

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JANUARY 11, 2021 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER-LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

IT SHOULD BE NOTED THAT THIS MEETING WAS HELD PARTIALLY VIA ZOOM/CONFERENCE CALL.

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

1. CALL TO ORDER

Chairperson Neal called the meeting to order at the hour of 5:30 pm.

2. ROLL CALL

Those present at roll call were: Chairperson Neal (in person), Trustee Davi (via Zoom) arrived at 5:47, Trustee Oggerino (via Zoom), Assistant Village Administrator Mertens (via Zoom), Village Attorney Bastian (via Zoom), and Building Official Giuntoli (via Zoom).

Immediately following the Roll Call, Chairperson Neal, gave the floor to Trustee Oggerino. Trustee Oggerino requested a moment of silence for the incident that happened at the US Capitol with the two (2) police officers and the others that passed that day.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting November 9, 2020

MOTION: Motion Made by Trustee Oggerino to approve the minutes from the November 9, 2020 Law & Ordinances Committee Meeting, Chairperson Neal seconded the motion

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

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 13 Solicitors Regulations

Chairperson Neal passed the floor to Assistant Village Administrator Mertens and he advised that at the September 14, 2020 Law and Ordinances Committee staff presented an overview of the current Village code of ordinances for solicitors operating within the community. The current Village ordinance language that relates to Solicitors can be found

in Chapter 13 of the Village code. A summary of the current code of ordinances for solicitors is as follows:

1. Solicitation applications are currently processed through the Deputy Clerks office.
2. There are two (2) types of Solicitors Certificates - Charitable and Commercial.
3. The Deputy Clerk receives the application. We require a driver’s license for all solicitors and certificate of insurance.
4. Solicitation is prohibited between November 1 through March 31. The solicitation hours are 9:00 a.m. to 9:00 p.m. or dusk whichever is earlier in the day.
5. The Deputy Clerk will issue a certificate of registration and then provides a copy of it for the police department.
6. Charitable solicitation requires financial disclosure to every person solicited.
7. Police Department to supply unique “No Soliciting” signage and to be authorized by the Police Chief.
8. The Village currently does not charge a fee for the solicitation certificate.

Staff was directed to review code to clarify and definitions, change the name Certificate of Registration Required to Permit Required including and creating penalties and adding a clause for First Amendment rights.

Staff has reviewed comparable community codes for insight on best practices as it relates to solicitation permits. Staff has proposed a reordering of the code layout as follows:

Current Code Section Layout	Proposed Code Section Layout
3-13-1: Definitions	3-13-1: Definitions
3-13-2: Certificate of Registration Required	3-13-2: Permit Required
3-13-3: Application for Certificate of Registration	3-13-3: Permit Exemption for Minors
3-13-4: Application; Issuance of a Certificate of Registration	3-13-4: Solicitation Permit
3-13-5: Records or Application, Certificates	3-13-5: Regulations Applicable to All Solicitation and Canvassing
3-13-6: Charitable Solicitation; Financial Disclosure	3-13-6: Charitable Solicitation on Public Rights of Way
3-13-7: Notice Regulating Solicitation	3-13-7: Violations Declared to be Nuisances
3-13-8: Obedience to Notice on Premises	3-13-8: Effective Period
3-13-9: Uninvited Soliciting Prohibited	3-13-9: Revocation
3-13-10: Duty to Leave Premises on Request	3-13-10: Appeal and Denial or Revocation
3-13-11: Aggressive Solicitation Prohibited	3-13-11: Change in Information
3-13-12: Hours, Days of Solicitation	3-13-12: Administrative Records
3-13-13: Felons as Solicitors	3-13-13: Penalty
3-13-14: Fraudulent Misrepresentation and Misstatement Prohibited	3-13-14: No Limitation of Free Speech Rights
3-13-15: Revocation of Certificate; Review	

The reordering of the code sections brings the Village code in line with neighboring communities to streamline the language for easier interpretation by the solicitors and enforcement by the Village. We have proposed updated definitions, have added sections such as permit exemption for minors and no limitations on free speech, and redefined solicitation hours and locations. Staff attempted to blend some of the unique items of the Willowbrook code while realigning the permit process through the Police Department for a more focused permit review and tracking system.

Additionally, staff would recommend that the Village consider a nominal fee for the commercial solicitation permit to cover any cost on staff time and background check.

Staff presented a draft redlined version that highlighted areas that may need additional input. Staff attempting to standardized process with the focus on commercial solicitation due higher amounts of nuisance complaints. A possible fee structure may be considered to offset administrative costs.

Chairperson Neal and Trustee Oggerino requested clarification of fees and agreed that two different fees should be accessed for commercial and charitable organization.

Chairperson Neal stated she observance of several commercial organizations soliciting throughout the community last summer.

The fees and type of background checks to be further researched and verified with the Police Department. Assistant Village Administrator Mertens advised that much of the workload for reviewing and approving solicitors permit is being done by the Police Department.

Hours for soliciting is recommended to be adjusted as follows: 9:00 AM to 5:00 PM for the commercial solicitations, and 9:00 AM to 6:00 PM or dusk for charitable solicitations.

