MONDAY, APRIL 6, 2009 – 8:00 P.M.

1. Pledge of Allegiance led by Cub Scout Pack 85 from Middleton School.

2. Call meeting to order and roll call.

3. Approve Consent Agenda.

* 4. Approve, as submitted, minutes of regular meeting held March 16, 2009.

* 5. Approve Voucher List #22-FY09 of April 6, 2009.

* 6. Proclamations and Resolutions.
   A. **Proclamations:**
      Public Health Week – April 6-12, 2009
      Days of Remembrance of the Holocaust – April 19-26, 2009
      Day of Remembrance – April 21, 2009

7. Recognition, Presentations and Awards.
   A. **Block Party of the Year Awards Presented by Human Relations Commissioner Marcia Arenson:**
      8400 Block of Ridgeway Avenue
      5300 Block of Suffield Terrace
      5100 Block of Harvard Terrace
      5100 Block of Morse Avenue
      Kirk Street & East Prairie Road

* 8. Appointments, Reappointments and Resignations.
   A. **Appointments:**
      Beautification and Improvement Commission (Two-Year Term): Dmitry Reyelman
      Board of Health (Two-Year Term): Milton Nidetz & Dr. Daniel Vicencio
      Human Relations Commission (Three-Year Term):
      Ina R. Silvergleid & Zeeshan Adil Salehjee
   B. **Reappointments:**
      Advisory Commission on Human Services (Two-Year Term):
      Rabbi Neil Brief, Sunil (Neil) Chatterjee & Ananta R. Ghosh
      Beautification and Improvement Commission (Two-Year Term):
      Cecile Pfaff, Edward M. Potash, Mitchell H. Sandler & Mariano A. Santos
      Fine Arts Commission (Two-Year Term):
      Andrea Siegel (One-Year Term as Chair), Janice Goldstein & Eva Gross
   C. **Resignations:**
      Advisory Commission on Disabilities: Emanuel (Manny) Bud
      Beautification and Improvement Commission: Irv Patner

   A. **Police Building Demolition – 7300 Niles Center Road.**
   B. **Request for Local Fuel Tax.**
   * C. **Purchase of ECG Monitor/Defibrillator/Pacer for Fire Department.**
   * D. **Krier Plaza Concrete Pavers Replacement Project.**
   * E. **2009 Sewer System Rehabilitation.**

CONSENT:
   * A. An ordinance extending the term of the Temporary Zoning Commission for the Village of Skokie. This item is on the consent agenda for second reading and adoption.

FIRST READING
   B. An ordinance amending Chapter 42, Article II, of the Skokie Village Code pertaining to nuisance premises. This item is on the agenda for first reading and will be on the April 20, 2009 agenda for second reading and adoption.
   C. An ordinance amending Chapters 10 and 46 of the Skokie Village Code pertaining to the retail sale and regulation of alcoholic liquor in the Village of Skokie. This item is on the agenda for first reading and will be on the April 20, 2009 agenda for second reading and adoption.

11. Unfinished Business.


   A. Plan Commission Case 2009-4P – Special Use Permit (Limited Service Restaurant) at 5228 Dempster Street


15. Adjournment.
Pledge of Allegiance led by Village Clerk Marlene Williams.

The Mayor called the meeting to order.
The Clerk called the Roll. Those present were Trustees Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen. Trustee Gelder was not present.

Motion to approve the Consent Agenda with the exception of #B on the Manager’s report and items A and B on the Corporation Counsel’s report.
Moved: Trustee McCabe  Seconded: Trustee Bromberg
Ayes:  Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays:  None.
Absent: Gelder.
MOTION CARRIED

*Approve, as submitted, minutes of regular meeting held March 2, 2009
Omnibus vote.

* Approve Voucher List #21-FY09 of March 16, 2009.
Omnibus vote.

*Proclamations and Resolutions.
A. Proclamations:
Child Abuse Prevention Month – April 2009
National Donate Life Month – April 2009
National Fair Housing Month – April 2009
Sexual Assault Awareness Month – April 2009
Omnibus vote.

Recognition, Presentations and Awards.
A. 2008 Merchant of the Year Award;
Chairman Sheila Gross of the Consumer Affairs Commission gave the background of the Consumer Affairs Commission. She presented the awards to the recipients. On behalf of the Board, Mayor Van Dusen congratulated the winners and thanked them for their hard work.
First Place: Perfectionist Hair Salon, 4950 Oakton
Second Place: Sweety Pies Bakery, 7931 Lincoln
Third Place (Tie): Jewel, 9449 Skokie Boulevard & Total Graphics, 8343 Niles Center

* Appointments, Reappointments and Resignations.
A. Reappointments:
Advisory Commission on Disabilities (Two-Year Term): Emanuel (Manny) Bud
Beautification and Improvement Commission (Two-Year Term): Joan Kelly
Centre East Authority Board (One-Year Term): Gerrie Levin
Fine Arts Commission (Two-Year Term): Randi Von Saneke
B. Resignation:
Beautification and Improvement Commission: Emmanuel Shamoun
Omnibus vote.

Report of the Village Manager.
Motion to award a contract to Arrow Road Construction Co., Mt. Prospect, IL in the amount of $454,685.40 for the 2009 non-arterial street resurfacing project.
Omnibus vote.
B. Bid Report – East Industrial District Special Service Area District – A. Lamp Concrete Contractors, Schaumburg, IL - $2,949,060.50.
Motion to award a contract to A. Lamp Concrete contractors, Schaumburg, IL in the amount of $2,949,060.50 for the East Industrial District Special Service Area.
Moved: Trustee Roberts  Seconded: Trustee Sutker
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

C. Consideration of Arbitrator’s Decision.
Village Manager Al Rigoni read a prepared report regarding the Arbitrator’s decision.
Personnel Director Christa Balloue gave a brief background of the Fire Department promotional process. Attorney Ted Clark spoke about the administrative process and answered questions from the Board.
Motion to reject one part of an interest arbitration award in which the arbitrator awarded the Union’s proposal that the Fire Captain promotion process is to be administered by the Village of Skokie Board of Fire and Police Commissioners rather than the Village’s Personnel Director.
Moved: Trustee Roberts  Seconded: Trustee Perille
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

D. Recommendation Re: Yard Waste Collection
Village Manager Al Rigoni read a report describing the yard waste collection in 2008.
Public Works Director, Max Slankard and Village Manager answered questions from the Board.
Motion to adopt a “brush” only yardwaste collection which provides cost savings to the Village and reduces the environmental impact of the Village operations.
Moved: Trustee Sutker  Seconded: Trustee Roberts
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

E. Request for Executive Session.
Motion to approve the request of the Village Manager for an executive session pursuant to Section 2, Paragraph C.2 of the State of Illinois Open Meetings Act pertaining to wages & benefits at the conclusion of the regular Board Meeting and to adjourn therefrom.
Moved: Trustee McCabe  Seconded: Trustee Bromberg
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED


* A. Ordinance 09-3-Z-3668
Motion to adopt an ordinance granting a special use permit to allow outdoor storage at 3535 Oakton Street, Skokie, Illinois in an M3 Industry district (2008-40P). This item is on the consent agenda for second reading adoption.
Omnibus vote.

* B. Ordinance 09-3-C-3669
Motion to adopt an ordinance amending Chapter 118, Article IV, Sections 118-209 and 118-218, and the Appendix A Use Table of the Skokie Village Code pertaining to nonresidential off-street parking (2008-41P). This item is on the consent agenda for second reading and adoption.
Omnibus vote.
SECOND READING
C. Resolution 09-3-R-1033
Motion to adopt a resolution authorizing the Village to join as an additional Amicus in the Village of Winnetka’s Amicus Curiae brief pertaining to the Second Amendment. This item is on the agenda for first reading and adoption.
Moved: Trustee McCabe  Seconded: Trustee Sutker
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

D. Resolution 09-3-R-1034
Motion to adopt a resolution agreeing to indemnify the State of Illinois for photo enforcement equipment attached to Illinois Department of Transportation facilities.
Moved: Trustee Bromberg  Seconded: Trustee McCabe
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

E. An ordinance amending Chapter 2, Article XII, of the Skokie Village Code pertaining to administrative adjudication. This item is on the agenda for first reading and will be on the April 6, 2009 agenda for second reading and adoption.

F. An ordinance extending the term of the Temporary Zoning Commission for the Village of Skokie. This item is on the agenda for first reading and will be on the April 6, 2009 agenda for second reading and adoption.

Community Development Block Grant:
A. Public Hearing and Approval of 2009-2010 Action Plan
Economic Development Coordinator Tom Thompson conducted a final Public Hearing presenting the 2009-2010 Action Plan for the CDBG Program. The Action Plan includes the actual application for CDBG funding (Standard Form 424). Executive Summary, narrative describing the Village’s strategy to address community development needs, CDBG project descriptions and certifications regarding Skokie’s eligibility to apply for federal funding.
Motion to approve the FY10-CDBG Action Plan.
Moved: Trustee Perille  Seconded: Trustee Roberts
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED

Citizen Comments: None

Adjournment.
Motion to adjourn at 9:09 p.m.
Moved: Trustee McCabe  Seconded: Trustee Sutker
Ayes: Perille, Roberts, Sutker, Bromberg, McCabe and Mayor Van Dusen
Nays: None.
Absent: Gelder.
MOTION CARRIED
A Closed Session was held in the main floor conference at 9:11 p.m. Those present were Mayor Van Dusen, Clerk Williams, Trustees Perille, Roberts, Sutker, Bromberg and McCabe. Also present were Village Manager Rigoni, Corporation Counsel Hanley, Assistant Manager Lockerby, Finance Director Nowak, Personnel Director Ballowe and Assistant to the Manager Prendi. The meeting adjourned at 10:00 p.m.
WHEREAS, the residents of Skokie benefit every day from the efforts of the Skokie Health Department when eating at restaurants, drinking tap water, learning about prevention of deadly diseases, or receiving childhood and adult vaccinations; and

WHEREAS, the Skokie Board of Health and the Health Department have a long history of public health successes since 1907, including being one of only seven State certified municipal public health departments, passage of the first significant local smoking ordinance in the State of Illinois, a car seat loaner program, passage of a youth bicycle helmet ordinance, diabetes screening program, cholesterol and lipid profile screening program; and

WHEREAS, the Skokie Health Department oversees the only community blood program created by ordinance in the State of Illinois; and

WHEREAS, the efforts of the Skokie Health Department to protect the public is of even greater significance in light of the threat of terrorism; and

WHEREAS, the Skokie Health Department’s experience managing natural disease outbreaks, combined with effective planning and partnership between federal, state and county authorities, will assist the Village of Skokie in any future crisis; and

WHEREAS, public health efforts alone cannot accomplish the goal of a healthier Skokie without cooperation and partnership with community organizations, businesses and residents; and

WHEREAS, each of us needs to do our part by taking personal responsibility to improve behaviors by not using tobacco, performing regular, safe physical activity and eating more fruits and vegetables, in order to prevent disease; and

WHEREAS, the residents of Skokie recognize the essential role public health plays in their every day lives.

NOW, THEREFORE I, George Van Dusen, Mayor of the Village of Skokie do hereby proclaim the week of April 6-12, 2009, as

“PUBLIC HEALTH WEEK IN THE VILLAGE OF SKOKIE“

Passed this 6th day of April 2009

____________________________________
George Van Dusen
Mayor

____________________________________
Marlene Williams, Village Clerk
WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 to 1945. Jews were the primary victims - six million were murdered; also Gypsies and the handicapped were targeted for destruction or decimation for racial, ethnic or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the Village of Skokie should always remember the terrible events of the Holocaust and should remain vigilant against bigotry and tyranny; and

WHEREAS, we the people of the Village of Skokie should continually rededicate ourselves to the principles of equality and justice for all; and

WHEREAS, the Days of Remembrance have been set aside for the people of the Village of Skokie to remember the victims of the Holocaust as well as to reflect upon our own humanity and the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be the week of Sunday, April 19 through Sunday, April 26, 2009, including the international Day of Remembrance known as Yom Hashoah, April 21, 2009.

NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village of Skokie, hereby proclaim Sunday, April 19 through April 26, 2009, as the

"DAYS OF REMEMBRANCE OF THE HOLOCAUST"

and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the Village of Skokie, should strive to overcome intolerance and indifference through learning and remembrance.

Dated this 6th day of April 2009

_______________________________________
George Van Dusen
Mayor

________________________________
Marlene Williams, Village Clerk
WHEREAS, Jewish communities throughout the world have proclaimed April 21st as a day of remembrance of the martyrdom of six million Jews who perished in the Nazi Holocaust; and

WHEREAS, the people of Skokie remember the events of the Holocaust and remain vigilant against bigotry and tyranny; and

WHEREAS, it is our obligation to the free world to perpetuate and keep alive the memory of the victims of the Holocaust; and

WHEREAS, we pay tribute to the heroic stand of the fighters of the ghettos who rose and kindled the flame of freedom in honor of the Jewish people and mankind; and

WHEREAS, the Days of Remembrance, April 19–26, 2009, have been set aside for the people of the Village of Skokie to remember the inhumanity of those who perpetrated the Holocaust as well as to reflect upon our own humanity and the need for respect of all peoples.

NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village of Skokie, do hereby proclaim April 21, 2009 as

"DAY OF REMEMBRANCE"

Dated this 6th day of April 2009

__________________________________________
George Van Dusen
Mayor

_______________________________
Marlene Williams, Village Clerk
Memorandum
Mayor’s Office

TO: Board of Trustees
FROM: Mayor
DATE: April 6, 2009
SUBJECT: Appointments Reappointments and Resignation

*A Appointments

**Beautification and Improvement Commission**

Dmitry Reyman
(Two-year term)

**Board of Health**

Milton Nidetz
(Two-year term)

Dr. Daniel Vicencio
(Two-year term)

**Human Relations Commission**

Ina Silvergleid
(Three-year term)

Zeeshan Adil Salehjee
(Three-year term)

*B Reappointments

**Advisory Commission on Human Services**

(All Two-year terms)

Rabbi Neil Brief
Sunil (Neil) Chatterjee
Ananta R. Ghosh
Beautification and Improvement Commission

(All Two-year terms)

Cecile Pfaff
Edward M. Potash
Mitchell H. Sandler
Mariano A. Santos

Fine Arts Commission

Andrea Siegel
(One-year term as Chair)

Janice Goldstein
(Two-year term)

Eva Gross
(Two-year term)

∗C Resignation

Advisory Commission on Disabilities

Emanuel (Manny) Bud

Beautification and Improvement Commission

Irv Patner
Memorandum
Manager's Office

TO: The Honorable Mayor and
   Board of Trustees
   Village Clerk
   Corporation Counsel

FROM: Albert J. Rigoni, Village Manager

DATE: April 2, 2009

SUBJECT: MANAGER’S REPORT
   BOARD MEETING OF MONDAY, APRIL 6, 2009

A. Police Building Demolition – 7300 Niles Center Road.
The construction of the new Skokie Police Department Facility is scheduled to
begin in the spring of 2009. In 2008, the Village secured the services of Sente
Rubel Bosman Lee (SRBL) Architects to design the new facility and Riley
Construction was contracted as the Construction Manager (CM) at Risk to build the
new structure. The first step in the construction process is a selective (partial)
demolition of the existing building at 7300 Niles Center Road. The majority of the
demolition debris will be sorted and recycled, which earns the project LEED
Certification points. The bidding process for this demolition contract and all
upcoming construction contracts is administered by Riley Construction. Bids for
the demolition services were advertised and as a result of this solicitation, six bid
responses were received. It is recommended that a contract for the demolition be
awarded to Meridian Industrial Services Co., Lake Bluff, Illinois, the lowest
responsive and responsible bidder, in the amount of $367,400. This amount is
below estimate reflecting a positive bidding atmosphere. Although the Village has
not worked directly with the demolition division of the company, Meridian
Construction (a division of the same firm) has successfully completed the Village’s
2008 High Priority Street Patching Program. It is anticipated that demolition will
begin the third week in April, and take approximately 45 calendar days to
complete. Board approval is requested.

For the Board’s information, an omnibus bid package involving 18 bids is being
prepared and will be brought to the Board on May 18.

B. Request for Local Fuel Tax.
Attached are memos from the Public Works Director and Senior Civil Engineer in
guard to the Village Motor Fuel Tax (MFT) fund.

The MFT fund in the Village is budgeted at approximately $1.7 million per year.
The fund receives revenue from the State of Illinois on a per capita basis. The
State funds this program with a tax on gasoline at 19 cents per gallon and this
amount has not changed since 1990.
The problem is that revenue is declining because the number of gallons consumed in the State is declining. This is good from a fossil fuel conservation standpoint; however there is less revenue to cities and counties. There is no inflation indexing to this revenue source since it is fixed at 19 cents per gallon. The Illinois Municipal League (see attached graph) projects a further decrease of 8.1% in revenue for FY09 following a 3% decline in 2008.

Meanwhile, as stated in the Public Works Director’s memo, costs are increasing. Since 1990 asphalt has increased 163%. Street lighting energy has increased markedly at 17.8% just since 2006. Most recently the purchase of road salt has increased significantly from $26/ton in 2002 to $121/ton this winter. The cost of salt alone will absorb $631,000 of MFT funds this current year. Because of a decrease in revenue from the State ($140,642) and an increase in expenditure for salt, the Motor Fuel Tax Fund will likely have a negative fund balance at the end of the fiscal year.

The practical effect of the rise in the above stated operating costs is that there are less funds available for street resurfacing and sidewalk repair. The prospective budget will include approximately $500,000 for street resurfacing this year. As stated in Erik Cook’s memo, an amount of $450,000 is required to resurface one mile. Ideally, Skokie should be resurfacing 4.5 miles of streets each year at a cost of approximately $2,000,000.

In addition to the Engineering Division’s perspective, the Board may recall that according to the 2006 Citizen Survey, street repair was not rated as high as other Village services provided. One can conclude that the appearance and condition of Village streets is very important to our residents and we have ample anecdotal information of this as well.

In order to provide adequate funds to resurface Village streets I am recommending the Board consider instituting a local fuel tax. Chicago, Evanston, Morton Grove and Lincolnwood have such a tax as does Mount Prospect and Wilmette. Literally every community surrounding Skokie, except Glenview, has this revenue source. I am further recommending the amount be 3 cents per gallon. The staff has reviewed data from these other communities and has estimated that a 3 cent tax would yield $1,076,138 based upon Skokie’s 22 stations. Because the tax would apply to everyone making purchases at these stations, non-residents and residents alike would pay this tax. This is appropriate since we know many non-residents use Village streets because of our access to Edens Expressway at three locations as well as heavily traveled north/south corridors.

If approved in concept by the Village Board, a home rule ordinance would be necessary. The tax could be effective as soon as June 1, 2009. This would enable the Village to bid another contract for street resurfacing this year (2009) in anticipation of funds being available. The pricing for roadway projects is very competitive now based upon recent bids.

I anticipate at least two questions in this matter:

What about the Federal stimulus funds?
1. The answer is local streets are not eligible. Of Skokie's 147 miles of roadway only 16 miles of roadway are eligible. We will be seeking Federal funds for Main Street, which is an eligible route. Also, Federal stimulus funds may allow for acceleration of construction activity in the N. W. corridor (Skokie Boulevard/Old Orchard Road/Edens Expressway). The State has indicated it will resurface Skokie Boulevard as well as Dempster Street.

2. What about the State proposal for an increase in MFT taxes? The answer is State Representative John Bradley's legislation (HB0001) as drafted does not include a local government share. Governor Quinn has stated repeatedly he does not favor an increase in the State Motor Fuel Tax at all.

