

**MINUTES OF THE COMMITTEE-OF-THE-WHOLE MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ARLINGTON HEIGHTS
33 S. ARLINGTON HEIGHTS ROAD - COMMUNITY ROOM
MONDAY, JULY 7, 2014 – 7:15 PM**

Mayor Tom Hayes called the meeting to order at 7:15 PM.

BOARD MEMBERS PRESENT: Mayor Hayes; Trustees Blackwood, Farwell,
Glasgow, LaBedz, Rosenberg, Sidor, Tinaglia
Scaletta (arrived at 7:42 PM)

STAFF MEMBERS PRESENT: Acting Village Manager Diana Mikula;
Assistant Village Attorney Robin Ward;
Director of Planning Charles Perkins

OTHERS PRESENT: Natale Caputo, Liquor Applicant; Amy &
Larry Huber for Salsa 17; Christopher
Laughlin for Arts Commission Appointment

**1. CONSIDERATION OF RECOMMENDING TO THE LIQUOR
COMMISSIONER THE ISSUANCE OF A CLASS "B" & "T" LIQUOR
LICENSE TO JOE CAPUTO AND SONS AH, INC., DBA JOE CAPUTO AND
SONS, LOCATED AT 325 E. PALATINE ROAD. (TOWN & COUNTRY
SHOPPING CENTER)**

Mayor Hayes swore in Natale Caputo.

Diana Mikula reported to the Board that the liquor license being sought by Caputo's would allow for package liquor sales and tastings for the grocery store. On July 2, 2014, background checks were conducted on applicants Natale and Vito Caputo. Both are listed as having 50% ownership interest in the business entity. No convictions were disclosed and no lawsuits, judgments or liens are outstanding. Ms. Mikula conducted a walk-thru of Caputo's on July 3, 2014. The package liquor area will be contained to an area on the east side of the store. Caputo's is exploring various security and anti-theft measures.

Mayor Hayes asked about Mr. Caputo's experience in selling alcohol. Mr. Caputo responded that he has 17 years of experience in selling packaged liquor. Licenses are held in Palatine, Algonquin, and Northbrook. Security will be added on higher-end wines in addition to the security the store already has in place. None of the other Caputo locations has ever been cited for a liquor violation. Basset training is done on a regular basis. They usually train groups of 10 but they may do it more frequently. They currently have 12 people trained.

Trustee Farwell thanked Mr. Caputo for bringing his business to Arlington Heights. He asked if Caputo's conducted tastings in their other locations. Mr. Caputo said that yes, they do tastings on the weekends of beer and wine but no spirits.

Trustee LaBedz said that Caputo's would be a great addition to the community. She asked if much theft occurred in their liquor departments. Mr. Caputo said they experienced some theft about 15 years ago and much of it was being done by employees. They now conduct full background checks on their employees and it doesn't happened anymore.

Trustee Tinaglia asked if the Arlington Heights store hours would be the same as their other locations. Mr. Caputo responded that they would open at 8 AM and close at 9 PM as do all their stores.

TRUSTEE FARWELL MOVED, SECONDED BY TRUSTEE LABEDZ TO RECOMMEND THAT THE VILLAGE BOARD OF TRUSTEES RECOMMEND TO THE LIQUOR COMMISSIONER THE ISSUANCE OF A CLASS "B" & CLASS "T" LIQUOR LICENSE TO JOE CAPUTO AND SONS AH, INC., DBA JOE CAPUTO AND SONS, LOCATED AT 325 E. PALATINE ROAD. (TOWN & COUNTRY SHOPPING CENTER) MOTION PASSED.

2. USE OF PUBLIC SIDEWALKS FOR OUTDOOR DINING CAFÉ FOR SALSA 17 RESTAURANT – 17 WEST CAMPBELL

Diana Mikula informed the Board that Larry Huber, owner of Salsa 17 is looking to utilize the public alley between his building to allow eight 4-top tables in that area and also they are proposing three tables along their frontage on Campbell Street. In order to accomplish this, Salsa 17 is proposing the following modifications to the alley:

1. Removing of landscaping and sculptures on both sides of this existing walkway.
2. Installation of storm water drainage.
3. Repaving along each side of the alley that is currently unpaved.

