

The third part of the Ordinance, Sections 22 and 23, contain the concluding boilerplate provisions, stating that the Ordinance is an exercise of the Village's home rule powers, and that the Ordinance is to go into effect immediately.

The remainder of this Agenda Report provides further explanation of Sections 2 through 21 of Ordinance MC-4-2014 and the changes since introduction, with defined terms being shown in italics.

1. Definitions

The most notable amendments are to the terms *restaurant* and *specialty restaurant*, in Section 7 and 12 of the Ordinance. (See Attachment 1, pp. 3 and 4)

The amended definition of *restaurant* retains the key characteristics of restaurants under the State's Liquor Control Act, in that it requires the primary business to be the on-site preparation, sale and consumption of complete meals served on non-disposable tableware, and "actually and regularly" serving complete meals for consumption by patrons seated at tables. However, the amended definition eliminates the current requirements that patrons be seated by a host or hostess and that service be by a designated wait staff. The amended definition also requires the restaurant to have a complete menu that offers several courses, including dinner and luncheon menus, but no longer requires the menus to be pre-printed.

Thus, under the amended definition of *restaurant*, a restaurant that is in the business of serving full meals and that regularly serves full meals at tables, but that uses bus staff rather than a designated wait staff to serve its patrons, could now be eligible for a liquor license. Nevertheless, as previously noted, the revised definition of *restaurant* limits the types of food service establishments that could be eligible for a liquor license by specifically excluding lounges, luncheonettes, diners, coffee shops, drive-in establishments and fast-food establishments from the definition of *restaurant*.

The amended definition of *specialty restaurant* is similar to the definition of *restaurant*, but retains the current requirements that patrons be seated by a host or hostess and that service be by a designated wait staff. The distinguishing feature of the *specialty restaurant* is in its link to demonstration or instructional programs, with all customers being served the same *prix fixe* meal at a scheduled seating, either at tables or at a demonstration counter. The amended definition also allows a *specialty restaurant* to be operated in conjunction with a limited food products store or a specialty beverage store, thereby restoring one of the original, defining characteristics of the Class E-1 license, while allowing specialty restaurants to stand on their own.

The *prix fixe* reference in the definition of *specialty restaurant* was questioned by one licensee at the March 20th Council meeting. In a subsequent conversation with that licensee, the Village Attorney explained that the combination of cooking demonstrations or classes with the scheduled seating of customers, all of whom would be served the same *prix fixe* meal, were defining elements of the *specialty restaurant*, and did not alter the definition *restaurant*. Therefore, any *restaurant* licensed under the existing Class A and A-1 licenses, as well as under the new Class A-2 and A-3 licenses, would continue to be free to offer *prix fixe* service, or to occasionally offer *prix fixe* menus, if they chose to do so.

Further amendments to the definitions of *restaurant* and *specialty restaurant* since introduction insert words referring to the consumption of the alcoholic beverages on the premises, an essential element of service in a *restaurant* or *specialty restaurant* that was inadvertently omitted in the prior draft. (See Attachment 1, pp. 3 and 4)

The definition of *sidewalk service* has also been changed since introduction, by adding a sentence expanding the scope of the definition to include service on public rights of way or property other than sidewalks. (See Attachment 1, p. 4) This change was necessary because some Class C special event licenses, such as the license issued to the Chamber of Commerce for "Let Loose on Lincoln," have allowed outdoor service on public property other than sidewalks.

There has been no change to the remaining definitions, which include definitions for *licensed premises*, *packaged sale* and *servicing*. (See Ordinance Sections 5, 6, 10 and 11; Attachment 1, pp. 2-4) Each of these terms, as well as the new definition of *sidewalk service*, allows the wording in the license classification descriptions to be streamlined. In addition, the new definition of *servicing* allows the creation of a more easily administered standard for the service of alcoholic beverages without food. This new term allows the regulation to be based on a certain number of servings, which is not only easier for licensees to understand, but also allows the Village to use the review of a licensee's service records for compliance, rather than relying solely on contemporaneous observations.

As explained at the March 20th Council meeting, the other definitions are technical ones that correct omissions, clean up language and assure consistency with the definitions in the Liquor Control Act.

2. License Classifications

Section 15 of Ordinance MC-4-2014, which amends Section 5.09.100 of the Liquor Ordinance, extends from page 5 to page 12 in the "clean," un-tracked draft (Attachment 1), and from page 5 to page 15 of the tracked draft (Attachment 2).

Class A and A-1. (See Attachment 1, pp. 5-6) Village Code Sections 5.09.100(A) and (B) still pertain to the Class A and Class A-1 license classifications, but they have been totally restructured by expanding the characteristics of the Class A license to include (i) the service of alcohol in sidewalk seating areas, (ii) the occasional service of alcoholic beverages without food, and (iii) the occasional sale and service of beer and wine in its original packing. All three of these aspects of service were once defined in separate riders that attached to the basic Class A (restaurant) and A-1 (restaurant with bar) licenses.

Incorporating these riders into the license classifications allows the text of the former subsections I and M of Section 5.09.100 to be stricken and replaced with actual license classifications. The text of subsection H, which pertained to the television rider, has also been replaced by other text and the liquor regulations are now silent in regard to televisions. This change leaves individual licensees free to decide the number and types of televisions, if any, that might be appropriate to their type of restaurant operation.

Class A-2, A-3, A-4 and A-5. (See Attachment 1, pp. 6-7) These four "A" license classifications, which will be added to the Liquor Regulations by Ordinance MC-4-2014, are in direct response to the ULI recommendations. The Class A-2 and A-3 licenses are for restaurants with beer and wine service only. The structure is also parallel to the Class A and A-1 licenses, in that the Class A-2 is for restaurants without a bar and the A-3 is for restaurants with a bar. The standards for bars are identical in both the A-1 and A-3 classifications. In addition, as with the Class A and A-1 licenses, the full array of defining characteristics are stated only in the Class A and A-2 provisions, with the Class A-1 and A-3 simply restating that they are the same in all respects as the Class A and A-2, respectively, including the sale of beer and wine in their original packaging, as an accompaniment to the sale of a packaged meal.

The Class A-4 and A-5 licenses are for specialty restaurants, with the distinguishing characteristic being the cooking demonstrations and *prix fixe* service. (See Attachment 1, pp. 7-8) Neither of the two classes include bar service or the service of liquor without food. The Class A-4 license also does not allow for sidewalk service, while the Class A-5 license allows sidewalk service of wine by the glass, if served with a “gourmet specialty dessert.”

To maintain the structural organization of Section 5.09.100, the subsections have been re-designated. Section 5.09.100 still begins with the “A” classifications, which are now found in subsections A through F, with subsections G and H being reserved to accommodate future restaurant-based license categories.

Class B, C, D and D-1 Licenses. (See Attachment 1, pp. 7-9) No substantive changes have been made to the next four subsections of Section 5.09.100, subsections I through L, which now govern Class B (retail store), Class C (special event), Class D (mail order retail sales) and Class D-1 (wholesale sales).

Class E, E-1 and E-2 Licenses. (See Attachment 1, pp. 9-11) The Class E, E-1 and E-2 licenses are covered by subsections M, N and O of Code Section 5.09.100. Only technical changes have been made to these provisions, consisting of restructuring *sidewalk service* and hours of service provisions, without changing the characteristics of the licenses. Subsection P has been reserved for future license classifications in the *specialty food products* category.

Class P License. (See Attachment 1, pp. 11-12) The Class P Park District license is now in subsection Q of Section 5.09.100. As amended by Ordinance MC-4-2014, the Class P license will allow liquor service at the Halfway House only when the golf course itself is open. Service at the Halfway House will continue to be limited to persons at the golf facilities for golfing activities, while that limitation has been lifted for service at the club house. In addition, the calendar restrictions on liquor service at the club house have also been lifted, so that if the Park District’s golf facilities (not just the golf course) are open and food is being served, then liquor may also be served.

Class W License. (See Attachment 1, pp. 12-13) Subsection R of Section 5.09.100 is for the wine station rider, which has now been dubbed the “Class W Wine Station Rider License.” The provision has been amended so that it remains available to the general restaurant categories (Class A, A-1, A-2 and A-3), but not to specialty restaurants (Class A-4 and A-5).

Amendments since Introduction. (See **bold text**, Attachment 1, pp. 6-11) Each liquor license category has been amended since introduction. First, the substance of the sidewalk service provisions that were in the ordinance at introduction have been moved from new Section 5.09.105, so that, except for the Class B and D licenses, each license category now contains a clear statement as to whether sidewalk service is permitted or prohibited. Relocating the *sidewalk service* authorization completes the incorporation of the various riders (except for the wine station) into each license classification. This, in turn, allows Section 5.09.105 to clearly state the conditions for making use of *sidewalk service*.

The *sidewalk service* provision is the second-to-last numbered paragraph in each of the A and E license classifications, as well as in the Class C license provision. For each of those 10

license classifications, the *sidewalk service* provision is then followed by a provision referring to Section 5.09.250, which contains the hours of service.

Both the *sidewalk service* amendment and the hours of service amendment are non-substantive and merely relocate and clarify the standards for each.

3. Sidewalk Service

Section 16 of Ordinance MC-4-2014 adds a new Section 5.09.105 to Chapter 5.09, which defines the standards for serving alcoholic beverages on the public sidewalk or other public property. (See Attachment 1, pp. 13-15) As indicated in the previous section, Section 5.09.105 has been amended since introduction and, although the amendments appear to be extensive, they are merely structural. As introduced, subsections A through E of this new provision listed the license categories that are eligible for sidewalk service, with subsection F stating the existing conditions for that service, which are currently in section 5.09.100(M). (See Attachment 2, pp. 12-14.)

Transferring the substance of subsections A through E to the specific license classifications has allowed the various paragraphs in subsection F to be reorganized in a more logical sequence, with each subsection now having a title, with subsection F containing insurance and indemnification requirements, and with a new subsection G for the general reservation of regulatory power that allows the Liquor Control Commissioner to impose additional conditions for *sidewalk service*. (See Attachment 1, pp. 13-15)

It should also be noted that, except for the limited *sidewalk service* under the Class A-5 license, the amendments related to *sidewalk service* allow for *sidewalk service* to be subject to the same regulations as the underlying license classification. As a result, the amendments to Section 5.09.105 also eliminate the prohibition against liquor-only service on public sidewalks.

4. Service without Full Meals

Section 20 of Ordinance MC-4-2014 amends Section 5.09.205 to re-vamp the permission and conditions for serving liquor without a full meal. The amended Section 5.09.205 substitutes a two-serving per person limit for liquor without the service of food for the cumbersome existing standard, which also has time and location limitations. This provision has been amended since introduction, by restoring the last two subsections, which were previously marked for deletion, but which help to clarify the general limits of liquor-only service, and clearly expresses an understanding that the sale of liquor at the Halfway House may overshadow the sale of food, but that the overall service of food at the Park District's Golf Facility, which includes the Clubhouse, should predominate. (See Attachment 1, p. 17)

5. Hours of Service

Section 21 of Ordinance MC-4-2014 amends the hours of service in section 5.09.250 of the Liquor Ordinance. As discussed at the March 11th Study Session, the hours for restaurant service and sidewalk service have been extended by one hour across the board. The remainder

of the subsection has not been amended, although some technical amendments have been made in an effort to clarify the text. (See Attachment 1, pp. 17-19)

Further technical amendments have been made since introduction in an effort to clarify the different hours for *limited food product stores*, which are Class E and E-1 licensees, and *specialty beverage stores*, which are Class E-2 licensees. The two different types of operations were previously combined into a single provision, although they operated under different hour restrictions. The restructured provisions maintain the existing hours for the three E license classifications. (See Attachment 1, p. 18)

Additional Questions

Two other questions that were discussed when I met with the licensee after the March 20th Council meeting pertained to the definition of *fine wine* and to limitations on packaged liquor sales. Village Code Chapter 5.09 defines *fine wine* as “wine sold only in glass bottles and made from vinifera (grape varieties) and not from other fermented fruit juices.” The term was added when the Class E-2 license was created, and it is not being amended by Ordinance MC-4-2014.

As to packaged sales, the licensee expressed concern that the limits on the amount of wine that can be sold in its original package, coupled with the pricing restrictions, could affect his ability to compete with other businesses, such as Binny’s. However, the businesses the licensee cited are not restaurants, but are actually licensed specifically for the retail sale of packaged wines and other alcoholic liquors. Restaurants, on the other hand, are licensed to sell liquor that is incidental and complementary to the sale of complete meals. Thus, by virtue of their distinct license classifications, liquor retailers and restaurants are not competitors.

No other questions have been raised regarding the proposed amendments to the liquor regulations.

Attachments:

Attachment 1	Ordinance MC-4-2014 – Clean text
Attachment 2	Ordinance MC-4-2014 – Red-lined draft

Recommendation:

1. Consider a motion amending Ordinance MC-4-2014, as presented.
2. Consider a motion adopting, as amended, Ordinance MC-4-2014, titled “An Ordinance Amending Chapter 5.09 of the Winnetka Village Code as It Pertains to Liquor License Classifications and Service Regulations.”

ORDINANCE NO. MC-4-2014

**AN ORDINANCE
AMENDING CHAPTER 5.09 OF THE WINNETKA VILLAGE CODE
AS IT PERTAINS TO
LIQUOR LICENSE CLASSIFICATIONS AND HOURS OF SERVICE**

WHEREAS, Chapter 5.09 of the Winnetka Village Code establishes local regulations for the sale of alcoholic beverages within the corporate limits of the Village of Winnetka; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, provides statutory authority for the local licensing and regulation of the sale and service of alcoholic beverages within the Village of Winnetka (“Village”); and

WHEREAS, the Village of Winnetka is a home rule municipality and, subject to the limitations provided in Article VII, Section 6 of the Constitution of the State of Illinois of 1970, the Village has the authority to exercise any power and perform any function pertaining to the Village’s government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare, and the power to license; and

WHEREAS, in response to recommendations from the Urban Land Institute, the Council of the Village of Winnetka (“Village Council”) has reviewed local license classifications and regulations for the service and sale of alcoholic beverages in the Village; and

WHEREAS, although the Liquor Control Regulations in Chapter 5.09 of the Winnetka Village Code have been amended from time to time since they were first enacted, they have not undergone a comprehensive review in approximately 30 years; and

WHEREAS, the Village Council finds and determines that, in addition to traditional full service restaurants, there is a growing demand in the Village and surrounding communities not only for less formal, family-oriented restaurants, but also for restaurants that provide unique dining experiences with limited, specialty alcoholic beverage offerings; and

WHEREAS, the Village Council finds and determines that amending the Village’s Liquor Control Regulations to provide for the licensing of different types of restaurant establishments will foster economic development in the Village not only by encouraging the development of new businesses in the Village, but also by drawing residents of Winnetka and nearby communities to dine and shop in the Village’s commercial districts; and

WHEREAS, the Village Council finds and determines that it is in the best interests of the general health, safety and welfare of the Village, its residents and businesses that the Liquor Control Regulations in Chapter 5.09 of the Winnetka Village Code be amended as provided in this Ordinance, to clarify definitions, establish new license classifications and update service regulations; and

WHEREAS, the Village Council finds and determines that amending the Village’s Liquor Control Regulations in Chapter 5.09 of the Village Code as provided in this Ordinance is in the best interests of the Village, its residents and businesses, in that it will serve to draw both residents and businesses to the Village’s commercial districts and will help to revitalize the

Village’s commercial districts, while protecting neighboring residential neighborhoods from incompatible intrusions from commercial activity.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: The definition of the term “Alcoholic liquor” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Alcoholic liquor” means and includes any alcohol, spirits, wine, or beer or any substance, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of the United States Congress and regulations promulgated under such acts, or to any substance containing not more than one-half of one percent of alcohol by volume.

SECTION 3: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by a definition of the term “Bar,” which definition shall be inserted after the definition of the term “Alcoholic liquor,” and shall provide as follows:

“Bar” means a counter at which alcoholic liquor is the principal commodity served for consumption by persons at such counter.

SECTION 4: The definition of the term “Beer” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

SECTION 5: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Licensed premises,” which definition shall be inserted after the definition of the term “Service” and shall provide as follows:

“Licensed premises” means the premises in which the service of alcoholic beverages under a license issued pursuant to this chapter is permitted, as described in the approved license. The licensed premises shall not include any public way or public property unless specific authorization to use the public way or public property has been granted, as provided in Section 5.09.105 of this chapter.

SECTION 6: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Packaged sale,” which definition shall be inserted after the definition of the term “Original package” and shall provide as follows:

“Packaged sale” means the sale at retail of alcoholic beverages in their original package.

SECTION 7: The definition of the term “Restaurant” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Restaurant” means a place of business licensed under Chapter 5.24 of this code, the primary business of which is the on-site preparation, sale and consumption of complete meals served on non-disposable tableware, where complete meals are actually and regularly served **to patrons for consumption on the premises** while they are seated at tables that are serviced by bus staff or wait staff. The meal service offered by a restaurant must include a complete menu offering several courses, including dinner and luncheon menus, at which the service of alcoholic beverages is incidental and complementary to such meal service. Notwithstanding the foregoing, the term “restaurant” shall not include lounges, luncheonettes, diners, coffee shops, drive-in or fast food establishments, or self-service or carry-out establishments.