Chairperson Neal and Trustee Oggerino both stated that the latest should be 6:00 PM, or dusk. Upon discussion all agreed that 9:00 AM to 5:00 PM is acceptable.

Areas of allowed solicitations to be defined in final document. Chairperson Neal stated her opinion on areas that are dangerous areas specifically Rt. 83 as a dangerous area. Noting that several intersections that appear to be located within the Village of Willowbrook are not under Village jurisdiction.

Village Attorney Thomas Bastion questioned about the prohibition from November 1st to March 31st. Chairperson Neal stated this was in response to complaints. Area warrants additional research by her.

Village Attorney Thomas Bastian stated if Village receives complaints, Village may consider, down the road, amending it and changing the hours to daylight hours. Residents can

always post a "no solicitors" sign.

Chairperson Neal stated that proper wording of any prohibition needs to be identified by the Police Department.

Assistant Village Administrator Mertens recommended that the signage verbiage should be standardized so that signage can be obtained from a retail store as opposed to having it worded specifically for the Village of Willowbrook requiring specialized signage to be fabricated.

Assistant Village Administrator Mertens advised that revocation and denial to be handled through the Police Chief.

Assistant Village Administrator Mertens stated fine shall not be more than \$750. A section on no limitations to free speech rights was added. Solicitations of a political nature are not required to get permits.

Next committee meeting a cleaned-up version of the draft/code will be presented. With the intentions that this process will be completed by April.

Trustee Oggerino stated that an option the village should consider revisiting is to have the police department issue a common 'no solicitors' sticker to residents that request them.

Assistant Village Administrator Mertens stated this is a viable inexpensive option that can be mailed in a water bill for example.

5. DISCUSSION – Adult Use Cannabis District

Assistant Village Administrator Mertens stated that the Village has received calls by potential vendors who are on this next round of cannabis licenses from the state. Approximately 75 licenses throughout the state that are still pending state approval. The state has not finalized things as there are some lawsuits that were filed due to the application and review process.

Staff recommends that Village update our codes for uses like cannabis growers and transportation and other ancillary things that relate to adult-use cannabis. Assistant Village Administrator Mertens stated that the important use for the Village consideration from a revenue standpoint are the cannabis adult-use dispensaries.

Staff has heard from different Board members that maybe the Village Board would be open to revisiting the parameters for the adult-use cannabis. Several exhibits provided to Law and Ordinances Members indicating separation distances and currently approved Zoning districts. Noting that current approved adult use cannabis map area is located

within the industrial area near the Village hall.

Potential adult-use dispensaries prefer locations that are freestanding buildings and along major arterial routes. Staff provided the follow maps areas for discussion:

- o The south east corner of the village. (Soper Triangle, Area around Kerry Piper)
- o The OR and LOR properties on east side Kingery from 75th & to Plainfield Road. (Former Baker's Square, Wingren Plaza)
- o The areas east of Kingery on Plainfield Road. (Former WB Bowl / TCF Bank)
- o The Woodland Plaza (Dunkin Donuts / Stats Shopping Center)
- o Binny's & Pete's Market centers
- o The Town Center

Staff noted that there is residential adjacent to some of these areas and staying away from residential really takes out a lot of the properties out of consideration.

Chairperson Neal stated that some of these locations the shopping center management companies may not want to get involved with this type of use all due to proximity to other uses within their development.

Village Attorney Bastian asked the status of the former Baker's Square location restaurant, now JoJo's. Building Official Giuntoli stated that the restaurant was open. Chairperson Neal asked if this restaurant has a liquor license. Per Village Attorney Bastian, they had applied for one, but their application was not in order.

Chairperson Neal recapped the cannabis discussion: map, expanding areas, looking at different locations, text amendments, as all being Board decisions. Trustee Oggerino stated he was 100% into expanding the allowed areas.

Village Attorney Bastian noted that this matter needs to be presented to the Plan Commission, then the Board

Assistant Village Administrator Mertens stated that an option was setting up a workshop to obtain guidance from the Board members prior to considering a text amendment before the Plan Commission.

Chairperson Neal agreed with the workshop suggestion for the spring 2021. Trustee Davi and Trustee Oggerino agreed with suggestion and timeline.

6. ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these, and were placed here as place holders for a future meeting.

7. COMMITTEE REPORTS

- Chairperson Neal: No Report.
- Trustee Oggerino: No Report.
- Trustee Davi: No Report.
- Village Attorney Bastian: No Report.
- Building Official Giuntoli: No Report.
- Assistant Village Administrator Mertens: Nothing additional to Report.

8. VISITOR'S BUSINESS

Building Official Giuntoli stated that there were no other persons logged onto the meeting. Village Administrator Mertens stated that there were no formal submittals from visitors to address.

9. ADJOURNMENT

Chairperson Neal requested a motion to adjourn. Trustee Paul Oggerino made a motion to adjourn, seconded by Chairperson Neal.

Roll Call:

- Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Adjourn.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:17 PM

PRESENTED, READ and APPROVED

_____, 2021

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official 01/26/2021