These modifications are needed to maintain the required minimum five-foot free and clear public ingress/egress along the alley.

Trustee Farwell asked the height of the tables that are going to be used in the proposed area. Mr. Huber stated that the tables would be 30 inches in height.

Trustee Farwell talked about Section 2 in the License Agreement that pertains to the annual review of the outdoor dining to ensure its adherence to Village criteria. He asked Assistant Village Attorney Robin Ward if this could be amended so that the licenses would automatically renew April 1 through October 31 unless violations had occurred the previous year. She said that could be done. With Salsa 17, noise complaints will need to be monitored because of the alley. The Village does not want to give up the right to take away a license for any reason. The agreement could be worded to reflect an automatic five-year renewal but the applicant needs to understand this automatic renewal is not really automatic. If violations have occurred in the previous year that have not been rectified, then the Village still retains the option of not renewing the license for outside dining.

Trustee Sidor asked what would be some of the causes for the Village not to renew a license. Ms. Ward listed the following items: failure to pay food & beverage tax, license fee, permit fee, liquor violations, etc. Noise is also listed in these items. Noise is going to be the biggest challenge for Salsa 17 because of the alley and how sound travels up through it.

Larry Huber was asked if music was planned for outside. He said speakers would be used in the alley as they are in the front of the restaurant. They've received no complaints to date over these front speakers.

Trustee Sidor asked Mr. Huber what his cost would be for the new outside dining. He responded that \$27,000 was the latest proposal but that cost does not include everything that will be done. Trustee Sidor asked if Mr. Huber had any other concerns with the Agreement. Mr. Huber said he had concerns with the phrase "Village's discretion" used in conjunction with the renewal of the Agreement. Mr. Huber was also concerned that in paragraph 3 the Village could force him to return the property to its former state if the license is not renewed, and in paragraph 5 it states that he cannot stack chairs on the outside tables.

Trustee Glasgow explained that he wants Mr. Huber to understand that Salsa 17 will be using public property in order to have his outside dining. This is why the Village places conditions in the Agreement. If, for whatever reason the license is not renewed for Salsa 17 to utilize the alley for its outside dining, then the alley may need to be returned to its original condition. The Village would not come by and arbitrarily terminate the License in some capricious manner. That is not the intent of this Board. The Board has a history of standing by Agreements that have been made with people.

Trustee Glasgow asked if the Hubers still had problems with the Agreement after his explanation. They responded that they do. They are concerned about the term "violations". Could one person who makes numerous complaints regarding noise or anything else cause them to lose their License? Trustee Glasgow and Ms. Ward told them no. The Village has dealt

with numerous complaints from a single person over other issues. One person does not have control over how the Village responds to complaints. We have numerous complaints when the Festival is going on – and it returns year after year. Mr. Huber was not reassured and indicated he had outstanding concerns.

TRUSTEE GLASGOW MOVED TO TABLE THIS DISCUSSION UNTIL MR. HUBER CAN WORK OUT HIS CONCERNS WITH STAFF. SECONDED BY TRUSTEE ROSENBERG. MOTION PASSED.

3. INTERVIEW OF CHRISTOPHER LAUGHLIN FOR APPOINTMENT TO THE ARTS COMMISSION. TERM ENDING 4/30/17.

Mayor Hayes recommends appointment of Christopher Laughlin to the Arts Commission. He believes Chris could bring something new to the Arts Commission.

Chris thanked the Board for the opportunity to become a member of the Arts Commission and is looking forward to bringing digital art to the Commission.

TRUSTEE GLASGOW MOVED TO CONCUR IN THE MAYOR'S APPOINTMENT OF CHRISTOPHER LAUGHLIN TO THE ARTS COMMISSION WITH TERM ENDING 4/30/17. TRUSTEE FARWELL SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

3. ADJOURNMENT

Meeting adjourned at 8:00 PM.

Recorded By: Diane Staggs, Admin. Asst. II