SECTION 8: The definition of “Sale” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Sale” means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term “sale” also includes (i) soliciting or receiving an order for alcoholic liquor, (ii) keeping or exposing for sale, and (iii) keeping with intent to sell.

SECTION 9: The definition of “Sale at retail” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Sale at retail,” “sell at retail” or “retail sale” means and refers to sales for use or consumption and not for resale in any form.

SECTION 10: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is

hereby amended by adding a definition of the term “Serving,” which definition shall be inserted after the definition of the term “Service” and shall provide as follows:

“Serving” means the sale of not more than one ounce of spirits, four ounces of wine or 12 ounces of beer for consumption on a licensed premises.

SECTION 11: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Sidewalk service,” which definition shall be inserted after the definition of the term “Serving” and shall provide as follows:

“Sidewalk service” means the sale and service of alcoholic beverages in an area on the public sidewalk adjacent to the licensed premises, as approved by the Village Council pursuant to Chapter 12.04 of this code. **As used in this chapter, “sidewalk service” shall also mean and include the sale and service of alcoholic beverages on other public rights of way or public property pursuant to a Class C liquor license, as approved by the Village Council pursuant to Chapter 12.04 of this code.**

SECTION 12 The definition of the term “Specialty Restaurant” Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Specialty Restaurant” means a restaurant where, as part of a demonstration or instructional program on food preparation techniques, a host or hostess is present to seat patrons, where all patrons are served the same *prix fixe*, multi-course meal at a scheduled seating, where admission to the scheduled seating is by reservation only, where food is served **to patrons for consumption on the premises** while they are seated at tables or at a demonstration counter, where the meals are served using non-disposable tableware, and at which the service of alcoholic beverages is incidental and complementary to such meal service. A specialty restaurant may be operated in conjunction with a limited food products store or a specialty beverage store.

SECTION 13: Subsection J of Section 5.09.070, “Application for license,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

J. Proof, in the form of a certificate of insurance or insurance policy, that the applicant has obtained dram shop liability insurance in the maximum limits; provided that, if an application for such insurance is submitted with an application for a retailer’s license in any “A,” “E,” “P” or “W” classification, then the approval of the application by the Local Liquor Control Commissioner shall not become effective until the applicant presents proof in the form of a certificate of insurance, a copy of the policy or a valid binder, that such insurance has gone into effect.

SECTION 14: Section 5.09.090, “Termination date,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.090 Termination date.

A. Every license issued under the provisions of this chapter in any “A,” “B,” “D,” “E,” “P” or “W” classification, shall terminate at the end of the fiscal year for which the license was issued.

B. Every Class C license issued under the provisions of this chapter shall terminate on the date specified in the license.

C. [Repealed.]

SECTION 15: Section 5.09.100, “Classification of Licenses,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.100 Classification of Licenses

A. Class A Licenses. Class A licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of meals for consumption only on the premises where sold, provided that patrons may be served alcoholic beverages while waiting to be seated when no tables are available. Class A licenses also authorize the service of alcoholic beverages in sidewalk seating areas, as provided in Section 5.09.105 of this code. In addition, Class A licenses authorize the occasional sale and service of alcoholic beverages without food, and the occasional packaged sale of beer and wine, subject to the following conditions:

1. The sale and service of alcoholic beverages under a Class A license may also include the occasional sale and service of alcoholic beverages without the service of food, subject to the provisions of section 5.09.205 of this chapter.

2. The sale and service of alcoholic beverages under a Class A license may also include the occasional packaged sale of beer or wine for consumption only off the licensed premises, provided that the packaged beer or wine shall be paid by and delivered to the customer on the licensed premises, and shall also be subject to all of the following conditions:

a. Such packaged sale must be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises. It is unlawful to render a bill for the packaged sale of wine or beer which does not include a charge for a complete meal.

b. The amount of beer or wine sold in a packaged sale shall not exceed one serving of beer per meal, or one thousand, five hundred milliliters (1500 ml) in volume for wine. Any beer or wine sold in its original packages for consumption off the

premises pursuant to this section shall not be sold at a price lower than that charged for consumption of the same beer or wine on the premises.

c. Except to the extent that the licensee displays wine or beer as part of the normal operations of the licensed premises, no wine or beer shall be displayed for packaged sale.

3. The sale and service of alcoholic beverages under a Class A license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

B. Class A-1 Licenses. Class A-1 licenses shall duplicate Class A licenses in all regards, except that Class A-1 licenses shall additionally authorize the service of food or liquor at a counter, bar or waiting area, subject to the following conditions:

1. Except as provided in Section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.

2. The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.

3. The sale and service of alcoholic beverages under a Class A-1 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

C. Class A-2 Licenses. Class A-2 licenses authorize the retail sale and service of beer and wine by restaurants, but only when such sales and service are incidental and complementary to the sale and service of meals for consumption only on the premises where sold, provided that patrons may be served beer and wine while waiting to be seated when no tables are available. ~~The hours of service shall be as provided in Section 5.09.250 of this chapter.~~ Class A-2 licenses also authorize the service of beer or wine in sidewalk seating areas, as provided in Section 5.09.105 of this code. In addition, Class A-2 licenses authorize the occasional sale and service of alcoholic beverages without food, and the occasional packaged sale of beer and wine, subject to the following conditions:

1. The sale and service of alcoholic beverages under a Class A-2 license may also include the occasional sale and service of alcoholic beverages without the service of food, subject to the provisions of Section 5.09.205 of this Chapter.

2. The sale and service of alcoholic beverages under a Class A-2 license may also include the occasional packaged sale of beer or wine for consumption only off the licensed premises, provided that the packaged beer or wine shall be paid by and delivered to the customer on the licensed premises, and shall also be subject to all of the following conditions:

a. Such packaged sale must be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises. It is unlawful to render a bill for the packaged sale of wine or beer which does not include a charge for a complete meal.

b. The amount of beer or wine sold in a packaged sale shall not exceed one serving of beer per meal, or one thousand, five hundred milliliters (1500 ml) in volume for wine. Any beer or wine sold in its original packages for consumption off the premises pursuant to this section shall not be sold at a price lower than that charged for consumption of the same beer or wine on the premises.

c. Except to the extent that the licensee displays wine or beer as part of the normal operations of the licensed premises, no wine or beer shall be displayed for packaged sale.

3. The sale and service of alcoholic beverages under a Class A-2 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

D. Class A-3 Licenses. Class A-3 licenses shall duplicate Class A-2 licenses in all regards, except that Class A-3 licenses shall additionally authorize the service of food, beer or wine at a counter, bar or waiting area, subject to the following conditions:

1. Except as provided in section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.

2. The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.

3. The sale and service of alcoholic beverages under a Class A-3 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter

E. Class A-4 Licenses. Class A-4 licenses authorize the retail sale and service of wine by specialty restaurants, but only when such sales and service are part of a

demonstration or instructional program on food preparation techniques, a host or hostess is present to seat patrons, and all patrons are served the same *prix fixe*, multi-course meal at a scheduled seating to which admission is by reservation only.

1. A specialty restaurant with a Class A-4 license may serve food and wine at tables or at a demonstration counter.

2. A specialty restaurant with a Class A-4 license may be operated in conjunction with a limited food products store or a specialty beverage store.

3. Sidewalk service is expressly prohibited under any Class A-4 license.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

F. Class A-5 Licenses. Class A-5 licenses shall duplicate Class A-4 licenses in all regards, except that Class A-5 licenses shall additionally authorize the service of wine by the glass with specialty gourmet desserts.

1. The sale and service of wine by the glass with specialty gourmet desserts under a Class A-3 license may also include such sale and service for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in section 5.09.105 of this chapter. No other sidewalk service shall be permitted under a Class A-5 license.

2. The hours of service shall be as provided in Section 5.09.250 of this chapter.

G. [Reserved.]

H. [Reserved.]

I. Class B Licenses. Class B licenses authorize the sale of package liquor in a full-service grocery store. A Class B license shall authorize the licensee to use no more than ten (10) percent of the total floor space of the full-service grocery store for the display and sale of alcoholic liquor in the original package. The hours of service shall be as provided in Section 5.09.250 of this chapter.

J. Class C Licenses. Class C licenses authorize the retail sale and service of alcoholic beverages by civic, fraternal, service or charitable not-for-pecuniary-profit organizations, at picnics, outings, festivals, theater nights or other such similar special occasions for consumption on the premises or within the area specifically designated for such license. No more than seven such licenses shall be issued to any one licensee within any calendar year.

1. The sale and service of alcoholic beverages under a Class C license may also include sidewalk service of alcoholic beverages for consumption in an outdoor seating area, subject to the conditions set forth in Section 5.09.105 of this chapter, provided that the area and terms of such service shall be defined in the license.

2. The hours of service shall be as provided in Section 5.09.250 of this chapter and shall be specified in the license, along with the date(s) or the authorized sale of alcoholic liquors under this section.

K. Class D Licenses. Class D licenses authorize the retail sale of wine in the original package for consumption off the premises where sold and where delivery is made exclusively through the mail or similar package delivery service.

L. Class D-1 Licenses. Class D-1 licenses authorize the sale of wine at wholesale in the original package by an importer/distributor to a Class D licensee as provided in this chapter.

M. Class E Licenses. Class E licenses authorize the retail sale of wine only, by a limited food products store, subject to all of the following conditions:

1. The wine must be sold in its original package, for consumption only off the premises where sold, and not for consumption on the licensed premises.

2. The sale of the wine must be incidental and complementary to the sale of food for consumption off the premises. It is unlawful for any holder of a Class E license to render a bill for sale of wine in its original package which does not include a charge for food to be consumed off the premises.

3. All wine sold under a Class E license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise.

5. A limited food products store may be operated in the same premises as a specialty restaurant, provided the area for the display and sale of food products is separate from the meal service area.

6. Sidewalk service is expressly prohibited under any Class E license.

7. The hours for sale of alcoholic beverages under a Class E license shall be as provided in Section 5.09.250 of this chapter.

N. Class E-1 Licenses. Class E-1 licenses authorize the retail sale of beer or wine by a limited food products store, subject to all of the following conditions:

1. (Reserved.)

2. The beer or wine must be sold in its original package.

3. The sale of the beer or wine must be incidental and complementary to the sale of food for consumption on or off the premises. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales may include the occasional packaged sale of wine without the sale of food.

4. All beer or wine sold under a Class E-1 license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

5. No more than ten (10) percent of the area used for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise, except that the display of beer for sale is prohibited.

6. Sidewalk service is expressly prohibited under any Class E-1 license.

7. The hours for sale of alcoholic beverages under a Class E-1 license shall be as provided in Section 5.09.250 of this chapter.

O. Class E-2 Licenses. Class E-2 licenses authorize the retail sale of fine wines, premium imported beer and domestic craft beer at a specialty beverage store, subject to the following conditions:

1. Except as provided in paragraphs 2 through 5 of this subsection, wines and beers must be sold in their original packages, for consumption only off the premises where sold.

2. The limited tasting of small quantities of varieties of fine wine, imported beer, and domestic craft beer shall be permitted on the licensed premises, subject to the following conditions:

a. The tasting shall be provided at a counter identified and used solely for that purpose.

b. The licensee may charge a fee for such tastings; provided, that the fee shall be applied to the contemporaneous purchase of a fine wine, imported beer or domestic craft beer.

c. All tasting samples shall be served in winery tasting glasses.

d. No more than four tasting samples shall be served to any person, regardless of the type or types of beverages sampled.

e. No signage on the premises shall advertise the availability of samples.

3. The tasting of varieties of fine wine, imported beer, and domestic craft beer shall be permitted at private events, subject to the following conditions:

a. The event must require advance registration, which shall include a fixed-price registration fee.

b. The store must be closed to the general public during the event.

c. The event must be for the purpose of providing instruction pertaining to the production, qualities, selection and use of fine wines, imported beers or domestic craft beers.

d. The class or event must have a written agenda or curriculum.

e. The class or event must end by 9:00 p.m.

4. The retail display area devoted to the sale of beer shall not exceed 10% of the total retail display area.

5. In addition, a Class E-2 licensee shall be permitted to serve fine wine, imported beer and domestic craft beer for immediate consumption on the licensed premises, subject to the following conditions:

- a. Such service must be incidental and complementary to the concurrent service of meals sold for consumption on the premises by patrons seated at tables.
- b. The meals may be pre-packaged meals that are prepared off-premises.
- c. The meals shall be served using non-disposable dishes, glassware and utensils.
- d. The meals shall not be served at a bar or counter.
- e. The table seating area must be separated from the retail area of the license premises by a rail or similar means to segregate it from the retail area of the license premises, but shall not be located in a separate room.
- f. The table seating area must not exceed 30% of the total interior area of licensed premises open to patrons, not including restrooms.

6. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.

7. The areas of the licensed premises shall not be more than two thousand, five hundred (2,500) square feet, excluding storage areas not accessible to customers.

8. Except as provided in paragraph 3(e) of this subsection O, the hours of sale and service of alcoholic beverages under a Class E-2 license shall be as provided in Section 5.09.250 of this chapter.

9. Sidewalk service is expressly prohibited under any Class E-2 license.

P. [Reserved.]

Q. Class P License. The Class P license authorizes the Winnetka Park District to engage in the retail sale and service of alcoholic beverages, at the “Halfway House” and in the clubhouse of the Winnetka Park District Golf Course, **during the hours provided in section 5.09.250 of this chapter, and** subject to the following terms and conditions:

1. Clubhouse service. The sale and service of alcoholic beverages in the clubhouse shall be incidental and complementary to the sale and service of food in the clubhouse food service facility and shall be for consumption only in the clubhouse food service area. Subject to the provisions of Section 5.09.205 of this chapter, the sales and service of alcoholic beverages at the clubhouse food service facility may include the occasional service of alcoholic beverages **without the service of food.**

2. Halfway house service. The sale and service of alcoholic beverages at the Halfway House shall be limited to persons the attendants at that facility reasonably believe to be at the Winnetka Park District Golf Course for the principal purpose of engaging in golfing activities. No such service shall be permitted if the Winnetka Park District Golf Course is not open for operation. Alcoholic beverages served at the Halfway House may be taken from the Halfway House for consumption in any other

part of the Winnetka Park District Golf Course. Food and liquor may be served at a counter or bar at the Halfway House. Subject to the provisions of Section 5.09.205 of this chapter, the sale and service of alcoholic beverages at the Halfway House may include the occasional service of alcoholic beverages **without the service of food.**

3. Food and liquor may be served at a counter, bar or waiting area within the clubhouse food service facility, provided that the percentage of the total space available that is allocated to counter, bar and waiting area service in the clubhouse food service facility shall not exceed ten (10) percent of the total space of the food service facility that is accessible to patrons.

4. No alcoholic beverages shall be removed from the clubhouse or Halfway House for consumption on any Winnetka Park District property other than the Winnetka Park District Golf Course. For purposes of this provision, the Winnetka Park District Golf Course shall include the Golf Course's clubhouse and Halfway House facilities, as well as connecting paths and walkways, but shall exclude all other areas of the Park District's facilities, including other buildings and activity centers, parking lots and external walkways.

R. Class W Wine Station Rider License. A Class W wine station rider license authorizes a Class A, Class A-1, Class A-2 or Class A-3 licensee to allow certain of the licensee's customers to dispense individual servings of wine for their own consumption from one or more wine stations located in a customer seating area, subject to the following conditions:

1. The customer seating area in which the wine stations are located shall be adjacent to, but separate from, all other seating areas of the licensed premises and shall be defined in the application and specified in the license.

2. The number of wine stations to be permitted under the Class W license shall be specified in both the application and the license.

3. No person under the age of 21 shall be permitted in that part of the licensed premises that is the subject of the Class W license.

4. A host or hostess who is at least 21 years old shall be present at all times in the seating area with the wine stations, to monitor admission to and service within that area.

5. All members of the service staff in the seating area with the wine stations shall be at least 21 years old.

6. Admission to the wine station area shall be limited only to customers who have been seated there for meal service.

7. Each wine station shall be set to provide pre-measured servings of wine.

8. The dispensing process of the wine stations shall be activated only by inserting a pre-paid card or by using a similar electronically coded device that is purchased by the customer from the licensee for use by the customer, or that is possessed and used solely by the licensee's service staff for service to licensee's customers.

9. No customer shall dispense more than a single serving of wine at a time.
10. The full service of alcoholic beverages shall be permitted in the wine station area, including the occasional service of alcoholic beverages without the service of a full meal as provided in section 5.09.205 of this code, provided that the self-service of wine from a wine station without the service of a full meal is expressly prohibited.
11. The pre-paid card or similar device used for dispensing wine from the wine station shall be encoded so as to enable the licensee to maintain records of the numbers of cards issued, the dates and amounts of the pre-payments posted to each card, the size and number of servings charged against each card, and the dates on which such servings occurred.
12. A Class W license shall not be required for any wine station that is located behind a bar or in a part of the licensed restaurant's premises that is accessible only to the licensee's employees.
13. All Class W licenses shall expire on the same date as the underlying license, unless the rider is terminated sooner pursuant to the procedures established in this chapter.
14. The service of wine using a wine station shall at all times be deemed service by the licensee, whether the wine is dispensed (i) by the licensee or an employee of the licensee for service to a customer, or (ii) by a customer for the customer's own consumption.
15. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a wine station rider license as he or she may deem reasonably necessary.

