

A G E N D A

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, SEPTEMBER 28, 2020, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

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

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312-626-6799

Meeting ID: 892 8150 7193

Written Public Comments Can Be Submitted By 5:15 pm on September 28, 2020 to mmertens@willowbrook.il.us

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA:
 - a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - September 14, 2020 (APPROVE)
 - c. Warrants - \$199,136.14 (APPROVE)
 - d. ORDINANCE - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 (PASS)
 - e. RECEIVE - Receive Plan Commission Recommendation - Public Hearing Case 20-07: PC 20-07: Consideration of a Petition for Text Amendments to Amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and Other Relevant Sections of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to Define "Retail Tobacco Stores with Smoking Lounge", to Replace "Tobacco Stores" and "Tobacco Shops" with "Retail Tobacco Stores with Smoking Lounge" in the B-2 and B-3 Zoning Districts, and to Add "Retail Tobacco Stores with Smoking Lounge" as a New Permitted Use in the B-4 Zoning District. (RECEIVE)

NEW BUSINESS

6. RECIEVE - A Presentation on Tax Increment Financing and the Willowbrook Industrial Redevelopment Project Area Eligibility Report (RECEIVE)

PRIOR BUSINESS

7. TRUSTEE REPORTS
8. ATTORNEY'S REPORT
9. CLERK'S REPORT
10. ADMINISTRATOR'S REPORT
11. MAYOR'S REPORT
12. CLOSED SESSION
13. ADJOURNMENT

MINUTES OF THE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, SEPTEMBER 14, 2020, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

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

1. CALL TO ORDER

The meeting was called to order at 6:36 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank A. Trilla, Trustees Umberto Davi, Michael Mistele, and Gayle Neal.

Also, physically present was Gregory M. Ruffalo and Deputy Clerk Christine Mardegan.

Present Via conference call, due to COVID-19 Pandemic, were Village Clerk Leroy R. Hansen, Trustees Sue Berglund and Paul Oggerino, Village Attorney Thomas Bastian, Administrator Brian Pabst, Assistant Village Administrator Michael Mertens, Director of Finance Carrie Dittman, Chief Robert Schaller, Deputy Chief Lauren Kaspar, Superintendent of Public Works Joe Coons, Building Official Roy Giuntoli, Planning Consultant Ann Choi, Joe Santella of Sonnenschein Financial Services, and Catherine Kaczmarek.

Absent: None.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Trustee Neal to lead everyone in saying the Pledge of Allegiance.

4. MOTION

Board Advice and Consent to Mayor's Appointment to Fill Vacancy for Village Trustee with Gregory M. Ruffalo.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to fill the vacancies for the Village Trustee.

Attorney Bastian clarified that this is to fill the vacancy in the office of Village Trustee vacated by Trustee Kelly who resigned on Monday, August 24, 2020.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

5. OATH OF OFFICE - Village Trustee

Mayor Trilla introduced Gregory Ruffolo to the Village Board. Village Clerk Hansen administered the Trustee's Oath of Office to Gregory Ruffolo. Mayor Trilla, the Board of Trustees and Staff congratulated Trustee Ruffolo on his appointment.

6. VISITORS' BUSINESS

None presented and no written comments were received.

7. OMNIBUS VOTE AGENDA

Mayor Trilla read over each item in the Omnibus Vote Agenda for the record.

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - August 24, 2020 (APPROVE)
- c. Warrants - \$382,779.34 (APPROVE)
- d. Monthly Finical Report August 2020 - (APPROVE)
- e. ORDINANCE - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 Ordinance No. 20-0-38 (PASS)
- f. Motion - Board Advice and Consent to Mayor's Appointment for the Members of the Finance and Administration, Law and Ordinances, Public Safety and Municipal Services Committees (PASS)
- g. Motion - Board Advise and Consent to Mayor's Appointment to Fill a Vacancy in the Plan Commission (PASS)
- h. ORDINANCE - An Ordinance Approving a Minor Amendment to Allow for the Removal of an Existing Guardhouse and Replacement with a New Monument Entry Sign and Landscaping in the Village of Willowbrook, DuPage County, Illinois Ordinance No. 20-0-39 (PASS)
- i. Motion - A Motion to Approve Various Bank Account Closures (PASS)
- j. Ordinance - An Ordinance Amending the Village Employees' Flexible Benefits Plan Ordinance No. 20-0-40 (PASS)

Mayor Trilla asked the Board if there were any items to be removed from Omnibus Vote Agenda.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

Oath of Office for Plan Commission Member

Mayor Trilla asked Clerk Hansen to administer the Plan Commissioners' Oath of Office to Catherine Kaczmarek to fill the vacancy from Commissioner Gregory M. Ruffolo who was appointed Village Trustee. Mayor Trilla, the Board of Trustees and Staff Congratulated Commissioner Kaczmarek on her appointment.