Finally, the Board's action is not irreversible. If any externalities should change from the current situation, the Board could reduce or eliminate the tax in the future. Also, all 22 fuel retailers were notified by letter of this matter. The letter is attached.

In conclusion, I respectfully recommend the Board authorize the Corporation Counsel to draft the necessary ordinance to implement a 3 cents per gallon local fuel tax to be effective June 1, 2009.

* C. Purchase of ECG Monitor/Defibrillator/Pacer for Fire Department. The current FY09 Capital Improvement Budget provides funding for the replacement of one of five ECG Monitor/Defibrillator/Pacer units currently in use by Fire Department Paramedics. It is recommended that the purchase of a new Zoll ECG Monitor/Defibrillator/Pacer Unit, and all required hardware and accessories, be awarded to Zoll Medical Corporation, the sole source provider of the specified equipment, in the amount of $24,700. I concur with staff's recommendation and respectfully request Mayor and Board's approval.

* D. Krier Plaza Concrete Pavers Replacement Project. The concrete pavers at Krier Plaza, which is located at southeast Oakton Street/Lincoln Avenue, need to be removed and replaced. A Request for Qualifications was advertised and as a result, seven responses were received. After staff reviewed the responses three firms were offered bid solicitations for the project. The bids were reviewed and it is recommended that a contract in the amount of $48,450 be awarded to Midwest Brick Paving Inc., Antioch, Illinois, the lowest responsive and responsible bidder. Midwest Brick Paving successfully completed paver installation for the West Dempster Streetscape Project. This project is being funded by the Downtown TIF. The project will be completed by the Memorial Day celebration. I concur with staff's recommendation and respectfully request Mayor and Board approval.

* E. 2009 Sewer System Rehabilitation. The FY09 CIP provides funding for Professional Design and Construction Supervision Services for Sewer System Rehabilitation. A Request for Qualifications was advertised and as a result, 24 responses were received. Staff reviewed and conducted interviews with the highest rated firms. As a result, staff is recommending that a contract be awarded to Baxter & Woodman, Chicago,
Illinois in the amount not to exceed $31,600. The Village has worked successfully with Baxter & Woodman in the past. I concur with the recommendation of the Purchasing Agent and Public Works Director and respectfully request Mayor and Board approval.
MEMORANDUM
Purchasing Division
Police Department
Community Development Department

TO: Albert J. Rigoni, Village Manager
FROM: Michael Aleksie, Purchasing Agent
       Barry Silverberg, Chief of Police
       Wayne Hanson, Deputy Director Community Development

DATE: March 30, 2009

SUBJECT: Agenda Item – April 6, 2009 Board Meeting
Selective Building Demolition – 7300 Niles Center Rd.

Background:
The construction of the new Skokie Police Department Facility is scheduled to begin in the spring of 2009. The location of the new facility will be at 7300 Niles Center Rd. The property and the existing light industrial/warehouse structure were purchased by the Village in 2008. Also in 2008, the Village secured the services of Sente Rubel Bosman Lee (SRBL) Architects to design the new facility with the goal of obtaining LEED Silver Certification, and Riley Construction was contracted as the Construction Manager (CM) at Risk to build the new structure. The CM at Risk method of construction requires the CM to guaranty a maximum construction cost for the project, and to manage and supervise the entire construction process. The CM also works with Village staff to administer formal public bidding of all construction trades.

The first step in the construction process is a selective (partial) demolition of the existing building at 7300 Niles Center Rd. The majority of the perimeter and the roof of the existing building are to be demolished to make way for construction of the new facility. The majority of the demolition debris will be sorted and recycled, which earns the project LEED Certification points (explained in more detail below).

The bidding process for this demolition contract and all upcoming construction contracts is administered by Riley Construction. Riley is responsible for developing the bid specifications
and coordinating the entire bidding process with the Village Purchasing Agent to ensure all public bidding requirements are satisfied. Bids for demolition services were advertised and publicly opened on March 26, 2009. As a result of this solicitation, six (6) bid responses were received.

Budget Amount and Account No.  $554,894*  #PDSTAT  020-0420-418.07-20

*Budget provided by Riley Construction for selective demolition of the existing structure as specified in the construction documents.

Tabulation:
Meridian Industrial Service Co., Lake Bluff, IL.  $367,400.00
National Wrecking Co., Chicago, IL.  $517,300.00
Champion Environmental Service, Gilberts, IL.  $568,000.00
American Demolition Corp., Elgin, IL.  $666,000.00
Alpine Demolition Services, Batavia, IL.  $707,900.00
Break Thru Enterprises Inc., Lombard, IL.  $736,300.00

Recommendation:
It is recommended that a contract for the selective demolition, spoils removal and debris recycling be awarded to Meridian Industrial Services Co., Lake Bluff, Illinois, the lowest responsive and responsible bidder, in the amount of $367,400. Although the Village has not worked directly with the demolition division of the company, Meridian Construction (a division of the same firm) has successfully completed the Village’s 2008 High Priority Street Patching Program. Furthermore, Riley Construction has conducted a thorough review of Meridian Industrial Service Co., including interviews, financial statement reviews and an evaluation of the company’s project approach and resources dedicated to the project. Riley Construction concurs with the award recommendation.

The recommended award amount of $367,400 is 33% below the $554,894 projected budget for demolition.

Comments:
One of the main goals in constructing the new PD facility is for the building to attain LEED (Leadership in Energy and Environmental Design) Silver Certification, which is a Green Building Rating System developed by the U.S. Green Building Council. Construction projects earn points towards certification by following and practicing various predefined guidelines dealing with construction methods, energy efficiency, water conservation, use of “green” materials and minimal landfill output. Two significant factors in achieving this certification are how an existing structure is reused and to what degree demolition debris are recycled. The new
PD project, designed by SRBL, focuses on constructing a new 79,000 square foot facility within the “envelope” of the existing 135,000 square foot structure. To achieve the proposed design and earn critical LEED certification points, the existing building must undergo a complex selective demolition. This process involves leaving in tact the basic skeleton of the existing structure while demolishing and removing the roof, exterior curtain walls, various concrete sections and completely gutting the interior. The resulting debris must be carefully sorted and recycled to the maximum extent possible. Riley Construction is charged with the responsibility of supervising the entire process; this entails making sure the demolition contractor follows all required procedures and documents the entire process as required by the LEED Certification process.

It is anticipated that demolition will begin the third week in April, and take approximately forty five (45) calendar days to complete.

cc: John Lockerby
March 27, 2009

Dear Motor Fuel Retailer:

The recent economic changes have had their impact on the Village of Skokie, much like other governments and businesses nationwide. While we strive diligently to be more efficient and spend less, the Village still needs to continue to fund vital infrastructure improvements such as streets and sidewalks. As we continue to experience reductions in revenue, the need to maintain Village streets and secure additional funding has become very important. For these and the reasons outlined below, the Village is considering a local fuel tax.

Maintenance and repairs of Skokie’s over 150 miles of streets have traditionally been funded through the State of Illinois Motor Fuel Tax (MFT). These funds are used for street paving, sidewalk construction, street repairs, street winter maintenance (salting, patching etc.), and for energy to power our street lights. As you know, the MFT has stayed constant since 1990 at 19 cents per gallon. Since the early 1990s, however, the cost of asphalt has increased by nearly 160%. The cost for paving 1 mile of street today exceeds $450,000. Since 2006 alone, the cost of energy for street lights has increased by almost 18%. At the same time the Village has received less and less money from the State. To make matters worse, the budget deficits facing the State government likely mean that municipalities will not get their share of any tax increases proposed at the State legislature. Despite the publicity to the contrary, the recent Federal Economic Stimulus package will provide very little funding for the improvement of local residential streets.

Because the Village must continue to address the condition of our infrastructure, the Village is considering the option of implementing a local fuel tax in the amount of 3 cents per gallon. This tax would be imposed on the consumer of motor fuel but it would be the responsibility of retailers like you to collect the tax and remit to the Village. At least five communities near Skokie currently impose a local fuel tax, including Chicago, Evanston, Lincolnwood, Morton Grove and Wilmette.

Village staff will present this concept to the Village Board at the regularly scheduled meeting on Monday, April 6 at 8:00 PM, taking place at 5127 Oakton Street. The meeting is open to the public and you are welcome to attend. If approved, the tax will become effective June 1, 2009, and the Village will notify you in a separate correspondence about the new procedures. If, in the meantime you have any questions or concerns about the process, please contact my office at 847/933-8210.

Sincerely,

[Signature]

Albert J. Rigoni

Village Manager
Memorandum
Public Works Department

TO: Albert J. Rigoni, Village Manager

FROM: Max Slankard, Public Works Director

DATE: February 2, 2009

SUBJECT: Changes in MFT Capital and Maintenance Costs

As you know, there are two broad components to annual Motor Fuel Tax (MFT) spending. These include: 1) MFT Capital or Public Improvements; and 2) MFT Maintenance Costs. The largest component of MFT Public Improvements is the annual street resurfacing program. The Village’s goal for the last several years has been to spend at least $1,000,000 for street resurfacing annually, with MFT as the funding source. Ideally, per the memorandum from Senior Civil Engineer Erik Cook, the Village should be planning for expenditures of $2,000,000 per year for street resurfacing. The largest components of MFT Maintenance Costs are currently in the area of snow and ice control (purchase of bulk rock salt) and street light energy.

With the current economic conditions, MFT fund actual and projected revenues have declined. The budgeted revenue for FY 2008 was $1,809,573. The projected revenue for FY 2009 is $1,705,592. While MFT revenues are showing decline, the same cannot be said for MFT maintenance costs. Outlined below are narrative comments regarding MFT capital costs over the last eighteen years, and maintenance costs over the period of the last eight years, covering the period 2002-2009.

Street Resurfacing Capital Expenditures
The current rate of Motor Fuel Tax was set at 19 cents per gallon in 1990. For point of reference, outlined below is data from Village of Skokie resurfacing projects that show how costs for resurfacing have changed in that time period.

<table>
<thead>
<tr>
<th>Item</th>
<th>1990</th>
<th>2008</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt (ton)</td>
<td>$30.00</td>
<td>$79.00</td>
<td>163%</td>
</tr>
<tr>
<td>Curb (lineal foot)</td>
<td>$9.50</td>
<td>$12.95</td>
<td>36%</td>
</tr>
<tr>
<td>Total Street Resurfacing (square yard)</td>
<td>$10.80</td>
<td>$24.83</td>
<td>130%</td>
</tr>
</tbody>
</table>

Street Light Energy
Over the period 2002 to 2006, the amount budgeted for street light energy for the Village’s Rate 25 (Village owned) street lights was flat, at $178,120 per year. With the deregulation of energy and changes in ComEd’s rate structure in late 2006, energy costs increased 17.8%, to a new level of $208,415, representing an increase of $30,415. Although this increased level has been flat since that time, the amount will increase by 26% in calendar year 2009, to a forecasted level of $263,000. This is due to a new ComEd energy calculation formula.
Traffic Signal Maintenance
Over the period 2002 to 2009, costs associated with the maintenance of traffic signals have increased by 136%, or $34,000. The current budgeted amount for traffic signal maintenance is $59,000. These increases are almost exclusively due to increased contractual costs, based upon competitive bid.

Street Light Maintenance
Over the period 2002 to 2009, costs associated with the maintenance of Village owned street lights have increased by 115%, or $75,000. The current budgeted amount for street light maintenance is $140,000. Similar to the above, these increases are due to increased contractual costs, based upon competitive bid, as well as some variance due to the unknown extra work items that are incurred.

Thermoplastic Pavement Marking
This item has seen only nominal annual increases over the period, with a current budgeted amount of $45,000.

50/50 Sidewalk Maintenance Program
Over the period 2002 to 2008, there has been considerable change in this program cost. During the period 2002 to 2005, sidewalk maintenance program costs averaged $788,750 per year. In calendar 2006, spending declined to $275,000, as the Village began to see the benefits of the program and the amount of work required declined. This declining expense trend has continued, with 2008 spending declining to $125,000.

Crack Sealing Program
This item has seen only nominal annual increases over the period, with a current budgeted amount of $25,000.

Snow and Ice Control
Over the period 2002 to 2008, the budgeted amount for purchase of rock salt has increased 62%, from $135,000 in 2002 to $218,600 for 2008. However, with the current supply shortage and associated extreme increase in cost, for this current winter’s operations, the Village’s costs will be $631,000. There has been virtually no change in the period 2002 to 2008 in the amount of salt (5,000 tons) budgeted for purchase. However, costs per ton have risen from $26.00 per ton (2002) to an average of $121.35 per ton for this winter’s operations. Looking forward to next winter’s operations (2009-10), staff has tentatively forecasted a cost of $94.27 per ton. Given the nature of the current salt market, that estimate is speculative at this time.

Summary and Conclusion
As noted above, Village spending trends associated with sidewalk maintenance have declined over the eight year period. Factoring out sidewalk maintenance expenditures for this period gives a better sense of how basic operating costs have changed. Excluding sidewalk maintenance costs, in 2002, the total cost of MFT maintenance operations was approximately $550,000. For calendar 2009, this amount is approximately $1,034,000. With sidewalk costs factored in, the total forecasted figure for calendar 2009 is approximately $1,176,000. As noted above, the projected level of spending for calendar 2009 includes a forecasted cost for salt that may be understated.

VOSDOCS-#321105-v1-MFT_Maintenance_Expense_Trends_2009
Given projected revenues of $1,705,000, less these estimated maintenance costs of $1,176,000, there is only $529,000 available for all other public improvements, and the Village will fall far short of its goal of $1.0 million for resurfacing. Moreover, as you know, the state is predicting a decrease in revenue from the Motor Fuel Tax due to the drop in consumption of gasoline in the state.

Please let me know if there is any additional information you require.

Cc: John Lockerby, Assistant Village Manager
    Robert Nowak, Finance Director
    Fred Schattner, Engineering Director
    Erik Cook, Senior Civil Engineer
## MUNICIPAL SHARE OF STATE MOTOR FUEL TAX
(in dollars per capita)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>$2.31</td>
<td>$2.14</td>
<td>2.37</td>
<td>2.29</td>
<td>2.38</td>
<td>2.24</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>2.52</td>
<td>2.84</td>
<td>2.40</td>
<td>2.20</td>
<td>2.61</td>
<td>2.61</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>2.18</td>
<td>2.15</td>
<td>2.25</td>
<td>2.59</td>
<td>2.12</td>
<td>1.98</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>2.47</td>
<td>2.45</td>
<td>2.64</td>
<td>2.46</td>
<td>2.51</td>
<td>2.19</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>2.58</td>
<td>2.50</td>
<td>2.36</td>
<td>2.61</td>
<td>2.50</td>
<td>2.00</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>2.45</td>
<td>2.60</td>
<td>2.15</td>
<td>2.24</td>
<td>2.17</td>
<td>1.83</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>2.47</td>
<td>2.06</td>
<td>2.55</td>
<td>2.27</td>
<td>2.47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>2.42</td>
<td>2.42</td>
<td>2.62</td>
<td>2.53</td>
<td>2.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>2.30</td>
<td>2.46</td>
<td>2.41</td>
<td>2.43</td>
<td>2.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>2.33</td>
<td>2.73</td>
<td>2.47</td>
<td>2.38</td>
<td>2.49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>2.49</td>
<td>2.21</td>
<td>2.41</td>
<td>2.54</td>
<td>2.15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>2.09</td>
<td>2.43</td>
<td>2.27</td>
<td>2.39</td>
<td>2.16</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FY TOTAL**  
$28.61  
$28.99  
$28.90  
$28.93  
$28.07  
$25.80  
$26.30

**FY % CHG**  
0.5%  
1.3%  
-0.3%  
0.1%  
-3.0%  
-8.1%  
1.9%

Source for Actual Receipts: Illinois Department of Transportation
MEMORANDUM
Engineering Division

TO: Albert J. Rigoni, Village Manager

FROM: Erik P. Cook, P.E., Senior Civil Engineer

DATE: January 21, 2009

SUBJECT: Resurfacing Update

The Engineering Department has been compiling data about the condition of Village Streets to update the multi-year resurfacing program. The data comes from several sources. These include resident inquiries, staff observations, and results from the pavement management report from 1997. This data is then used as a scheduling and budgeting guide for future resurfacing projects. A similar multi-year plan was compiled in 2001 and was very successful in the planning and coordination with other capital projects. The list is used as a guide for street selection. The specific streets are examined each year, and the list is adjusted based on budget levels and coordination with other capital projects.

The Village maintains approximately 140 miles of residential streets. These have been constructed in a variety of methods. Typical street sections include: concrete pavement, asphalt pavement, and asphalt surface above a concrete base. We have consistently rehabilitated all of these street sections with an asphalt overlay. This overlay has a finite life cycle and must be resurfaced after a maximum thirty year lifespan. Therefore, assuming every street is to be resurfaced within a thirty year time period, over four and a half miles must be resurfaced each year to resurface the entire Village within this time frame. Due to rising construction costs, the amount of annual resurfacing has not been able to meet this level of service. Recent construction projects have required approximately $450,000 to resurface one mile. Based on these costs it will require approximately $2,000,000 per year to resurface four and a half miles of street per year to complete the Village within a thirty year cycle. Maps and lists of streets indicating the current funding levels and proposed levels are attached.

This is a significant increase from current funding levels, and the current main source of funds, Motor Fuel Tax, is not a viable source for the increase. The Village must pursue a new resurfacing funding source which will permit the increase in workload.

C: Max Slankard, Director of Public Works
Frederick G. Schattner, Director of Engineering
Paul Ryan, P.E., Civil Engineer
Memorandum
Multi-Media Division

TO: John Lockerby, Assistant Village Manager

FROM: Julian Prendi, Assistant to Village Manager

DATE: January 27, 2009

SUBJECT: LOCAL MFT TAX REVENUE INFORMATION

Per your request, I have compiled some information regarding any potential revenue from a local fuel tax. The local fuel tax is collected at the fuel pump by the gas stations. Not so however when it comes to the state or county fuel taxes, who receive the tax payments from distributors that operate state- and county-wide, without the ability to isolate their supply to certain municipal boundaries. This makes it difficult to know precisely the amount of gasoline sold within the municipality. The Village collected information from municipalities in the area with the hopes to project gasoline pumpage information for all of the Skokie fueling stations.