SECTION 16: Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a new Section 5.09.105, which shall be titled “Service of alcoholic liquor on public sidewalks,” and shall provide as follows:

Section 5.09.105 Service of alcoholic liquor on public sidewalks and public property.

The following conditions shall apply to the service of alcoholic beverages on public sidewalks or public property, and shall be in addition to any other standards and conditions that may apply to the license classifications provided in section 5.09.100 of this chapter.

A. Council approval required. Sidewalk service shall be prohibited unless the Village Council has first approved such service pursuant to Chapter 12.04 of this code. All approvals of sidewalk service shall expire at the same time as the underlying restaurant license. ~~Class A and A-1 Licensees. Any restaurant with a Class A or A-1 license may sell and serve alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

B. Sidewalk service area. The area for sidewalk service shall be defined in the license application and shall be specified in the license. The area for sidewalk service shall be contiguous to the licensed premises and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified in the license. ~~Class A-2 and A-3 Licensees. Any restaurant with a Class A-2 or A-3 license may sell and serve beer and wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

C. Seasonal limitations on sidewalk service. Sidewalk service is prohibited prior to April 1 and after November 30, except that the Village Manager shall have the authority to permit sidewalk service prior to April 1 or after November 30, upon determining that weather conditions permit and upon issuing written notice to licensees. Notwithstanding the foregoing, the Village reserves the right to prohibit sidewalk service at any time that the Village determines that weather conditions necessitate the removal of snow or other debris from the public sidewalks. ~~Class A-5 Licensees. Any specialty restaurant with a Class A-5 license may sell and serve wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

D. Hours for sidewalk service. Sidewalk service shall cease no later than the time provided in section 5.09.250 of this chapter, unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license. ~~Class E-2 Licensees. Any specialty beverage store with a Class E-2 license may sell and serve beer and wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

E. Supervision required. The licensed sidewalk service area shall be supervised at all times by an employee of the restaurant who is at least 21 years old. ~~Sidewalk Service is expressly prohibited for all Class A-4, Class E and Class E-1 licensees.~~

F. Insurance and indemnification. ~~Additional conditions for sidewalk service of alcoholic beverages on public sidewalks.~~

~~1. Sidewalk service shall be prohibited unless the Village Council has first approved such service pursuant to Chapter 12.04 of this code. All approvals of sidewalk service shall expire at the same time as the underlying restaurant license.~~

~~2. The area for sidewalk service shall be defined in the license application and shall be specified in the license. The area for sidewalk service shall be contiguous to the licensed premises and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified in the license.~~

~~3. Except as provided in section 5.09.205 of this Chapter, it is unlawful to render a bill for the sale of alcoholic beverages that does not include a charge for food.~~

~~4. Sidewalk service shall cease no later than the hour specified in section 5.09.250 of this chapter unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license.~~

1. The licensee shall indemnify and hold harmless the Village, its officers and employees from any and all costs arising from claims for personal injury or property damage resulting in any way from the licensee's use of the public way, whether the claim, injury or damages arise from an incident on the licensed premises or on the adjacent portion of the public way that remains open for public use.

2. The licensee shall maintain dram shop insurance in an amount specified by statute or ordinance, or by rule of the State Liquor Control Commission or the Local Liquor Commissioner, but in no event shall the amount of dram shop insurance be less than \$1,000,000.

3. The licensee shall maintain general liability insurance coverage of at least \$2 million, with excess liability coverage of at least an additional \$2 million, with the Village named as additional insured. The certificate of insurance shall be in a form acceptable to the Village.

~~8. The licensed sidewalk service area shall be supervised at all times by an employee of the restaurant who is at least 21 years old.~~

~~9. Sidewalk service is prohibited prior to April 1 and after November 30, except that the Village Manager shall have the authority to permit sidewalk service prior to April 1 or after November 30, upon determining that weather conditions permit and upon issuing written notice to licensees. Notwithstanding the foregoing, the Village reserves the right to prohibit sidewalk service at any time that the Village determines that weather conditions necessitate the removal of snow or other debris from the public sidewalks.~~

G. 5.—Other conditions. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for sidewalk service as he or she may deem reasonably necessary, which discretion shall include the right and authority to prohibit a licensee who violates any of the conditions for sidewalk service from serving any alcoholic beverages on public sidewalks or public property for a period of up to 5 years.

SECTION 17: Subsection B of Section 5.09.110, "License Fees," of Chapter 5.09, "Liquor Control Regulations," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended to provide as follows:

B. Proration of Certain License Fees.

1. The license fee for any initial license that is issued after January 1st of any year, shall be reduced in proportion to the number of full calendar months that expired in the license year prior to the issuance of the license.

2. Notwithstanding the foregoing, fees for Class C licenses and fees for license renewals, including license renewals issued in 2014, shall not be subject to proration.

SECTION 18: Section 5.09.120, “Payment and disposition of fees,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.120 Payment and disposition of fees.

All fees for licenses issued under this chapter shall be submitted along with the application, and no application will be processed unless such payment has been made. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate purposes fund of the Village or in such other fund as shall have been designated by the Village Council by motion, resolution or ordinance.

SECTION 19: Section 5.09.160, “License renewals,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.160 License Renewals.

A. Any license other than a Class C license is subject to renewal upon its expiration, subject to the following conditions and limitations:

1. The licensee shall not have any delinquent accounts with the Village, as defined in Section 1.04.140 of this Code;
2. The licensee shall continue to meet the same eligibility requirements as if applying for an original license;
3. The premises for which the license renewal is sought are suitable for such purpose;
4. The renewal of any license shall not be construed as a vested right and nothing in this chapter shall prevent the Village President and Trustees from decreasing the number of licenses that may be issued within the Village; and
5. All applications for the renewal of a liquor license shall include a statement describing all work on or alterations to the licensed premises during the term of the current license.

B. [Repealed.]

SECTION 20: Section 5.09.205, “Service of alcoholic beverages without service of full meals,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.205 Service of alcoholic beverages without service of full meals.

From time to time, any Class A, Class A-1, Class A-2, Class A-3, Class A-5, Class E-1 or Class P licensee may serve alcoholic beverages without serving a full meal to the person being served (“liquor-only” service), provided the following conditions are met:

A. No alcoholic beverages shall be offered for sale and consumption unless food is also offered.

B. No more than two servings of alcoholic beverages per customer shall be served without being accompanied by food items.

C. All liquor-only service shall comply with the limitations of hours of service established in Section 5.09.250 of this Chapter.

D. The total amount of all alcoholic beverage sales by any licensee, including liquor-only sales, shall at all times be incidental and complementary to the sale of complete meals or food products, as specified in the licensee's license classification.

E. The extent of liquor-only service at the Halfway House on the Winnetka Park District Golf Facility may predominate over the sale and service of alcoholic beverages with food at that location, provided that liquor only sales at the Halfway House and at the clubhouse food service facility, when combined, shall be incidental and subordinate to the sale and service of food at those two locations, taken as a whole.

SECTION 21: Section 5.09.250, “Hours of service,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.250 Hours of service.

A. Restaurants and Specialty Restaurants. The sale and service of alcoholic beverages by a restaurant or specialty restaurant under any “A” Classification license, and the consumption of alcoholic beverages under such licenses, shall be permitted only during the following hours, unless the license specifically limits the days or hours of such sales and service:

1. For indoor service and service in private outdoor seating areas:

a. Not before 11:00 a.m. any day.

b. Not after midnight any day. ~~for indoor service and for service in private outdoor seating areas~~

c. On January 1st, restaurants and specialty restaurants may remain open for indoor service until 2:00 a.m., provided that all sales and service of food and alcoholic beverages shall cease at 1:00 a.m., and no additional patrons shall be admitted after that time.

2. For sidewalk **service as defined in section 5.09.010 of this chapter: seating areas on public sidewalks:**

- a. Not before 11:00 a.m. on any day
- b. Not after 11:00 p.m. on Friday and Saturday.
- c. Not after 10:00 p.m. on Sunday through Thursday.

B. Full-service grocery stores. The sale of alcoholic liquor by a full-service grocery store under a Class B license shall be permitted only during the regular business hours of such grocery store, but not before 7:00 a.m. or after 10:00 p.m.

C. Special events. The sale and service of alcoholic beverages by a civic, fraternal, service or charitable not-for-pecuniary-profit organization under a Class C license, and the consumption of alcoholic beverages under such license, shall be permitted only on the dates and during the hours specified in the license. The sale, service and consumption of liquor may begin on or after the hour of 11:00 a.m. of one day and may continue until 2:00 a.m. of the following day, subject to the following limitations:

1. Between the hours of 11:00 a.m. of one day and 2:00 a.m. of the following day, for any or all of the days specified in the license if the alcoholic beverages are sold and consumed indoors in a fixed, permanent structure.

2. Between the hours of 11:00 a.m. of one day and 2:00 a.m. of the following day, for any or all of the days specified in the license, if the alcoholic beverages are sold in a tent or comparable temporary or movable structure, for consumption at tables and chairs located within such tent or structure, provided the sale or consumption of alcoholic beverages is incidental and complementary to the sale and consumption of other foods.

3. Between the hours of 11:00 a.m. and 10:00 p.m. of each day or days specified in the license if the alcoholic beverages are sold or consumed outdoors, or in a tent, booth, concession stand, or other such temporary or movable structure, provided the sale, service or consumption of alcoholic beverages is incidental and complementary to the sale and consumption of other foods.

4. The sale, service and consumption of alcoholic beverages shall be prohibited between the hours of 2:00 a.m. and 11:00 a.m. of any day.

D. ~~Specialty~~ Limited food products stores. **The sale or service of beer or wine under a Class E or Class E-1 license shall be permitted only during the regular business hours of such store, but not before 11:00 a.m. or after 8:00 p.m. Notwithstanding the foregoing, the licensed business may be open for the sale of food and packaged products until 10:00 p.m. on Friday and Saturday, and until 8:00 p.m. on all other days of the week.**

E. Specialty beverage store. **The sale or service of fine wine, imported beer or domestic craft beer with food shall be limited to the hours between 11:00 a.m. and 8:00 p.m. Notwithstanding the foregoing, the licensed business may be open for the sale of food and packaged products from 11:00 a.m. to 10:00 p.m. on Friday, from 9:00 a.m. to 10:00 p.m. on Saturday, and from 11:00 a.m. to 8:00 p.m. on all other days of the week.**

F. Park District Golf Facilities. Alcoholic beverages may be sold and served pursuant to a Class P license between the hours of 11:00 a.m. and 7:30 p.m., of any day

the Winnetka Park District Golfing Facilities are open for golfing activities and the food service facility at the clubhouse is in operation. The sale of alcoholic beverages at the Halfway House shall not be permitted if the Winnetka Park District Golf Course is not open for business.

G. All liquor licensees shall cease the sale and service of alcoholic beverages and shall remove all partially consumed alcoholic beverages and serving containers for such beverages by the times required for their respective license classifications, as provided in this Section 5.09.250.

SECTION 22: This Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 23: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 1st day of April, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 1st day of April, 2014.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: March 20, 2014

Passed and Approved:

ORDINANCE NO. MC-4-2014

**AN ORDINANCE
AMENDING CHAPTER 5.09 OF THE WINNETKA VILLAGE CODE
AS IT PERTAINS TO
LIQUOR LICENSE CLASSIFICATIONS AND HOURS OF SERVICE**

WHEREAS, Chapter 5.09 of the Winnetka Village Code establishes local regulations for the sale of alcoholic beverages within the corporate limits of the Village of Winnetka; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, provides statutory authority for the local licensing and regulation of the sale and service of alcoholic beverages within the Village of Winnetka (“Village”); and

WHEREAS, the Village of Winnetka is a home rule municipality and, subject to the limitations provided in Article VII, Section 6 of the Constitution of the State of Illinois of 1970, the Village has the authority to exercise any power and perform any function pertaining to the Village’s government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare, and the power to license; and

WHEREAS, in response to recommendations from the Urban Land Institute, the Council of the Village of Winnetka (“Village Council”) has reviewed local license classifications and regulations for the service and sale of alcoholic beverages in the Village; and

WHEREAS, although the Liquor Control Regulations in Chapter 5.09 of the Winnetka Village Code (~~“Liquor Regulations”~~) have been amended from time to time since they were first enacted, they have not undergone a comprehensive review in approximately 30 years; and

WHEREAS, the Village Council finds and determines that, in addition to traditional full service restaurants, there is a growing demand in the Village and surrounding communities not only for less formal, family-oriented restaurants, but also for restaurants that provide unique dining experiences with limited, specialty alcoholic beverage offerings; and

WHEREAS, the Village Council finds and determines that amending the Village’s Liquor Control Regulations to provide for the licensing of different types of restaurant establishments will foster economic development in the Village not only by encouraging the development of new businesses in the Village, but also by drawing residents of Winnetka and nearby communities to dine and shop in the Village’s commercial districts; and

WHEREAS, the Village Council finds and determines that it is in the best interests of the general health, safety and welfare of the Village, its residents and businesses that the Liquor Control Regulations in Chapter 5.09 of the Winnetka Village Code be amended as provided in this Ordinance, to clarify definitions, establish new license classifications and update service regulations; and

WHEREAS, the Village Council finds and determines that amending the Village’s Liquor Control Regulations in Chapter 5.09 of the Village Code as provided in this Ordinance is in the best interests of the Village, its residents and businesses, in that it will serve to draw both residents and businesses to the Village’s commercial districts and will help to revitalize the

Village’s commercial districts, while protecting neighboring residential neighborhoods from incompatible intrusions from commercial activity.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: The definition of the term “Alcoholic liquor” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Alcoholic liquor” means and includes any alcohol, spirits, wine, or beer or any substance, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of the United States Congress and regulations promulgated under such acts, or to any substance containing not more than one-half of one percent of alcohol by volume.

SECTION 3: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by a definition of the term “Bar,” which definition shall be inserted after the definition of the term “Alcoholic liquor,” and shall provide as follows:

“Bar” means a counter at which alcoholic liquor is the principal commodity served for consumption by persons at such counter.

SECTION 4: The definition of the term “Beer” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

SECTION 5: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Licensed premises,” which definition shall be inserted after the definition of the term “Service” and shall provide as follows:

“Licensed premises” means the premises in which the service of alcoholic beverages under a license issued pursuant to this chapter is permitted, as described in the approved license. The licensed premises shall not include any public way or public property unless specific authorization to use the public way or public property has been granted, as provided in Section 5.09.105 of this chapter.

SECTION 6: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Packaged sale,” which definition shall be inserted after the definition of the term “Original package” and shall provide as follows:

“Packaged sale” means the sale at retail of alcoholic beverages in their original package.

SECTION 7: The definition of the term “Restaurant” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Restaurant” means a place of business licensed under Chapter 5.24 of this code, the primary business of which is the on-site preparation, sale and consumption of any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served on non-disposable tableware, and where complete meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where a host or hostess is present to seat patrons, where patrons order from individual pre-printed menus, where orders are taken from and food is served to patrons for consumption on the premises while they are seated at tables that are serviced by bus staff or wait staff. , where complete meals are served using nondisposable dishes, glassware and utensils, and The meal service offered by a restaurant must include a complete menu offering several courses, including dinner and luncheon menus, at which the service of alcoholic beverages is incidental and complementary to such meal service. Notwithstanding the foregoing, the term “restaurant” shall not include lounges, luncheonettes, diners, coffee shops, drive-in or fast food establishments, or self-service or carry-out establishments.

SECTION 8: The definition of “Sale” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Sale” means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, for a consideration and includes and means all sales made by any person, ~~with the whether~~ principal, proprietor, agent, servant or employee. The term “sale” also includes (i) soliciting or receiving an order for alcoholic liquor, (ii) keeping or exposing for sale, and (iii) keeping with intent to sell.

SECTION 9: The definition of “Sale at retail” in Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Sale at retail,” “sell at retail” or “retail sale” means and refers to sales for use or consumption and not for resale in any form.

SECTION 10: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Serving,” which definition shall be inserted after the definition of the term “Service” and shall provide as follows:

“Serving” means the sale of not more than one ounce of spirits, four ounces of wine or 12 ounces of beer for consumption on a licensed premises.

SECTION 11: Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended by adding a definition of the term “Sidewalk service,” which definition shall be inserted after the definition of the term “Serving” and shall provide as follows:

“Sidewalk service” means the sale and service of alcoholic beverages in an area on the public sidewalk adjacent to the licensed premises, as approved by the Village Council pursuant to Chapter 12.04 of this code. As used in this chapter, “sidewalk service” shall also mean and include the sale and service of alcoholic beverages on other public rights of way or public property pursuant to a Class C liquor license, as approved by the Village Council pursuant to Chapter 12.04 of this code.

SECTION 12 The definition of the term “Specialty Restaurant” Section 5.09.010, “Definitions,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

“Specialty Restaurant” means ~~a restaurant any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served, and where complete meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where,~~ as part of a demonstration or instructional program on food preparation techniques, a host or hostess is present to seat patrons, where all patrons are served the same *prix fixe*, multi-course meal at a scheduled seating, where admission to the scheduled seating is by reservation only, where food is served to patrons for consumption on the premises while they are seated at tables or at a demonstration counter, where the meals are served using nondisposable tableware, dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service. A specialty restaurant may be operated in conjunction with a limited food products store or a specialty beverage store.