NEW BUSINESS

8. RESOLUTION - A Resolution Authorizing the Board of Police Commissioners (BOPC) to Effect the Original Appointment of One (1) Candidate to Fill One (1) Existing Vacancy in the Rank of Patrol Officer Within the Village Police Department (ADOPT)

Chief Schaller stated, due to a patrol officer resigning from the police department a vacancy has been created, to fulfill the current composition of the police department an officer will need to be hired off the current eligibility list.

MOTION: Made by Trustee Berglund and seconded by Trustee Oggerino to adopt Resolution No. 20-R-41 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. ORDINANCE - An Ordinance Amending Chapter 1, Entitled "Police Department," of Title 5, Entitled "Police Regulations," of the Willowbrook Municipal Code, DuPage County, Illinois (PASS)

Chief Schaller advised that there have been previous discussions at the Village Board and by the Board of Police Commissioners (BOPC) to explore the alternative hiring method of lateral

transfers. This method of hiring eliminates the expense of having police officers attend and pass a course at a training facility since these officers have previously obtained certification by the Illinois Training and Standards Board. The BOPC has had long discussions about this method of hiring new officers. We strongly feel it is needed.

MOTION: Made by Trustee Oggerino and seconded by Trustee Neal to pass Ordinance No. 20-0-41 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

10. RESOLUTION - A Resolution Approving and Accepting a Proposal and Authorizing the Mayor and the Village Clerk to Execute an Agreement for the Purchase of (1) One MPH Industries Speed Monitor 18 Speed Trailer at a Cost Not to Exceed \$9,750.00 (ADOPT)

Discussion was had on different types of MPH Industries Speed Monitors, mobility, and price points.

The Willowbrook Police Department continues to receive requests for traffic enforcement at multiple locations throughout town for speeding vehicles. Enforcement teams respond to locations of concern however with limited insight of the day and times violations are occurring effectuating behavioral change with the area residents is limited.

Multiple vendors of speed trailers were similarly optioned and compared. MPH Industries Speed Monitor 18 was chosen due to options, price, build and quality. MPH Industries Speed Monitor 18 complies with the Buy America Act (Section 101 -Federal -Aid Highway Buy America Provision). Funding for this purchase will be provided by utilizing the Village's State/Federal Drug Forfeiture Funds.

Mayor Trilla asked for all the features of the speed monitors. Chief Schaller responded, it analyzes the traffic with set days and hours. It has many beneficial features that can be utilized by the Police Department for effective education and enforcement.

Trustee Berglund asked if it would record motorcycles as well? Chief Schaller advised that it would record motorcycle speeds.

Trustee Neal shared that this system would interface with software related to the MPH trailer.

Trustee Davi asked if this will give any kind of messages?

Chief Schaller stated it gives no messages. It will display the speed limit and flash the driver's speed.

MOTION: Made by Trustee Berglund and seconded by Trustee Neal to adopt Resolution No. 20-R-42 as presented.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

11. ORDINANCE - An Ordinance Amending Section 5-2-1 Entitled "Definitions" and Section 5-2-6 Entitled "Prohibited Animals" of Chapter 2 Entitled "Animals and Fowl" of Title 5 Entitled "Police Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Administrator Pabst shared that many area municipalities have experienced residents illegally raising roosters, chickens, and other animals within their jurisdiction in violation of their ordinances. In reviewing our current code, it appears that although we do not allow fowl, we do not properly define the term fowl. It shall be unlawful to keep or maintain cattle, swine, sheep, goats, mule, ox, cow, calf, hog, or any other livestock or any fowl of any kind in the Village.

Attorney Bastian added that technically fowl is a sub classification of poultry, this proposed Ordinance will clarify what is prohibited and what is permitted.