To arrive at some estimation of gallons sold in town, a list of towns with a local fuel tax was first obtained through a survey of NWMC members. 24 members responded, of which eight indicated having a local fuel tax (see summary attached). Each of these eight communities were then contacted for additional information such as the gallons reported as sold in town, revenue collected and number of fueling stations. Based on the information collected, simple projections were made by comparing each of the respondents’ number of fueling stations with those in the Village to determine potential fuel pumpage. Only the towns of Des Plains, Evanston, Lincolnwood, Mount Prospect and Morton Grove were used to project due to their proximity and/or similarity to the Village. The Village of Skokie has 22 fueling stations, based on which the subsequent projections are:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Gallons Sold</th>
<th>Stations</th>
<th>Projected Sales in Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Des Plaines</td>
<td>43,240,208.50</td>
<td>27</td>
<td>35,232,762</td>
</tr>
<tr>
<td>Morton Grove</td>
<td>26,754,472</td>
<td>13</td>
<td>45,276,799</td>
</tr>
<tr>
<td>Mount Prospect</td>
<td>17,707,032</td>
<td>12</td>
<td>32,462,892</td>
</tr>
<tr>
<td>Evanston</td>
<td>14,960,145</td>
<td>13</td>
<td>25,317,168</td>
</tr>
<tr>
<td>Lincolnwood</td>
<td>16,800,000</td>
<td>9</td>
<td>41,066,667</td>
</tr>
</tbody>
</table>

Projected Average: 35,871,258

Based on this projection, if Skokie implemented a local motor fuel tax, it would generate approximately the following per tax rate:

<table>
<thead>
<tr>
<th>Tax Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 1 cent / gallon</td>
<td>$358,713</td>
</tr>
<tr>
<td>At 2 cents / gallon</td>
<td>$717,425</td>
</tr>
<tr>
<td>At 3 cents / gallon</td>
<td>$1,076,138</td>
</tr>
<tr>
<td>At 4 cents / gallon</td>
<td>$1,434,850</td>
</tr>
<tr>
<td>At 5 cents / gallon</td>
<td>$1,793,563</td>
</tr>
</tbody>
</table>

Since these figures are based on only two variables (gallons and stations), they should not be considered exact and should only serve to create a basis for discussion. Given the fact that the Edens Expressway crosses the Village, (a variable only present for Des Plaines) it is likely these projections are on the low end.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Does your municipality impose a local fuel tax?</th>
<th>If so, does it include gasoline, diesel or both?</th>
<th>What is the tax rate (i.e. per gallon)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antioch</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arlington Heights</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barrington</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo Grove</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpentersville</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.02 per gallon.</td>
</tr>
<tr>
<td>Cary</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Des Plaines</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.02 per gallon.</td>
</tr>
<tr>
<td>Elk Grove</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evanston</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.03 per gallon.</td>
</tr>
<tr>
<td>Grayslake</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawthorn Woods</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inverness</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Forest</td>
<td>We do not.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Zurich</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lincolnwood</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.02 per gallon.</td>
</tr>
<tr>
<td>Morton Grove</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.02 per gallon.</td>
</tr>
<tr>
<td>Mount Prospect</td>
<td>Yes.</td>
<td>All gasoline types.</td>
<td>$0.02</td>
</tr>
<tr>
<td>Niles</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prospect Heights</td>
<td>No, we do not.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rolling Meadows</td>
<td>Yes.</td>
<td>Both.</td>
<td>$0.02 per gallon.</td>
</tr>
<tr>
<td>Schaumburg</td>
<td>No.</td>
<td>N/A.</td>
<td>N/A</td>
</tr>
<tr>
<td>Streamwood</td>
<td>No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilmette</td>
<td>Yes.</td>
<td>Yes.</td>
<td>$0.01 per gallon.</td>
</tr>
</tbody>
</table>
MEMORANDUM
Purchasing Division
Fire Department

TO: Albert J. Rigoni, Village Manager

FROM: Michael Aleksic, Purchasing Agent
       Ralph E. Czerwinski, Fire Chief

DATE: March 9, 2009

SUBJECT: AGENDA ITEM – March 16th, 2009 Board Meeting
Proprietary Purchase of ECG Monitor/Defibrillator/Pacer

Budget Amount & Account Number: $25,000
                                 020-0420-418.07-50
                                 #C33053

Tabulation:
Zoll Medical Corp., Chelmsford, MA. $24,700

Background:
The current FY09 CIP budget provides funding for the replacement of one of five ECG Monitor/Defibrillator/Pacer units currently in use by Fire Department Paramedics. Replacement of the existing unit is part of an ongoing ECG Monitor/Defibrillator/Pacer replacement program designed to assist in maintaining quality medical equipment and taking advantage of the latest technologies available for today's paramedics.

All of the Fire Department's current ECG Monitor/Defibrillator/Pacer units are standardized to Welch Allyn (the manufacturer) equipment, which is now branded and distributed by Zoll Medical Corporation. Zoll monitors are compatible with the Fire Department's existing Zoll EMS computerized patient care reporting software, which allows all patient information gathered through the Zoll unit during patient contact to be downloaded directly into the reporting software for the patient care report.

Recommendation:
It is recommended that the purchase of a new Zoll ECG Monitor/Defibrillator/Pacer Unit, and all required hardware and accessories, be awarded to Zoll Medical Corporation, the sole source provider of the specified equipment, in the amount of $24,700. The cost of the ECG Monitor/Defibrillator/Pacer unit is $19,308. The remaining $5,392 is for the purchase of the necessary hardware and accessories such as batteries, case, mounting brackets, monitoring cords and etc.

#324865
Comments:
The new ECG Monitor/Defibrillator/Pacer provides 12-lead ECG capability, which allows the new Zoll unit to send patient information transmissions directly to the hospital. Additionally, the unit has biphasic technology as well as pulse oximetry capability which significantly enhances the effectiveness of the unit under a wide variety of medical and cardiac related circumstances.

Paramedic personnel have researched and field tested other proprietary ECG Monitor/Defibrillator/Pacer units. Included were units manufactured by Philips and Physio Control. The results confirmed that the Zoll equipment was the most functional and feature rich while also being the most cost effective.

cc: Barry Liss
MEMORANDUM
Public Works Department
Purchasing Division

TO: Albert J. Rigoni, Village Manager

FROM: Michael Aleksie, Purchasing Agent
Max Slankard, Director of Public Works
Thomas L. Thompson, Economic Development Coordinator

DATE: March 30, 2009

SUBJECT: AGENDA ITEM
Krier Plaza Concrete Pavers Replacement Project

Village staff has developed a plan to address the condition of the concrete pavers at Krier Plaza, which is located at southeast Oakton Street/Lincoln Avenue. The following solution is being presented to you.

The concrete pavers will be removed and replaced. In order to retain the services of the best qualified and most competitive firm for completion of the above referenced project, Village staff employed a two step Quality Based Selection (QBS) and competitive bidding process. A Request for Qualifications was publicly advertised, and on March 10th responses were received from the following 7 companies: American Brick Paving Inc., Autumn Landscaping & Maintenance, C.R. Schmidt Inc., Alaniz Landscaping Group, Midwest Brick Paving Inc., Aztec Stone and LPS Pavement Co. Staff reviewed the responses and evaluated them based on criteria such as experience and quantity of pavers installed annually, qualifications of labor staff and quality of references. As a result, it was determined that the following three companies were the most qualified for this project, and had the resources to complete the project in the required time frame:

Aztec Stone
LPS Pavement Co.
Midwest Brick Paving Inc.

These three firms were then offered bid solicitations for the subject project, and all three responded on March 27th.
The bids were reviewed and Aztec Stone failed to submit the required 5% bid bond, and thus their bid was determined to be unresponsive and was ruled out of consideration. The net results are presented below:

**Tabulation**
Midwest Brick Paving Inc., Antioch, IL. $48,450.00
LPS Pavement Co., Oswego, IL. $53,450.00

Budget Amount and Account Number: 020-0420-418.07-31 #C20040 $105,000 (TIF)
This project will be funded through the Downtown TIF.

**Recommendation**
It is recommended that a contract in the amount of $48,450 be awarded to Midwest Brick Paving Inc., Antioch, Illinois, the lowest responsive and responsible bidder. Midwest Brick Paving successfully completed paver installation for the West Dempster Streetscape Project, and the company successfully completes over 650,000 square feet of paver installations annually.

**Comments**
The scope of work under this contract includes the removal and disposal of approximately 3,800 square feet of the existing brick pavers. The mastic holding the pavers will be scraped away down to the concrete foundation. A 3/4” bituminous sand setting bed will be installed and a neoprene tack coat will be applied. New Unilock Holland Premier Pavers will be installed along with a retaining edge. The new brick pavers are the same brand used in the Village Green. The new pavers will be sand swept and brick sealer will be applied. The project should take roughly 7 working days, and weather permitting work will commence the third or fourth week in April.

cc: John Lockerby, Assistant Village Manager
Fred Schattner, Director of Engineering
Erik Cook, Senior Civil Engineer
MEMORANDUM
Public Works Department
Purchasing Division

TO: Albert J. Rigoni, Village Manager
FROM: Michael Aleksic, Purchasing Agent
Max Slankard, Director of Public Works

DATE: March 30, 2009

SUBJECT: AGENDA ITEM
Engineering Design & Construction Supervision Services
FY2009 Sewer System Rehabilitation

Background:
The FY09 CIP contains funding for Professional Design and Construction Supervision services for Sewer System Rehabilitation. The subject sewer rehabilitation project will encompass improvements to approximately 1,600 lineal feet of problematic sewer, which is rated in the worst condition pursuant to the twenty year sewer rehabilitation plan report of 2000. Recommended rehabilitation strategies will range from complete section replacements to less intrusive methods such as membrane lining. The specific locations where sewer rehabilitation is required are follows:

- Monticello Avenue from Carol Street to Crain Street. Rehabilitate approximately 332 linear feet of 18 inch diameter sewer.
- Trumbull Avenue from Main Street to south of Main Street. Rehabilitate approximately 320 linear feet of 18 inch diameter sewer.
- Trumbull Avenue from Lee Street to south of Lee Street. Rehabilitate approximately 325 linear feet of 27 inch diameter sewer.
- Bennett Avenue from Greenwood Street to north of Greenwood Street. Rehabilitate approximately 240 linear feet of 27 inch diameter sewer.
- Lowell Avenue from Cleveland Street to north of Cleveland Street. Rehabilitate approximately 341 linear feet of 21 inch diameter sewer.
In anticipation of this work, the Village employed a formal Qualifications Based Selection (QBS) process in order to select engineering consulting firms that are the most highly qualified for its water & sewer rehabilitation projects. Illinois law requires that state entities select Engineers and Architects based on their qualifications, capabilities and experience. In that regard, the Village advertised and issued a Request for Qualifications (RFQ #2007-10-11) encompassing all of its current and upcoming water and sewer infrastructure improvement needs. Twenty four (24) firms responded to the RFQ. Staff reviewed all of the proposals and conducted interviews with the highest rated firms. As a result, the Village selected the most highly qualified consulting engineers for each of the upcoming water and sewer infrastructure projects.

Budget Amount and Account Number: 020-0420-418.03-20 #C46001 $100,000

Recommendation
A cost proposal was solicited and negotiated for the subject project, and it is recommended that a contract for FY09 Professional Design and Construction Supervision Services for Sewer System Rehabilitation is awarded to Baxter & Woodman, of Chicago, Illinois in the amount not to exceed $31,600.00. The Village has worked successfully with Baxter & Woodman in the past, including the Design Phase and the Construction Supervision Services for the completed East Oakton Street Improvement Project and the FY09 Water System Improvements on Elm Terrace and Lavergne Ave.

Comments
The scope of service under this contract includes survey work, job costing and consideration of alternative methodologies, construction design, the assimilation of contract plans and specifications, bidding administration and construction oversight of the project.

The Village is applying for stimulus money to fund the construction of this project. The State requires that local agencies await stimulus funding determination before bidding projects. This project will be designed by Baxter and Woodman, and the construction will be bid once the stimulus funding is determined. The project is planned for a summer bid letting and will be completed this construction season.

cc: John Lockerby, Assistant Village Manager
    Fred Schattner, Director of Engineering
    Erik Cook, Senior Civil Engineer
    Jean Scher, Water and Sewer Superintendent
LIST OF LOCATIONS

MONTICELLO AVE. from CAROL TO CRAIN
TRUMBULL AVE. from MAIN TO S. OF MAIN
TRUMBULL AVE. from LEE TO S. OF LEE
BUNNELL AVE. from GREENWOOD TO N. OF GREENWOOD
LOWELL AVE. from CLEVELAND TO N. OF CLEVELAND
Memorandum
Corporation Counsel’s Office

To: The Honorable Mayor & Board of Trustees

From: J. Patrick Hanley, Corporation Counsel

Date: March 30, 2009

Subject: Corporation Counsel’s Report
April 6, 2009 Board Meeting

*A. Ordinance, Extension of Term for Temporary Zoning Commission

This ordinance will extend the term of the Temporary Zoning Commission to March 31, 2010. The Zoning Commission was created on February 4, 2008, with the direction to conduct public hearings and meetings relating to the boundaries of zoning districts and the regulations therein and make its final recommendations to the Mayor and Board of Trustees on or before March 31, 2009. On October 20, 2008, a portion of the Zoning Commission’s recommendations with regard to Downtown zoning were presented to the Board. Subsequently, in January 2009, the Village adopted Ordinance Number 09-1-C-3657, which created three new mixed-use zoning districts in Downtown Sector A. The Zoning Commission is continuing its analysis of Sector A with regard to the R4 multi-family residential areas and it is necessary to extend the Zoning Commission’s ability to conduct hearings and make recommendations.

B. Ordinance, Code Amendment, Chapter 42, Nuisance Premises

C. Ordinance, Code Amendment, Chapters 10 & 46, Retail Sale & Regulation of Alcoholic Liquor

For items B and C, please see the memorandums attached to each ordinance, respectively.

cc: Marlene Williams, Village Clerk
Albert J. Rigoni, Village Manager
AN ORDINANCE EXTENDING THE TERM OF THE TEMPORARY ZONING COMMISSION FOR THE VILLAGE OF SKOKIE

WHEREAS, the Village of Skokie (hereinafter the “Village”), an Illinois municipality, is a home rule unit of local government and may exercise any power or perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, as conferred upon it by the Constitution of the State of Illinois, art. VII, sec. 6 (1970); and

WHEREAS, Section 11-13-2 of the Illinois Municipal Code, 65 ILCS 5/11-13-2 (2006) (hereinafter the “Statute”), authorizes the corporate authorities of a municipality to “provide for a zoning commission with the duty to recommend the boundaries of districts and appropriate regulations to be enforced therein” (hereinafter the “Zoning Commission”); and

WHEREAS, Village Ordinance Number 08-2-Z-3594, adopted on February 4, 2008, authorized the creation of the Zoning Commission. The ordinance further directed that the Zoning Commission was to conduct public hearings and meetings and to make its final recommendations to the Mayor and Board of Trustees on or before March 31, 2009; and

WHEREAS, throughout 2008, the Zoning Commission conducted public hearings and meetings, which culminated in a presentation to the Mayor and Board of Trustees detailing a portion of the Zoning Commission’s recommendations with regard to the Downtown zoning, on October 20, 2008; and

WHEREAS, on January 5, 2009, the Mayor and Board of Trustees adopted Village Ordinance 09-1-C-3657, which amended the Village Code, based upon the Zoning Commission’s recommendations for the creation of three new mixed-use zoning districts in Downtown Sector A; and

WHEREAS, the Zoning Commission is continuing its analysis of Sector A with regard to the R4 multi-family residential areas and has been studying ways to balance the existing conditions with goals of increased height and density as stated in the Comprehensive Plan; and

WHEREAS, it is necessary to extend the Zoning Commission’s ability to conduct hearings and make recommendations to allow it to continue its work;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois;

Section 1: The Zoning Commission shall retain the current five members. Should any resign, a replacement shall be appointed by the Mayor subject to confirmation by the Board of Trustees. The Mayor shall designate one member to serve as the Chairperson of the Commission.
and another member to serve as the Vice Chairperson, if at anytime the current Chairperson or
Vice Chairperson shall resign. The members shall serve without compensation.

Section 2: That the Zoning Commission shall continue to conduct public hearings and
meetings for the purpose of reviewing zoning districts and the regulations therein and proposing
changes or revisions to the Zoning Map and Zoning Chapter of the Skokie Village Code, as
necessary, if any, to implement land use policies contained in the Village of Skokie
Comprehensive Plan or as the Commission deems desirable and necessary. The Zoning
Commission shall make written recommendations, including interim and final recommendations,
to the Mayor and Board of Trustees in relation to current or proposed zoning districts and
regulations therein. The Commission shall have the authority to do such other acts that may be
necessary for it to perform its assigned task.

Section 3: That the Zoning Commission shall be provided assistance and staff support
by the Village Manager and Corporation Counsel, or their designees.

Section 4: That the Zoning Commission shall conduct its public hearings and
meetings and make its final recommendations on or before March 31, 2010. The Zoning
Commission shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (2006).

Section 5: That this Ordinance shall be in full force and effect from and after its
passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April 2009.

______________________________
Village Clerk

Ayes: 
Nays: 
Absent:

______________________________
Approved by me this day of April 2009.

Attested and filed in my office this
day of April 2009; and
published in pamphlet form according
to law from April , 2009
to April , 2009.

______________________________
Mayor, Village of Skokie

Village Clerk
To: Honorable Mayor and Board of Trustees

From: J. Patrick Hanley, Corporation Counsel

Date: March 30, 2009

Subject: Nuisance Property Ordinance

The first draft of this ordinance was brought before the Board of Trustees on March 16, 2009, for discussion purposes. The Board had requested that Village staff review ways in which complaints by residents regarding conditions of certain properties and conduct occurring on properties could be addressed. The memorandum from Al Rigoni and me accompanying the March 16 draft is attached hereto.

The first part of the proposed ordinance adds several provisions to the existing sections of the Skokie Village Code (the "Code") regarding public nuisances. Currently, the Code specifies that 47 different conditions or actions constitute a public nuisance. The ordinance adds three more instances that would cause a property to be declared a public nuisance. Property is declared to be a public nuisance if: (i) the lessee, owner or occupant uses or permits the use of the premises for the commission of (a) a criminal offense that would constitute a felony or (b) criminal offenses that would constitute a Class A misdemeanor on two or more occasions; or (ii) the Village has responded to an unreasonably high number of calls, or initiated an unreasonably high number of contacts based upon information and belief of a need.

These matters will be referred to a staff Nuisance Intervention and Prevention Committee ("NIP Committee"). The NIP Committee will have the authority to call in the landlord or any property owner or resident and order them to implement a corrective and preventative action plan. The failure to appear before the NIP Committee or to implement a plan will be a violation of Village Code. The NIP Committee can recommend that further action be taken against a recalcitrant property owner through the citation process in administrative adjudication or the filing of a lawsuit in Circuit Court.

The second part of the ordinance would require all property owners to include a provision in their lease specifying that the tenant shall not use the leased premises, or allow it to be used, for the criminal activity. Although the lease would prohibit the tenant, members of the tenant's household or invitees,
from engaging in criminal activity on the premises, the question of whether eviction was mandatory or discretionary would depend on the seriousness of the offense. If the criminal activity would constitute a felony or a second Class A misdemeanor within 12 months, then eviction would be mandatory. If the leased premises are used for any other criminal offense, then eviction would be discretionary. These provisions are intended to protect other tenants and residents and preserve the value of property.

As noted in the attached memorandum, Village staff found at least 21 suburban communities, including Des Plaines, Niles, Palatine, and Schaumburg, that have some type of “crime free” lease requirement.

In order to address concerns raised at the February 17 Board Meeting, certain “safety valves” were added to the proposed ordinance. In the initial draft, the property owner could request that the NIP Committee review the circumstances and determine that eviction was not appropriate. Language was added to the proposed ordinance that ensures that a tenant has a right to also request a review of the circumstances and that the NIP Committee take into consideration certain factors that might indicate that eviction should not be required. The NIP Committee, in reviewing the activity itself, may consider the age of the perpetrator, whether the tenant was a non-culpable victim and other factors the Committee believes relevant.

cc: Marlene Williams
    Al Rigoni
Memorandum
Manager's Office

TO: Mayor Van Dusen
    Board of Trustees
    Village Clerk

FROM: Albert J. Begon, Village Manager  J. Patrick Hanley, Corporation Counsel

DATE: February 23, 2009

SUBJECT: ORDINANCE PERTAINING TO NUISANCE REDUCTION

At various times throughout 2008, residents expressed concerns regarding conditions at neighboring properties and the activities that may be taking place on such properties. The Village Board had requested research be done following the presentation of a petition from a neighborhood which was concerned about criminal activity. For the last six to nine months, the Police Department and Community Development Department have been examining some of the concerns raised by residents, as well as issues identified by Village Board members.