SECTION 13: Subsection J of Section 5.09.070, “Application for license,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

J. Proof, in the form of a certificate of insurance or insurance policy, that the applicant has obtained dram shop liability insurance in the maximum limits; provided that, if an application for such insurance is submitted with an application for a retailer’s license in any “A,” “E,” “P” or “W” classification, Class A, Class A-1, Class E-1, or Class E-2 retailer’s license, including any application for any rider to such licenses, then the approval of the application by the Local Liquor Control Commissioner shall not become effective until the applicant presents proof in the form of a certificate of insurance, a copy of the policy or a valid binder, that such insurance has gone into effect.

SECTION 14: Section 5.09.090, “Termination date,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.090 Termination date.

A. Every ~~Class A, Class A-1, television rider, packaged meal rider, wine station rider, Class B, Class D, Class D-1, Class E, Class E-1 and Class P~~ license issued under the provisions of this chapter in any “A,” “B,” “D,” “E,” “P” or “W” classification, shall terminate at the end of the fiscal year for which the license was issued.

B. Every Class C license issued under the provisions of this chapter shall terminate on the date specified in the license.

C. ~~[Repealed.] Every sidewalk restaurant rider shall terminate at the end of the fiscal year for which the license was issued; provided, that all sidewalk restaurant rider licenses shall be subject to the seasonal limitations stated in subsection M of section 5.09.100 of this chapter.~~

SECTION 15: Section 5.09.100, “Classification of Licenses,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.100 Classification of Licenses

A. Class A Licenses. Class A licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of ~~complete~~ meals for consumption only on the premises where sold, provided that patrons may be served alcoholic beverages while waiting to be seated when no tables are available. Class A licenses also authorize the service of alcoholic beverages in sidewalk seating areas, as provided in Section 5.09.105 of this code. In addition, Class A licenses authorize the occasional sale and service of alcoholic beverages without food, and the occasional packaged sale of beer and wine, subject to the following conditions:

1. The sale and service of alcoholic beverages under a Class A license, which incidental and complementary sales and service may also include the occasional sale and service of alcoholic beverages alone or with less than a full meal without the service of food, subject to the provisions of Section 5.09.205 of this Chapter.

2. The sale and service of alcoholic beverages under a Class A license may also include the occasional packaged sale of beer or wine for consumption only off the licensed premises, provided that the packaged beer or wine shall be paid by and delivered to the customer on the licensed premises, and shall also be subject to all of the following conditions:

a. Such packaged sale must be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises. It is unlawful to render a bill for the packaged sale of wine or beer which does not include a charge for a complete meal.

b. The amount of beer or wine sold in a packaged sale shall not exceed one serving of beer per meal, or one thousand, five hundred milliliters (1500 ml) in volume for wine. Any beer or wine sold in its original packages for consumption off the premises pursuant to this section shall not be sold at a price lower than that charged for consumption of the same beer or wine on the premises.

c. Except to the extent that the licensee displays wine or beer as part of the normal operations of the licensed premises, no wine or beer shall be displayed for packaged sale.

3. The sale and service of alcoholic beverages under a Class A license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

~~B. Class A-1 Licenses. Class A-1 licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of complete meals served in multiple courses for consumption only on the premises where sold, which incidental and complementary sales and service may include Class A-1 licenses shall duplicate Class A licenses in all regards, except that Class A-1 licenses shall additionally authorize the service of food or liquor at a counter, bar or waiting area, subject to the following conditions: set forth in this subsection. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales and service of alcoholic beverages may include the occasional sale and service of alcoholic beverages alone or with less than a full meal.~~

1. Except as provided in ~~section~~ Section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.

~~2. (Repealed.)~~

~~3. (Repealed.)~~

~~4. (Repealed.)~~

~~2. 5.~~ The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.

~~3. The sale and service of alcoholic beverages under a Class A-1 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.~~

~~4. The hours of service shall be as provided in Section 5.09.250 of this chapter.~~

~~C. (Repealed.) Class A-2 Licenses. Class A-2 licenses authorize the retail sale and service of beer and wine by restaurants, but only when such sales and service are incidental and complementary to the sale and service of meals for consumption only on the premises where sold, provided that patrons may be served beer and wine while waiting to be seated when no tables are available. The hours of service shall be as provided in Section 5.09.250 of this chapter. Class A-2 licenses also authorize the service of beer or wine in sidewalk seating areas, as provided in Section 5.09.105 of this code. In addition, Class A-2 licenses authorize the occasional sale and service of alcoholic beverages without food, and the occasional packaged sale of beer and wine, subject to the following conditions:~~

~~1. The sale and service of alcoholic beverages under a Class A-2 license may also include the occasional sale and service of alcoholic beverages without the service of food, subject to the provisions of Section 5.09.205 of this Chapter.~~

~~2. The sale and service of alcoholic beverages under a Class A-2 license may also include the occasional packaged sale of beer or wine for consumption only off the licensed premises, provided that the packaged beer or wine shall be paid by and delivered to the customer on the licensed premises, and shall also be subject to all of the following conditions:~~

~~a. Such packaged sale must be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises. It is unlawful to render a bill for the packaged sale of wine or beer which does not include a charge for a complete meal.~~

~~b. The amount of beer or wine sold in a packaged sale shall not exceed one serving of beer per meal, or one thousand, five hundred milliliters (1500 ml) in volume for wine. Any beer or wine sold in its original packages for consumption off the premises pursuant to this Section shall not be sold at a price lower than that charged for consumption of the same beer or wine on the premises.~~

~~c. Except to the extent that the licensee displays wine or beer as part of the normal operations of the licensed premises, no wine or beer shall be displayed for packaged sale.~~

3. The sale and service of alcoholic beverages under a Class A-2 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

D. Class A-3 Licenses. Class A-3 licenses shall duplicate Class A-2 licenses in all regards, except that Class A-3 licenses shall additionally authorize the service of food, beer or wine at a counter, bar or waiting area, subject to the following conditions:

1. Except as provided in Section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.

2. The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.

3. The sale and service of alcoholic beverages under a Class A-3 license may also include sidewalk service of alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter

E. Class A-4 Licenses. Class A-4 licenses authorize the retail sale and service of wine by specialty restaurants, but only when such sales and service are part of a demonstration or instructional program on food preparation techniques, a host or hostess is present to seat patrons, and all patrons are served the same *prix fixe*, multi-course meal at a scheduled seating to which admission is by reservation only.

1. A specialty restaurant with a Class A-4 license may serve food and wine at tables or at a demonstration counter.

2. A specialty restaurant with a Class A-4 license may be operated in conjunction with a limited food products store or a specialty beverage store.

3. Sidewalk service is expressly prohibited under any Class A-4 license.

4. The hours of service shall be as provided in Section 5.09.250 of this chapter.

F. Class A-5 Licenses. Class A-5 licenses shall duplicate Class A-4 licenses in all regards, except that Class A-5 licenses shall additionally authorize the service of wine by the glass with specialty gourmet desserts.

1. The sale and service of wine by the glass with specialty gourmet desserts under a Class A-3 license may also include such sale and service for consumption by customers seated at tables at a sidewalk restaurant that has been permitted by the Village Council, subject to the conditions set forth in Section 5.09.105 of this chapter. No other sidewalk service shall be permitted under a Class A-5 license.

2. The hours of service shall be as provided in Section 5.09.250 of this chapter.

G. [Reserved.]

H. [Reserved.]

I. ~~D.~~—Class B Licenses. Class B licenses authorize the sale of package liquor in a full-service grocery store. A Class B license shall authorize the licensee to use no more than ten (10) percent of the total floor space of the full-service grocery store for the display and sale of alcoholic liquor in the original package. The hours of service shall be as provided in Section 5.09.250 of this chapter.

J. ~~E.~~—Class C Licenses. Class C licenses authorize the retail sale and service of alcoholic beverages by civic, fraternal, service or charitable not-for-pecuniary-profit organizations, at picnics, outings, festivals, theater nights or other such similar special occasions for consumption on the premises or within the area specifically designated for such license. No more than seven such licenses shall be issued to any one licensee within any calendar year.

1. The sale and service of alcoholic beverages under a Class C license may also include sidewalk service of alcoholic beverages for consumption in an outdoor seating area, subject to the conditions set forth in Section 5.09.105 of this chapter, provided that the area and terms of such service shall be defined in the license.

2. The hours of service shall be as provided in Section 5.09.250 of this chapter and ~~The license shall specify be specified in the license, along with~~ the date(s) ~~and hours~~ for the authorized sale of alcoholic liquors under this section.

K. ~~F.~~—Class D Licenses. Class D licenses authorize the retail sale of wine in the original package for consumption off the premises where sold and where delivery is made exclusively through the mail or similar package delivery service.

L. ~~G.~~—Class D-1 Licenses. Class D-1 licenses authorize the sale of wine at wholesale in the original package by an importer/distributor to a Class D licensee as provided in this chapter.

~~H. Television Rider License. Television rider licenses authorize Class A or Class A-1 licensees to place a one or more televisions on the licensed premises in an area where patrons are served, subject to the following conditions: (1) no signs on the premises shall advertise the presence of the television; (2) no promotions or advertisements for the restaurant shall include reference to the presence of the television; and (3) the Local Liquor Commissioner shall have the authority and discretion to determine the number and size of televisions that shall be permitted, and to impose such other conditions or limitations he or she may deem necessary and appropriate, either in the general exercise of his or her rulemaking powers, or as a specific condition or limitation related to the nature of the restaurant operated by the licensee.~~

M. ~~I.~~—Class E Licenses. Class E licenses authorize the retail sale of wine only, by a limited food products store, subject to all of the following conditions:

1. The wine must be sold in its original package, for consumption only off the premises where sold, and not for consumption on the licensed premises. ~~where sold.~~

2. The sale of the wine must be incidental and complementary to the sale of food for consumption off the premises. It is unlawful for any holder of a Class E license to render a bill for sale of wine in its original package which does not include a charge for food to be consumed off the premises.

3. All wine sold under a Class E license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise.

5. A limited food products store may be operated in the same premises as a specialty restaurant, provided the area for the display and sale of food products sales and display area is separate from the meal service area.

6. Sidewalk service is expressly prohibited under any Class E license.

7. The hours for sale of alcoholic beverages under a Class E license shall be as provided in Section 5.09.250 of this chapter.

N. J.—Class E-1 Licenses. Class E-1 licenses authorize the retail sale of beer or wine by a limited food products store, subject to all of the following conditions:

- 1. (Reserved.)
- 2. The beer or wine must be sold in its original package.

3. The sale of the beer or wine must be incidental and complementary to the sale of food for consumption on or off the premises. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales may include the occasional packaged sale of wine ~~in its original package~~ without the sale of food.

4. 3.—All beer or wine sold under a Class E-1 license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

5. 4.—No more than ten (10) percent of the ~~floor space of the limited food products store used by the licensee for the area used for the~~ display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise, except that the display of beer for sale is prohibited.

6. Sidewalk service is expressly prohibited under any Class E-1 license.

7. The hours for sale of alcoholic beverages under a Class E-1 license shall be as provided in Section 5.09.250 of this chapter.

O. K.—Class E-2 Licenses. Class E-2 licenses authorize the retail sale of fine wines, premium imported beer and domestic craft beer at a specialty beverage store, subject to the following conditions:

1. Except as provided in paragraphs 2 through 5 of this subsection, wines and beers must be sold in their original packages, for consumption only off the premises where sold.

2. The limited tasting of small quantities of varieties of fine wine, imported beer, and domestic craft beer shall be permitted on the licensed premises, subject to the following conditions:

a. The tasting shall be provided at a counter identified and used solely for that purpose.

b. The licensee may charge a fee for such tastings; provided, that the fee shall be applied to the contemporaneous purchase of a fine wine, imported beer or domestic craft beer.

c. All tasting samples shall be served in winery tasting glasses.

d. No more than four tasting samples shall be served to any person, regardless of the type or types of beverages sampled.

e. No signage on the premises shall advertise the availability of samples.

3. The tasting of varieties of fine wine, imported beer, and domestic craft beer shall be permitted at private events, subject to the following conditions:

a. The event must require advance registration, which shall include a fixed-price registration fee.

b. The store must be closed to the general public during the event.

c. The event must be for the purpose of providing instruction pertaining to the production, qualities, selection and use of fine wines, imported beers or domestic craft beers.

d. The class or event must have a written agenda or curriculum.

e. The class or event must end by 9:00 p.m.

4. The retail display area devoted to the sale of beer shall not exceed 10% of the total retail display area.

5. In addition, a Class E-2 licensee shall be permitted to serve fine wine, imported beer and domestic craft beer for immediate consumption on the licensed premises, subject to the following conditions:

a. Such service must be incidental and complementary to the concurrent service of meals sold for consumption on the premises by patrons seated at tables.

b. The meals may be pre-packaged meals that are prepared off-premises.

c. The meals shall be served using non-disposable dishes, glassware and utensils.

d. The meals shall not be served at a bar or counter.

e. The table seating area must be separated from the retail area of the license premises by a rail or similar means to segregate it from the retail area of the license premises, but shall not be located in a separate room.

f. The table seating area must not exceed 30% of the total interior area of licensed premises open to patrons, not including restrooms.

6. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.

7. The areas of the licensed premises shall not be more than two thousand, five hundred (2,500) square feet, excluding storage areas not accessible to customers.

8. ~~Except as provided in paragraph 3(e) of this subsection O, the hours of sale and service of alcoholic beverages under a Class E-2 license shall be as provided in Section 5.09.250 of this chapter. The licensed business may be open for the sale of food and packaged products from 11:00 a.m. to 10:00 p.m. on Friday, from 9:00 a.m. to 10:00 p.m. on Saturday, and from 11:00 a.m. to 8:00 p.m. on all other days of the week; provided, that (i) tasting portions may be served at events authorized by paragraph 3 of this subsection K until the time specified in said paragraph 3; and provided further, that the sale or service of permitted alcoholic beverages for consumption on the premises as provided in paragraph 5 of this subsection K shall be limited to the hours established in section 5.09.250 of this Chapter.~~

9. Sidewalk service is expressly prohibited under any Class E-2 license.

P. [Reserved.]

~~L. Packaged Meal Rider License. Packaged meal rider licenses authorize the retail sale, by a Class A or Class A-1 licensee, of beer and wine in the original package, for consumption only off the premises where sold, and not for consumption on the premises, subject to the following conditions:~~

~~1. Such sale of wine or beer shall be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises.~~

~~2. It is unlawful for any holder of a packaged meal rider license to render a bill for the sale of wine or beer in its original package which does not include a charge for a complete meal.~~

~~3. All wine and beer sold under a packaged meal rider license shall be paid for and delivered to the purchaser only on the premises of the restaurant operated by the licensee.~~

~~4. There shall be no display of wine or beer offered for sale under a packaged meal rider license, except to the extent that wine or beer is displayed as part of the normal operations of the restaurant for which the Class A or Class A-1 license was issued.~~

~~M. Sidewalk Restaurant Rider License. Sidewalk restaurant rider licenses authorize Class A, Class A-1, Class E-1 and Class E-2 licensees to sell and serve beer or wine at retail for consumption by customers seated at tables at a permitted sidewalk restaurant~~

~~located on the public sidewalk adjacent to the premises for which the Class A, Class A-1, Class E-1 or Class E-2 license was issued, subject to the following conditions:~~

~~1. The sale and service of the beer or wine must be incidental and complementary to the sale and service of complete meals for consumption only at a table in the area defined in the license.~~

~~2. Except as provided in section 5.09.205 of this Chapter, it is unlawful for any holder of a sidewalk restaurant rider license to render a bill for the sale of wine or beer that does not include a charge for a complete meal.~~

~~3. The sale, service and consumption of the beer or wine at the sidewalk restaurant shall cease no later than the hour specified in Section 5.09.250.A of this Chapter unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license.~~

~~4. The area for service shall be contiguous to the premises for which the Class A, Class A-1, Class E-1 or Class E-2 license is issued, shall be defined in the application and specified in the license, and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified by the Local Liquor Commissioner in the license.~~

~~5. The licensee shall indemnify and hold harmless the Village, its officers and employees from any and all costs arising from claims for personal injury or property damage resulting in any way from the licensee's use of the public way, whether the claim, injury or damages arise from an incident on the licensed premises or on the adjacent portion of the public way that remains open for public use.~~

~~6. The licensee shall maintain dram shop insurance in an amount specified by statute or ordinance, or by rule of the State Liquor Control Commission or the Local Liquor Commissioner, but in no event shall the amount of dram shop insurance be less than \$1,000,000.~~

~~7. The licensee shall maintain general liability insurance coverage of at least \$2 million, with excess liability coverage of at least an additional \$2 million, with the Village named as additional insured. The certificate of insurance shall be in a form acceptable to the Village.~~

~~8. The licensed premises shall be supervised at all times by an employee of the restaurant who is at least 21 years old.~~

~~9. No service shall be allowed under a sidewalk restaurant rider license prior to April 1 or after November 30, except that the Village Manager shall have the authority to permit such service prior to April 1 or after November 30, upon determining that weather conditions permit and upon issuing written notice to licensees. Notwithstanding the foregoing, no service shall be allowed under any such license at any time that the Village determines that weather conditions necessitate the removal of snow or other debris from the public sidewalks.~~

~~10. Every sidewalk restaurant rider license issued pursuant to this subsection shall expire on December 1 of the year it is issued and shall not be subject to renewal. Any~~

~~Class A, Class A-1, Class E-1 or Class E-2 licensee who operates a permitted sidewalk restaurant may apply for a new sidewalk restaurant rider license to which the rider is attached, provided that the application for the sidewalk restaurant rider license shall be de novo each year, and being granted a sidewalk restaurant rider license in any year shall not be deemed to create a right or expectation of renewal or reissuance of the sidewalk restaurant rider license for the following or any subsequent year.~~

~~11. Any licensee who violates any provision of a sidewalk restaurant rider may be disqualified from receiving a sidewalk restaurant rider for any location in the Village for a period of up to 5 years.~~

~~12. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a sidewalk restaurant rider license as he or she may deem reasonably necessary.~~

~~Q. N.~~ Class P License. The Class P license authorizes the Winnetka Park District to engage in the retail sale and service of alcoholic beverages, at the “Halfway House” and in the clubhouse of the Winnetka Park District Golf Course, ~~to persons the attendants at those facilities reasonably believe to be at the Winnetka Park District Golfing Facilities for the principal purpose of engaging in golfing activities, during the hours provided in Section 5.09.250 of this chapter, and~~ subject to the following terms and conditions:

1. Clubhouse service. The sale and service of alcoholic beverages in the clubhouse shall be incidental and complementary to the sale and service of food in the clubhouse food service facility and shall be for consumption only in the clubhouse food service area. Subject to the provisions of Section 5.09.205 of this chapter, the sales and service of alcoholic beverages at the clubhouse food service facility may include the occasional service of alcoholic beverages ~~alone~~ without the service of food.

