

Village of Bartonville Special Board Meeting Minutes

September 22, 2020 6:00 p.m.

Mayor Ricca called the September 22, 2020 Electronic Board of Trustees Special Meeting to order at 6:03 p.m. with roll call.

Present: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Absent: None.

Quorum present.

Christine Morris from IWC presented the following documents for Board review: Health Department coding of their event, CDC guidelines, Governor Pritzker's Phase 4 guidelines, the event's proposed safety measures to stay within the COVID-19 regulations, and a safety checklist showing the event to be using CDC approved hand sanitizers and thermometers.

Christine explained that safety barrels marked as no touch zones would be in place and there would be safety barrels used as road blocks. These road safe barrels would be marking approximately 8 feet spaces and lines would be time released at 2 to 3-minute intervals. All check points will be manned to ensure lines are compliant to meet all social distancing guidelines. The intent of the group is to have the ability to between 500 and 600 people be able to be in time released lines of 185 spaces. With the amount of space that is available the group has the ability to have 900 people in line and still social distance. Vendors will each have 75 feet of space for lines for food. This method of distancing for lines could be in place permanently. Christine stated that the group has chosen not to do an indoor haunted house this year because they do not believe that they would be able to meet social distancing guidelines.

Christine feels that the group has gone over and above to meet the social distancing regulations and stated that other trails have reached out to the group for their plans.

Trustee Hoopingarner questioned the difference between the Marquette Heights event and the haunted trail. Christine stated that according to the Health Department the Spook Hollow event is coded as an amusement park and the haunted trails is coded as an industrial park with the equivalency to a pumpkin patch. Trustee Hoopingarner stated that they are both parks and doesn't see how the COVID would stop because the haunted trail is an industrial park. Trustee Hoopingarner noted that he was currently at home with COVID. Christine stated that the COVID would be prevented because they are requiring masks of all patrons, volunteers and the social distance requirements. Christine also stated that she was proud that they have been able to construct the plan for a safe event and doesn't feel that the group should be penalized because COVID has affected the local community when local bars have been able to be open presenting a higher risk to community. Trustee Hoopingarner requested if the group had purchased the permit. Christine wished to have fee waived due to the groups mounting expenses but stated that the group would pay for the permit if necessary.

Trustee Carroll brought up the 60-day requirement that is outlined in the ordinance and questioned why the group had not met that deadline. Christine spoke of the time spent planning and the purchase of the property from the owner that is now based in Florida. After the time spent planning and filling out the proper application, it left the group with only 3 weeks to turn it in. Another property that the group was in the works to purchase had been deemed too much work and the time taken to purchase the current property were other reasons mentioned. Trustee Carroll questioned if the group was aware of the

entire contents of the ordinance and Christine stated that when she filled out part of the application for the JFL in years past she wasn't aware of the ordinance and application in its entirety until the committee meeting that she attended.

Trustee Zachman questioned if the group had insurance because it could be deemed as high risk due to Covid. Trustee Zachman also questioned what their insurance company had stated regarding the risk. It was stated that local ordinance required \$1,000,000 in coverage and their group has \$2,000,000 both on the property and the event. Trustee Zachman questioned if the Village had checked on the liability for the Village if they approve this event. Mayor Ricca stated that he spoke with Attorney Jump and it was thought since this was a private event on private property, the Village would not be liable.

Trustee Donley expressed concern related to information given by the Illinois Municipal League that cautioned municipalities from condoning events like this due to possible personal liabilities. Clerk Carr-Bruce questioned if this IML opinion was based on private or public property. Trustee Carroll was unsure but also expressed his concerns of a possible civil issue. Christine stated that their attorney had stated that the only people liable besides the group itself would be any investors in the group or partners due to it being on private property.

Trustee Leibach questioned the number of employees and it was stated around 45 on the trail and 20 people manning the parking and vending areas. All will be wearing masks.

Mayor Ricca stated that a motion would be needed and Trustee Hoopingarner stated that there would be a need to rescind the others. Mayor Ricca began to disagree to which Trustee Hoopingarner replied "No? Okay, okay. Thank you". Mayor Ricca stated that he thought that at first also but mentioned it earlier because it was at a separate meeting with a different motion.

