

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 9, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER-LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

Chairman Neal called the meeting to order at 5:30 pm.

2. ROLL CALL

Those physically present at roll call were: Chairman Gayle Neal, Trustee Umberto Davi (arrived at 5:34 pm), and Assistant Village Administrator Michael Mertens.

Those present via Zoom conference call were Trustee Paul Oggerino, Village Attorney Thomas Bastian, and Building Official Roy Giuntoli.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting October 12, 2020

A Motion made by Chairman Neal to approve the minutes from the October 12, 2020 Law and Ordinances Committee meeting, seconded by Trustee Paul Oggerino.

Roll Call: Chairman Neal, and Trustee Oggerino voted in favor to Approve.

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 9 Hotels / Motels Code Enhancements

Assistant Village Administrator Mertens stated that there were two (2) open items from the last meeting that needed additional clarification with respect to the Hotel / Motel Definition & Number of rooms within each definition.

Chairman Neal stated her concerns regarding the current number in the definition given the relatively small size of several of our hotels.

Some discussion as to whether a hotel or motel can be determined by the mode of access, for example it was suggested that a Hotel's room access is gained through a common

lobby/interior hallway, etc., whereas a Motel's room access is often gained through exterior opening doors, opening to outside the building, open to the parking lot.

Village Attorney Bastian stated that the definition can be altered to include a phrase such as: 'with or without ready access to their automobiles'.

Chairman Neal did not see the need for that verbiage. Furthermore, suggesting that "rooms be used for lodging the public" be included.

Village Attorney Bastian was concerned that this phrase would possibly legitimize Bed & Breakfast establishments and recommends that a number be placed in the definition.

Assistant Village Administrator Mertens suggested the Hotel definition remain at 50 and Motel definition be given the number 25.

Chairman Neal and Trustee Oggerino both stated that this was an acceptable recommendation.

It was recommended to including a requirement establishing a registry that Law Enforcement can view for potential crime investigations following the lead of some neighboring communities' language.

Village Attorney Bastian was okay with suggestion of a registry, regarding method of transport to the Hotel/Motel, adding a distinction on the registry that 'if any' in regard to establishing if they arrived via livery service or their own car. All present agreed.

Trustee Davi inquired if we should add the make and model of vehicle. It was agreed that the more information the better.

Village Attorney Bastian asked Assistant Village Administrator Mertens to repeat his proposed amendment to the availability of the register.

Village Administrator Michael Mertens restated: That the register is only available to be inspected by law enforcement officers for a period of not less than three years.

Assistant Village Administrator Mertens asked Committee members for any additional feedback prior to this last cleanup of the draft to present to the Board on the November 23rd for formal approval.

A motion made by Chairman Neal to recommend the changes as presented and discussed. Seconded by Trustee Davi.

Roll Call: Chairman Neal, Trustees Davi, and Oggerino all voted in favor to approve.

MOTION DECLARED & CARRIED

5. DISCUSSION – BYOB Licensing

Assistant Village Administrator Michael Mertens stated the following key points:

- The Village Board approved an ordinance allowing for retail tobacco stores with smoking lounges.
- A smoking lounge is a permitted use in the B4 district.
- The petitioner for that text amendment is requesting consideration for a BYOB liquor license for the proposed smoking lounge, the former Kerry Piper location.
- Currently, our code does not allow for any type of BYOB license.
- At the last committee meeting on the 12th, we presented a survey.
- The consensus of the committee was to present a draft ordinance for a BYOB license and is in the packet.
- It would be listed as a Class “Q” license that would authorize on-premise consumption of a patron's own bottle or an open beer, wine, or other liquor brought to the premise by the-- brought to the premise of the business operator. This license is only allocated to a cigar lounge. It is not currently designed for restaurants, must be a freestanding building per Illinois smoking codes.
- The licensee must offer for rent or sale a personal or secured storage locker for members or patrons for storage of unconsumed products.
- The state law also allows for them to provide sealed bags if they want to bring the alcohol home just like a normal restaurant would.
- The consumption of alcohol should not incur in the retail area of the tobacco store.
- The licensee may provide glassware or ice or may uncork or open the alcohol and charge a cork fee.
- In reference to the Illinois Liquor Control Act No person shall carry, transport, or possess alcohol in an unsealed or open condition.
- A key item is that all employees who perform corkage duties shall be BASSET-trained.
- This ordinance also requires a certificate of insurance that names the village as an additional insured.
- The license fee currently proposed is a \$1,000 fee.

Chairman Neal asked if the State of Illinois is considering banning alcohol in cigar lounges? Village Attorney Thomas Bastian stated he had not heard that but is a possibility.

Village Attorney Thomas Bastian asked for clarification on the square footage and hours of operation. Assistant Village Administrator Mertens stated that due to the limited inventory of freestanding buildings in town, square footage restrictions should not be an issue. Regarding the hours of operation, he suggested that we mimic the hours of operation for a restaurant in a B Zoning districts.