2. Halfway house service. ~~The sale and service of alcoholic beverages at the Halfway House shall be limited to persons the attendants at that facility reasonably believe to be at the Winnetka Park District Golf Course for the principal purpose of engaging in golfing activities. No such service shall be permitted if the Winnetka Park District Golf Course is not open for operation.~~ Alcoholic beverages served at the Halfway House may be taken from the Halfway House for consumption in any other part of the Winnetka Park District Golf Course. Food and liquor may be served at a counter or bar at the Halfway House. Subject to the provisions of Section 5.09.205 of this chapter, the sale and service of alcoholic beverages at the Halfway House may include the occasional service of alcoholic beverages ~~alone~~ without the service of food.

3. Food and liquor may be served at a counter, bar or waiting area within the clubhouse food service facility, provided that the percentage of the total space available that is allocated to counter, bar and waiting area service in the clubhouse food service facility shall not exceed ten (10) percent of the total space of the food service facility that is accessible to patrons.

4. No alcoholic beverages shall be removed from the clubhouse or Halfway House for consumption on any Winnetka Park District property other than the Winnetka Park District Golf Course. For purposes of this provision, the Winnetka Park District

Golf Course shall include the Golf Course’s clubhouse and Halfway House facilities, as well as connecting paths and walkways, but shall exclude all other areas of the Park District's facilities, including other buildings and activity centers, parking lots and external walkways.

~~5. The sale of alcoholic beverages pursuant to the Class P liquor license shall be permitted only during the months of April through October.~~

~~R. O. Class W~~ Wine Station Rider License. A Class W wine station rider license authorizes a Class A, ~~or Class A-1, Class A-2 or Class A-3~~ licensee to allow certain of the licensee's customers to dispense individual servings of wine for their own consumption from one or more wine stations located in a customer seating area, subject to the following conditions:

1. The customer seating area in which the wine stations are located shall be adjacent to, but separate from, all other seating areas of the licensed premises and shall be defined in the application and specified in the license.

2. The number of wine stations to be permitted under the ~~wine station rider Class W~~ license shall be specified in both the application and the license.

3. No person under the age of 21 shall be permitted in that part of the licensed premises that is the subject of the ~~wine station rider Class W~~ license.

4. A host or hostess who is at least 21 years old shall be present at all times in the seating area with the wine stations, to monitor admission to and service within that area.

5. All members of the service staff in the seating area with the wine stations shall be at least 21 years old.

6. Admission to the wine station area shall be limited only to customers who have been seated there for meal service.

7. Each wine station shall be set to provide pre-measured servings of wine.

8. The dispensing process of the wine stations shall be activated only by inserting a pre-paid card or by using a similar electronically coded device that is purchased by the customer from the licensee for use by the customer, or that is possessed and used solely by the licensee's service staff for service to licensee's customers.

9. No customer shall dispense more than a single serving of wine at a time.

10. The full service of alcoholic beverages shall be permitted in the wine station area, including the occasional service of alcoholic beverages without the service of a full meal as provided in ~~section Section~~ 5.09.205 of this code, provided that the self-service of wine from a wine station without the service of a full meal is expressly prohibited.

11. The pre-paid card or similar device used for dispensing wine from the wine station shall be encoded so as to enable the licensee to maintain records of the numbers of cards issued, the dates and amounts of the pre-payments posted to each card, the size and number of servings charged against each card, and the dates on which such servings occurred.

12. A ~~wine station rider~~ Class W license shall not be required for any wine station that is located behind a bar or in a part of the licensed restaurant's premises that is accessible only to the licensee's employees.

13. All ~~wine station rider~~ Class W licenses shall expire on the same date as the underlying ~~Class A or Class A-1~~ license, unless the rider is terminated sooner pursuant to the procedures established in this chapter.

14. The service of wine using a wine station shall at all times be deemed service by the licensee, whether the wine is dispensed (i) by the licensee or an employee of the licensee for service to a customer, or (ii) by a customer for the customer's own consumption.

15. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a wine station rider license as he or she may deem reasonably necessary.

SECTION 16: Chapter 5.09, "Liquor Control Regulations," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended by adding a new Section 5.09.105, which shall be titled "Service of alcoholic liquor on public sidewalks," and shall provide as follows:

Section 5.09.105 **Service of alcoholic liquor on public sidewalks and public property.**

The following conditions shall apply to the service of alcoholic beverages on public sidewalks or public property, and shall be in addition to any other standards and conditions that may apply to the license classifications provided in Section 5.09.100 of this chapter.

A. Council approval required. Sidewalk service shall be prohibited unless the Village Council has first approved such service pursuant to Chapter 12.04 of this code. All approvals of sidewalk service shall expire at the same time as the underlying restaurant license. ~~Class A and A-1 Licensees. Any restaurant with a Class A or A-1 license may sell and serve alcoholic beverages for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

B. Sidewalk service area. The area for sidewalk service shall be defined in the license application and shall be specified in the license. The area for sidewalk service shall be contiguous to the licensed premises and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified in the license. ~~Class A-2 and A-3 Licensees. Any restaurant with a Class A-2 or A-3 license may sell and serve beer and wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.~~

C. Seasonal limitations on sidewalk service. Sidewalk service is prohibited prior to April 1 and after November 30, except that the Village Manager shall have the authority

to permit sidewalk service prior to April 1 or after November 30, upon determining that weather conditions permit and upon issuing written notice to licensees. Notwithstanding the foregoing, the Village reserves the right to prohibit sidewalk service at any time that the Village determines that weather conditions necessitate the removal of snow or other debris from the public sidewalks. Class A-5 Licensees. Any specialty restaurant with a Class A-5 license may sell and serve wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.

D. Hours for sidewalk service. Sidewalk service shall cease no later than the time provided in Section 5.09.250 of this chapter, unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license. Class E-2 Licensees. Any specialty beverage store with a Class E-2 license may sell and serve beer and wine for consumption by customers seated at tables at a sidewalk restaurant that has been permitted on a public sidewalk, subject to the conditions set forth in subsection F of this section.

E. Supervision required. The licensed sidewalk service area shall be supervised at all times by an employee of the restaurant who is at least 21 years old. Sidewalk Service is expressly prohibited for all Class A-4, Class E and Class E-1 licensees.

F. Insurance and indemnification. Additional conditions for sidewalk service of alcoholic beverages on public sidewalks.

1. Sidewalk service shall be prohibited unless the Village Council has first approved such service pursuant to Chapter 12.04 of this code. All approvals of sidewalk service shall expire at the same time as the underlying restaurant license.

2. The area for sidewalk service shall be defined in the license application and shall be specified in the license. The area for sidewalk service shall be contiguous to the licensed premises and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified in the license.

3. Except as provided in section 5.09.205 of this Chapter, it is unlawful to render a bill for the sale of alcoholic beverages that does not include a charge for food.

4. Sidewalk service shall cease no later than the hour specified in section 5.09.250 of this chapter unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license.

1. The licensee shall indemnify and hold harmless the Village, its officers and employees from any and all costs arising from claims for personal injury or property damage resulting in any way from the licensee's use of the public way, whether the claim, injury or damages arise from an incident on the licensed premises or on the adjacent portion of the public way that remains open for public use.

2. The licensee shall maintain dram shop insurance in an amount specified by statute or ordinance, or by rule of the State Liquor Control Commission or the Local Liquor Commissioner, but in no event shall the amount of dram shop insurance be less than \$1,000,000.

~~3. The licensee shall maintain general liability insurance coverage of at least \$2 million, with excess liability coverage of at least an additional \$2 million, with the Village named as additional insured. The certificate of insurance shall be in a form acceptable to the Village.~~

~~8. The licensed sidewalk service area shall be supervised at all times by an employee of the restaurant who is at least 21 years old.~~

~~9. Sidewalk service is prohibited prior to April 1 and after November 30, except that the Village Manager shall have the authority to permit sidewalk service prior to April 1 or after November 30, upon determining that weather conditions permit and upon issuing written notice to licensees. Notwithstanding the foregoing, the Village reserves the right to prohibit sidewalk service at any time that the Village determines that weather conditions necessitate the removal of snow or other debris from the public sidewalks.~~

~~G. 5.—Other conditions. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for sidewalk service as he or she may deem reasonably necessary, which discretion shall include the right and authority to prohibit a licensee who violates any of the conditions for sidewalk service from serving any alcoholic beverages on public sidewalks or public property for a period of up to 5 years.~~

SECTION 17: Subsection B of Section 5.09.110, “License Fees,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

B. Proration of Certain License Fees.

~~1. If a Class A, Class A-1, television rider, packaged meal rider, wine station rider, Class B, Class D, Class D-1, Class E, Class E-1, Class E-2 or Class P The license fee for any initial license that is issued after April 1st, January 1st of any year, the license fee shall be reduced in proportion to the number of full calendar months that expired in the license year prior to the issuance of the license.~~

~~2. Notwithstanding the foregoing, fees for Class C licenses and fees for license renewals, including license renewals issued in 2014, shall not be subject to proration.~~

SECTION 18: Section 5.09.120, “Payment and disposition of fees,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.120 Payment and disposition of fees.

All fees for ~~Class A, Class A-1, television rider, packaged meal rider, wine station rider, Class B, Class D, Class D-1, Class E, Class E-1 or Class P~~ licenses issued under this chapter shall be submitted along with the application, and no application will be processed unless such payment has been made. paid to the Village on or before April 1st of the year for which such license is to be issued. In the event the license applied for is

denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate purposes fund of the Village or in such other fund as shall have been designated by the Village Council by motion, resolution or ordinance.

SECTION 19: Section 5.09.160, “License renewals,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.160 License Renewals.

A. Any license other than a Class C license ~~Class A, Class A-1, television rider, packaged meal rider, wine station rider, Class B, Class D, Class D-1, Class E, Class E-1, Class E-2 or Class P licensee~~ is subject to renewal upon its expiration, subject to the following conditions and limitations:

- 1. The licensee shall not have any delinquent accounts with the Village, as defined in Section 1.04.140 of this Code;
- 2. The licensee shall continue to meet the same eligibility requirements as if applying for an original license;
- 3. The premises for which the license renewal is sought are suitable for such purpose;
- 4. The renewal of any license shall not be construed as a vested right and nothing in this chapter shall prevent the Village President and Trustees from decreasing the number of licenses that may be issued within the Village; and
- 5. All applications for the renewal of a liquor license shall include a statement describing all work on or alterations to the licensed premises during the term of the current license.

B. ~~[Repealed.] Sidewalk restaurant rider licenses are not subject to renewal and each application for a sidewalk restaurant rider license shall be considered de novo, regardless of whether the applicant has previously held such a license.~~

SECTION 20: Section 5.09.205, “Service of alcoholic beverages without service of full meals,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.205 Service of alcoholic beverages without service of full meals.

From time to time, any Class A, Class A-1, Class A-2, Class A-3, Class A-5, Class E-1 or Class P licensee may serve alcoholic beverages without serving a full meal to the person being served (“liquor-only” service), provided the following conditions are met:

A. No alcoholic beverages shall be offered for sale and consumption unless food is also offered. ~~The area for liquor only service shall be segregated from the remaining~~

~~portion of the restaurant and shall be identified in a seating plan submitted to the Local Liquor Control Commissioner for his approval.~~

~~B. No more than two servings of alcoholic beverages per customer shall be served without being accompanied by food items.——Liquor only service is prohibited on all public sidewalks.~~

~~——C. Liquor only service is permitted in outdoor seating areas, provided the outdoor seating area is located entirely on private property and is part of the licensed premises.~~

~~——D. No more than 20% of the restaurant's seating capacity shall be used for liquor-only service, and at least 80% of the restaurant's seating capacity shall be dedicated to full meal service.~~

C. E.—All liquor-only service shall comply with the limitations of hours of service established in Section 5.09.250 of this Chapter.

D. F.—The total amount of all alcoholic beverage sales by any licensee, including liquor-only sales, shall at all times be incidental and complementary to the sale of complete meals or food products, as specified in the licensee's license classification.

E. G.—The extent of liquor-only service at the Halfway House on the Winnetka Park District Golf Facility may predominate over the sale and service of alcoholic beverages with food at that location, provided that liquor only sales at the Halfway House and at the clubhouse food service facility, when combined, shall be incidental and subordinate to the sale and service of food at those two locations, taken as a whole.

SECTION 21: Section 5.09.250, “Hours of service,” of Chapter 5.09, “Liquor Control Regulations,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.09.250 Hours of service.

A. Restaurants and Specialty Restaurants. The sale and service of alcoholic beverages by a restaurant or specialty restaurant under ~~a Class A or Class A-1~~ any “A” Classification license, and the consumption of alcoholic beverages under such licenses, shall be permitted only during the following hours, between the hours of 11:00 a.m. and 11:00 p.m. each day of the week, unless the license specifically limits the days or hours of such sales and service. ~~—No restaurant or specialty restaurant authorized to serve alcoholic beverages under a Class A or Class A-1 license shall remain open after twelve midnight, except under the following circumstances:~~

1. ~~Patrons may be allowed to remain within the premises after twelve midnight to complete a meal that was served prior to 11:30 p.m., provided: that no additional patrons shall be admitted, that no additional food or beverages of any kind shall be served to anyone after twelve midnight, and that all patrons shall leave the premises no later than 12:30 a.m.~~ For indoor service and service in private outdoor seating areas:

a. Not before 11:00 a.m. any day.

~~b. Not after midnight any day, for indoor service and for service in private outdoor seating areas~~

~~c. On January 1st, restaurants and specialty restaurants may remain open for indoor service until 2:00 a.m., provided that all sales and service of food and alcoholic beverages shall cease at 1:00 a.m., and no additional patrons shall be admitted after that time.~~

~~2. For sidewalk service as defined in Section 5.09.010 of this chapter: seating areas on public sidewalks:~~

~~a. Not before 11:00 a.m. on any day~~

~~b. Not after 11:00 p.m. on Friday and Saturday.~~

~~c. Not after 10:00 p.m. on Sunday through Thursday.~~

~~Such restaurants may remain open to the public until two a.m. on January 1st, provided that all sales and service of food and alcoholic beverages shall cease at 1:00 a.m. on January 1st and no additional patrons shall be admitted after that time.~~

~~B. The sale and service of beer or wine under a sidewalk restaurant rider license, and the consumption of beer or wine under such license, shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. Sundays through Thursdays and 11:00 a.m. and 10:00 p.m. on Fridays and Saturdays.~~

~~B. C. Full-service grocery stores. The sale of alcoholic liquor by a full-service grocery store under a Class B license shall be permitted only during the regular business hours of such grocery store, but not before between the hours of 7:00 a.m. and or after 10:00 p.m. each day of the week.~~

~~C. D. Special events. The sale and service of alcoholic beverages by a civic, fraternal, service or charitable not-for-pecuniary-profit organization under a Class C licensee license, and the consumption of alcoholic beverages under such license, shall be permitted only on the dates and during the hours specified in the license. The sale, service and consumption of liquor may begin on or after the hour of 11:00 a.m. of one day and may continue until 2:00 a.m. of the following day, subject to the following limitations:~~

~~1. Between the hours of 11:00 a.m. of one day and 2:00 a.m. of the following day, for any or all of the days specified in the license if the alcoholic beverages are sold and consumed indoors in a fixed, permanent structure.~~

~~2. Between the hours of 11:00 a.m. of one day and 2:00 a.m. of the following day, for any or all of the days specified in the license, if the alcoholic beverages are sold in a tent or comparable temporary or movable structure, for consumption at tables and chairs located within such tent or structure, provided the sale or consumption of alcoholic beverages is incidental and complementary to the sale and consumption of other foods.~~

~~3. Between the hours of 11:00 a.m. and 10:00 p.m. of each day or days specified in the license if the alcoholic beverages are sold or consumed outdoors, or in a tent, booth, concession stand, or other such temporary or movable structure, provided the sale,~~

service or consumption of alcoholic beverages is incidental and complementary to the sale and consumption of other foods.