In the last couple of weeks, we reviewed the ideas generated by the Departments and thought it was an appropriate time to bring some of the alternatives to the Board for discussion purposes. Attached is a draft of an ordinance that expresses a couple potential approaches.

There are two general categories, as follows:

A. The declaration that property where criminal activity takes place will be deemed to become a nuisance property.
B. A requirement that all landlords include a "crime free" condition in their leases. Tenants would be evicted if they used or allowed their premises to be used for criminal activity.

A. Nuisance Property. The strategy of the nuisance portion of the ordinance is the focus on the process used to implement it. The ordinance declares that a property is deemed to be a public nuisance: (i) on which a felony, or 2 or more Class A misdemeanors within twelve months, occurs; or (ii) an unreasonably high number of calls for services is generated.

Repeated calls to the same property consumes valuable resources, typically from the Police Department, and diverts their attention from other potentially more pressing matters.

Therefore the intent of the ordinance is to focus not just when there is criminality, but also when there are repeated calls to the same address for any number of nuisance activities ranging from loud music to animal control violations. Repetitive nuisance
activity can result in neighbor disputes which in turn can result in more serious issues in the neighborhood.

These matters will be referred to a staff Nuisance Intervention and Prevention Committee (‘NIP Committee’). The NIP Committee will have the authority to call in the landlord or any property owner or resident and order them to implement a corrective and preventative action plan. The failure to appear before the NIP Committee or to implement a plan will be a violation of Village Code. The NIP Committee can recommend further action be taken against a recalcitrant property owner, such as administrative adjudication or the filing of a lawsuit in Circuit Court.

B. Crime Free Lease Provisions. This would require all property owners to include a provision in their lease that the tenant shall not use the leased premises, or allow it to be used, for the criminal activity. If the leased premises is used for criminal activity, then the landlord would be required to evict the tenant.

The staff found at least 21 suburban communities, including Des Plaines, Niles, Palatine and Schaumburg, that have some type of “crime free” lease requirement.

Summary. In summary, the ordinance provides a legal basis and a procedure to deal with serious criminal activity in a neighborhood or repetitive nuisance activity. In other words, the use of the ordinance will occur when there is an extraordinary situation based upon repeated calls to the Village from a neighborhood which involves the same address or addresses.
AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, OF THE SKOKIE VILLAGE CODE PERTAINING TO NUISANCE PREMISES

WHEREAS, Article VII, Section 6, of the Constitution of the State of Illinois gives home rule units of government the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village of Skokie is a home rule unit as defined by the Constitution of the State of Illinois; and

WHEREAS, Chapter 42, Article II, of the Skokie Village Code (hereinafter the “Code”) enumerates a list of conditions and activities that constitute public nuisances, provides for penalties and specifies abatement procedures; and

WHEREAS, concerns have been expressed by some residents regarding the condition of certain properties, the activities and conduct of the occupants of certain properties, and the affect that these conditions and activities and conduct have on their neighborhoods; and

WHEREAS, the interests of the residents of the Village of Skokie would be best served by amending Chapter 42 in order to better protect the health, safety, morals and welfare of the public to:

(i) declare certain criminal activity on properties to be a public nuisance;

(ii) declare an unreasonably high number of calls, or contacts initiated by Village personnel, including public safety officers, to be a public nuisance;

(iii) declares it to be a violation of the Code for any person that owns, manages, occupies, or controls property to encourage, permit or allow a public nuisance to occur on the property owned, managed, controlled or occupied by them; and

(iv) create a Nuisance and Intervention Prevention (“NIP”) Committee. The NIP Committee has the authority to (a) conduct a nuisance avoidance meeting with a person that owns, manages, occupies, or controls property believed to be a public nuisance, (b) impose an obligation on the Responsible Party to take reasonable and warranted actions to correct or prevent the activity or omission that constitute a violation of the Code, and (c) may recommend that the Village initiate the filing of a cause of action in the Circuit Court or a violation citation for administrative adjudication; and
WHEREAS, Section 5/9-120(a) of the Illinois Code of Civil Procedure, 735 ILCS 5/9-120, authorizes a lessor to declare a lease to be void if the lessee or occupant “uses or permits the use of the leased premises for the commission of any act that would constitute a felony or a Class A misdemeanor,” and entitles the lessor to regain possession; and

WHEREAS, the issue of “Crime Free” conditions in leases for tenancies in the Village has been discussed amongst the Village Manager, Police Department, Community Development Department and the Corporation Counsel. Other municipalities have adopted ordinances requiring lessors to include the Crime Free condition in all leases; and

WHEREAS, the “Crime Free” condition specifies that the tenant, or member of the tenant’s household, a guest, or invitee, shall not engage in criminal activity. If such activity is occurs on the leased premises, then the lessor must evict the tenant;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois, that:

Section 1: That Chapter 42, Article II, Section 42-35 of the Skokie Village Code be and the same is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is highlighted and stricken through.

Sec. 42-35. Enumeration.

…

(d) Public nuisances affecting peace and safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsections (a), (b) or (c) of this section:

…

(20) A property wherein a lessee, owner or occupant uses or permits the use of the premises for the commission of a criminal offense that would constitute a felony.

(21) A property wherein a lessee, owner or occupant uses or permits the use of the premises for the commission of criminal offenses that would constitute a Class A misdemeanor on two (2) or more occasions within a twelve (12) month period.

(22) A property wherein the Village has responded to an unreasonably high number of calls, or initiated an unreasonably high number of contacts based upon information and belief of a need, for: (i) police service; (ii) health inspectors or other health personnel regarding a public health concern; (iii) firefighters or fire inspectors concerning the safety of the property; and/or (iv) property standard inspectors or other Community Development staff concerning the condition of the property or the use of it by its occupants. The determination of whether the Village has responded to an unreasonably high number of calls, or
initiated an unreasonably high number of contacts, will be made by the Village's Nuisance Intervention and Prevention ("NIP") Committee, as provided in subsection (e). The NIP Committee will compare the number and character of calls or initiated contacts at a property to other properties of a similar type, that reasonably indicate that the activity at this property is out of character for that type of property and is impacting the quality of life in the area or Village.

For the purposes of clauses (20), (21) and (22), the term property shall mean any parcel of real property, or part thereof, and may include any building and structure which is situated on the property. In the event a property includes more than one dwelling or residential unit, or one or more spaces available for occupation by a nonresidential use, then for the purposes of a determination as provided for in clause (22), above, all calls or initiated contacts, collectively made to the property, may be considered. Any activity or conduct occurring on a public way that abuts a property may be considered in the determination of whether a public nuisance is occurring, or has occurred, on the property.

(e) Property owner or occupant responsibility for certain nuisances. It is a violation of the Code for any person that owns, manages, occupies, or controls property (hereinafter the "Responsible Party") to create, encourage, permit or allow a public nuisance to occur on the property owned, managed, controlled or occupied by them. For purposes of the section, a person shall have the same meaning as Section 1-2 of the Code. A Responsible Party may be subject to the following procedures:

(1) The Village Manager shall appoint a five-person committee, comprised of one appointee from each of the following: Community Development Department, Police Department, Health Department, Human Services Division and the Manager's Office. The committee shall be known as the Nuisance Intervention and Prevention ("NIP") Committee. The NIP Committee may consult with other Village personnel as needed.

(2) Whenever any information is made available to a Village employee indicating that a property may constitute a public nuisance based upon activities or omissions described in clauses (20), (21) and (22) of subsection (d), above, then that employee shall refer the matter to the NIP Committee. The NIP Committee shall convene and review all facts and information in relation to the referral. If the NIP Committee reasonably believes that the activity constitutes a public nuisance, it may authorize and initiate any actions permitted by the Code or State law.

(3) In addition to taking any other action, the NIP Committee may initiate a "nuisance avoidance" meeting with the Responsible Party. The NIP Committee shall establish a nuisance avoidance meeting with the Responsible Party by giving them any type of notice that is reasonable based upon the circumstances, including, but not limited to, written
notice via first class mail or telephonic or personal notice if the circumstances require expedient action.

(4) The purpose of the nuisance avoidance meeting between the NIP Committee and the Responsible Party is to discuss the facts and information and allow the Responsible Party to provide additional information. It is a violation of the Code for a Responsible Party to fail to appear at a nuisance avoidance meeting. The NIP Committee may decide to require the Responsible Party to take reasonable and warranted actions to correct or prevent the activity or omission that is a violation of the Code. Such decision shall be provided in writing. It is a violation of the Code for a Responsible Party not to implement the corrective or preventative actions. It is a violation of the Code for a Responsible Party not to implement the corrective or preventative actions.

(5) The corrective or preventative actions may require the Responsible Party to take such actions reasonably calculated to correct, or prevent the occurrence of, a public nuisance. In ordering such actions, the NIP Committee shall consider the magnitude of the harm caused by the activities or omissions, the value of the property, the impact on residents, property owners and businesses in the area or Village and other relevant circumstances. Such actions may include, but are not limited to:

a. Making improvements to the premises requested by the Village.

b. Installing, alarms, lighting or other measures to enhance security.

c. Hiring of licensed and insured security personnel.

d. Hiring a third-party to take the corrective or preventative actions.

e. The initiation and execution of eviction proceedings against certain tenants.

f. Correction of a Code violation.

(6) The NIP Committee may recommend that the Village initiate the filing of a cause of action in the Circuit Court or a violation citation for administrative adjudication. Nothing in this Section will preclude the Village from initiating a cause of action in Circuit Court or issuing a violation notice for administrative adjudication without action or recommendation by the NIP Committee.

(7) Each day that a violation of this Section continues shall be a separate and distinct violation. The Village may enforce this Section through its administrative adjudication program, to the extent permitted by law, or through an action initiated in a court of competent jurisdiction. The Village Manager is authorized to conduct hearings to
determine whether any license, permit or certificate of occupancy held by the Responsible Party, or issued in connection within any property, should be revoked or suspended.

(8) No person evicted in relation to nuisance preventative or corrective actions shall receive relocation assistance from the Village.

**Section 2:** That Chapter 42, Article II, Section 42-43 of the Skokie Village Code be and the same is hereby added in the manner hereinafter indicated. The new material is highlighted in bold.

**Sec. 42-43. Crime Free Lease Provisions.** Obligations of landlords and tenants to commit to crime free tenancies.

(a) Any property owner that leases property to another person shall utilize a “crime free” lease addendum or have a clause in the lease similar to a crime free lease addendum. The clause, or addendum, is to make the use of a leased premises in the commission of a crime, or in furtherance of the commission of certain criminal activity, by a tenant, a tenant’s invitee, or other person authorized or allowed by the tenant or the tenant’s family to be on the leased premises, a lease violation. The suggested language for a crime free clause is in subsection (f), below.

(b) In the event the criminal activity would constitute (i) any class of felony, or (ii) a Class A misdemeanor, at least twice in one year, then a property owner, or authorized agent, shall initiate eviction proceedings as specified in the Illinois Code of Civil Procedure, 735 ILCS 5/9-101 et seq. In the event the property owner, authorized agent, or tenant, believes that the circumstances are such that eviction should not be undertaken, then they shall file a written request detailing the circumstances with the NIP Committee and request a determination of whether eviction is inappropriate. The NIP Committee may, at its discretion, meet with the property owner, authorized agent, and any other person, including the tenant, that may have relevant information regarding the circumstances. The NIP Committee shall render a written determination on the question of whether eviction is inappropriate and may deliver it via first class mail. The NIP Committee may consider, but is not limited to, the following factors:

1. The activity itself,

2. The age of the participants involved in the activity,

3. Whether the tenant was a non-culpable victim of the activity, or

4. Any other factors the NIP Committee deems relevant.

(c) When the provisions of paragraph (b) require the property owner to initiate eviction proceedings, the owner, or authorized agent, shall initiate action to evict a tenant within 15 days of the date: (i) the property owner, or authorized agent becomes aware or should have become aware that criminal activity warranting eviction took place, or (ii) that a written determination is delivered to the landlord by the NIP Committee pursuant to paragraph (b). A property owner may include
language in the lease that authorizes eviction for more minor offenses than indicated in paragraph (f). In the event criminal activity occurs that is not a felony or a Class A misdemeanor, twice within 12 months, then the decision to initiate eviction proceedings is discretionary for the property owner.

(d) It is a violation of the Code for a property owner to not include a crime free clause or addendum in a written lease affecting property in the Village. If the leasing of a property is an oral arrangement, then the property owner must notify the tenant in writing that the crime free clause is a condition of the lease and the tenant is obligated to adhere to its language. The property owner, or authorized agent, must keep sufficient records to demonstrate that such notice is provided. It is a violation of the Code for a property owner to not enforce the crime free clause or addendum.

(e) The Village may conduct “Crime Free Property” seminars from time to time. Any owner, agent of an owner, occupant or tenant may be required to attend the Village’s Crime Free Property seminars at the request of the Village Manager or his designee based on the following considerations:

(1) If the property rented or leased by the owner is a nuisance property as defined in this Section 42-35.

(2) Criminal activity occurred on the property.

(3) Upon the recommendation of the NIP Committee.

(f) **Crime free lease addendum.** Every lease in the Village of Skokie shall include language requiring the Owner and Tenant to agree to provisions substantially in the following form:

(1) **Tenant,** any member of the Tenant’s household, a guest or invitee of the Tenant, or a person that Tenant knows, or should reasonably know, is present, including, but not limited to, any person invited in any way, or allowed to be present, on the leased premises or the common grounds, shall not engage, or in any way be involved in, any Criminal Activity, on or near the leased premises. For the purposes of this lease, Criminal Activity shall mean any criminal offense which would constitute a felony or Class A misdemeanor. This prohibition is applicable to all public ways abutting the leased premises or common grounds.

(2) **Tenant,** any member of the Tenant’s household, a guest or invitee of the Tenant or a member of Tenant’s household, including, but not limited to, a person that Tenant knows or should reasonably know, is present at the leased premises or on the common grounds shall not engage in any act intended to facilitate or that does facilitate Criminal Activity, including, but not limited to, drug-related offenses.
(3) Tenant, and any member of Tenant’s household, shall not permit the leased premises or common grounds to be used for, or to facilitate, Criminal Activity, regardless of whether the individual engaging in such activity is a member of the household, a guest or invitee, and regardless of whether the Tenant is at home during any such activity.

(4) Tenant, any member of the Tenant’s household, a guest or invitee of the leased premises or common grounds, including, but not limited to, any person invited in any way, or allowed to be present, by Tenant or a member of Tenant’s household, shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of any controlled substance, or cannabis, at any location whether in, at, on, or near the property.

(5) Tenant, any members of the Tenant’s household, a guest or invitee of the Tenant, or a person that Tenant knows, or should reasonably know, is present on the leased premises, including, but not limited to, any person invited in any way, or allowed to be present, by Tenant or a member of Tenant’s household, shall not engage in any prostitution, criminal street gang activity, threatening or intimidating conduct, or assault, all as defined by the Illinois Compiled Statutes, or unlawful discharge of firearms, on or near the leased premises or common grounds.

(6) VIOLATION OF ANY OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and material non-compliance with the lease. It is understood and agreed that a single violation shall be good cause for IMMEDIATE termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, BUT SHALL BE BY A PREPONDERANCE OF THE EVIDENCE. Tenant consents to venue in Cook County.

Tenant agrees that service of process of any legal proceeding, including but not limited to, a special detainer or forcible detainer action, or service of any notice to Tenant, shall be effective and sufficient for the purposes of providing legal service and conferring personal jurisdiction upon any Illinois court as to any tenant, co-signor, occupant or guarantor, notwithstanding the fact that a Tenant, co-signor, occupant or guarantor may reside at a different location other than the property address described in the lease agreement. This agreement regarding service is in addition to, and not in lieu of, any manner of service authorized under Illinois law or rule. By signing this lease the undersigned hereby waives any objection to service carried out under the terms of this agreement. This provision shall be effective for any extension, renewal or modification of the initial lease.
(7) In case of conflict between the provision of this addendum and any other provision of the lease, the provisions of the addendum shall govern.

(8) This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between the Owner and Resident.

Section 3: If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or applications thereof.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April 2009.

______________________________
Village Clerk

Ayes:
Nays:
Absent:

Attested and filed in my office this day of April 2009; and published in pamphlet form according to law from April 09 to April 09.

______________________________
Village Clerk

Approved by me this day of April 2009.

______________________________
Mayor, Village of Skokie
Memorandum
Corporation Counsel’s Office

To: The Honorable Mayor and Board of Trustees

From: J. Patrick Hanley, Corporation Counsel

Date: March 27, 2009

Subject: Proposed Liquor Ordinance

Page 1 is a brief overview of the proposed liquor ordinance. Pages 2 - 6 are a more detailed explanation of the revisions.

BRIEF OVERVIEW OF PROPOSED LIQUOR ORDINANCE

The proposed liquor ordinance is a comprehensive re-write of Chapter 10, Alcoholic Liquor, of the Skokie Village Code. The major changes include:

A. Tightening the Code as it applies to consumption by underage persons.

B. Creates a new E district for Dempster Street and assigns two new Class E licenses to the district. Creates a new Class E license for the North Commercial District. Reinstates a Class E license that became null and void in the South Commercial District.

C. Creates two new classes of licenses: A class O license for “package sales” only and a Class P license for tenants to use when the property owner has a “P-Right.” Both new licenses will be created by converting appropriate Class A licenses to these categories. Currently there are 44 Class A licenses. If all appropriate ones are converted to O’s and P’s, there will be 30 Class A licenses.

D. Allowing an applicant for any class of license to request that their license be issued for beer and wine only. Currently, only a Class E license can be designated beer and wine.

E. Declares any Class A license that is inactive for six months will be null and void.

F. Prohibits the practice of allowing a license to be used by a tenant through a management or lease agreement.

G. Creates a new Class O license to be used solely in the Office Research district.
H. Creates a new Class C license for a tax exempt not for profit entity organized for the purpose of operating a museum and educational center.

I. In addition to the major changes proposed in licensing and regulating retail liquor sales, there are many revisions made to update language and clarify sections that conflict with other parts, State law, and existing circumstances.

DETAILED EXPLANATION OF PROPOSED LIQUOR ORDINANCE

A. Tightening Code as It Applies to Underage Persons.

An Underage Person is a person under 21 years of age.

1. Underage Persons are expressly prohibited from consuming, purchasing or possessing alcoholic liquor. Currently, purchase and possession are prohibited and the Skokie Police Department (the “SPD”) requested that a prohibition on “consumption” be added to the Code.

2. The owner of property is prohibited from allowing an Underage Person from leaving the property if the person has consumed any amount of alcoholic liquor unless accompanied by their parent or legal guardian. Currently, owners are prohibited from allowing an Underage Person to leave the property when the person is “intoxicated.” This change is consistent with current SPD practices whereby they detain all youths at a party where alcohol is present until their parents or guardians arrive.

3. Expands the prohibition on owners of residences from allowing Underage Persons to possess or consume alcohol to include any property, not just residences, and to include an individual that is in control of the property, regardless of ownership status.

4. Removes the exception allowing an Underage Person to possess or consume alcoholic liquor while under the direct supervision of a parent, legal guardian or person standing in loco parentis in the privacy of a home.

5. Maintains an exception for consumption by an Underage Person in the performance of a religious ceremony, but limits consumption to no more than one fluid ounce.