Trustee Zachman questioned if there was a way to put in the motion that we would obtain something from the Village Attorney stating that the Village couldn't be held liable. Clerk Carr-Bruce questioned if he was meaning a liability waiver. Trustee Zachman understands that the group will be following all the guidelines but doesn't want the liability to fall on the Village or its Trustees if an attendee were to get sick or possibly die due to COVID. Clerk Carr-Bruce stated that the Village isn't liable if a bar patron were to contract COVID and questioned how this event would be any different regarding liability than a bar that has to be licensed by the Village and the State to be open, serve and sell alcohol. Mayor Ricca believed this to be the point that Attorney Jump had made previously. The event is on private property. Mayor Ricca offered to contact Attorney Jump and have a letter drawn up regarding liability.

Trustee Donley expressed concerns brought to her regarding the event bringing people from possibly hundreds of miles away versus the local bars only having people from the local neighborhoods. Mayor Ricca brought up that the local McDonalds and Hardees have trucks coming from every state in the Union stopping and patronizing their establishments every day. Christine stated that they are located next to an event center and that two weeks ago the parking lot was filled with people from Chicago and a few weeks prior there were patron from Indiana. Trustee Donley stated that she understands this, loves the events and believes that the group has followed the guidelines but she is receiving phone calls from residents and has to speak for them.

Christine stated that she understands the concerns and the group had their own which is why they constructed the event to be able to happen without any one person having to come into contact with anyone else. Online ticket sales are encouraged and it was stated that the last thing the group wants is to upset the community it hopes to be a part of for years to come.

Trustee Hoopingarner questioned if the JFL was involved and it was stated that it was not.

Trustee Leibach stated that he had no issues with the outdoor event being able to maintain social distancing and that his only concern was the group not turning in the application by the deadline.

Trustee Lawless communicated to Mayor Ricca that he felt the group had met and exceeded all guidelines and was for the event.

Trustee Zachman stated that he felt that the group was doing their due diligence meeting social distancing guidelines by all involved wearing masks, the event being outdoors and the minimum of 6-foot distancing. Trustee Zachman used grocery stores, bars and event centers as examples of places that are possibly at risk but yet allowed to be open.

Trustee Zachman motioned for the event. Trustee Leibach seconded the motion.

Trustee Zachman questioned the ordinance issue that Trustee Carroll mentioned and Mayor Ricca stated that the motion should include waiving the 60-day requirement due to COVID preparations and the Board's decision regarding the fee.

Trustee Zachman asked if the group was going to be donating any funds to entities in the Village this year. Christine responded "yes ". Christine also stated that they were hoping in years to come to donate to the Fire Department and to become their biggest donator because they have worked so well with them in the last nine years. Trustee Zachman questioned if the group would be donating to any other entities in the Village and would they be donating this year. Christine stated that if they were really successful, they were hoping to donate a lot to a lot of different organizations. They don't know how successful they will be and weren't sure if they would be standing in the woods alone.

Trustee Zachman questioned if the Village waived the fees for the JFL and it was stated that the Village did not. Trustee Zachman stated that he felt that if we charged the other, we should charge the haunted trails. Mayor Ricca relayed Trustee Lawless's sentiment that the fee should be waived for all that the group does for the Village.

Trustee Carroll stated that there is an ordinance on the books that clearly states the requirements that are to be met and if the Board is just going to choose to not follow ordinances and grant whatever we want to grant then we should just go back to the ordinance book and tear them up and do what we please.

Christine pointed out that most haunted events only purchase or rent their properties 30 days prior to an event and that they are one of the very few that can even turn in paperwork. Mayor Ricca pointed out that the ordinance does require 60 days and that he understands Trustee Carroll's point. Mayor Ricca also stated that this year has been extreme due to the COVID-19 circumstances.

Trustee Zachman stated he understands the need to follow the ordinances but he was willing to work with the group due to the delays because of the pandemic and restated his motion as a motion to approve the safety guidelines and CDC guidance applied Haunted Trails application. This motion includes approval of the application deadline not being met and that the fee would be necessary. Trustee Leibach seconded the motion.

Ayes: Trustees Leibach, Zachman, Lawless and Mayor Ricca.

Nays: Trustees Donley, Carroll and Hoopingarner.

Motion passed

With no new business being brought before the Board, the meeting was adjourned at 6:47 p.m.
Michelle Carr-Bruce, Village Clerk.