4. The sale, service and consumption of alcoholic beverages shall be prohibited between the hours of 2:00 a.m. and 11:00 a.m. of any day.

~~D. E.—Specialty Limited food products stores.~~ The sale or service of beer or wine under a Class E, ~~or Class E-1 or Class E-2~~ license shall be permitted only during the regular business hours of such store, ~~but ; provided that the service of fine wine, imported beer or domestic craft beer with food shall be limited to the hours between not before 11:00 a.m. and or after 8:00 p.m. Notwithstanding the foregoing, the licensed business may be open for the sale of food and packaged products until 10:00 p.m. on Friday and Saturday, and until 8:00 p.m. on all other days of the week.~~

~~E. Specialty beverage store.~~ The sale or service of fine wine, imported beer or domestic craft beer with food shall be limited to the hours between 11:00 a.m. and 8:00 p.m. ~~Notwithstanding the foregoing, the licensed business may be open for the sale of food and packaged products from 11:00 a.m. to 10:00 p.m. on Friday, from 9:00 a.m. to 10:00 p.m. on Saturday, and from 11:00 a.m. to 8:00 p.m. on all other days of the week.~~

~~F. Any establishment that serves alcoholic beverages without the service of food shall cease such service and remove all partially consumed alcoholic beverages and all serving containers for such beverages at least 30 minutes before the establishment is required to cease all liquor service under the terms of its liquor license.~~

~~F. G.—Park District Golf Facilities.~~ Alcoholic beverages may be sold and served pursuant to a Class P license between the hours of 11:00 a.m. and 7:30 p.m., of any day the Winnetka Park District Golfing Facilities are open for golfing activities and the food service facility at the clubhouse is in operation. ~~The sale of alcoholic beverages at the Halfway House shall not be permitted if the Winnetka Park District Golf Course is not open for business.~~

~~G. H.—~~All liquor licensees shall cease the sale and service of alcoholic beverages and shall remove all partially consumed alcoholic beverages and serving containers for such beverages by the times required for their respective license classifications, as provided in this Section 5.09.250.

[Remainder of this page intentionally left blank.]

SECTION 22: This Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 23: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 1st day of April, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 1st day of April, 2014.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: March 20, 2014

Passed and Approved:



Agenda Item Executive Summary

Title: M-4-2014 - Disposition of Surplus Vehicles and Equipment- Introduction

Presenter: Steven M. Saunders, Director of Public Works

Agenda Date: 04/01/2014

Consent: YES NO

<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

From time to time, it is necessary to dispose of vehicles and equipment that are no longer used and useful for the Village. This is generally done through one of the quarterly auctions held by the Northwest Municipal Conference.

Executive Summary:

The next scheduled Northwest Municipal Conference (NWMC) live auction is scheduled for May 20, 2014. As was the case last fall, the auction will be conducted pursuant to the NWMC's agreement with Manheim Remarketing, which does both live auctions and on-line sales. The service charge for sales under the NWMC agreement with Manheim is \$84.00 per drivable vehicle and \$124.00 per inoperable vehicle.

Ordinance M-4-2014 authorizes the disposition of six vehicles: one from the Public Works Department, four from the Water & Electric Department, and one from the Police Department. All of the vehicles are either well past their useful lives or are in such condition that the cost of operating and maintaining the vehicles exceeds their value.

The ordinance establishes the details for the auction, and also authorizes any vehicles or equipment that could not be sold at the auction to be disposed of by other methods, such as on-line sales, conveyance to other municipalities, or sale as scrap.

Recommendation / Suggested Action:

- 1) Consider a motion to introduce Ordinance M-4-2014, titled "An Ordinance Authorizing the Disposition of Certain Surplus Vehicles and Equipment Owned by the Village of Winnetka."

Attachments:

Ordinance M-14-2014 - "An Ordinance Authorizing the Disposition of Certain Surplus Vehicles and Equipment Owned by the Village of Winnetka."

ORDINANCE NO. M-4-2014

**AN ORDINANCE
AUTHORIZING THE DISPOSITION OF
CERTAIN SURPLUS VEHICLES AND EQUIPMENT
OWNED BY THE VILLAGE OF WINNETKA**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the Village’s government and affairs and to the public health, safety and welfare; and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) finds that the disposal of surplus property owned by the Village, including without limitation the surplus property described in this Ordinance, is a matter pertaining to the affairs of the Village and to the public health, safety and general welfare; and

WHEREAS, the Village of Winnetka owns certain vehicles and equipment that are no longer used and useful to the Village, having been retired from service due to their scheduled replacement, obsolescence or damage (the “Surplus Property”), which Surplus Property is described, and its sale value estimated, in the following table:

VIN / Serial Number	Dept. ID	Year	Make & Model	Comments	Estimated Value
1GTCS19Z9S8537288	PW 03	1995	GMC Pick-up	100,000 miles; poor condition; purchased 06/29/1995 for \$12,880	\$ 800.00
2FAHP71W87X131687	WE 50	2007	Ford Crown Victoria	Beyond useful life; 4-door sedan; 130,000 miles; fair condition; purchased 01/17/2007 for \$21,568	\$1,600.00
1FAFP231X6G168563	WE 52	2006	Ford 500	Beyond useful life; 120,000 miles; fair condition; purchased 05/18/2006 for \$18,557.33	\$1,500.00
1FMZU34X2WUB30671	WE 67	1998	Ford Explorer	Beyond useful life; 82,000 miles; poor condition; purchased 01/09/1998 for \$24,570	\$ 500.00
1FAFP58282G212198	WE 83	2002	Ford Taurus Wagon	Beyond useful life; 44,000 miles; poor condition; purchased 04/11/2002 for \$16,975	\$500.00
1FAHP27W58G160954	PD 401	2008	Ford Taurus SEL AWD	Beyond useful life; 80,000 miles; poor condition; purchased 02/13/2008 for \$22,693	\$500.00

WHEREAS, from time to time the Village Manager requests the authorization to dispose of surplus vehicles and other equipment that are no longer used and useful to the Village, by selling them through auctions and other sales conducted by the Northwest Municipal Conference (“NWMC”), or by other means where such auction or public sale has been unsuccessful, or

where the Village Manager has determined that the cost of advertising and publishing the notice of property for sale, as well as personnel costs for maintaining security and conducting such public sale, exceed the value of such items; and

WHEREAS, the NWMC has scheduled an auction of surplus vehicles and equipment to be conducted by Manheim Remarketing on behalf of the Northwest Municipal Conference at 2:00 p.m., Tuesday, May 20, 2014, at the Manheim Arena, 550 S. Bolingbrook Drive, Bolingbrook, Illinois (“NWMC Auction”); and

WHEREAS, the Village Manager has authorized the NWMC to advertise and obtain bids for the sale of the Surplus Property described herein at the NWMC Auction, with the acceptance of any bids being subject to the approval of the corporate authorities of the Village of Winnetka (“Village Council”) pursuant to a duly enacted ordinance; and

WHEREAS, the Village Council hereby finds that the Surplus Property described herein is no longer useful to the Village and that it is in the best interests of the Village to dispose of the Surplus Property as provided in this Ordinance; and

WHEREAS, the Village Council hereby finds that disposal of the Surplus Vehicles as provided in this Ordinance is necessary and proper so as to avoid incurring unnecessary additional costs and unnecessary exposure to liability related to storing or disposing of the Surplus Property; and

WHEREAS, the Council of the Village of Winnetka, in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970, hereby finds that it is in the best interests of the Village and its citizens to dispose of the Surplus Property in a manner consistent with the provisions of Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), as more fully set forth in this Ordinance.

NOW, THEREFORE, be it ordained by the Council of the Village of Winnetka as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka (“Village Council”) , as if fully set forth herein.

SECTION 2: Pursuant to the Village's home rule authority and consistent with Section 11-76-4 of the Illinois Municipal Code, the Village Manager is hereby authorized to direct the sale of the Surplus Property at an auction to be conducted by Manheim Remarketing (“Manheim”) on behalf of the Northwest Municipal Conference (“NWMC”) at 2:00 p.m., Tuesday, May 20, 2014, at the Manheim Arena, 550 S. Bolingbrook Drive, Bolingbrook, Illinois (“NWMC Auction”).

SECTION 3: The Village Manager is further authorized to direct the NWMC to advertise the sale of the Personal Property through area newspapers, direct mailings, and such other channels as the NWMC deems appropriate prior to the date of said NWMC Auction.

SECTION 4: The Village Manager is further authorized to enter into an agreement with the NWMC, or with Manheim acting on behalf of the NWMC and the Village of Winnetka, for the sale of the Surplus Property, whereby the Surplus Property shall be sold at NWMC Auction to the highest bidder or bidders, according to the terms set forth in the NWMC’s specifications for the sale of vehicles and equipment at NWMC auctions.

SECTION 5: The Village Manager is further authorized to enter into an agreement with the NWMC, or with Manheim acting on behalf of the NWMC and the Village of Winnetka,

for any of the above-described Surplus Property that has not been sold at the NWMC Auction, to be sold through Manheim's On-Line Vehicle Exchange Service, or through any other method authorized in the agreement between the NWMC and Manheim.

SECTION 6: No bid shall be accepted for the sale of any item of the Surplus Property which is less than the minimum value of said item of personal property as set forth in the table in the preamble to this ordinance, with the Kelly Blue Book value being used for any vehicle for which the estimated value is listed as "TBD," unless the Village Manager, or his designee, so authorizes at the time of the auction, and unless the highest bid received for such item is less than the minimum value set forth in this Ordinance.

SECTION 7: Upon payment in full of the auctioned price by the highest bidder or bidders for any item of the Personal Property, the Village Manager is authorized to direct the NWMC to convey and transfer the title and ownership of said item of Personal Property to the highest bidder or bidders.

SECTION 8: In the event that any of the Surplus Property has not been, or cannot be sold in the manner provided in Sections 4 through 7 of this Ordinance, the Village Manager is authorized to dispose of such Surplus Property in any of the following ways: (a) selling the Surplus Property to the highest bidder, with or without advertising, in a live or on-line sale; (b) selling the Surplus Property for scrap; (c) transferring title to any Illinois municipality, with or without advertising and/or competitive bidding; or (d) in any other lawful manner that the Village Manager determines will either generate the most income or result in the lowest cost to the Village. The method, terms and conditions of any disposition of Surplus Property pursuant to this Section 8 shall be established by the Village Manager on a case by case basis, after considering such factors as the estimated value of the Surplus Property, the cost of advertising, the cost of continued storage for possible future sale, and, in the case of transfer to another unit of government, the needs and financial capabilities of such transferee.

SECTION 9: This Ordinance is passed by the Council of the Village Winnetka in furtherance of Article VII, Section 10 of the Constitution of the State of Illinois, and the Intergovernmental Cooperation Act, 220 ILCS 220/1, *et seq.*, which authorizes and encourages intergovernmental cooperation.

SECTION 10: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

[Remainder of this page intentionally left blank.]

SECTION 11 This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this ___ day of _____, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ___ day of _____, 2014.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of _____, 2014.

Introduced:
Passed and Approved:



Agenda Item Executive Summary

Title: Resolution R-7-2014: Post Office Lease - Adoption

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 04/01/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

The Village of Winnetka has had a lease agreement with the United States Postal Service (USPS) for the facility located at 512 Chestnut Street for many years. The current lease was approved for the period from May 1, 2009 through April 30, 2011. The lease term allowed automatic renewals from year to year for up to three (3) additional one-year periods; it expires on April 30, 2014.

Executive Summary:

The expiring lease granted the USPS use of the property for carrier/distribution and retail operations. The rental rate reflected the full scope of operations at that time, but also provided for a rent adjustment if the scope of operations was reduced. In 2012, the USPS moved its carrier/distribution services outside of the Village, and what remained was primarily retail services and the local delivery and routing of mail services to the community. Accordingly, the annual rent was reduced.

When the USPS approached the Village in 2013, requesting a longer term lease extension, it became apparent that their desire for a longer term lease did not align with the Village's desire to redevelop or find alternative uses for the site. After a series of discussions, the parties have tentatively agreed to the terms listed in the Agenda Report that follows. The proposed lease agreement maintains a USPS presence in our community while providing flexibility in pursuing alternative uses for the site, and thereby establishes a framework for working cooperatively with the USPS in the future.

Recommendation / Suggested Action:

Adopt Resolution R-7-2014, approving the proposed lease between the Village of Winnetka and the USPS, for a month-to-month lease term, with termination by either party subject to giving 12 months' notice to the other party.

Attachments:

- 1) Agenda Report
- 2) Resolution R-7-2014, "A Resolution Authorizing the Leasing of Municipal Property to the United States Postal Service (512 Chestnut)"

AGENDA REPORT

TO: Village Council

PREPARED BY: Robert M. Bahan, Village Manager

DATE: March 26, 2014

SUBJECT: Resolution R-7-2014 - Post Office Lease Agreement

History

The Village of Winnetka has had a lease agreement with the United States Postal Service (USPS) for the facility located at 512 Chestnut Street within the west Elm Street business district for many years. The current lease was approved for the period from May 1, 2009 through April 30, 2011. The lease term allowed automatic renewals from year to year for up to three (3) additional one-year periods.

Lease Terms

The current lease between the Village of Winnetka and the United States Postal Service (USPS) expires on April 30, 2014. The expiring lease granted the USPS use of the property for carrier/distribution and retail operations and the rental rate reflected the full scope of operations at that time. The expiring lease also contemplated the relocation of the carrier/distribution operations. In 2012, the carrier/distribution services were relocated to another location, and what remained was primarily retail services and the local delivery and routing of mail services to the community. Accordingly, the annual rent was reduced to reflect the reduced scope of operations at the site.

During 2013, the USPS approached the Village requesting a longer term lease extension. In the course of discussions with USPS, it became apparent that their desire to secure a longer term lease did not align with the Village's desire to redevelop or find alternative uses for the site. After a series of discussions, the parties have tentatively agreed to the following terms:

- The lease will reflect retail operations consisting of 3,500 square feet (net interior), and due to the configuration of the building, the USPS will maintain control and have access to the interior space for normal operations including storage related to the current operations.
- The USPS accepts the building in an "as is" condition and will not require any further action from the Village.

- The USPS understands and agrees that the leased premises is solely for retail postal services and local deliveries within the Village of Winnetka, and the leased premises will not be used as a carrier or distribution or sorting operation, or for any other purpose not specifically defined in the lease.
- The term of the lease will be month-to-month, with either party having the right to terminate at the end of any given month, subject to providing 12 month notice to the other party. There are no renewal options.
- The USPS is not allowed to sublet any part of the leased premises, and the USPS will pay for utilities and services provided to the entire building.
- The annual rental rate will be \$87,500 per year (\$7,291.67 per month) and reflects a rate of \$25 per square foot.
- The Village has maintained tax exempt status for the property. However, the Tax Rider remains part of the lease, and in the event the property loses tax exempt status the USPS will reimburse the Village for property taxes paid.
- Given the importance of having the USPS located in downtown Winnetka for the benefit of residents and activity in the commercial district, the Village will assist the USPS in locating space on or near the premises for a temporary retail postal facility during a potential redevelopment, and in finding a future permanent location for retail postal facility on or close to the existing site. However, the Village is not required to purchase or lease any property for the USPS in the event of termination and potential redevelopment.

Resolution R-7-2014 would approve a new lease agreement with the USPS, with the terms as outlined above. The proposed lease agreement maintains a USPS presence in our community while providing flexibility in pursuing alternative uses for the site, and thereby establishes a framework for working cooperatively with the USPS in the future.

Recommendation

Adopt Resolution R-7-2014, approving the proposed lease between the Village of Winnetka and the USPS for a month to month lease term, with termination by either party subject to giving 12 months' notice.

**A RESOLUTION
AUTHORIZING THE LEASING OF MUNICIPAL PROPERTY
TO THE UNITED STATES POSTAL SERVICE (512 Chestnut)**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and, except as limited by Section 6 of Article VII of the Constitution of the State of Illinois of 1970, is authorized to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, in 1982, pursuant to Resolution R-750-82, the Village purchased a 2-acre parcel of property that extends from the east edge of Dwyer Park to the west side of Chestnut Street between Elm Street to Oak Street in the West Elm Business District, which is commonly known as the “Post Office Site;” and

WHEREAS, the “Post Office Site” is improved with two municipal street-level parking lots, one adjacent to Oak Street and the other adjacent to Elm Street, with a one-story building with rear loading dock that is located in the center of the block and has a street address of 512 Chestnut; and

WHEREAS, at the time the Post Office Site was purchased, and at all times since then, the 512 Chestnut building and loading dock (“Lease Premises”) were occupied by the Winnetka Branch of the United States Post Office and, as part of said purchase, the lease with the United States Post Office, which is now the United States Postal Service (“USPS”), was assigned to the Village; and

WHEREAS, pursuant to Ordinance M-11-2009, which was passed and approved on April 28, 2009, the USPS continues to lease the Lease Premises for its local retail postal services, the USPS having moved its distribution and carrier operations to a location outside of the Village; and

WHEREAS, the Village and the USPS have reached agreement on the terms of a new lease for the USPS to continue its local operations from the Lease Premises, substantially as set forth in that certain Lease captioned “Winnetka – Main Office (168544-002), 512 Chestnut St., Winnetka, IL 60093-2400,” a copy of which is attached to this Ordinance as Exhibit A and is incorporated by reference as if fully set forth herein (“Lease”); and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) finds and determines that approving the Lease substantially in the form presented will allow the USPS to continue to operate from the same location it has occupied for more than 30 years, while preserving the Village’s right to redevelop the Post Office Site at such time and in such manner as the Village Council may determine to be in the Village’s best interests; and

WHEREAS, the Village Council further finds that owning property and determining the terms and conditions for its use, including its leasing and redevelopment, are matters pertaining to the Village’s government and affairs.

