

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON TUESDAY, NOVEMBER 5, 2019 AT 6:00 PM AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Trustee Kelly called the meeting to order at the hour of 6:00 pm.

2. ROLL CALL

Those present at roll call were Trustee Kelly, Trustee Davi, Assistant Administrator Mertens, Village Attorney Bastian, and Building Official Roy Giuntoli. Also present was Trustee Berglund.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting October 1, 2019

Trustee Davi made a motion to approve the minutes from the October 1, 2019, seconded by Trustee Kelly. All in favor.

MOTIONED CARRIED

4. UPDATES

a) Alarm Notifications for Hazardous Chemicals:

Assistant Administrator Mertens informed the Committee that the Village currently has two business, Highland Auto and the Ice Rink, that have hazardous chemical alarm notification systems. Staff recommends that we codify the requirement standards, however, additional research is needed before a draft ordinance can be prepared. Staff will work with Tri-State Fire Protection District to recommend standards for these alarm notification requirements. A draft ordinance will be presented to the Committee upon completion of the research and attorney review.

b) Definition of Cannabis in Village Code Title 5-Police Regulation-Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act.:

Assistant Administrator Mertens advised the Committee that the Village will need to update our ordinances to address changes in state law as it relates to CBD/cannabis products, usage, definitions and police enforcement sections of our code.

Village Attorney Bastian informed the Committee that the police misdemeanor chapter of code is in three sections, Sections 5-320, 5-323 and 5-324. The Village will need to modify the criteria for adult-use cannabis possession and drug paraphernalia.

Trustee Kelly stated these changes are due to recent amendments in the State statutes.

Trustee Davi inquired as to what the Village is doing our own prosecutions? Village Attorney Bastian advised that he is still discussing this item with the Police Chief. He is not sure if there are enough local ordinance violations to justify the expense for such a system. The cases are currently being sent to the County for prosecution.

- c) Plan Commission Text Amendment on Video Gaming Café Uses, Restaurant Definitions and Similar and Compatible Uses.

Assistant Administrator Mertens informed the Committee that the next Plan Commission meeting, November 6, 2019, is for a public hearing on the following text amendment:

- Video gaming café use and proposed locations in the B2, B3 and B4 Commercial Districts,
- Define: Restaurants,
- Define: Video Gaming Cafés,
- Similar and compatible use categories in the B2, B3 and B4 commercial districts.

The Village Board, on November 25, 2019, will also consider an update to the liquor ordinance to amend the following items:

- Define: Restaurants,
- Define: Video Gaming Cafés,
- Create a new Video Gaming Café Liquor License, Class O, at \$5,000.00 per establishment location (up from \$2,500),
- Create a new Restaurant Gaming Liquor License, Class P, at \$5,000.00 per establishment location (up from \$2,500),
- Video Gaming Licenses shall be Prohibited in Nail Salons and Spas that have obtained a Class N Liquor License.

The Village Board, on November 25, 2019, will consider an update to the gaming ordinance to amend the following items:

- Define: Restaurants,
- Define: Video Gaming Cafés,
- 2,640 linear feet (1/2 mile) separation between Video Gaming Cafes,
- Establish a non-refundable initial license application fee of \$1,500.00,
- Adjust Terminal Fee up from \$25 to \$500.00 for each video gaming terminal,
- Allow up to 6 Video Terminals, up from 5, per establishment.

The proposed Plan Commission recommendation will be presented to the Village Board on November 11, 2019. The three proposed ordinances referenced above will be brought before the Village Board on November 25th for formal consideration.

d) Polco Adult Use Cannabis Community Engagement Survey

Assistant Administrator Mertens advised the Committee that the adult-use cannabis survey is currently open for public input. The Village has received 181 responses as of today. The Village promoted the survey through the Library, local home owners associations, Facebook and our Village website. The survey will run through November 22, 2019. The Village Board will need to consider opting in or opting out on adult-use cannabis at the December 16, 2019 Village Board meeting.

5. DISCUSSION – The Definition of Attention Getting Devices in Village Code Title 9-Zoning Regulations-Section 9-2-2 Definitions

Assistant Administrator Mertens advised the Committee about a section of our code that discusses attention getting devices. Staff interprets items such as rope light, neon ban lighting and flashing lights, etc. as attention getting devices, which are not allowed by code. Staff suggests that we clarify our code through a text amendment to add in the specific category of rope lighting and neon bands as attention getting devices. This clarification will make easier for petitioners to understand what is allowed by Village Code. Village Attorney Bastian advised that the Village should define temporary lighting as well. The consensus of the Committee was to direct staff to present the Plan Commission with a text amendment to clarify the code requirement.

6. DISCUSSION – Reporting Requirements for Willowbrook Companies that File Form R Tier II Reports

There are five companies in the Village that have chemicals on site that require the filing of a Tier II report by the Illinois Emergency Management Agency. These reports are also required to be submitted to the local Fire Department. Assistant Administrator Mertens would propose a Village ordinance that would require companies who file Tier II reports to also supply a copy of these reports to the Village. This reporting documentation will provide valuable information for first responders who may need to respond to an incident.

7. DISCUSSION – Commercial Building Material Standards- Type V Construction

Building Official Giuntoli explained that Village Building Code and construction types. There are five different types of construction categories: 1) Type I Complete Fire Resistant, 2) Type II Non-combustible, 3) Type III Ordinary Construction 4) Type IV Heavy Timber, and 5) Type V Wood Frame Construction. The Village of Willowbrook currently does not allow any Type V construction for commercial / nonresidential developments. A survey of surrounding communities; Darien, Burr Ridge, Westmont, Hinsdale, Countryside and Lombard, do allow Type V commercial construction with certain conditions or amendments. The Village of Willowbrook is at a competitive disadvantage for commercial and multi-family development because of this code differential.

Building Official Giuntoli discussed how buildings could be protected by a fire suppression sprinkler system. There are three different categories: NFPA13, NFPA 13R, and NFPA 13D described in the handouts. Our neighboring communities have a variety of other amendments that provide for life safety, structural support and fire resistance designs. Staff suggest that we review our code standards to see if there are options that the Village should consider to ensure that the Village is not at a competitive disadvantage with respect to our codes, while still providing a sound code that ensures quality and life safety. Upon discussion, the consensus of the Committee was to direct staff to investigate options for code enhancements for further consideration by the Committee.

8. COMMITTEE REPORTS:

None.

9. VISITOR'S BUSINESS:

None.

10. ADJOURNMENT:

Trustee Davi made motion to adjourn, seconded by Trustee Kelly. All in favor. The meeting adjourned at 7:06 pm.

PRESENTED, READ and APPROVED

_____, 2019

CHAIRMAN

Minutes transcribed by Building and Zoning Secretary
Lisa J Shemroske