MOTION: Made by Trustee Ruffolo and seconded by Trustee Davi to pass Ordinance No. 20-O-42 as presented.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

12. RESOLUTION - A Resolution Approving and Authorizing the Mayor to Execute a Professional Collection Services Agreement with Sonnenschein Financial Services, Inc. (ADOPT)

Faced with revenue shortages related to the pandemic and increasing obligations as discussed at previous Board meetings, Staff is proposing an enhanced revenue stream regarding our collection services. The prior contract for collection services with AR Concepts Inc. was executed on August 22, 1994 with no ending date. However, they have voided our contract by notifying us many months ago that they had limited their services to collect parking tickets. Even though not required by state law for service of this nature, staff sent out a request for proposal for collection services. The Village received five responses: Sonnenschein Financial Services, Oak Brook Terrace; VRH, Columbus Ohio; FCR Collection Services, Foothill Ranch, California; ABC Credit & Recovery Services, Lisle IL; and MCSI, Palos Heights, IL. After conducting an analysis concerning numerous factors, Staff is recommending Sonnenschein Financial Services.

Joe Santella of Sonnenschein Financial Services thanked the Mayor and the Board for the opportunity to serve the Village.

Trustee Mistele thanked Mr. Santella for his patience.

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to amend Resolution No. 20-R-43 to execute a Professional Agreement with Sonnenschien Financial Services.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal and Oggerino NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

13. ORDINANCE - An Ordinance Amending Section 1-4-1 Entitled "General Penalty" of Chapter 4 Entitled "General Penalty" of Title 1 Entitled "Administrative" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Administrator Pabst shared, although the Village code allows for the elevation of fines for delinquent collections, the current

code does not permit the Village to pass through costs to the violator for attorney's fees or private collection agency fees retained by the Village. This ordinance is necessary to add fees for collection services and or attorney fees to a fine or penalty.

Mayor Trilla questioned the rate at twenty-eight (28%). Administrator Pabst stated this was lowest rate.

Attorney Bastian stated the rate is consistent with collection agencies used by other Municipalities.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to pass Ordinance No. 20-0-43 presented.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRIOR BUSINESS

14. TRUSTEE REPORTS

Trustee Neal shared a short report that Public Safety is moving forward with all the residents' concerns from Eleanor Place. Residents have been informed of the progress.

Trustee Ruffolo had no report.

Trustee Mistele welcomed Trustee Ruffolo.

Trustee Berglund congratulated Trustee Ruffolo and was glad he is on board with us.

Trustee Davi had no report.

Trustee Oggerino congratulated Trustee Ruffolo.

15. ATTORNEY'S REPORT

Attorney Bastian congratulated Trustee Ruffolo on the Board appointment and Catherine Kaczmarek on the Plan Commission appointment.

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16. CLERK'S REPORT

Clerk Hansen welcomed Trustee Ruffolo and Commissioner Catherine Kaczmarek.

17. ADMINISTRATOR'S REPORT

Administrator Pabst had no report.

18. MAYOR'S REPORT

Mayor Trilla thanked Catherine Kaczmarek for all her time on the Parks Commission and welcomed her to Plan Commission. Thank you to Gregory Ruffolo for your work on the Plan Commission and welcome to the Board of Trustees.

19. CLOSED SESSION

Mayor Trilla advised there was no need for closed session at tonight's meeting.

20. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Neal to adjourn the Regular Meeting at the hour of 7:17 p.m.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

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PRESENTED, READ, and APPROVED.

_____, 2020.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.

W A R R A N T S

September 28, 2020

GENERAL CORPORATE FUND	-----	\$186,599.28
WATER FUND	-----	\$7,081.27
MOTOR FUEL TAX FUND	-----	5,170.59
RT 83/PLAINFIELD RD BUSINESS DIST TAX	-----	\$285.00
 TOTAL WARRANTS	-----	 \$199,136.14