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: The foregoing recitals are hereby adopted as the findings of the Council of the Village of Winnetka, and are incorporated by reference as if fully set forth herein.

SECTION 2: A lease by and between the Village of Winnetka and the United States Postal Service is hereby approved, substantially in the form attached hereto as Exhibit A, captioned "United States Postal Service Lease, Winnetka – Main Office (168544-002), 512 Chestnut St., Winnetka, IL 60093-2400" (the "Lease"), subject to final approval of the form of the Lease by the Village Attorney.

SECTION 3: The Village President and Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, said Lease substantially in the form attached hereto as Exhibit A, subject to the conditions stated in Section 2 of this Resolution, and to take such other and further steps as may be necessary to effectuate the Lease Extension, including recording the lease with the Cook County Recorder of Deeds in the manner provided by statute.

SECTION 4: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Resolution shall take effect immediately upon its adoption.

ADOPTED this 1st day of April, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Exhibit A

United States Postal Service Lease

Winnetka – Main Office (168544-002)
512 Chestnut St., Winnetka, IL 60093-2400



Lease

WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400



Facility Name/Location
WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400

County: Cook
Lease: J00000406397

This Lease made and entered into by and between VILLAGE OF WINNETKA hereinafter called the Landlord, and the United States Postal Service, hereinafter called the Postal Service:

In consideration of the mutual promises set forth and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. The Landlord hereby leases to the Postal Service and the Postal Service leases from the Landlord the following premises, hereinafter legally described in paragraph 7, in accordance with the terms and conditions described herein and contained in the 'General Conditions to U.S. Postal Service Lease,' attached hereto and made a part hereof.

Upon which is a brick/block building and which property contains areas, spaces, improvements, and appurtenances as follows:

AREA	SQ. FEET
Net Total USPS Leased SF	11,276
Exterior, Platform and Ramp	1,260

18 x 112 Parking area on the North side of the building is now public parking

Total Site Area: 26,250.00

2. TO HAVE AND TO HOLD the said premises with their appurtenances for the following term:
MONTH-TO-MONTH: This is a month-to-month lease effective May 01, 2014.

3. RENTAL: The Postal Service will pay the Landlord an annual rental of: \$87,500.00 (Eighty Seven Thousand Five Hundred and 00/100 Dollars) payable in equal installments at the end of each calendar month. Rent for a part of a month will be prorated.

Rent checks shall be payable to:
VILLAGE OF WINNETKA
ATTN FINANCE DIRECTOR
510 GREEN BAY RD
WINNETKA, IL 60093-2563

4. RENEWAL OPTIONS: None

5. OTHER PROVISIONS: The following additional provisions, modifications, riders, layouts, and/or forms were agreed upon prior to execution and made a part hereof:
Utilities Services & Equipment Rider, Maintenance Rider - Landlord Responsibility, Reimbursement of Paid Taxes Rider.

6. TERMINATION:
This Lease may be terminated at any time by either party giving to the other 365 days written notice, any such notice by Landlord to be directed to the Contracting Officer.

7. LEGAL DESCRIPTION:
See Exhibit A -1 - Site Plan
Exhibit A-2 - Floor Plan

Facility Name/Location
WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400

County: Cook
Lease: J00000406397

1. It is acknowledged by the parties to this Lease that the premises consists of a retail facility of approximately 3,500 square feet, and another area of approximately 7,776 square feet that was formerly used by the USPS as a distribution operation. Landlord understands and agrees that although the USPS has relocated its Carrier operation from the leased premises, USPS currently has, and for the term of this lease shall continue to have, complete control and use of the entire building and that it may use the former carrier area for main storage, staging, storage etc. in conjunction with the rental use as described in paragraph 2. Landlord agrees that the Rental Charges for the building include such storage use, and that Landlord will not impose an additional charge for such storage.
2. USPS understands and agrees that the leased premises is solely for retail postal services and local deliveries within the Village of Winnetka and that the leased premises shall not be used as a carrier or distribution or sorting operation or for any other purpose not specifically defined in this Lease.
3. USPS agrees to pay for utilities and services provided to the entire building during USPS's use and occupancy of the building.
4. USPS shall not sublet any part of the leased premises, or assign any of its rights or obligations under this lease, without the express written consent of the Landlord.
5. Paragraph 3 of the Maintenance Rider is deleted.
6. The Postal Service accepts the building in an "as is" condition and will not require any further action from the Landlord except as may be required by law.
7. The Postal Service acknowledges receipt from Landlord of a 2004 Phase 1 Environmental Site Assessment Report regarding the premises and further acknowledges that the Postal Service was in possession of the premises when the Landlord purchased the property and has been in possession of the control of the premises throughout Landlord's ownership of the premises.
8. It is the Landlord's intention to demolish the leased premises and redevelop the site upon the termination of the lease. In the event the Landlord terminates the lease to begin redeveloping the site, Landlord agrees to assist the Postal Service in locating space on or near the premises for a temporary retail postal facility during redevelopment of the site, and in finding a future permanent location for a retail postal facility on or close to the existing site. Nothing herein shall require landlord to purchase or lease any property for this purpose. As a result of the Landlord plans on redevelopment including demolition of the building the Landlord waives all rights to require restoration of the facility as set forth in paragraph 7. GC-1.
9. In the event of a conflict between this addendum and the General Conditions to USPS Lease, the terms of this Addendum shall prevail.



EXECUTED BY LANDLORD this _____ day of _____, _____.

CORPORATION

By executing this Lease, Landlord certifies that Landlord is not a USPS employee or contract employee (or an immediate family member of either), or a business organization substantially owned or controlled by a USPS employee or contract employee (or an immediate family member of either).

Name of Corporation: Village of Winnetka

Name & Title: Winnetka Village President Name & Title:

Name & Title: Winnetka Village Clerk Name & Title:

Landlord's Address: 510 GREEN BAY RD

WINNETKA, IL 60093-2563

Telephone No.: (847) 501 - 6000 Fax No.: _____ Tax ID: XX-XXX6162

E-mail Address: emckee@winnetka.org

Witness _____ Witness _____

- a. Where the Landlord is a corporation, leases and lease agreements entered into must have the corporate seal affixed, or in place thereof, the statement that the corporation has no seal.
- b. Where the Landlord is a corporation, municipal corporation, non-profit organization, or fraternal order or society, the Lease must be accompanied by documentary evidence affirming the authority of the agent, or agents, to execute the Lease to bind the corporation, municipal corporation, non-profit organization, or fraternal order or society for which he (or they) purports to act. The usual evidence required to establish such authority is in the form of extracts from the articles of incorporation, or bylaws, or the minutes of the board of directors duly certified by the custodian of such records, under the corporate seal. Such resolutions, when required, must contain the essential stipulations embodied in the Lease. The names and official titles of the officers who are authorized to sign the Lease must appear in the document.
- c. Any notice to Landlord provided under this Lease or under any law or regulation must be in writing and submitted to Landlord at the address specified above, or at an address that Landlord has otherwise appropriately directed in writing. Any notice to the Postal Service provided under this Lease or under any law or regulation must be in writing and submitted to "Contracting Officer, U.S. Postal Service" at the address specified below, or at an address that the Postal Service has otherwise directed in writing.

ACCEPTANCE BY THE POSTAL SERVICE

_____ Michael Legrand _____
Date Contracting Officer Signature of Contracting Officer

Capital Metro FSO ,
Address of Contracting Officer

1. CHOICE OF LAW

This Lease shall be governed by federal law.

2. RECORDING

Not Required

3. MORTGAGEE'S AGREEMENT

If there is now or will be a mortgage on the property which is or will be recorded prior to the recording of the Lease, the Landlord must notify the contracting officer of the facts concerning such mortgage and, unless in his sole discretion the contracting officer waives the requirement, the Landlord must furnish a Mortgagee's Agreement, which will consent to this Lease and shall provide that, in the event of foreclosure, mortgagee, successors, and assigns shall cause such foreclosures to be subject to the Lease.

4. ASSIGNMENTS

a. The terms and provisions of this Lease and the conditions herein are binding on the Landlord and the Postal Service, and all heirs, executors, administrators, successors, and assigns.

b. If this contract provides for payments aggregating \$10,000 or more, claims for monies due or to become due from the Postal Service under it may be assigned to a bank, trust company, or other financing institution, including any federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any assignment or reassignment must cover all amounts payable and must not be made to more than one party, except that assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in financing this contract. No assignment or reassignment will be recognized as valid and binding upon the Postal Service unless a written notice of the assignment or reassignment, together with a true copy of the instrument of assignment, is filed with:

1. the contracting officer; and
2. the surety or sureties upon any bond.

c. Assignment of this contract or any interest in this contract other than in accordance with the provisions of this clause will be grounds for termination of the contract for default at the option of the Postal Service.

d. Nothing contained herein shall be construed so as to prohibit transfer of ownership of the demised premises, provided that:

1. such transfer is subject to this Lease agreement; and

2. both the original Landlord and the successor Landlord execute the standard *Certificate of Transfer of Title to Leased Property and Lease Assignment and Assumption* form to be provided by the USPS Contracting Officer; and in the case of new leased space projects, the lease may only be assigned or ownership of the property transferred following commencement of the fixed term, unless prior written consent is obtained from the Postal Service.

5. APPLICABLE CODES AND ORDINANCES

The Landlord, as part of the rental consideration, agrees to comply with all codes and ordinances applicable to the ownership and operation of the building in which the rented space is situated and to obtain all necessary permits and related items at no cost to the Postal Service. When the Postal Service or one of its contractors (other than the Landlord) is performing work at the premises, the Postal Service will be responsible for obtaining all necessary and applicable permits, related items, and associated costs.

6. SUBLEASE

The Postal Service may sublet all or any part of the premises or assign this lease but shall not be relieved from any obligation under this lease by reason of any subletting or assignment.

7. RESTORATION AND ALTERATIONS

a. Upon written notification by Landlord within 30 days of the expiration or termination of this Lease, the Postal Service shall restore the premises to a "broom clean" and usable condition, excepting the following: reasonable and ordinary wear and tear; and damages by the elements or by circumstances over which the Postal Service has no control. If Landlord provides the above notice, the Postal Service and Landlord shall negotiate and reach agreement on necessary items of restoration and the reasonable cost for restoration; the Postal Service shall pay Landlord this agreed-upon amount and shall have no further restoration duties under this Lease.

b. The Postal Service shall have the right to make alterations, attach fixtures and erect additions, structures or signs in or upon the premises hereby leased (provided such alterations, additions, structures, or signs shall not be detrimental to or inconsistent with the rights granted to other tenants on the property or in the building in which said premises are located); which fixtures, additions or structures so placed in, upon or attached to the said premises shall be and remain the property of the Postal Service and may be removed or otherwise disposed of by the Postal Service.

8. CLAIMS AND DISPUTES

- a. This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601-613) ("the Act").
- b. Except as provided in the Act, all disputes arising under or relating to this contract must be resolved under this clause.
- c. "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Landlord seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified as required by subparagraph d below. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.
- d. A claim by the Landlord must be made in writing and submitted to the contracting officer for a written decision. A claim by the Postal Service against the Landlord is subject to a written decision by the contracting officer. For Landlord claims exceeding \$100,000, the Landlord must submit with the claim the following certification:

"I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief, that the amount requested accurately reflects the contract adjustment for which the Landlord believes the Postal Service is liable, and that I am duly authorized to certify the claim on behalf of the Landlord."

The certification may be executed by any person duly authorized to bind the Landlord with respect to the claim.

- e. For Landlord claims of \$100,000 or less, the contracting officer must, if requested in writing by the Landlord, render a decision within 60 days of the request. For Landlord-certified claims over \$100,000, the contracting officer must, within 60 days, decide the claim or notify the Landlord of the date by which the decision will be made.
- f. The contracting officer's decision is final unless the Landlord appeals or files a suit as provided in the Act.
- g. When a claim is submitted by or against a Landlord, the parties by mutual consent may agree to use an alternative dispute resolution (ADR) process to assist in resolving the claim. A certification as described in subparagraph d of this clause must be provided for any claim, regardless of dollar amount, before ADR is used.
- h. The Postal Service will pay interest on the amount found due and unpaid from:
1. the date the contracting officer receives the claim (properly certified if required); or
 2. the date payment otherwise would be due, if that date is later, until the date of payment.
- i. Simple interest on claims will be paid at a rate determined in accordance with the Act.
- j. The Landlord must proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under the contract, and comply with any decision of the contracting officer.

9. HAZARDOUS/TOXIC CONDITIONS CLAUSE

"Asbestos containing building material" (ACBM) means any material containing more than 1% asbestos as determined by using the method specified in 40 CFR Part 763, Subpart E, Appendix E. "Friable asbestos material" means any ACBM that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

The Landlord must identify and disclose, to the best of its knowledge, the presence, location and quantity of all ACBM or presumed asbestos containing material (PACM) which includes all thermal system insulation, sprayed on and troweled on surfacing materials, and asphalt and vinyl flooring material unless such material has been tested and identified as non-ACBM. The Landlord agrees to disclose, to the best of its knowledge, any information concerning the presence of lead-based paint, radon above 4 pCi/L, and lead piping or solder in drinking water systems in the building, to the Postal Service.

Sites cannot have any contaminated soil or water above applicable federal, state or local action levels or undisclosed underground storage tanks. Unless due to the act or negligence of the Postal Service, if contaminated soil, water, underground storage tanks or piping or friable asbestos material or any other hazardous/toxic materials or substances as defined by applicable Local, State or Federal law are subsequently identified on the premises, the Landlord agrees to remove such materials or substances upon notification by the Postal Service at Landlord's sole cost and expense in accordance with EPA and/or State guidelines; prior to accomplishing this task, Landlord must seek written approval by the USPS Contracting Officer of the contractor and scope of work, such approval not to be unreasonably withheld. If ACBM is subsequently found in the building which reasonably should have been determined, identified, or known to the Landlord, the Landlord agrees to conduct, at Landlord's sole expense, an asbestos survey pursuant to the standards of the Asbestos Hazard Emergency Response Act (AHERA), establish an Operations and Maintenance (O&M) plan for asbestos management, and provide the survey report and plan to the Postal Service. If the Landlord fails to remove any friable asbestos or hazardous/toxic materials or substances, or fails to complete an AHERA asbestos survey and O&M plan, the Postal Service has the right to accomplish the work and deduct the cost plus administrative costs, from future rent payments or recover these costs from Landlord by other means, or may, at its sole option, cancel this Lease. In addition, the Postal Service may proportionally abate the rent for any period the premises, or any part thereof, are determined by the Postal Service to have been rendered unavailable to it by reason of such condition.

The Landlord hereby indemnifies and holds harmless the Postal Service and its officers, agents, representatives, and employees from all claims, loss, damage, actions, causes of action, expense, fees and/or liability resulting from, brought for, or on account of any violation of this clause.

The remainder of this clause applies if this Lease is for premises not previously occupied by the Postal Service.

By execution of this Lease the Landlord certifies:

- a. that, to the best of its knowledge, the property and improvements are free of all contamination from petroleum products or any hazardous/toxic or unhealthy materials or substances, including friable asbestos materials, as defined by applicable State or Federal law;
- b. that, to the best of its knowledge, there are no undisclosed underground storage tanks or associated piping, ACBM, radon, lead-based paint, or lead piping or solder in drinking water systems, on the property; and
- c. it has not received, nor is it aware of, any notification or other communication from any governmental or regulatory entity concerning any environmental condition, or violation or potential violation of any local, state, or federal environmental statute or regulation, existing at or adjacent to the property.

10. FACILITIES NONDISCRIMINATION

- a. By executing this Lease, the Landlord certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform services at any location under its control where segregated facilities are maintained.
- b. The Landlord will insert this clause in all contracts or purchase orders under this Lease unless exempted by Secretary of Labor rules, regulations, or orders issued under Executive Order 11246.

11. CLAUSES REQUIRED TO IMPLEMENT POLICIES, STATUTES, OR EXECUTIVE ORDERS

The following clauses are incorporated in this Lease by reference. The text of incorporated terms may be found in the Postal Service's Supplying Principles and Practices, accessible at www.usps.com/publications.

Clause 1-5, *Gratuities or Gifts* (March 2006)

Clause 1-6, *Contingent Fees* (March 2006)

Clause 9-3, *Davis-Bacon Act* (March 2006)¹

Clause 9-7, *Equal Opportunity* (March 2006)²

Clause 9-13, *Affirmative Action for Handicapped Workers* (March 2006)³

Clause 9-14, *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era* (March 2006)⁴

Clause B-25, *Advertising of Contract Awards* (March 2006)

Note: For purposes of applying the above standard clauses to this Lease, the terms "supplier," "contractor," and "lessor" are synonymous with "Landlord," and the term "contract" is synonymous with "Lease."