Trustee Davi asked if the omission of a square footage rule would allow a business to convert a closet into a BYOB. Assistant Village Administrator Michael Mertens stated that it must be a cigar lounges are limited to freestanding buildings.

Chairman Neal motioned to accept the recommendation as presented. Trustee Davi seconded the motion.

Roll Call: Chairman Neal, Trustees Davi, and Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

6. DISCUSSION – ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion. Staff continues to work on these projects and that would likely resurface at future meeting.

- a) Food Truck Licensing Requirements
 - i. Chairman Neal stated that the Village was currently on a 1 Year Moratorium.
 - ii. Assistant Village Administrator Mertens asked for maybe in January if any of the elected officials happen to have ideas of what interests them on this subject to please forward their comments to him.
- b) Outdoor Sales for Service Stations and Grocery / Drug Stores – Public Hearing Continued to December 2, 2020
 - i. Assistant Village Administrator Mertens stated we advised the committee of a text amendment that went to the Planning Commission to allow for outside sales at service stations. The amendment was table by the Plan Commission requesting staff to review our permit process and make the process more user friendly.
 - ii. Building Official Giuntoli advised that the amendment was prompted by business owners to allow the outside display of items that are for sale through the issuance of an annual permit. The Building Department working with the Planner created proposed guidelines for what was to be allowed in the name of patron safety and building and accessibility codes. The Plan Commission deemed the guidelines too stringent.

- iii. Assistant Village Administrator Mertens stated that the Pete's Market could have outdoor displays as it was allowed through their Planned Unit Development.
- c) Chapter 13 Solicitors Regulations
 - i. Chairman Neal stated that this item will likely be tabled until January. Key points were:
 - 1. Plans to change some of the order of the way everything is listed currently and update some definitions.
 - 2. Create a permit verification system that the police department would perform background checks and issuing the permit.
 - 3. Provide identifiable tags that Solicitors would wear.
 - 4. Determine area(s) solicitation is allowed.
 - 5. Current solicitation hours area: 9:00 AM to 9:00 PM or dusk whichever is earlier in the day. Better define Dusk and clarify hours.
 - d) Adult Use Cannabis Definitions and District
 - i. Assistant Village Administrator Mertens stated these key points were:
 - 1. This topic has been discussed in prior meetings.
 - 2. The next wave of interested parties is upon us.
 - 3. Operators that are part of the next lottery are contacting / calling the village asking for locations. The state has not authorized that next list.
 - 4. Callers have been provided the current approved area which is the industrial area around the village hall. Many want freestanding building, whereas the villages inventory of these is small. People are asking for larger acreage sites as well.
 - 5. As the bigger desire is along Route 83 or maybe even Plainfield Road.
 - 6. Our definitions need to be cleaned up to account for other types of cannabis uses
 - ii. Trustee Umberto Davi asked:
 - 1. How long was our district has been on effect? Assistant Village Administrator Mertens responded about a year.
 - 2. Summarize what has been done in the past: Assistant Village Administrator Mertens responded that one user that applied for the license from the state in a multi-use building however did not make the first cut.
 - 3. Assistant Village Administrator Mertens responded that this is an option that as it would need a text amendment this will be taken up with the Board. Map options will be presented for further consideration.
 - 4. If we Have heard anything from our citizens; staff generally responded no, with the caveat that callers with medical cards have inquired.
 - iii. Trustee Paul Oggerino stated that that the revenue is an understatement presenting map options that would be beneficial.
 - iv. Chairman Neal and Trustee Davi stated they were was open to some map options as well.
 - v. Staff will work with Planner to work up options for future discussions.

7. COMMITTEE REPORTS

- Trustee Neal: No Report
- Trustee Davi: No Report
- Trustee Oggerino: No Report
- Assistant Village Administrator Mertens:
 - i. The topic of raising chickens came up again. Key points were:
 - a. A resident with a one acre plus sized lot on Bentley who happens to have 10 or 12 chickens. The Village receive a neighbor complaint and we followed up on it.
 - b. The resident with chickens will going to be writing a letter to the mayor requesting consideration of an ordinance amendment.
 - c. Staff explained to him that village recently had updated our code to better define that chickens are not allowed in the community.
 - d. We have directed our code enforcement officer to investigate. The resident has not been issued a ticket yet
 - e. Resident offered to get rid of the rooster
 - f. If directed, staff can perform additional research
 - g. Chairman Neal stated that she had passed through a neighborhood in Darien and passed a man that had cage outside and he had chickens loose, and all the surrounding houses had signs protesting the chickens.
- Building Official Giuntoli: No Report
- Village Attorney Bastian: No Report

8. VISITOR'S BUSINESS

NONE

Village Administrator Mertens stated that there were no formal submittals from visitors to address.

Building Official Giuntoli stated that there were no other persons logged onto the ZOOM meeting.

9. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Oggerino.

Roll Call: Chairman Neal, Trustees Davi and Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:14 PM

PRESENTED, READ, and APPROVED

_____, 2021

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official