Carrie Dittman, Director of Finance 

APPROVED:
Frank A. Trilla, Mayor

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
09/16/2020	APCH	96065*	ACCESS ONE, INC.	PHONE - TELEPHONES	455-201	10	465.47
				PHONE - TELEPHONES	455-201	10	49.30
				PHONE - TELEPHONES	455-201	10	49.30
				PHONE - TELEPHONES	455-201	10	58.30
				INTERNET/WEBSITE HOSTING	460-225	10	400.00
				PHONE - TELEPHONES	455-201	20	92.11
				PHONE - TELEPHONES	455-201	20	92.11
				PHONE - TELEPHONES	630-201	30	309.93
				PHONE - TELEPHONES	630-201	30	58.30
				INTERNET/WEBSITE HOSTING	640-225	30	400.00
				TELEPHONES	710-201	35	92.11
				CHECK APCHK 96065 TOTAL FOR FUND 01:			2,066.93
09/16/2020	APCH	96066	U.S. POSTMASTER	POSTAGE & METER RENT	710-311	35	442.50
09/29/2020	APCH	96067	A&W TRAILER LLC	MAINTENANCE - EQUIPMENT	735-411	35	55.00
09/29/2020	APCH	96068	AAA STATE OF PLAY	MAINTENANCE - EQUIPMENT	570-411	20	446.00
09/29/2020	APCH	96070	AMERICAN TRAFFIC SOLUTIONS	RED LIGHT - CAMERA FEES	630-247	30	22,475.00
				RED LIGHT - MISC FEE	630-249	30	1,900.50
				CHECK APCHK 96070 TOTAL FOR FUND 01:			24,375.50
09/29/2020	APCH	96071	APPRIIZE PROMOTIONAL PRODUCTS	PRINTING & PUBLISHING	710-302	35	149.00
09/29/2020	APCH	96073	BLACK GOLD SEPTIC	MAINTENANCE - PW BUILDING	725-418	35	350.00
09/29/2020	APCH	96075	Brookbank 3 LLC	BROW18-011 - PB18-198	210-109	00	1,000.00
09/29/2020	APCH	96076	CALL THE UNDERGROUND OASIS IRRIG	MAINTENANCE - BUILDING	630-228	30	63.43
09/29/2020	APCH	96077	CAR REFLECTIONS	MAINTENANCE - VEHICLES	630-409	30	185.00
09/29/2020	APCH	96078	CARRROLL CONSTRUCTION SUPPLY	STREET & ROW MAINTENANCE	750-328	35	191.78
09/29/2020	APCH	96079	CHICAGO TRIBUNE	FEES/DUES/SUBSCRIPTIONS	455-307	10	221.00
09/29/2020	APCH	96080	CHOICE OFFICE EQUIP & SUPPLIES IN	COPY SERVICE	455-315	10	487.03
09/29/2020	APCH	96081*	CHRISTOPHER B. BURKE	CONSULTING	455-306	10	330.00
				PLAN REVIEW - ENGINEER- REIMB	520-254	15	110.00
				PLAN REVIEW - ENGINEER- REIMB	520-254	15	672.00
				FEES - ENGINEERING	720-245	35	220.00
				PLAN REVIEW - CIVIL ENGINEER - REIMB	820-254	40	673.83
				PLAN REVIEW - CIVIL ENGINEER- REIMB	820-254	40	220.00
				PLAN REVIEW - CIVIL ENGINEER- REIMB	820-254	40	237.96

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND								
					PLAN REVIEW - CIVIL ENGINEER- REIMB	820-254	40	110.00
					PLAN REVIEW - CIVIL ENGINEER- REIMB	820-254	40	110.00
					PLAN REVIEW - CIVIL ENGINEER- REIMB	820-254	40	220.00
					CHECK APCHK 96081 TOTAL FOR FUND 01:			2,903.79
09/29/2020	APCH	96082	CITADEL INFORMATION MANAGEMENT	OPERATING EQUIPMENT	BUILDING MAINTENANCE SUPPLIES	630-401	30	171.60
09/29/2020	APCH	96083	CITY WIDE OF ILLINOIS		Maintenance - BUILDING	466-228	10	1,120.32
09/29/2020	APCH	96084#	CITY WIDE OF ILLINOIS		Maintenance - BUILDING	630-228	30	1,827.23
					Maintenance - PW BUILDING	725-418	35	75.50
					Maintenance - PW BUILDING	725-418	35	110.89
					Maintenance - PW BUILDING	725-418	35	75.50
					Maintenance - PW BUILDING	725-418	35	75.50
					CHECK APCHK 96084 TOTAL FOR FUND 01:			3,284.94
09/29/2020	APCH	96085	COLLEGE OF DUPAGE	SCHOOLS/CONFERENCES/TRAVEL		630-304	30	149.00
09/29/2020	APCH	96086*#	COMED	RED LIGHT - COM ED		630-248	30	31.86
				ENERGY - STREET LIGHTS		745-207	35	38.53
				ENERGY - STREET LIGHTS		745-207	35	539.13
				ENERGY - STREET LIGHTS		745-207	35	148.93
				CHECK APCHK 96086 TOTAL FOR FUND 01:				758.45
09/29/2020	APCH	96087	DANIEL POLFILIT	OPERATING EQUIPMENT		630-401	30	9.63
				OPERATING EQUIPMENT		630-401	30	107.00
				CHECK APCHK 96087 TOTAL FOR FUND 01:				116.63
09/29/2020	APCH	96088#	DISCOVERY BENEFITS SIMPLIFY	EMP DED PAY - FSA FEE		210-221	00	49.80
				HEALTH/DENTAL/LIFE INSURANCE		455-141	10	0.20
				CHECK APCHK 96088 TOTAL FOR FUND 01:				50.00
09/29/2020	APCH	96089#	DUPAGE COUNTY PUBLIC WORKS	SANITARY (835 MIDWAY)		466-251	10	269.30
				SANITARY (825 MIDWAY)		570-250	20	4.39
				SANITARY USER CHARGE - PARKS		570-278	20	13.37
				SANITARY USER CHARGE - PARKS		570-278	20	112.15
				SANITARY (7760 QUINCY)		630-250	30	228.89
				SANITARY USER CHARGE		725-417	35	13.37
				CHECK APCHK 96089 TOTAL FOR FUND 01:				641.47