6. Clarifies that Underage Persons can be on a licensed premises if: (a) accompanied by parent or legal guardian; (b) if employed by the licensee; or (c) if on the premises for the purchase or consumption of food. Does not allow Underage Persons to pour or sell alcohol (bartender or cashier), but allows those 18 and older to serve it (wait staff).
B. Changes to Class E License Structure.

Three changes are being made to the Class E license structure:

1. Creation of a new Class E license commercial district, in which two new Class E licenses will be assigned. The new district, entitled “Midtown Commercial District”, will allow a liquor license to be issued for properties zoned B2 or B3 Business and abutting Dempster Street.

2. Create a new Class E license for the North Commercial District.

3. Reinstatement of Class E license in the South Commercial District which had become null and void.

This a continuation of a process of making Class E licenses available to help promote economic development. Three commercial districts were created in 2005 and a total of eight Class E licenses are in use. Class E licenses are designed for restaurants and have more restrictions than a Class A license.

C. Creation of Class O License and Class P License.

These revisions are being made to move Skokie towards a classification system and to address specific concerns that have arisen over the last couple decades.

1. **Class O licenses** are being created for businesses that sell alcohol only for consumption off of the premises.

   a. Sometimes referred to as package sales, it would also include grocery or other specialty stores as long as they did not serve alcohol on the premises.

   b. There are currently nine businesses in Skokie that meet this definition and they are operating with Class A licenses.

   c. All nine businesses are given until April 30, 2010, to convert their license to a Class O, otherwise it will be done in the 2010 renewal cycle.

   d. One new Class O is created, which is authorized to be used solely in the Office Research district.

   e. Class O licensees will be allowed to sell small items for consumption off the premises, e.g. less than 8 fluid ounces of alcohol, less than 750 milliliters of wine or beer.

   f. Class A licenses will not be able to be used for operation of a business that sells only for consumption off the premises. They are currently, and will be in the future, allowed to sell alcohol for off premises consumption but only in larger servings, e.g. bottles of wine and six packs of beer, not in the smaller servings.
2. **Class P licenses** are being created for situations whereby the property owner can designate that a tenant receive a liquor license.

   a. Any property owner that has a Class A license and desires to allow a tenant to use the license must convert their license to a "P-Right."

   b. This expressly precludes a Class A license holder from entering into an agreement with a tenant or management company allowing them to use the license and the Class A license holder retaining a reversionary interest in the license.

   c. A P-Right gives the property owner the right to designate that the Liquor Commissioner issue a Class P license to a tenant.

   d. At the end of a tenancy, the tenant surrenders the Class P license to the Village and the property owner has the right to designate that a future tenant be issued a Class P license.

   e. A P-right is only applicable to the real property for which it is initially issued, or any adjacent property owned by the same owner.

   f. Currently, there are up to five licenses in Skokie that could be affected by this revision, however, it allows any Class A licensee that owns property to convert over to the a P-Right.

**D. Beer and Wine Only Designations.**

This allows any applicant for any class of license to request that their license be designated for the sale of beer and wine only. In 2007, an ordinance was adopted allowing a Class E license to be issued for beer and wine sales only. Since that time two Class E beer and wine only licenses have been issued.

A beer and wine only licensee would pay $4,500 initially for a license and $600 annually for renewal. A full license would be a $10,000 initial fee and a $1,000 annual renewal fee.

Any existing licensee may request that its license be designated for beer and wine only. No refunds will be made for fees previously paid. A business initially designated as a beer and wine only, may upgrade to a full license, but must pay the additional fee.

**E. Class A licenses Null and Void If Inactive for Six Months.**

In the event a Class A license is inactive for a six month period, it will become null and void. This is intended to discourage the practice of holding licenses without using them. The economic benefit of an operating licensee is not realized if a license is dormant.
The inactivity rule will not apply if the premises are being remodeled or it is a newly acquired license and the premises are being constructed. In such case, the licensee must file a plan with the Liquor Commissioner at least 30 days in advance.

A Class A license that is inactive may be converted to a P-Right, if held by a property owner. A P-Right is perpetual and is not subject to an inactivity rule.

F. Prohibits Allowing a License to be Used by a Tenant or Others.

Previously discussed in section on Class P license (see C 2 above). Arrangements allowing a non-license holder to hold and use another’s license will be prohibited. Existing relationships will be allowed to continue as a nonconforming situation but any new relationships will not be allowed.

G. Creates a New Class O License for the Office Research District.

Previously discussed in section on Class O license (see C 1 above). The Liquor Commissioner received a petition from approximately two hundred residents of a building requesting that a license be made available in this area. This area has recently been built up and is somewhat isolated due to the Edens Expressway. This license will be placed in a lottery.

H. Creates a New Class C License for Not For Profit.

Creates a new Class C license for a tax exempt not for profit entity that is organized for museum and educational purposes and leases property from the Village. Similar to a license issued for the VFW and Skokie Theater.

This license would authorize the company that has the food and beverage catering contract with the not for profit entity to hold the license. The Illinois Holocaust Museum and Educational Center has requested that it be allowed to serve alcohol at events that are held throughout the year at the museum site. It has been represented that they will not be selling alcohol on a daily basis from the café that will be located at the museum.

I. ADDITIONAL CLARIFYING AND MINOR CHANGES.

Examples of this are:

1. Eliminating definitions of words that are defined by state law;
2. Replacing references to “minors” with “under age persons”, recognizing that underage persons applies to under 21 years of age;
3. Allowing consumption on public rights of way if the ordinance allows it or if an outdoor dining permit has been obtained;
4. Allows the unused portion of a wine bottle to be removed from a restaurant if sealed properly;

5. Clarifies that a license ceases upon the insolvency of the licensee or the filing of a bankruptcy;

6. Limits temporary licenses for special events to no more than 5 days a year. Allows entities recognized as tax exempt pursuant to section 501(c)(3) of the Int. Rev. Code to receive up to 10 days;

7. Clarifies that an immediate family member of a sole proprietor or a partner in a partnership may inherit the deceased person's ownership without paying an initial fee;

8. Clarifies that "consumption" stops at closing time, not just ceasing "serving";

9. Revises the prohibition of licensees being on the same block. Allows restaurants with liquor licenses to be on the same block. Does not allow package liquor licensees (Class O licensees) to be within 600 feet of each other in any direction;

10. Holds shareholders or members of a limited liability company owning 5% or more of the licensed entity and all officers of the entity to the strict prohibitions held against sole proprietors and partners.

cc: Marlene Williams
    Al Rigoni
AN ORDINANCE AMENDING CHAPTERS 10 AND 46 OF THE SKOKIE VILLAGE CODE PERTAINING TO THE RETAIL SALE AND REGULATION OF ALCOHOLIC LIQUOR IN THE VILLAGE OF SKOKIE

WHEREAS, Chapter 10 of the Skokie Village Code pertains to the retail sale and regulation of alcoholic liquor in the Village of Skokie; and

WHEREAS, in accordance with the Illinois Liquor Control Act and the Skokie Village Code (the “Code”), the Mayor is charged with the duties of Liquor Control Commissioner and is generally responsible for the regulation of the retail sale of alcoholic liquor; and

WHEREAS, in 2005, the Corporation Counsel reviewed the history of liquor licensure in the Village and determined: (i) that the number of licenses remained relatively unchanged since the late 1950’s, with the exception of the two service licenses created in the 1990’s for the downtown area; and (ii) the application and renewal fees remained relatively the same for the last 45 years; and

WHEREAS, in 2005, the Mayor proposed the creation a new class of liquor licenses, Class E licenses, to address a demand for liquor licenses and to promote economic development. The Mayor proposed that a total of 10 Class E licenses be assigned within three districts, with restrictions placed on the licenses; and

WHEREAS, subsequent to discussions with existing licensees, the Mayor and Board of Trustees adopted Village Ordinance Number 05-5-C-3358, on May 16, 2005, which created eight new Class E licenses. The Mayor indicated that he would consider adding more Class E licenses if there was a demand for them; and

WHEREAS, after the adoption of the above ordinance, the number of licenses authorized were as follows:

1) Class A – 45;
2) Class B – 1;
3) Class C – 1;
4) Class D – 2;
5) Class E – 8 total (3 in downtown, 3 in south district and 2 in north district; and

WHEREAS, in 2007, a Class A license was declared null and void, and Village Ordinance Number 07-8-C 3532, was adopted, which had the effect of converting the Class A license to a Class E license and assigning it to the north district. In 2007, Village Ordinance Number 07-6-C-3518 was adopted creating an additional Class C license for not-
for-profit entities organized pursuant to Section 501(c)(3) of the Internal Revenue Code and was issued to the Skokie Theatre. The ordinance allowed E licenses to be converted to a beer and wine only (an “EB/W”) designation; and

WHEREAS, in 2008, a Class E license in the south district was declared null and void because the license holder became inactive; and

WHEREAS, the current number of licenses are as follows:

1) Class A – 44;
2) Class B – 1;
3) Class C – 2;
4) Class D – 2;
5) Class E – 8 authorized (in downtown 1 EB/W in use and 2 E’s available, in the north district 3 E’s in use and in the south district 1 E and 1 EB/W in use); and

WHEREAS, the Mayor continues to receive inquiries from existing and potential businesses and has determined that there is a need for additional Class E licenses. Therefore, an additional Class E license is necessary in the North District and the Class E license which became null and void in the South District should be reinstated; and

WHEREAS, the Mayor recommends that a new Class E license district be created for properties zoned B2 and B3 Business and abutting Dempster Street, in an effort to attempt to attract or retain restaurants. The Mayor recommends that two Class E licenses be assigned to this new Dempster Street District; and

WHEREAS, the holding of a liquor license without it being used in furtherance of a business enterprise does not provide any economic benefit to the Village. Therefore, restrictions are necessary to limit the time that a license may be inactive, similar to the 15-day inactive regulation for Class E licenses. It is in the best interests of the Village that any Class A license that becomes inactive for a six-month period shall be declared null and void; and

WHEREAS, the Corporation Counsel has recommended to the Mayor that he consider the creation of two new classes of liquor licenses. The proposed new classes, a Class O licenses for “package” liquor sales, and a Class P license for use by a tenant of a property owner, would be created by converting Class A licenses; and

WHEREAS, there are nine Class A license holders that sell alcoholic liquor only for consumption off the premises, and do not allow the sale of alcoholic liquor for consumption on premises (commonly referred to as package liquor sales). These would be converted to Class O licenses in the 2011 renewal cycle; and

WHEREAS, the addition of extensive multi-family residences and the continued development in the Office Research zoning district, including the opening of a museum, has created a demand for package liquor sales and catering services at the museum, therefore the creation of a Class O license and a not-for-profit license for this district is recommended; and
WHEREAS, there are five Class A licenses that are held by property owners and through various means are being, or will be used by tenants. The right of a property owner licensee to designate that tenant be allowed to sell alcoholic liquor is necessary to prevent licenses from being improperly utilized, therefore a new P-Right is proposed, together with a corresponding Class P license; and

WHEREAS, a property owner, currently holding a Class A license, which a tenant is using or is intended to use, would be given a P-Right. The P-Right would be tied to the real property and property owner would have the right to designate that a tenant be allowed to apply for a Class P license. This would give the property owner the flexibility to enter into successive business arrangements with future tenants. When a tenancy terminates, the Class P license is surrendered to the Village, however, the property owner’s P-Right continues. A P-Right may become inactive indefinitely without the loss of the license; and

WHEREAS, any existing Class A holder-property-owner currently in a business arrangement with a tenant will be able to continue in that arrangement, however, all future arrangements will require a conversion of the Class A license to a P-Right/Class P license. Any Class A licensee that owns the real property used in the liquor business has the right to convert their license to a P-Right/Class P license structure; and

WHEREAS, upon the adoption of this ordinance and the anticipated conversion of all relevant Class A licenses, the number of licenses shall be as follows:

1) Class A -- 30;
2) Class B -- 1;
3) Class C -- 3;
4) Class D -- 2;
5) Class E     Dist 1 - 4;
                Dist 2 - 3 (1 EB/W, 2 E’s unused);
                Dist 3 - 3 (1 EB/W);
                Dist 4 - 2;
6) Class O - O-1 - 9;
       O-2 - 1;
7) P-Right/Class P - 5; and

WHEREAS, the Mayor and the Office of the Corporation Counsel have reviewed Chapter 10 and have proposed comprehensive revisions that would clarify sections, modernize language, eliminate outdated provisions, and correct conditions to reflect other changes made to the Village Code; and

WHEREAS, the Mayor, in his capacity as Liquor Control Commissioner, recommended to the Board of Trustees, at a public meeting duly held on April 6, 2009, that Chapter 10 of the Village Code be amended, in accordance with the above recitals; and

WHEREAS, the Board of Trustees concurred in the aforesaid recommendation;
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois:

Section 1: That Chapter 10 of the Skokie Village Code is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is highlighted and stricken through.

Chapter 10 ALCOHOLIC LIQUOR

ARTICLE I. IN GENERAL

Sec. 10-1. Scope.

This chapter shall apply to the distribution, sale, and any transaction of the retail sale of alcohol, within the Village of Skokie.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-2. Interpretation of chapter.

This chapter shall be liberally construed to the end that the health, safety and welfare of the residents of Skokie shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted.

(Ord. No. 0-5-C-3081, § 1, 5-6-2002)

Sec. 10-3. Definitions.

Unless the context shall otherwise require, terms used in this chapter shall have the definitions given in the Liquor Control Act, 235 Illinois Compiled Statutes 5/1-1 et seq., as amended from time to time. Where not otherwise qualified, the term license or licensee wherever used in this chapter means a license or licensee of the Village of Skokie under this chapter. Any term in this chapter that is not defined in the Liquor Control Act or the Alcoholism and Other Drug Abuse and Dependency Act shall then have the following meanings: as defined in the Skokie Village Code or the Zoning Code of the Village of Skokie.

Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic liquor and Alcoholic Beverage includes alcohol, spirits, wine and beer, and every liquid or solid or patented containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being, also may be referred to as “Liquor”.

BASSET shall mean and refer to Beverage Alcohol Sellers and Servers Education Training Program, or a comparable program certified licensed by the State of Illinois Liquor Control Commission.
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, which has an alcohol content greater than 0.5%.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations, and dining rooms being conducted in the same building in connection therewith and such buildings or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Liquor Control Act refers to Illinois State Law, cited as 235 ILCS 5/1.1 et seq.

Liquor Control Commissioner refers to the duly elected or appointed Mayor of the Village of Skokie, who shall be charged with the administration and enforcement of the Liquor Control Act as it relates to the Village of Skokie and of such Ordinances and Resolutions relating to liquor.

Original package means any bottle, flask, jug, can, cask, barrel, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

Retailer means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

Sale means any transfer, exchange or barter in any manner for legal consideration, or by any means whatsoever, including the transfer of alcoholic liquors, by and through the transfer or negotiation of warehouse receipts or certificates and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

Sell at retail and sale at retail shall refer to and mean sale for consumption and not for resale in any form.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Underage Person means any person under 21 years of age.

Veterans’ Organization means any association or corporation organized not for profit, members of which must have been members of the armed forces or military
department of the United States government (a requirement of membership), and which receive their authority for such organization from a national kindred organization.

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetable, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Wine Cooler means a combination of wine with fruit juice and/or carbonated soda drink.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-4. Penalties.

Whenever in this Code, in any ordinance, or in any rule or regulation of the Village of Skokie, any act is prohibited or is declared to be unlawful or an offense, or whenever in this Code, any ordinance, or any rule or regulation, the performance of any act is required or the failure to perform any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person upon the violation of any ordinance shall be punished by a fine not to exceed that which is allowed, according to 65 ILCS 5/1-2-1 Illinois Municipal Code and the Illinois Liquor Control Act, for each such offense. The Corporation Counsel may file a civil action to recover any penalty or fine against any such person, provided, however, that the filing of such civil action shall preclude incarceration or imprisonment.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-5. Sales to minors or intoxicated persons.

(a) Prohibited. No licensee, or any officer, associate, member, representative, agent or employee of such licensee, shall sell, give or deliver alcoholic liquor to any Underage Person under the age of 21 years, or to any intoxicated person. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another Underage Person under the age of 21 years, except in the performance of a religious ceremony or service in compliance with Section 10-7(b).

(b) Minors Underage Person not allowed. No licensee, or any officer, associate, member, representative, agent or employee of such licensee, shall suffer or permit any Underage Person under the age of 21 years to be or remain on or in any room or compartment adjoining or adjacent to or situated in the room or place where such portion of a licensed premises is located, provided that this paragraph shall not apply to any unless the Underage Person is: (i) accompanied by his or her parent or guardian, (ii) on the premises for the purchase or consumption of food, or (iii) employed by the licensee or any licensed premises which derives its principal business from services or other commodities other than alcoholic liquor.
Unlawful for parent to permit violation of consumption, purchase or possession. No Underage Person shall consume, purchase, or have in his or her possession, alcoholic liquor. It shall be unlawful for any parent or guardian to permit any Underage Person under the age of 21 years, of which he or she may be the parent or guardian, to violate any of the provisions of this section Article.

Unlawful for minor to serve, draw, pour or mix. It shall be unlawful for any Underage Person under the age of 21 years to draw, pour or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for however, any person under the age of 18 years or older may to serve alcoholic liquor in such premises. No Underage Person may sell or serve alcoholic liquor for consumption off of the premises of the licensee.

Sec. 10-6. Purchase or acceptance of gift of alcoholic liquor by Underage Persons of insufficient age; identification cards; warnings.

Prohibited sale; gift or delivery. Any Underage Person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase, or accept a gift or delivery of alcoholic liquor or have alcoholic liquor in his possession.

Photo identification. If a licensee, or any officer, associate, member, representative, agent or employee of such licensee, believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the insufficient age of the prospective purchaser, he or she shall, before making such sale or delivery, demand presentation of some form of positive identification with a photograph, containing proof of age adequate written evidence of identity, including, but not limited to, a photograph, and of the fact that the purchaser or recipient is over the age of 21 years (hereinafter “Identification Card”), issued by a public officer in the performance of his official duties federal, state, county, or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operations license or identification card issued to a member of the Armed Services.

No sale. If a licensee, or any officer, associate, member, representative, agent, or employee of such licensee, believes or has reason to believe that the ultimate recipient of alcoholic liquor to be purchased is of insufficient age or is using a forged or false Identification Card, he or she shall not make the sale.

Forged or false identification. No person shall transfer, alter or deface such an Identification Card; use the Identification Card of another; carry or use a false or forged Identification Card; or obtain an Identification Card by means of false information. No person shall purchase, accept the delivery, or have the possession of alcoholic liquor in violation of this section.

Warnings displayed. In every tavern or other place in the Village of Skokie where alcoholic liquor is sold there shall be displayed at all times in a prominent place, a
printed card which shall be supplied by the Village and which shall read substantially as follows:

WARNING TO ALL PERSONS UNDER THE AGE OF TWENTY-ONE YEARS. YOU ARE SUBJECT TO ACRIMINAL ARREST AND FINE UP TO $750.00 UNDER THE ORDINANCES OF THE VILLAGE OF SKOKIE IF YOU PURCHASE, OR ACCEPT A GIFT OF, ALCOHOLIC LIQUOR OR HAVE ALCOHOLIC LIQUOR IN YOUR POSSESSION, OR IF YOU HAVE IN YOUR POSSESSION A FALSE, FORGED, ALTERED OR DEFACED IDENTIFICATION CARD WHICH MISREPRESENTS YOUR AGE.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-7. Liability for permitting minors to possess or consume alcohol.