¹ For premises with net interior space in excess of 6,500 SF and involving construction work over \$2,000.

² For leases aggregating payments of \$10,000 or more.

³ For leases aggregating payments of \$10,000 or more.

⁴ For leases aggregating payments of \$25,000 or more.

1. The Landlord shall, except as otherwise specified herein and except for damage resulting from the act or negligence of Postal Service agents or employees, maintain the demised premises, including the building and any and all equipment, fixtures, systems, and appurtenances, whether severable or non-severable, furnished by the Landlord under this Lease, in good repair and tenantable condition, during the continuance of the Lease. Landlord's duties include repair and replacement as necessary.

Notwithstanding the above, the Postal Service will be responsible for regular cleaning of gutters and downspouts connected to the outer edge (i.e., the eaves area) of the roof; Landlord will be responsible for regular cleaning of any other gutters, downspouts, troughs, scuppers, roof drains, etc.

For the purpose of so maintaining said premises and property, the Landlord may, at reasonable times, and upon reasonable notice to the facility manager, enter and inspect the same and make any necessary repairs thereto.

2. Landlord is responsible for inspection, prevention and eradication of termites and any other wood-eating insects and for repairs of any damage resulting therefrom during the continuance of the Lease.
3. ~~Landlord shall paint all interior and exterior previously painted surfaces as follows: no later than six (6) months following the start of the lease, and at least once every five (5) years during the continuance of the lease unless required more often because of damage from fire or other casualty, or unless the time period is specifically modified in writing by the Contracting Officer. Landlord is required to apply only one coat of paint. USPS will be responsible for cost of additional coats of paint, including application costs. USPS will be responsible for moving furniture and equipment away from walls as required.~~
4. Any heating system furnished by Landlord must be properly sized for the facility, must be in good working order, and must be maintained and, if necessary, replaced by Landlord to ensure proper operation during the continuance of the Lease and in accordance with this Maintenance Rider; such system must be capable of providing a uniform temperature of at least 65 degrees Fahrenheit (65°F.) in all enclosed portions of the demised premises (excluding the rear vestibule) at all times. Regardless of whether Landlord is required by the Lease to provide fuel for a heating system, any investigative or remediation cost associated with a release of fuel from the system, including any fuel tank, shall be the responsibility of the Landlord, unless the release is caused by the act or negligence of the Postal Service or its agents. The Postal Service shall be responsible for regular replacement of filters.

Boilers (heating and hot water supply) and unfired pressure vessels provided by the Landlord as part of the leased premises shall be maintained and, if necessary, replaced by the Landlord in accordance with ASME Boiler and Pressure Vessel Code, Sections IV, VI, and VIII; National Fire Prevention Association (NFPA)-70, National Electric Code; and/or ASME Safety Code No. CSD-1, Controls and Safety Devices for Automatically Fired Boilers; ASME A18.1, Safety Standard for Platform Lifts and Chairlifts; NFPA-54, National Fuel Gas Code; and NFPA-31, Oil Burning Equipment Code, as applicable, or as required by local ordinances. Current safety certificates issued by an organization recognized by the National Board of Boiler and Pressure Vessel Inspectors or a federal, state or municipal authority which has adopted the American National Standard Institute/American Society of Mechanical Engineers (ASME) Boiler and Vessel Code, must be provided by the Landlord for boilers and unfired pressure vessels. In the event local jurisdictions do not require periodic inspection of such equipment, the Postal Service shall have the right to conduct inspections in accordance with the aforesaid codes, and may issue safety certificates, as appropriate.

5. Any elevators, escalators and dumbwaiters provided by the Landlord as part of the leased premises shall be maintained, and, if necessary, replaced by the Landlord during the continuance of the Lease in accordance with ASME A17.1, Safety Code for Elevators, Escalators, Dumbwaiters, and Moving Walks; ASME A17.2, Elevator Inspectors Manual; ASME A17.3 Safety Code for Existing Elevators and Escalators; ASME A17.4, Emergency Evacuation Procedures for Elevators; and ASME A17.5, Elevator and Escalator Electrical Equipment. Landlord must ensure that current safety certificates for elevators, dumbwaiters and escalators are issued by an organization authorized to inspect in accordance with the ANSI/ASME Code for Elevators, Dumbwaiters and Escalators or appropriate federal, state or municipal authority. In the event local jurisdictions do not require periodic inspection of such equipment, the Postal Service shall have the right to conduct inspections in accordance with the aforesaid codes, and may issue safety certificates, as appropriate.

6. Any air-conditioning equipment furnished by Landlord must be properly sized for the facility, must be in good working order, and must be maintained and, if necessary, replaced by Landlord to ensure proper operation during the continuance of the Lease and in accordance with this Maintenance Rider; air-conditioning must be capable of providing a uniform temperature of no greater than 78 degrees Fahrenheit (78°F.) in all enclosed portions of the demised premises at all times. Landlord shall be responsible for servicing of the air-conditioning equipment during the continuance of the Lease, including, refrigerant as required for proper operation of the equipment. The Postal Service shall be responsible for regular replacement of filters.
7. Any electrical/power system furnished by Landlord must be properly sized for the facility, must be in good working order, and must be maintained and, if necessary, replaced by Landlord to ensure proper operation during the continuance of the Lease and in accordance with this Maintenance Rider.
8. Any wiring, including, but not limited to, wiring for the Electronic Security and Surveillance Equipment (ESS), Closed Circuit Television (CCTV), Very Small Aperture Terminal (VSAT), Criminal Investigation System (CIS), Intrusion Detection System (IDS), etc., installed by the Landlord shall be maintained, and if necessary, replaced by the Landlord during the continuance of the Lease. However, the Landlord shall not attempt any maintenance of, or repair of, or interfere with, the actual security, telephone, or telecommunications equipment, such as cameras, consoles, monitors, satellite dishes, telephone handsets, and Point-of-Service (POS) equipment.
9. Whether public or private water or sewer systems are provided, said systems are to be maintained and replaced by the Landlord during the continuance of the Lease, including any inspections that may be required.
10. If the demised premises or any portion thereof are damaged or destroyed by fire or other casualty, Acts of God, of a public enemy, riot or insurrection, vandalism, or are otherwise determined by the Postal Service to be unfit for use and occupancy, or whenever there is a need for maintenance, repair, or replacement which is the Landlord's obligation under this Maintenance Rider, the Postal Service will require the Landlord to rebuild or repair the premises as necessary to restore them to tenantable condition to the satisfaction of the Postal Service. The Postal Service will, except in emergencies, provide the Landlord with written notice stating a reasonable time period for completion of all necessary repairs. (A copy of any such notice shall be sent to the Landlord's mortgagee and any assignee of monies due or to become due under this Lease whose names and addresses have been furnished to the Postal Service by the Landlord. Failure to give such written notice to the Landlord or to the mortgagee or assignee shall not affect the Postal Service's rights to recover expended costs under this provision, provided that the costs expended by the Postal Service are reasonable in amount.) The Postal Service, acting through the Contracting Officer, may proportionately abate the rent for any period the premises, or any part thereof, are determined by the Postal Service to have been rendered untenable, or unfit for use and occupancy, by reason of such condition.

If the Landlord (or the mortgagee or assignee, on behalf of the Landlord) fails to prosecute the work with such diligence as will ensure its completion within the time specified in the notice (or any extension thereof as may be granted at the sole discretion of the Postal Service), or fails to complete the work within said time, the Postal Service shall have the right to perform the work (by contract or otherwise), and withhold the cost plus any administrative cost and/or interest, from rental payments due or to become due under this Lease. Alternatively, the Contracting Officer may, if the demised premises are determined to be untenable or unfit for use or occupancy, with reasonable discretion, cancel this Lease in its entirety, without liability.

The remedies provided in this section are non-exclusive and are in addition to any remedies available to the Postal Service under applicable law.

11. The Landlord must:
 - a. comply with applicable Occupational Safety and Health Standards, title 29 Code of Federal Regulations (CFR) (including but not limited to Parts 1910 and 1926), promulgated pursuant to the authority of the Occupational Safety and Health Act of 1970 (OSHA); and

- b. comply with any other applicable federal, state, or local regulation governing workplace safety to the extent they are not in conflict with a; and
- c. take all other proper precautions to protect the health and safety of:
 - (1) any laborer or mechanic employed by the Landlord in performance of this agreement; and
 - (2) Postal Service employees; and
 - (3) the public.

The Landlord must include this clause in all subcontracts hereunder and require its inclusion in all subcontracts of a lower tier. The term "Landlord" as used in this clause in any subcontract must be deemed to refer to the subcontractor.



Tax Rider Reimbursement of Paid Taxes

Facility Name/Location
WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400

County: Cook
Lease: J00000406397

Assessor's Parcel Number: 05-20-211-009-0000

a. Definitions

Ad Valorem means according to the value of the property.

Property Tax Rate is an amount expressed as dollars and cents per \$100.00 or per \$1,000.00 of assessed value or as mills per \$1.00 of assessed value as set by authorities for tax jurisdictions.

Real Property Taxes, as used in this clause, shall mean those taxes, including Ad Valorem taxes, special assessments, fees and charges, that are assessed against any or all taxable real property appearing on the assessment roll or list in a taxing authority's jurisdiction and that are identified by a taxing authority for the support of government activities within its jurisdiction, whether such activities are general or specific. Real Property Taxes also include administrative charges or fees imposed by a taxing authority for the support of its tax assessment and collection activities.

b. The Landlord agrees to pay all taxes of any kind, including Real Property Taxes, and charges and fees of every kind and nature levied on the demised premises.

c. The Postal Service will reimburse Landlord for paid Real Property Taxes, as defined above, only under the following terms:

1. Landlord may submit not more than one request for reimbursement in any calendar year, irrespective of the number of taxing authorities included; and reimbursement will be made **not more than one time annually by the Postal Service.**
2. No reimbursement will be made for fines, penalties, interest or costs imposed for late payment.
3. Reimbursement will be made only for paid taxes, less the maximum discount allowed by the taxing authority for prompt or early payment, regardless of whether Landlord actually received any such discount.
4. Reimbursement will be made only for taxes levied for periods of time within the term of this Lease.
5. In order to qualify for reimbursement, the tax bill as issued by the taxing authority must pertain only to the demised premises, and to no other real property.
6. **Landlord must provide copies of the front and back of the complete tax bill issued by the taxing authority**, along with satisfactory proof of payment. Satisfactory proof of payment shall be (i) a receipt for payment shown on the face of the tax bill, (ii) a copy of the front and back of the canceled payment check, (iii) a statement from a lender verifying payment of the tax, or (iv) other documentation satisfactory to the Postal Service.
7. Incomplete or improper requests for reimbursement will be returned to Landlord without payment.
8. **Landlord agrees to submit a request for reimbursement of taxes within 18 months after the close of the tax year. In the event Landlord fails to submit its request for reimbursement within that time period, the USPS is not required to reimburse paid taxes.**

d. The Landlord must promptly furnish to the Postal Service copies of all notices that may affect the valuation of the demised premises for Real Property Tax purposes or that may affect the levy or assessment of Real Property Taxes thereon. If Landlord does not timely furnish such notices relating to valuation changes or the levy or assessment of taxes or fails to meet any legal prerequisite for appeal and the Postal Service loses the right to contest the validity or the amount of the taxes, then the Postal Service shall be responsible to reimburse Landlord for only 75% of the reimbursable taxes due for the year involved.

All notices required under this paragraph must be delivered or mailed, using certified mail with a return receipt or other verified method of delivery, within ten (10) days from the receipt thereof by the Landlord to:

CONTRACTING OFFICER
Capital Metro FSO

or to such other office as the Postal Service may later direct in writing.

- e. The Postal Service may contest the validity of any valuation for Real Property Tax purposes or of any levy or assessment of any Real Property Taxes by appropriate proceedings either in the name of the Postal Service or of the Landlord or in the names of both. Notwithstanding any contest of valuation, levy, assessment, or Property Tax Rate, Landlord must pay under protest the Real Property Taxes involved when requested to do so by the Postal Service. The Landlord, upon reasonable notice and request by the Postal Service, must join in any proceedings, must cooperate with the Postal Service, and must execute and file any documents or pleadings as the Postal Service may require for such proceeding, provided the Landlord is reasonably satisfied that the facts and data contained therein are accurate. Landlord will not be responsible for the payment of penalties, costs, or legal expenses in connection with any protest or appeal proceedings brought by the Postal Service, and the Postal Service will indemnify and save harmless the Landlord from any such penalties, costs, or expenses. Landlord hereby authorizes the Postal Service as its agent to represent its interest in any appeal or protest proceeding authorized under this paragraph.
- f. Landlord shall promptly notify the Postal Service of any appeal or other action it takes or initiates to adjust any valuation of the property, Property Tax Rate, or levy or assessment of Real Property Taxes. The Postal Service is entitled to any and all monies obtained through such actions or any other refunds or remissions of Real Property Taxes paid in any year subsequent to the commencement of the lease. If any such refunded or remitted monies are paid or delivered to Landlord, Landlord must immediately forward them to the Postal Service. If Landlord is informed that he is entitled to a refund or remission of monies paid as Real Property Taxes upon the submission of an application, Landlord will promptly make and file such application, and upon receipt of such refund or remission, immediately forward it to the Postal Service. The Postal Service reserves the right to offset refund and remission payments not so obtained or forwarded, against rental or other payments due the Landlord.
- g. The Postal Service is entitled to the benefits of all tax exemptions or abatements authorized by law or regulation that may be available with respect to the demised premises. Landlord shall take all necessary steps to obtain such exemptions or abatements. The Postal Service reserves the right to offset against rental or other payments due the Landlord the amount or value of any abatement or exemption that would have been available if Landlord had properly applied for it, and any amount for which the Postal Service is not to be responsible under paragraph (d), above.
- h. Nothing herein contained shall operate to waive or deprive the Postal Service of any rights, privileges or immunities it enjoys under law.



Utilities, Services, & Equipment Rider

Facility Name/Location

WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400

County: Cook

Lease: J00000406397

1. HEAT

Landlord must furnish heating system in good working order, in accordance with the Maintenance Rider, during the continuance of the lease. Any investigative or remediation cost associated with a release of fuel from the system, including any fuel tank, shall be the responsibility of the Landlord, unless the release is caused by the act or negligence of the Postal Service. The Postal Service pays all recurring fuel charges, provided such charges are separately metered for postal consumption.

2. AIR CONDITIONING

Landlord must furnish air conditioning equipment in good working order, in accordance with the Maintenance Rider, during the continuance of the lease. The Postal Service pays for recurring charges for power for the equipment, provided the power is separately metered for postal consumption.

3. ELECTRICITY

Landlord must furnish a separately metered electrical system in good working order for the demised premises, in accordance with the Maintenance Rider, during the continuance of the lease. The Postal Service will pay all recurring electric bills.

4. LIGHT

Landlord must provide light fixtures in good working order, in accordance with the Maintenance Rider, during the continuance of the lease. Landlord is not responsible for replacement of light bulbs.

5. WATER

Landlord must furnish a potable water system in good working order, in accordance with the Maintenance Rider, during the continuance of the Lease. The Postal Service pays for all recurring water bills during the continuance of the Lease, provided a separate meter or separate invoice is furnished by the appropriate authority.

6. SEWER

Landlord must furnish a sewer system in good working order, in accordance with the Maintenance Rider, during the continuance of the Lease. The Postal Service pays for all recurring sewer bills during the continuance of the Lease, provided a separate meter, or separate invoice is furnished by the appropriate authority.

7. TRASH

The Postal Service agrees to furnish and pay for all trash removal for the demised premises during the continuance of the Lease.

8. SNOW

The Postal Service agrees to furnish and pay for the timely removal of snow and ice from the sidewalks, driveway, parking and maneuvering areas, and any other areas providing access to the postal facility for use by postal employees, contractors, or the public (including, but not limited to, stairs, handicap access ramps, carrier ramps, etc.) during the continuance of the Lease. The Landlord is responsible for timely removal of snow and ice from the roof.



Mortgagee's Agreement

(To be executed and attached to lease)

Facility Name/Location
WINNETKA - MAIN OFFICE (168544-002)
512 CHESTNUT ST, WINNETKA, IL 60093-2400

County: Cook
Lease: J00000406397

The undersigned, Holder(s) of a mortgage (or similar encumbrance, such as a Deed of Trust), in the sum of _____ on the property situated at: _____

_____ hereby consent(s) to the leasing of said property to the U.S. Postal Service and agree(s) for itself, its successors, executors, administrators, and assigns that in the event it should become necessary to:

- a) foreclose said mortgage or similar encumbrance, the Mortgagee will cause the sale of said premises to be made subject to said lease; or,
- b) take any other action terminating the mortgage or transferring title, the Mortgagee will cause such action to be made subject to said lease.

MORTGAGEE

Name of Mortgage Company

By: _____
Signature of Mortgagee's Officer

Its: _____
Title of Mortgagee's Officer

Street Address

City, State and ZIP+4

Witness

Subscribed and Sworn to before me, a notary public, in and for _____ County, State of _____ this _____ day of _____, _____.

Notary Public

My commission expires _____