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
09/29/2020	APCH	96091	FALCO'S LANDSCAPING INC	STREET & ROW MAINTENANCE STREET & ROW MAINTENANCE STREET & ROW MAINTENANCE STREET & ROW MAINTENANCE	750-328 750-328 750-328 750-328	35 35 35 35	4,680.00 4,940.00 5,200.00 4,940.00
				CHECK APCHK 96091 TOTAL FOR FUND 01:			19,760.00
09/29/2020	APCH	96092*#	FOX TOWN PLUMBING INC	CONTRACTED MAINTENANCE	570-281	20	207.50
09/29/2020	APCH	96093*#	H AND R CONSTRUCTION INC.	STREET & ROW MAINTENANCE STORM WATER IMPROVEMENTS MAINTENANCE STORM WATER IMPROVEMENTS MAINTENANCE	750-328 750-381 750-381	35 35 35	4,057.50 3,756.00 3,756.00
				CHECK APCHK 96093 TOTAL FOR FUND 01:			11,569.50
09/29/2020	APCH	96094*#	HOME DEPOT CREDIT SERVICES	CONTRACTED MAINTENANCE OPERATING SUPPLIES & EQUIPMENT MAINTENANCE - VEHICLES OPERATING EQUIPMENT	570-281 710-401 735-409 755-401	20 35 35 35	119.03 497.00 120.72 33.10
				CHECK APCHK 96094 TOTAL FOR FUND 01:			769.85
09/29/2020	APCH	96095	HR SIMPLIFIED	HEALTH/DENTAL/LIFE INSURANCE	455-141	10	100.00
09/29/2020	APCH	96096	ILLINOIS STATE POLICE	DEFERRED REV - STATE FORFEITED/NARCIN	220-114	00	700.00
09/29/2020	APCH	96097	INDUSTRIAL ELECTRICAL SUPPLY	BUILDING MAINTENANCE SUPPLIES	466-351	10	97.50
09/29/2020	APCH	96099	JOHN J. HANDZIK	UNIFORMS OPERATING EQUIPMENT	630-345 630-401	30 30	172.75 256.41
				CHECK APCHK 96099 TOTAL FOR FUND 01:			429.16
09/29/2020	APCH	96100	JOSEPH LAVALLE	SCHOOLS/CONFERENCES/TRAVEL	630-304	30	1,145.42
09/29/2020	APCH	96101	KANE, MCKENNA & ASSOCIATES, INC.	CONSULTING	455-306	10	3,475.00
09/29/2020	APCH	96102	KATHERINE HAYES	PARK PERMIT FEES	310-814	00	100.00
09/29/2020	APCH	96103	KEVRON PRINTING & DESIGN INC	PRINTING & PUBLISHING	410-302	05	47.00
09/29/2020	APCH	96104	KING CAR WASH	FUEL/MILEAGE/WASH	630-303	30	325.00
09/29/2020	APCH	96105#	KONICA MINOLTA BUSINESS SOLUTION	COPY SERVICE COPY SERVICE COPY SERVICE	630-315 630-315 810-315	30 30 40	503.48 62.09 456.93