(a) It shall be unlawful for any owner or occupant of any premises in the Village of Skokie to permit any Underage Person under 21 years of age to possess or consume alcoholic liquor on the premises, except as stated in (b).

(b) This section does not prohibit the possession, dispensing or consumption of a fluid ounce or less of alcoholic liquor to an Underage Person under 21 years of age while in the performance of a religious ceremony or service supervised by an individual 21 years of age or over, or while under the direct supervision and approval of their parent or legal guardian or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home.

(c) No person shall permit a violation of this section shall occur when any person permits a gathering at their residence, or on property owned by the person or under the person's control, where any one or more Underage Persons or persons under 21 years of age and the person or persons occupying the residence knows that any such person or persons under the age of 21 are in possession of or are consuming any alcoholic beverages. No person that believes that an Underage Person or persons under the age of 21 has consumed alcohol shall allow that Underage Person to leave the residence, or property owned by the person, or under the person's control, in an intoxicated condition, except when the Underage Person is accompanied by the Underage Person's parent or legal guardian. For the purpose of this section where the residence, or a property, has an owner and a tenant or lessee, there is a rebuttable presumption that the residence, or property, is occupied or controlled only by the tenant or lessee. Additionally, there is a rebuttable presumption that the owner or occupant of said residence, or property, permitted such conduct, unless the contrary is established by a preponderance of the evidence, even if said owner or occupant is not on the premises at the time of the violation.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-8. Consumption at a gathering.
It shall be unlawful for an Underage Person under 21 years of age to be present where alcoholic beverages are being consumed by another Underage Person under 21 years of age, unless done in accordance with an exception set out in this code Sections 10-5 or 10-7.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-9. Possession in a motor vehicle.

No person shall transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle, except in the original package with the seal unbroken or as allowed by Illinois law.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-10. Possession on Village owned or leased property.

No person shall possess or consume alcoholic beverages on any property which is owned by or leased to the Village of Skokie, unless approved by ordinance. A licensee may sell, and patrons may consume, alcoholic liquor in certain areas of the public way conditioned upon the certain area being approved by the Village for outdoor dining and the licensee is in compliance with all other Village required conditions.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-11. Consumption in parking lot adjacent to licensed establishment.

(a) In parking lots. No person shall consume alcoholic beverages in any parking lot or open area adjacent to and/or owned by any establishment operating with a liquor license. For the purposes of this section, "open area" shall not include those areas wherein outdoor dining, or special event, is operating under a valid special use permit from the Village.

(b) Responsibility of owner and/or manager. It shall be unlawful for any individual operating licensee, or officer, associate, member, representative, agent or employee of such licensee, managing an establishment with a liquor license to permit the consumption of alcoholic beverages in violation of this Section 10-11.

(c) Posting of signs. Any licensee operating an establishment with a liquor license must post the following sign on the property where the establishment is located.

PURSUANT TO SECTION 10-11 OF THE SKOKIE VILLAGE CODE, IT IS UNLAWFUL TO CONSUME ALCOHOLIC BEVERAGES IN ANY PARKING LOT OR OPEN AREA ADJACENT TO AN ESTABLISHMENT OPERATING WITH A LIQUOR LICENSE.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)
Secs. 10-12--10-30. Reserved.

ARTICLE II. RETAIL SALES

DIVISION 1. GENERALLY

Sec. 10-31. Sanitary condition of premises.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition and shall be governed by the Liquor Control Act of 1934, as amended, other applicable State and Federal laws, the Village Code, ordinances of the Village of Skokie, rules and regulations of the Local Liquor Control Commission, all applicable Village of Skokie and State of Illinois codes, statutes, ordinances and rules and regulations, regulating the condition of premises used for the storage or sale of food for human consumption of the State Liquor Control Commission.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-32. Employee health standards.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of, any contagious, or infectious disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-33. ClosingServing hours.

(a) No licensee, or officer, associate, member, representative, agent or employee of such licensee, thereof, under this chapter to sell at retail, alcoholic liquor shall permit to be consumed on the premises, sell or give away any alcoholic liquor within after the following hours:

TABLE INSET:

<table>
<thead>
<tr>
<th>Monday through Friday:</th>
<th>2:00 a.m. and 7:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday:</td>
<td>3:00 a.m. and 7:00 a.m.</td>
</tr>
<tr>
<td>Sunday:</td>
<td>3:00 a.m. and 10:00 a.m.</td>
</tr>
<tr>
<td>January 1st:</td>
<td>3:00 a.m. and 5:00 a.m.</td>
</tr>
</tbody>
</table>

No licensee shall sell or serve before the following hours:

<table>
<thead>
<tr>
<th>Monday through Friday:</th>
<th>7:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday:</td>
<td>7:00 a.m.</td>
</tr>
<tr>
<td>Sunday:</td>
<td>10:00 a.m.</td>
</tr>
</tbody>
</table>
(b) On January 1st of each year, any licensee may permit to be consumed on the premises, sell the sale or giving away of any alcohol to any patron within the establishment between the hours of 3:00 a.m. and until 5:00 a.m., provided, however, that no new patrons shall be admitted to the licensed premises between said hours after 3:00 a.m. If January 1st occurs on a Sunday, the regulations controlling Sunday hours shall prevail. All selling or giving away of liquor shall cease at 3:00 a.m.

(c) Every licensee under this chapter shall cause all lights of all outside advertising display or illuminating signs to be turned off at the closing hour established under this section, time upon which the consumption of alcohol must cease.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002; Ord. No. 02-6-C-3092, § 1, 6-3-2002; Ord. No. 02-7-C-3110, § 1, 7-1-2002)

Sec. 10-34. Access to dwelling quarters from premises.

Except in the case of hotels and clubs, no alcoholic liquors shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his or her family and personal guests.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-35. View from street.

In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel, club, bowling alley, or service organization, other than one situated on the first, or ground floor, there shall be no obstruction of any type in the windows or upon the doors of the ground floor of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times. No obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provision shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section the Liquor Control Commissioner shall have the right to require the filing with
him or her of plans, drawings, and photographs showing the clearance of the view as above required.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-36. Sale of kegs.

Any licensee in the Village of Skokie, who sells kegs as part of their business shall be required to do the following:

(a) Affix to each keg sold, a tag furnished by the Liquor Control Commissioner, containing an identification number enabling the purchaser to be identified in accordance with this section.

(b) Keep a logbook of all kegs sold, showing the identification number on the tag affixed to each keg, and the purchaser's name, address, telephone number, driver's license/state identification number, date of birth, and signature. The logbook shall be available for inspection by the Skokie Police Department during normal business hours, upon request.

(c) Require the purchaser to deposit, at the time of the sale of a keg, at least $125.00 for sale of a keg with tap, and at least $75.00 for sale of a keg without a tap. The deposit shall be refunded only upon the return of the keg with the tag properly affixed.

(d) Require the purchaser, at the time of the sale, to sign a form to be provided by the Liquor Control Commissioner, setting forth provisions of Section 10-36 and informing the purchaser the deposit will be forfeited if the keg is not returned with the tag properly affixed. The licensee shall retain this form for 90 days after the sale.

(e) Any keg not returned with the tag properly affixed within 60 days following the date of sale shall be considered lost, and the deposit shall be forfeited. The licensee shall notify the Skokie Police Department on a monthly basis of all deposits that are forfeited.

(f) A licensee may retain the forfeited deposit.

(g) It shall be unlawful to possess a keg within the Village of Skokie which does not have a proper tag affixed, or if the keg was purchased outside the Village of Skokie, without proof of purchase for the keg, including the name and address of the seller.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-37. Sale of single servings.

(a) **Prohibited sales.** No licensee, or any officer, associate, member, representative, agent or employee of such licensee, shall sell, give or deliver, for consumption off premises, any of the following:
(1) A chilled single container of beer unless the container is greater than 749 milliliters.

(2) A single container of wine unless the container is greater than 749 milliliters.

(3) A single container of packaged mixtures of alcohol with fruit juice and/or carbonated soda drink unless the container is greater than 749 milliliters.

(4) A single container of "wine cooler" unless the container is greater than 32 fluid ounces or .946 liters.

(5) A single container of alcoholic liquor, except those which are regulated above, unless the container is greater than 8 fluid ounces or .237 liters.

(6) Any materials which would facilitate the consumption of single servings of alcoholic liquor. Such materials shall include, but shall not be limited to single cups, glasses, straws or individual portions of ice.

(b) Exception. The prohibition contained in paragraph (a) is not applicable to a licensee that sells alcoholic liquor only for consumption off of the licensee's premises. Such licensee shall be permitted to sell the items listed in paragraph (a). Subsequent to May 1, 2010, this exception shall only apply to a Class O licensee. Non-resealable bottles. The sale or delivery of a single container of wine which is less than 750 milliliters which is packaged in non-resealable bottles shall be exempt from the provisions of Section 10-37 of the Skokie Village Code.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-38. Preservation of peace on premises.

(a) No licensee, or officer, associate, member, representative, agent or employee of such licensee, shall not knowingly allow any fighting amongst individuals or, which shall consist of, physical contact of an insulting or provoking nature, or causes physical harm to an individual.

(b) Each licensee, or officer, associate, member, representative, agent or employee of such licensee, or agent who is present and observes any type of criminal activity or fighting or physical contact, as defined described above in (a), is required to immediately notify the Skokie Police Department.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

(a) Only members of the veterans organizations shall be served alcoholic liquor on or within the premises of said organizations, provided, however, that a person or persons invited by a member of, or by the veterans organization, to be his or its a guest, may be served alcoholic liquor when accompanied by said member and at the member's request, or at the organization's invitation.

(b) A veterans organization may lease its facilities for use by persons, not members of said organization, but not for more than 100 separate days or parts of days in any year, and said organization shall be held responsible by the Village for compliance with all the ordinances of the Village by said lessee while on the premises, and during the period of such lease.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-40. Temporary permit.

(a) A temporary permit to sell alcoholic liquors within the Village may be issued for a period not to exceed 4 days in succession. Temporary permits shall not be issued to one applicant for more than 5 days in a calendar year. In the event the applicant is an entity that is tax exempt pursuant to Section 501 (c) (3) of the Internal Revenue Code, then it may receive temporary permits for up to 10 days. An application must be submitted to the Liquor Control Commissioner then, if approved, to the State of Illinois Liquor Control Commission. The application shall be in the form provided by the Liquor Control Commissioner. If said applications are approved by both the State of Illinois and the Liquor Control Commissioner, a letter from the Liquor Control Commissioner to that effect will be transmitted to the temporary licensee and will serve as evidence of a permit.

(b) Before a permit is issued as provided herein, it shall be reviewed for recommendation by the Chief of Police or his or her designee, who shall determine whether or not there shall be supervision, by the Skokie Police Department of the sale of alcoholic liquors for such period of time as provided therein. If the Chief of Police or his or her designee determines that such supervision is required, then there shall be an hourly charge for the compensation of a regular police officer or officers who shall be stationed where the liquor is being dispensed for such number of hours as the Chief of Police or his or her designee shall determine.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Secs. 10-41--10-60. Reserved.

DIVISION 2. LICENSE

Sec. 10-61. Required; exceptions.

(a) No person shall sell or offer for sale or possess with intention to sell at retail in the Village of Skokie any alcoholic liquor without a retailer's license from the Village in addition to a license issued by the State of Illinois Liquor Control Commission. No
person shall sell or offer for sale at retail in the Village any alcoholic liquor in violation of the terms and conditions of the license or in violation of any provision of this chapter or any provision of the Illinois Liquor Control Act.

(b) The requirement that a Village license be procured shall not apply to physicians, dentists, pharmacists, hospitals, or churches when these persons or institutions possess or dispense alcoholic liquor in accordance with the provisions of 235 ILCS 5/2-1, as amended from time to time.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-62. Term.

Each license, except temporary permits issued under the provisions of this chapter, shall be an annual license and shall expire on April 30th next, following its issuance.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-63. Number of licenses.

It is hereby determined that the number of licenses permitting the sale at retail of alcoholic liquor shall be as follows:

<table>
<thead>
<tr>
<th>LICENSE CLASS</th>
<th>NUMBER OF LICENSES NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>44 (if all converted then reduce to 30)</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
</tr>
<tr>
<td>C</td>
<td>13</td>
</tr>
<tr>
<td>D</td>
<td>2</td>
</tr>
<tr>
<td>E as follows:</td>
<td>912 by district as follows:</td>
</tr>
<tr>
<td>E-1 or E-1B</td>
<td>34</td>
</tr>
<tr>
<td>E-2 or E-2B/W</td>
<td>32</td>
</tr>
<tr>
<td>E-2B/W</td>
<td>1</td>
</tr>
<tr>
<td>E-3</td>
<td>12</td>
</tr>
<tr>
<td>E-3B/W</td>
<td>21</td>
</tr>
<tr>
<td>E-4</td>
<td>2</td>
</tr>
<tr>
<td>O-1</td>
<td>0 (9 if all converted)</td>
</tr>
<tr>
<td>O-2</td>
<td>1</td>
</tr>
<tr>
<td>P-Right/P</td>
<td>0 (5 if all converted)</td>
</tr>
</tbody>
</table>

Because the changes made in Village Ordinance Number 09-XX-C-XXXX may cause licenses to be converted over time, the Liquor Control Commissioner, pursuant to Section 10-76, shall maintain a listing of the actual number of license by class. Subsequent to May 1, 2010, the Liquor Control Commissioner shall offer an amendment to this Section 10-63 to clarify the existence of all licenses by class.
Sec. 10-64. Classification.

Retail liquor licenses are divided into five classes as described in paragraphs (a) through (f). Any applicant for a license may request that the license be designated for, and limited to, the sale or service of beer and wine only. A licensee that holds a license for beer and wine only shall not sell or serve any alcoholic liquor other than beer and wine. The fees for a license limited to beer and wine only shall be the fees stated for “B/W” in Section 46-80. Any licensee may request that its license be converted to a beer and wine only designation. A conversion from an existing license to a beer and wine only designation will not entitle the licensee to a refund of any fees previously paid. A licensee that has a beer and wine designation may convert to a full service license, provided that the difference in the higher fees must be paid unless the higher fee was previously paid.

(a) Class A license, which authorizes the retail sale on the premises specified of alcoholic liquor to the public generally as distinguished from members of any particular organization which may have a license to sell alcoholic liquor.

(1) If a licensee’s business is inactive for a period of six (6) consecutive months, the license shall become null and void as if it were automatically repealed from the Village Code. For the purposes of this Section, the word “inactive” shall mean that the business has ceased operating or is not open to the public. The Liquor Control Commissioner will notify the licensee in writing stating the license is null and void. Should a license become inactive for six (6) consecutive months, the Liquor Control Commissioner shall not have the authority to re-issue the license.

(2) For the purposes of this paragraph (a), a Class A license shall not be deemed to have expired if: (A) the licensee shall have ceased operations for the purposes of remodeling or relocating and, at least 30 days prior to the cessation of operations, has filed a remodeling or a relocation plan with the Liquor Control Commissioner. Based upon the extent of time necessary for remodeling or relocating, the Liquor Control Commissioner shall establish a deadline for the completion of the planned remodeling or relocation; or (B) the licensee’s business is closed due to an act of God. Based upon such circumstances, the Liquor Control Commissioner shall establish a reasonable time for the opening of the business.

(3) A Class A licensee shall not enter into any agreement with a person or entity, whether it be a lease, management or other agreement, that would allow the person or entity to utilize the license in the operation of the person’s or entity’s business wherein the licensee maintains an interest of any kind whatsoever in the license.
(4) Subsequent to May 1, 2010, a Class A license shall not be used for the operation of a business that sells alcoholic liquor only for the consumption off of the licensee’s premises.

(b) Class B license, which shall authorize the retail sale of alcoholic liquor on the premises of a special district established in accordance with the Illinois Civic Center Code Act, contained in Chapter 70, Act 270, Article 5 ILCS 200/50-1 et seq., of the Illinois Compiled Statutes, as may be amended from time to time. The Class B license shall only be issued to a person or entity that has a contract for the management of the premises. Such license shall be forfeited by the manager or the management company, as the case may be, upon the date that the management agreement terminates. Class B license shall permit the sale of alcoholic liquors only for consumption on the premises.

(c) Class C license, which shall authorize the retail sale of alcoholic liquor to: (i) members of a veterans organization that does not sell alcoholic liquor to the public or invite the public to its premises to purchase alcoholic liquor; and (ii) a not for profit entity that has received a tax exempt designation by the Internal Revenue Code pursuant to Section 501(c)(3) of the Internal Revenue Code, that is organized primarily to host music events or (b) for museum and educational purposes and is located on property leased from the Village. The license can be held by the entity or by a company that has the food and beverage management contract with the entity. Class C license shall permit only the sale of alcoholic liquors for consumption on the premises.

(d) Class D license, which shall authorize the retail sale of alcoholic liquor in the Downtown District and the CX Core Mixed-use district, at a full-service sit-down restaurant as defined in the Skokie Zoning (Chapter 118) of the Skokie Village Code Ordinance, shall only permit the sale of alcoholic liquors for consumption on the premises in conjunction with food service only. A full-service sit-down restaurant shall not include non-institutional cafeteria-type operation, or those establishments providing counter service. An establishment with a Class D license as provided herein, shall only provide a service bar and not an area or bar for the dispensing of alcohol directly to customers. Only employees of the licensee shall be permitted to obtain alcohol from the service bar. The dispensing of alcohol to customers or patrons directly from the service bar is prohibited. A Class D license shall not be transferable or assigned to a different licensee or location, except as provided herein. When an individual, partnership or corporation, which has been assigned a Class D license, ceases operating the establishment for which the license has been assigned, they shall have no future interest or right in the reassignment of the license, at which timesaid license shall revert to the Village. The manner in which such license is reassigned shall be in accordance with rules and regulations as established by the Liquor Commissioner for the Village of Skokie. All Class D licensees shall comply with all the provisions of this Chapter 10 except as otherwise provided in this subparagraph (4d).

A lottery shall be conducted for the initial issuance of the Class “D” licenses provided for in this Section 10-64. The manner in which such lottery shall be conducted shall
be as set forth in Section 10-80 of this Village Code. Except however, those eligible
to participate in such lottery must be operating a restaurant without a liquor license
on or before May 1, 1997 within the B-5 Downtown Business District. In the event a
Class “D” license is available after May 1, 1998, such license may be issued to a
restaurant without a lottery being conducted. For purposes of this paragraph,
restaurant shall mean only those restaurants eligible for a Class “D” license and that
has been in operation as such a restaurant for at least 6 months.

(e) Class E license, which shall authorize the retail sale of alcoholic liquor in the
following areas of the Village: (i) E-1 or E-1B designations for the North Commercial
Liquor District; (ii) E-2 and E-2B designations for the Central Commercial Liquor
District; and (iii) E-3 and E-3B designations for the South Commercial Liquor
District; and (iv) E-4 designations for the Midtown Commercial Liquor District.
The full description of the Liquor Districts are detailed in Exhibit A, attached to and
incorporated into Village Ordinance #Number 05-5-C-3358 and depicted on
Exhibit A, attached to and incorporated into Village Ordinance Number 09-XX-
C-XXXX.

Of the Class E licenses issued, specifically as E-1B, E-2B, and E-3B, shall limit the
retail sale of alcoholic liquor to beer and wine only. Of the E licenses authorized for
the North and Central Commercial Districts, each license may be converted to a E-
1B or a E-2B license, respectively limiting the sales to beer and wine only upon the
application by a qualified entity requesting such license. Once issued, no E-1B or E-
2B license may be converted to a full E license. The sale of alcoholic liquor by a
Class E licensee is limited to on-premises consumption. The sale of packaged liquor
by a Class E licensee is prohibited. A Class E licensee shall not deliver any alcoholic
liquor off-premises and shall not allow alcoholic liquor to be removed from its
premises except the unused portion of an opened bottle of wine sealed in an
approved container as permitted by State law. A Class E license shall only be
issued to a limited service or full service restaurant “restaurant,” as such word is
defined in Section 54-61 of the Skokie Village Code, including, but not limited to a
restaurant with a bar area. A Class E license shall not be issued to an establishment
operated solely as a “bar,” as such word is defined in Section 54-61 of the Skokie
Village Code. The issuance of a Class E license to a specific address is subject to
the zoning classification and requirements within the various districts as outlined in
Chapter 118 of the Skokie Village Code.

(1) Each Class E license shall only be valid at the address where the
licensee's business is located. If the licensee's business shall be inactive for a period of 15 consecutive days, the license will
automatically expire. For the purposes of this Section, the word
"inactive" shall mean that the business has ceased operating or is not
open to the public. Furthermore, the license shall become null and
void as if it were automatically repealed from the Village Code,
without further notice. The Liquor Control Commissioner will notify
the licensee in writing stating the license is null and void. Should
a license become inactive for 15 days, the Liquor Control
Commissioner shall not have the authority to re-issue the license. For
the purposes of this Section, a Class E license shall not be deemed to have expired if: (A) the Class E licensee shall have ceased operations for the purposes of remodeling and at least 30 days prior to the cessation of operations, has filed a remodeling plan with the Local Liquor Control Commissioner. Based upon the extent of remodeling, the Local Liquor Control Commissioner shall establish a deadline for the completion of the planned remodeling; or (B) the Class E licensee’s business is closed due to an act of God. Based upon such circumstances, the Local Liquor Control Commissioner shall establish a reasonable time for the re-opening of the business.

(2) The existence of the Commercial Liquor Districts, and the corresponding Class E license, does not preclude the use of any other license or the operation of any other business by a liquor licensee holding a license of another class in such districts.

(3) The Local Liquor Control Commissioner shall promulgate a set of rules detailing the timetable and procedures for initial issuance of the Class E licenses. Should the number of qualified applicants exceed the number of available licenses, the Local Liquor Control Commissioner shall conduct a lottery to determine the recipients.

(f) Class O license which shall authorize the retail sale of alcoholic liquor for consumption off of the premises of the licensee. No alcoholic liquor shall be consumed on the premises of a Class O licensee unless such alcoholic liquor is being offered as a promotional event or taste testing without the payment of anything of value by the consuming patron. Any business that sells alcoholic liquor solely for the purpose of being consumed off the licensed premises must have a Class O license.

(1) There will be two subclasses of Class O licenses. A Subclass O-1 shall be effective anywhere in the Village except those properties contained in the zoning district “Office Research district.” A Subclass O-2 shall be effective solely in the zoning district “Office Research district.”

(2) Any Class A license that is being used in a business that sells alcoholic liquor solely for the purpose of being consumed off the premises of licensee may continue utilizing the Class A license until the license renewal cycle for fiscal year 2011 (commencing May 1, 2010), and then must apply for a Class O license for use in fiscal year 2011. All Class A licenses in use by a business that sells alcoholic liquor solely for the purpose of being consumed off of the premises of the licensee shall become null and void as if it were automatically repealed from the Village Code on May 1, 2011.

(g) Class P license, which authorizes the retail sale of alcoholic liquor at a limited service or full service restaurant at a specific location. As of the effective date of the Village Ordinance Number 09-XX-C-XXXX, any person or entity holding a
Class A license and owning the real property on which a limited or full service restaurant, serving alcoholic liquor, is or will be operated, may convert the Class A license to a P-Right, having such rights as defined in paragraph (2) below.

(1) Any Class A licensee, owning the real property (the “Property Owner”) on which a tenant, or management entity, does or will operate a limited service or full service restaurant subsequent to May 1, 2010, must obtain a P-Right from the Liquor Control Commissioner. The acquisition of a P-Right will render the Class A license null and void as if it were automatically repealed. The Liquor Control Commissioner shall not have the authority to reissue the Class A license.

(2) A P-Right entitles the Property Owner to designate to the Liquor Control Commissioner the identity of a tenant, or a successor tenant, to which a Class P license shall be issued. The tenant must submit an application, qualify for the license and comply with all sections of this Chapter. In the event the tenant’s lease terminates, then the Class P license will be surrendered to the Village. The surrender, revocation or non-renewal of the Class P license will not affect the P-Right held by the Property Owner.

(3) The Liquor Control Commissioner may adopt rules and regulations regarding the exercise of P-Rights and issuance of Class P licenses. A P-Right shall continue in existence, and will not be subject to automatic termination or loss for non-use or inactivity, as long as the Property Owner does not violate this Chapter or the rules and regulations governing P-Rights or Class P licenses. The P-Right is transferable if the real property for which it applies, is transferred to a new Property Owner. A Class P license must be renewed annually. In the event no Class P license is in effect at the renewal time, the Property Owner must renew the P-Right, and the failure to so renew will cause the P-Right to become null and void.

(4) A P-Right shall only be in effect at the real property for which it was initially issued, however, it may be in effect for any location within the real property, or any adjacent real property, owned by the Property Owner. A Class P license shall only be in effect at the location for which it is issued.

(5) A Property Owner has the right to designate itself for the issuance of a Class P license.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002; Ord. No. 05-5-C-3358, § 2, 5-16-2005; Ord. No. 06-5-C-3435, § 1, 5-1-2006; Ord. No. 07-6-C-3518, § 2, 6-18-2007; Ord. No. 07-8-C-3532, § 2, 8-20-2007)
Sec. 10-65. Application.

(a) Applications for such licenses shall be made to the Liquor Control Commissioner, on a form provided by the Liquor Control Commissioner. Each such application shall be in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if another entity club or corporation, verified by oath or affidavit. In addition to the provided form, the licensee shall be responsible for submitting any additional information that may be required by the Liquor Control Commissioner.

(b) In addition to the application, each individual applicant or managing partner in a co-partnership must undergo photographing, fingerprinting, and a criminal background check under the direction of the Chief of Police or his or her designee.

(c) In such case where the applicant is an entity corporation, the following information is required:

(1) Identification of the Manager, if any, his or her date of birth, residence, citizenship status and a statement that said individual has never been convicted of a felony. In addition, the Manager shall undergo photographing, fingerprinting, and a criminal background check under the direction of the Chief of Police or his or her designee.

(2) A statement attested to by a duly registered Notary Public, that the corporation and the officers and directors and manager will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance, rule or regulation of the Village of Skokie in the conduct of normal course of business.

(3) An affidavit, executed by a duly authorized officer, stating that all members, officers, managers, general partners or directors thereof, or stockholders or limited partners owning 5% or more of such entity, would be eligible to receive a license under this Article.

(4) Each licensee shall complete and file any and all renewal application forms as provided by and in the time specified by the Liquor Control Commissioner, as set for in Section 10-73 of this Code with the annual fee as provided in Chapter 46 of this Code.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-66. Restrictions on issuance.

No license shall be issued:

(a) To a person who is not a resident of the Village of Skokie.
(ba) To an individual or entity person, partnership or corporation declared ineligible for a license under 235 ILCS 5/6-2, as amended from time to time, or to a person, partnership or corporation not eligible for an Illinois retail liquor dealer's license.

(cb) For use on premises adjacent to churches, schools, hospitals, or other institutions, or places of business if issuance of such license would be contrary to 235 ILCS 5/6-11, 5/6-15, as amended from time to time.

(d) For use on premises to be licensed under a restaurant, hotel, or club classification unless such premises shall fully qualify under the definitions of such places as given in 235 ILCS 5/1 et seq.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-67. Distance between licensed premises.

(a) No liquor license for the retail or packaged goods sale of liquor shall not be issued for any business or premises which is located on the same block or which fronts on that portion of an adjoining block upon which there fronts a site or within 600 feet of a location operating under an existing liquor Class O license for the retail or packaged goods sale of liquor. This prohibition shall not apply to hotels offering restaurant service or to restaurants or food service establishments where the sale of alcoholic liquors is not the principal business carried on. In the event frontage along any block as defined herein exceeds 600 feet, a liquor license for retail or packaged goods sale of liquor may be issued for a business or premises which is located along frontage on the same block on which the site or location operating under an existing liquor license is located provided that the proposed site or location shall not be closer than 200 feet from the existing site or location. Said distance shall be measured from the nearest point along the lot line of the building of the existing site or licensed location to the nearest point along the building of the proposed lot line or site location. A block is herein defined as a tract of land bounded by streets. Adjoining is herein defined as next to or across from the subject block.

(b) An existing establishment or premises used solely for the retail or package goods sale of liquor, whether the business is conducted as a Class A license or subsequently as a Class O license, under an existing liquor license on the effective date of this Section 10-67 Village Ordinance Number 09-XX-C-XXX, and made non-conforming as a result of the provisions hereof, shall be exempt from the provisions of this section. The restrictions in paragraph (a) are applicable to any Class A licensee that operates a business that does not sell liquor for consumption on its premises.

(c) Nothing herein contained shall prohibit the issuance of a liquor Class O license for the retail or package goods sale of liquor within a planned development as provided in the zoning ordinance of the Village, and as from time to time amended.
(d) Exemption. The B-5 Downtown District is exempt from the location limitations contained in Section 10-67(a)-(c).

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-68. Fees.

The license fees for licenses shall be as set forth in Section 46-80.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-69. Disposition of fees.

Upon the collection of all license fees as provided hereunder by the Liquor Control Commissioner, the same shall be forthwith turned over to the Director or Finance or his or her designee. In the event the license applied for is denied, the fees shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund, or in such other fund as shall have been or may be designated by the Mayor and Board of Trustees, by proper action.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-70. Exception from initial license fee.

The following shall not be subject to the payment of a first and initial license fee:

(a) One who, at the time of original adoption of the provisions of this chapter, was a Class “A” licensee in the Village of Skokie, or

(b) One who has had an immediate familial relationship to a deceased licensee, i.e., family member shall not be considered a new owner for the purposes of paying a first and initial license fee if that family member inherited the business conducted by the deceased licensee. For the purposes of this section, “immediate family member” shall be: a father, mother, brother, sister, husband, wife, son or daughter. Said family member must file an application with the Liquor Control Commissioner and be qualified to hold the license prior to the issuance of the license to the family member.

(cb) Except as may be provided in Section 10-72 as to the bankruptcy of a licensee, any sale, transfer, or assignment of more than 50 percent of the outstanding shares of a corporation, holding a Class “A” license shall terminate said license, and the initial license issued to the same named corporation shall be subject to a payment of fee for a first and initial license as above provided.

(dc) Except as may be provided in Section 10-72 as to the bankruptcy, insolvency, or death of a licensee, any sale, transfer or assignment of any co-partner or co-
partner's interest in any Class A license held by a co-partnership holding a license, where said co-partner or co-partner's interest being so transferred exceeds 75 percent of the total partnership, shall terminate said license, and the initial license issued to the new co-partnership shall be subject to a payment of a fee for a first and initial license, as above provided; however, that a transfer of the partnership interest exceeding 50 percent of the partnership holding a license is inherited by an immediate family member, due to the death of the individual holding the partnership interest, to a father, mother, brother, sister, husband, wife, son or daughter, then such new ownership of the partnership interest shall not be deemed to be a sale, transfer or assignment under the provisions of this subsection for the purposes of paying a first and initial license. The partnership must file an application with the Liquor Control Commissioner and be qualified to hold the license prior to the issuance of the license to the partnership.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

**Sec. 10-71. Notification of change of ownership.**

Every licensee must notify the Liquor Control Commissioner in writing of each and every change of ownership or management which occurs from the time of licensee's last application under this chapter of the business holding a license. Changes in ownership include, but are not limited to, the changes referenced in Section 10-70. Notice required under this section shall be given within 48 hours of such change. The Liquor Control Commissioner shall direct any new owner and/or manager to submit to photographing, fingerprinting and a criminal background check, to be done by the Chief of Police or his or her designee.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

**Sec. 10-72. Nature of license; transfer.**

A license shall be purely a personal privilege, good for a period not to exceed 1 year after issuance unless revoked according to law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, or subject to being encumbered or hypothecated, but shall cease upon the death, or insolvency of the licensee or the licensee files for bankruptcy protection. Provided, that Executors or administrators of the estate of any deceased licensee, and/or the trustee or receiver of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than 6 months after the death, bankruptcy or insolvency of such licensee.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

**Sec. 10-73. Renewal of license.**
(a) Any licensee may renew his license at the expiration thereof, provided the licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; and further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prohibit the Mayor and Board of Trustees from decreasing the number of licenses to be issued within the jurisdiction of the Mayor and the Board of Trustees.

(b) The renewal application shall be on a form prescribed by the Liquor Control Commissioner. Additionally, all licensees or an authorized representative thereof, are required to attend an annual meeting convened by the Liquor Control Commissioner.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-74. Change of location of business.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed, subject to the restrictions on change of location for certain classes of licenses as provided in this Chapter, only when a written petition is presented to the Liquor Control Commissioner for the Village of Skokie and permission is granted in writing by the Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is an actual physical site of real estate proper for the retail sale of alcoholic liquor, under the laws of the State of Illinois and the ordinances, rules and regulations of the Village of Skokie, including but not limited to the Skokie Village Code and the Skokie Zoning Ordinances.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-75. Display.

Each licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-76. Records of licenses.

The Liquor Control Commissioner shall keep, or cause to be kept, a complete record of all such licenses issued.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-77. BASSET training.

(a) Required. All licensees, or a designated employee thereof, shall successfully complete BASSET Training or a comparable program which is certified by the Illinois
Liquor Control Commission. Any employee designated by the licensee to complete the program shall be have either a managerial or supervisory position or be employed as a bartender or be a manager of the business and shall be on the premises on a regular basis.

(b) Time for completion.

(1) All licensees, or a designated employee thereof, shall be required within one hundred twenty (120) days after May 6, 2002, to complete a program as specified in Section 10-77. The licensee shall maintain verification of completion on file and a copy shall be submitted to the Liquor Control Commissioner.

(2) If a Licensee is approved by the Liquor Control Commissioner for a liquor license after May 6, 2002, the new licensee or a designated employee thereof, shall have ninety thirty (9030) days, from the date of receipt of the license, to complete a program as specified in Section 10-77. The licensee shall maintain verification of completion on file and a copy shall be submitted to the Liquor Control Commissioner.

(c) Termination of employment. If a designated employee is no longer employed by a licensee, the licensee shall have thirty (30) days to designate a new employee to complete a program as specified in Section 10-77.

(d) Remedy. Should the Liquor Control Commissioner have occasion to convene a hearing in accordance with the Liquor Control Act, and there is a finding of a violation, the Liquor Control Commissioner may order the licensee and/or any employee to complete the BASSET program or any comparable program as specified in Section 10-77. Any such training ordered in that capacity does not exclude any other remedies or relief in the purview of the Liquor Control Commissioner in accordance with the Liquor Control Act and the Village Code.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-78. Hearing fees.

In the event the Liquor Control Commissioner does issue a Notice to the licensee to convene a hearing regarding an alleged violation or violations, any and all fees and costs associated with said hearing or in the preparation thereof, shall be paid by the licensee, including but not limited to attorney’s fees for a legal advisor to the Liquor Control Commissioner and for a prosecutor and the cost of the court reporter and the creation of a record of the proceedings.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-79. Suspension or revocation; appeals.
(a) The Liquor Control Commissioner may suspend or revoke any license issued, if it is determined by the Liquor Control Commissioner, subsequent to a hearing in accordance with the Liquor Control Act, that the licensee has violated any ordinance of the Village of Skokie, Illinois statute or federal law pertaining to the operation of the licensee’s business or the premises where it is located, or any regulation or rule that has been established by the Liquor Control Commissioner, which is not inconsistent with state statute. In addition to suspension or revocation, the Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed $1,000 for a first violation, $1,500 for a second violation within a twelve (12) month period and $2,500 for a third or subsequent violation within a twelve (12) month period. Each and every day which a violation continues shall constitute a separate violation. Not more that $15,000 in fines under this Section may be imposed against any licensee during the period of the license. Additionally, if the Liquor Control Commissioner deems it necessary, he or she may order the Licensee to undergo alcohol awareness training in a program approved by the Liquor Control Commissioner.

(b) Whenever in this Code, in any ordinance or in any rule or regulation of the Village of Skokie any act is prohibited or is declared to be unlawful or an offense, or whenever in this Code, any ordinance or any rule or regulation the performance of any act is required or the failure to perform any act is declared to be unlawful, where no specific penalty is provided therefor, any person upon the violation of any ordinance shall be punished by a fine not to exceed that which is allowed, according to 65 ILCS 5/1-2-1, for each such offense. The Corporation Counsel may file a civil action to recover any penalty or fine against any such person, provided, however, that the filing of such civil action shall preclude incarceration or imprisonment.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)

Sec. 10-80. Lottery.

(a) Authorization. In the event the Liquor Control Commissioner revokes a liquor license or a liquor licensee surrenders a license and more than one application has been received for the available license, the Liquor Control Commissioner shall conduct a lottery to determine which application shall be considered for issuance of a liquor license.

(b) Notice.

(1) When a liquor license becomes available either through revocation or surrender, the Liquor Control Commissioner shall cause notice to be published in a local newspaper. Such notice shall specify the number of licenses available, the date, time and location the lottery will be held and the dates applications will be accepted.

(2) Notice under this Section shall be published within 21 days after a liquor license has been surrendered. In the case of a revoked license, notice under
this Section shall be published within 21 days after the period for appealing the Liquor Control Commissioner's revocation order has expired.

(c) **Application.**

(1) Any individual, corporation or partnership eligible to be a liquor licensee pursuant to Village Code, shall be eligible to submit an application for the lottery. Applications shall be available in the Mayor's office. When submitting an application, all applicants shall be required to submit a cashier or certified check to cover the issuance fee as provided for in Sections 10-68 and 46-80 of this Code. Upon receipt of a liquor license application and check, the application shall be stamped the date it is received.

(2) Applications shall be accepted for a 14 day period, which shall commence on the day notice is published in accordance with Section 10-80(b).

(3) The Liquor Control Commissioner shall notify all applicants of the date, time and location of the lottery. Such notification shall be in writing and mailed by regular first class mail to the applicant specified on the application.

(d) **Procedure.** The Liquor Control Commissioner shall conduct the lottery. Only completed and submitted applications shall be considered for the lottery. The lottery shall be conducted within 14 days from the last date for accepting applications, pursuant to Section 10-80(c).

(e) **Compliance With codes and ordinances.**

(1) The applicant or applicants whose applications are chosen in the lottery shall have 120 days from the date of the lottery to obtain all required permits and to comply with all applicable codes and ordinances. The Liquor Control Commissioner, for good cause may extend this 120 days, for a period not to exceed 30 days.

(2) In the event an applicant does not comply with all applicable codes and ordinances within the allotted 120 day period and no extension of time is granted by the Liquor Control Commissioner or the Liquor Commissioner does not approve the application, the Liquor Control Commissioner shall cause another lottery to be held. Only those applications that were considered in the original lottery shall be considered in the subsequent lottery. Notice shall be given as provided for in Section 10-80(c)

(f) **Cessation of license.** In the event, where an establishment that received its license as a result of a lottery conducted in accordance with 10-80, ceases to operate or its license has been revoked in accordance with section 10-79 or the license is voluntarily given up, the Liquor Control Commissioner shall conduct a lottery, following the procedure in 10-80.