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
09/29/2020	APCH	96106	LAUREN KASPAR	CHECK APCHK 96105 TOTAL FOR FUND 01:			1,022.50
				EMPLOYEE RECOGNITION UNIFORMS	630-309 630-345	30 30	148.81 118.93
				CHECK APCHK 96106 TOTAL FOR FUND 01:			267.74
09/29/2020	APCH	96107*	LAW OFFICES STORINO RAMELLO&DURK	FEES - VILLAGE ATTORNEY FEES - SPECIAL ATTORNEY FEES - SPECIAL ATTORNEY CRISIS MANAGEMENT	470-239 470-241 470-241 475-367	10 10 10 10	12,101.10 476.90 62.70 513.00
				CHECK APCHK 96107 TOTAL FOR FUND 01:			13,153.70
09/29/2020	APCH	96108	LEONARD B CANNATA	RED LIGHT - ADJUDICATOR	630-246	30	1,364.00
09/29/2020	APCH	96110	MID AMERICAN WATER	STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	485.10
09/29/2020	APCH	96111*	NJ RYAN TREE & LANDSCAPE LLC	CONTRACTED MAINTENANCE TREE MAINTENANCE TREE MAINTENANCE TREE MAINTENANCE TREE MAINTENANCE TREE MAINTENANCE	570-281 750-338 750-338 750-338 750-338	20 35 35 35 35	5,400.00 3,375.00 3,000.00 5,700.00 3,000.00
				CHECK APCHK 96111 TOTAL FOR FUND 01:			25,575.00
09/29/2020	APCH	96112	OCCUPATIONAL HEALTH CENTERS	EXAMS - PHYSICAL EXAMS - PHYSICAL EXAMS - PHYSICAL	440-543 440-543 440-543	07 07 07	413.50 320.50 320.50
				CHECK APCHK 96112 TOTAL FOR FUND 01:			1,054.50
09/29/2020	APCH	96113	PERSONNEL STRATEGIES LLC	EXAMS - PSYCHOLOGICAL EXAMS - PSYCHOLOGICAL	440-544 440-544	07 07	550.00 550.00
				CHECK APCHK 96113 TOTAL FOR FUND 01:			1,100.00
09/29/2020	APCH	96114	PORTER LEE CORPORATION	EDP LICENSES	640-263	30	1,175.00
09/29/2020	APCH	96115	QUADIENT LEASING USA, INC.	POSTAGE & METER RENT	455-311	10	408.24
09/29/2020	APCH	96116*	RAGS ELECTRIC, INC	CONTRACTED MAINTENANCE MAINTENANCE - STREET LIGHTS	570-281 745-223	20 35	588.12 105.50
				CHECK APCHK 96116 TOTAL FOR FUND 01:			693.62