(Ord. No. 02-5-C-3081, § 1, 5-6-2002)
Section 2: That Chapter 46 of the Skokie Village Code is hereby amended in the manner hereinafter indicated. The new material is **highlighted in bold** and the material to be deleted is **highlighted and stricken through.**

Sec. 46-80. Liquor licenses.

(a) **Generally.** The fees for Class A, Class B, Class C and Class D liquor licenses issued licensee prior to September 1, 2005, shall be as follows:

<table>
<thead>
<tr>
<th>Initial issuance fee (payable in 1 installment only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
</tr>
<tr>
<td>Initial issuance fee (payable in 1 installment only)</td>
</tr>
<tr>
<td>Annual Fee</td>
</tr>
<tr>
<td>1 installment</td>
</tr>
<tr>
<td>2 installments (payable May 1 and November 1)</td>
</tr>
</tbody>
</table>

(b) The fees for Class A, Class B, Class C, Class D, and Class E liquor licenses issued subsequent prior to April 30, 2009, shall be as follows:

<table>
<thead>
<tr>
<th>Issuance</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E-1</th>
<th>E-2</th>
<th>E-2B</th>
<th>E-3</th>
<th>E-3B</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,000.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$4,500.00</td>
<td>$10,000.00</td>
<td>$4,500.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) The fees for Class A, Class B, Class C, Class D, Class E and EB, Class O, and Class P liquor licenses, and P-Rights issued subsequent to April 30, 2009 shall be as follows:

<table>
<thead>
<tr>
<th>Issuance</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>B/W</th>
<th>O</th>
<th>P</th>
<th>P-Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,000.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$4,500.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

Annual Fee:

| 1 Instalment | $1,000.00 | $200.00 | $200.00 | $1,000.00 | $1,000.00 | $600.00 | $1,000.00 | $600.00 | $600.00 |
| 2 Instalments (payable May 1 and November 1) | $600.00 | N/A | N/A | $600.00 | $600.00 | N/A | $600.00 | N/A | $600.00 |

(b) The fees for Class A, Class B, Class C, Class D, Class E and EB, Class O, and Class P liquor licenses, and P-Rights issued subsequent to April 30, 2009 shall be as follows:
(c) Temporary permits. The fee for a temporary liquor permit shall be $20.00 per day, with a minimum fee of $40.00.

(Code 1979, § 7.12; Ord. No. 05-5-C-3358, § 3, 5-16-2005; Ord. No. 07-6-C-3518, § 3, 6-18-2007)

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April, 2009.

Ayes: ____________________________  
Nays:  
Absent:  

Attested and filed in my office this day of April, 2009; and published in pamphlet form according to law from April, 2009 to April, 2009.

Approved by me this day of April, 2009.

Mayor, Village of Skokie

Village Clerk

Village Clerk
To: Mayor and Board of Trustees
From: Paul Luke, Chairman, Skokie Plan Commission
Re: 2009-4P: Special Use Permit
Subway
Limited Service Restaurant without a drive through
5228 Dempster Street

PLAN COMMISSION ANALYSIS
The Petitioner is requesting a special use permit to allow its tenant, Subway, to establish a limited service restaurant at 5228 Dempster Street in Gross Point Crossing, a commercial planned development. The planned development received site plan approval on January 22, 2008.

The proposed Subway is approximately 1,137 square feet and includes 11 tables with seating for 26 customers.

The Plan Commission concurred with the staff recommendation to grant the requested special use permit.

INTERESTED PARTIES
Legal Notice was properly posted, advertised, and delivered to all property owners in the area of the subject site and all occupants within the subject property, as prescribed by the Zoning Chapter.

During the Plan Commission meeting, an area resident expressed concerns regarding odor from an adjacent restaurant, whether sufficient parking for Subway exists, and the need for repairs to Enfield Avenue. Another resident inquired about alley maintenance and stormwater ponding in the alley abutting the shopping center. In response to these expressed concerns, the Petitioner agreed to complete concrete work along Enfield Avenue, explaining that cold weather prevented earlier repair. The Petitioner also stated that the tenant generating cooking odors has been instructed to keep their doors closed while cooking. Additionally, staff clarified parking requirements for food service uses and indicated that the Village is responsible for maintaining the subject alley.

APPEARANCE COMMISSION
Appearance Commission review is not required for the subject case.
PLAN COMMISSION RECOMMENDATIONS AND VOTING

The Plan Commission moved to recommend approval of the special use permit for Subway, a limited service restaurant. Based on the attached positive findings of fact and subject to recommended special use permit conditions, the motion was approved on a vote of 7 ayes and 0 nays, with 2 members absent.
ATTACHMENTS
1. Plan Commission Recommended Conditions for 2009-4P
2. Staff Report for 2009-4P dated March 19, 2009
4. Comments from Engineering Division dated February 25, 2009
5. Site Plan dated March 24, 2009
6. Floor plan dated February 24, 2009
7. Land Use and Zoning Map for 2009-4P
RECOMMENDED CONDITIONS FOR APPROVAL

1. The limited service restaurant shall be established and operated in substantial compliance with the village approved site plan dated March 24, 2009, floor plan dated February 24, 2009, and landscape plan dated December 22, 2008.

2. Prior to the issuance of future building permits for Subway, the petitioner shall complete all concrete patch work on Enfield Avenue as requested by the Engineering Division.

3. No outdoor speakers shall be permitted.

4. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.

STANDARD SPECIAL USE PERMIT CONDITIONS

5. All work shall meet current International Building and NFPA Life Safety Codes as amended.

6. The petitioner shall submit to the Planning Division electronic files of the Plat of Survey, Site Plan, Landscape Plan, Floor Plan, and Building Elevations, in approved and finalized form. The files shall be scaled CADD 2D drawing files on non-compressed, non-read only, IBM formatted, CD-ROM .DWG AutoCAD format (version 2004). The drawings shall be formatted to SPCS, NAD83, HARN1997, with SPCS north being straight up, and the primary units in U.S. Survey Feet. All elements shall be contained within a single file, no XREF or PDF attachment files shall be used.

7. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, address, and telephone number of the company and contact person responsible for site maintenance in compliance with the special use permit.

8. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations.

9. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked.

10. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing.
To: Paul Luke, Chairman, Skokie Plan Commission  
From: Amy Kish-Wruck, Planner  
Re: Special Use Permit  
Subway  
Limited Service Restaurant without a drive-through  
5228 Dempster Street

### General Information

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>5228 Dempster Street</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>Special use permit for a limited service restaurant without a drive-through</td>
</tr>
<tr>
<td><strong>Petitioner</strong></td>
<td>GPD, LLC</td>
</tr>
<tr>
<td><strong>Size of Site</strong></td>
<td>Approximately 129,771 square feet (2.98 acres) with 469 feet of frontage on Dempster Street, 352 feet of frontage on Gross Point Road, 150 feet of frontage on Enfield Avenue, and 96 feet of frontage on Laramie Avenue.</td>
</tr>
<tr>
<td><strong>Existing Zoning &amp; Land Use</strong></td>
<td>B2 Commercial – 3 predominately brick commercial buildings. The westernmost building is 10,000 square feet and contains space for up to 6 retail tenants (Subway is requesting to occupy 1 of these spaces). The center building is 4,567 square feet and is occupied by Chase bank with 4 drive-through lanes. The easternmost building is an existing building with 18,845 square feet that contains space for up to 4 retail tenants.</td>
</tr>
</tbody>
</table>
| **Adjacent Zoning & Land Use** | **North**  
R2 Single Family – detached residences  
R3 Two-Family – single and multifamily residences  
**South**  
R2 Single-Family – public park  
B2 Commercial – public park  
**East**  
M1 Office Assembly Industry – office building  
B3 Business – vacant property and liquor store  
**West**  
B3 Business – bank & vacant commercial space  
**Comprehensive Plan** | The site is designated pedestrian oriented mix. |
SITE INFORMATION

- Public sidewalks abut the site along Dempster Street, Gross Point Road, Enfield Avenue, and Laramie Avenue. Brick pavers and tree grates were installed along Dempster Street in accordance with the West Dempster Streetscaping Plan.
- A 16-foot wide paved public alley currently abuts the north side of the property.
- Overhead utility lines are located in portions of east-west alley and on Enfield Avenue abutting the site.
- The #250 Pace bus route operates along Dempster Street. The CTA Yellow Line and the #54, #97, and #626 buses also stop 2 blocks east of the site.
- There are 5 existing deciduous street trees in the parkway along Dempster Street. Three additional deciduous street trees will be planted.

STAFF ANALYSIS

Petitioner’s Submittal

The Petitioner is requesting a special use permit to allow its tenant, Subway, to establish a limited service restaurant at 5228 Dempster Street in Gross Point Crossing, a commercial planned development. The planned development received site plan approval on January 22, 2008.

The proposed limited service restaurant would have an approximate area of 1,137.40 square feet with 11 tables and seating for 26 customers. The shopping center contains 4 special use permits for 2 limited service restaurants, each with outdoor dining components. An additional 3 tenants are located or in the process of locating in the shopping center by right. Approximately 4 storefronts remain vacant.

Stormwater detention requirements and off-street vehicular and bicycle parking requirements have been met in accordance with the approved site plan.

Comments

Staff comment and review requests were sent to all pertinent departments. Staff comments on the subject case were received from the Engineering Division. All other departments returned the sheets with no comments.

Engineering Division

The Engineering Division has no objection to the request for a special use permit to operate a Subway limited service restaurant at 5228 Dempster Street. The proposed use requires 9 parking spaces. An off-street parking analysis for Gross Point Crossing shopping center indicates that 138.2 spaces are required and 146 spaces are provided. Therefore, the Engineering Division recommends approval, but requests the following 2 conditions:

1. Update site plan “site data” to reflect the parking analysis dated February 12, 2009.
2. Concrete patch work on Enfield Avenue must be completed as a result of utility connections made by the developer.

Planning Division
Planning accepts other division comments. The site is zoned B2 Commercial, and limited service restaurants are allowable special uses in the district. No conflicts with Zoning Ordinance regulations have been established. The limited service restaurant would provide another valuable dining option for the community.

APPEARANCE COMMISSION
Appearance Commission review is not required for the subject case.

STAFF RECOMMENDATIONS
Staff recommends that the petitioner’s request for a special use permit to allow a limited service restaurant without a drive-through be GRANTED subject to the attached Positive Findings of Fact and Recommended Special Use Permit Conditions listed below.

RECOMMENDED SPECIAL USE CONDITIONS
1. The limited service restaurant shall be established and operated in substantial compliance with the village approved site plan, floor plan, and landscape plan.
2. Prior to the issuance of future building permits for Subway, the petitioner shall complete all concrete patch work on Enfield Avenue as requested by the Engineering Division.
3. Prior to the hearing before the Village Board of Trustees, the petitioner shall deliver an updated site plan with “site data” that reflects the parking analysis dated February 12, 2009.
4. No outdoor speakers shall be permitted.
5. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.

STANDARD SPECIAL USE PERMIT CONDITIONS
6. All work shall meet current International Building and NFPA Life Safety Codes as amended.
7. The petitioner shall submit to the Planning Division electronic files of the Plat of Survey, Site Plan, Landscape Plan, Floor Plan, and Building Elevations, in approved and finalized form. The files shall be scaled CADD 2D drawing files on non-compressed, non-read only, IBM formatted, CD-ROM .DWG AutoCAD format (version 2004). The drawings shall be formatted to SPCS, NAD83, HARN1997, with SPCS north being straight up, and the primary units in U.S.
Survey Feet. All elements shall be contained within a single file, no XREF or PDF attachment files shall be used.

8. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, address, and telephone number of the company and contact person responsible for site maintenance in compliance with the special use permit.

9. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations.

10. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked.

11. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing.

ATTACHMENTS
1. Proposed Positive Findings of Fact for 2009-4P
2. Site Plan dated February 10, 2009
3. Proposed Floor Plan dated February 24, 2009
4. Engineering Division Memorandum
5. Land Use and Zoning Map
<table>
<thead>
<tr>
<th></th>
<th>Consideration</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, or general welfare; and the proposed building or use at the particular location is necessary or desirable to provide a service or a facility which is in the public interest and will contribute to the general welfare of the neighborhood or community.</td>
<td>The proposed use will not be detrimental to the public health, safety, morals or general welfare. The limited service restaurant will provide an amenity that contributes to the general welfare of the community and vibrancy of the district.</td>
</tr>
<tr>
<td>2</td>
<td>The proposed building or use will not substantially change the character of the neighborhood, will not have an undue adverse affect upon adjacent property or property values in the neighborhood, will not unduly aggravate traffic conditions, and will not unduly burden essential public services such as drainage facilities, public utilities, and those services pertaining to public health, safety, and welfare in general.</td>
<td>The proposed use will not substantially change the character of the neighborhood. Many of the uses in the area surrounding the site are commercial or retail in nature. The new restaurant will have limited, if any, impact on public utilities and those services pertaining to public health, safety, and welfare in general. The site was developed to accommodate limited service restaurants.</td>
</tr>
<tr>
<td>3</td>
<td>The proposed building(s) or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.</td>
<td>The proposed uses will not unduly restrict the development and use of neighboring properties. When operated in accordance with the recommended conditions of the special use permit, the proposed limited service restaurant will not impede the development and use of neighboring properties.</td>
</tr>
<tr>
<td></td>
<td>Consideration</td>
<td>Findings</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4</td>
<td>The proposed use will not alter or be contrary to the primary purpose of the Zoning District of the area in which it is proposed, when its effect is considered in conjunction with the cumulative effect of the number of various Special Uses of all types already in the adjacent area and in the Village as a whole.</td>
<td>The primary purpose of the B2 Commercial district is to accommodate the needs of a larger population than that serviced by the B1 district, and to provide for establishments with general characteristics compatible to those of adjacent residential districts but whose service area may extend beyond the neighborhood. The limited service restaurant will be compatible with the adjacent residential uses in the area, providing a service to both those areas and to residents beyond the immediate neighborhood.</td>
</tr>
<tr>
<td>5</td>
<td>The proposed use and its plan conform to the general intent of the Official Comprehensive Plan.</td>
<td>The site is designated for pedestrian oriented mix in the Comprehensive Plan. A limited service restaurant will not impede pedestrian flow or other forms of transportation.</td>
</tr>
</tbody>
</table>
Memorandum
Engineering Division

TO: Paul Luke, Chairman, Skokie Plan Commission

FROM: Frederick G. Schattiner, Director of Engineering

DATE: February 25, 2009

SUBJECT: Case #2009-4P
5228 Dempster Street

The Engineering Division has reviewed the submitted material regarding a request for a special
use permit for a limited service restaurant without a drive-thru in a B2 Commercial District at the
Gross Point Crossing Development and has the following comments.

The subject Center was recently constructed. The Engineering Division has no objection to the
request for a special use permit to operate a Subway limited service restaurant at 5228 Dempster
Street. An off street parking analysis was prepared for the entire Gross Point Crossing Shopping
Center including the proposed use. The analysis is as follows:

<table>
<thead>
<tr>
<th></th>
<th>GFA</th>
<th>(Less Ded.)</th>
<th>NFA</th>
<th>Ratio</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5228 Dempster</td>
<td>1176</td>
<td>280</td>
<td>896</td>
<td>1/100</td>
<td>9.0 spaces</td>
</tr>
</tbody>
</table>

This would result in a total combined off street parking requirement of 138.2 spaces. A
total of 146 spaces provided. Thus the parking requirement is met. Please note that the
submitted plan dated 2/10/09 indicates an increase from 143 spaces provided to 146
spaces by adding 3 additional spaces adjacent to building 3.

As a result, it is recommended to be approved.

Two Conditions of Approval:
1.) There is a correction to be noted. The submitted plan (sheet 3 of 11) needs to be revised. The
"site data" legend, required parking information is incorrect; refer to the attached parking
analysis dated 2/12/09 for correct data and this sheet needs to be revised.
2.) There is a patch on Enfield Street to the north from a utility connection that the developer
needs to completed.

Please contact us if there are any questions.

FGS/JF/SO/ks
C: Max Slankard, Director of Public Works
   Peter W. Peyer, Director of Community Development
   Wayne C. Hanson, Deputy Director of Community Development
   Erik P. Cook, P.E., Senior Civil Engineer
   Sabin Olteanu, Civil Engineer
   Joseph J. Folise, Senior Engineering Technician
   Amy Kish-Wruck, Planner
Description:
The following off street parking analysis is based on the combined parking required and provided for the entire shopping center (Gross Point Crossing) containing three buildings located on the northwest corner of Dempster Street and Gross Point Road, per revised Civil Engineering Plan dated 02/10/09.

Parking Analysis:

**Building 1 (5220-5240 Dempster) GFA = 9,940 SF**

<table>
<thead>
<tr>
<th>Required</th>
<th>Space</th>
<th>GFA</th>
<th>(-DED)</th>
<th>NFA</th>
<th>Ratio</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5240 (Vacant)</td>
<td>1500</td>
<td>-201</td>
<td>1299</td>
<td>1/300</td>
<td>4.3 spaces</td>
</tr>
<tr>
<td></td>
<td>5236 (Vacant)</td>
<td>1600</td>
<td>-168</td>
<td>1432</td>
<td>1/300</td>
<td>4.8 spaces</td>
</tr>
<tr>
<td></td>
<td>5232 (Vacant)</td>
<td>2263</td>
<td>-168</td>
<td>2095</td>
<td>1/300</td>
<td>7.0 spaces</td>
</tr>
<tr>
<td></td>
<td>5228 (Subway)</td>
<td>1176</td>
<td>-280</td>
<td>896</td>
<td>1/100</td>
<td>9.0 spaces</td>
</tr>
<tr>
<td></td>
<td>5224 (Bollywood)</td>
<td>1192</td>
<td>-239</td>
<td>953</td>
<td>1/200</td>
<td>4.8 spaces</td>
</tr>
<tr>
<td></td>
<td>5220 (Panda)</td>
<td>2209</td>
<td>-380</td>
<td>1829</td>
<td>1/100</td>
<td>18.3 spaces</td>
</tr>
</tbody>
</table>

**Building 2 (5220 Dempster) GFA = 4,567 SF**

| Required       | Chase Bank   | 4567  | -752   | 3815  | 1/300 | 12.7 spaces |

**Building 3 (8800-8818 Gross Point Rd.) GFA = 18,857 SF**

| Required       | 8800 (Dunkin Donuts)| 2279 | -576   | 1703  | 1/100 | 17.0 spaces |
|                | 8808 (Taboun)       | 2537 | -552   | 1985  | 1/100 | 19.9 spaces |
|                | 8810 (Fed Ex)       | 6062 | -528   | 5534  | 1/300 | 18.4 spaces |
|                | 8818 (Vacant)       | 7979 | -1379  | 6600  | 1/300 | 22.0 spaces |

**Building 3 Total Required = 77.3 spaces**

Summary of parking required:
- Building 1 = 48.2 spaces
- Building 2 = 12.7 spaces
- Building 3 = 77.3 spaces
- Total = 138.2 spaces

Provided
The parking requirement is met as *146 spaces are provided (includes 6 Handicapped spaces) and 138.2 spaces are required. A total of six (6) bicycle spaces is required and are provided, per Section 118.252 (4). A total of 6 Handicapped spaces are provided and (101-150 requires 5); as a result, the Handicapped parking requirement is met.

*Note*
Was 143, increased to 146 due to revised plan dated 02/10/09 which indicates 3 additional parking spaces for a total of 146

Summary:
The off street parking requirements are met.