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
09/29/2020 APCH 96117			RAIN DOGS TRUCKING, INC.	BUSINESS LICENSES	310-303	00	180.00
09/29/2020 APCH 96118			RATHS, RATHS & JOHNSON, INC.	PLAN REVIEW - BUILDING CODE- REIMB	820-258	40	922.50
09/29/2020 APCH 96119			RAY O'HERRON CO., INC.	UNIFORMS	630-345	30	679.89
09/29/2020 APCH 96120			RUTLEDGE PRINTING CO.	PRINTING & PUBLISHING	630-302	30	95.11
				PRINTING & PUBLISHING	630-302	30	188.43
				PRINTING & PUBLISHING	630-302	30	91.22
				CHECK APCHK 96120 TOTAL FOR FUND 01:			374.76
09/29/2020 APCH 96121			RYDIN DECAL	PRINTING, PUBLISHING & TRANSCRIPTION	455-302	10	546.36
09/29/2020 APCH 96122			SHERIDAN PLUMBING & SEWER	JET CLEANING CULVERT-HALF REIMB	750-286	35	8,823.85
09/29/2020 APCH 96123			STAPLES	COMMISSARY PROVISION	455-355	10	60.59
09/29/2020 APCH 96124			T.P.I.	PLAN REVIEW - BUILDING CODE -REIMB	820-258	40	5,032.00
				PLAN REVIEW - BUILDING CODE -REIMB	820-258	40	8,862.00
				PART TIME - INSPECTOR -REIMB	830-109	40	4,347.00
				PLUMBING INSPECTION -REIMB	830-115	40	700.00
				CHECK APCHK 96124 TOTAL FOR FUND 01:			18,941.00
09/29/2020 APCH 96125#			TAMELING GRADING	CONTRACTED MAINTENANCE	570-281	20	4,966.00
				STREET & ROW MAINTENANCE	750-328	35	3,587.00
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	1,654.00
				CHECK APCHK 96125 TOTAL FOR FUND 01:			10,207.00
09/29/2020 APCH 96126*		#	TAMELING INDUSTRIES	CONTRACTED MAINTENANCE	570-281	20	219.96
				STREET & ROW MAINTENANCE	750-328	35	19.44
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	1,837.62
				CHECK APCHK 96126 TOTAL FOR FUND 01:			2,077.02
09/29/2020 APCH 96127#			TEMPERATURE ENGINEERING INC	MAINTENANCE - BUILDING	466-228	10	1,041.88
				MAINTENANCE - PARK BUILDINGS - HVAC	570-228	20	471.87
				MAINTENANCE - BUILDING	630-228	30	471.88
				MAINTENANCE - GARAGE	725-413	35	471.87
				CHECK APCHK 96127 TOTAL FOR FUND 01:			2,457.50
09/29/2020 APCH 96128			TOM & JERRY'S SHELL SERVICES	MAINTENANCE - VEHICLES	810-409	40	1,197.32

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
09/29/2020	APCH	96129	TRAFFIC CONTROL & PROTECTIONS	ROAD SIGNS ROAD SIGNS	755-333 755-333	35 35	255.60 520.55
				CHECK APCHK 96129 TOTAL FOR FUND 01:			776.15
09/29/2020	APCH	96130*#	VERIZON WIRELESS	PHONE - TELEPHONES PHONE - TELEPHONES PHONE - TELEPHONES TELEPHONES TELEPHONES	410-201 455-201 630-201 710-201 810-201	05 10 30 35 40	42.40 42.40 821.64 106.00 42.40
				CHECK APCHK 96130 TOTAL FOR FUND 01:			1,054.84
09/29/2020	APCH	96131*#	WAREHOUSE DIRECT	OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES COMMISSARY PROVISION MAINTENANCE - BUILDING OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OPERATING EQUIPMENT OFFICE SUPPLIES	455-301 455-301 455-301 455-301 455-355 466-228 630-301 630-301 630-301 630-301 630-301 630-301 630-401 810-301	10 10 10 10 10 10 30 30 30 30 30 30 30 30 40	284.40 67.18 101.47 7.41 24.77 469.90 18.54 18.54 92.06 52.28 180.22 37.70
				CHECK APCHK 96131 TOTAL FOR FUND 01:			1,354.47
09/29/2020	APCH	96132	WBK ENGINEERING LLC	PLAN REVIEW - PLANNER	520-257	15	12,721.84
09/29/2020	APCH	96133#	WEST CENTRAL MUNICIPAL CONF.	SCHOOLS/CONFERENCES/TRAVEL SCHOOLS/CONFERENCES/TRAVEL	410-304 455-304	05 10	110.00 55.00
				CHECK APCHK 96133 TOTAL FOR FUND 01:			165.00
09/29/2020	APCH	96134#	WESTERN FIRST AID & SAFETY	OPERATING EQUIPMENT MAINTENANCE - PW BUILDING MAINTENANCE - PW BUILDING	630-401 725-418 725-418	30 35 35	55.26 52.82 85.49
				CHECK APCHK 96134 TOTAL FOR FUND 01:			193.57
09/29/2020	APCH	96135#	WESTOWN AUTO SUPPLY COMPANY	MAINTENANCE - VEHICLES MAINTENANCE - VEHICLES MAINTENANCE - EQUIPMENT	630-409 735-409 735-411	30 35 35	523.00 39.09 101.15

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User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 09/16/2020 - 09/29/2020

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND				MAINTENANCE - VEHICLES	810-409	40	8.34
				CHECK APCHK 96135 TOTAL FOR FUND 01:			671.58
				Total for fund 01 GENERAL FUND			186,599.28

Page 7/10

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 02 WATER FUND							
09/16/2020	APCH	96065*#	ACCESS ONE, INC.	OFFICE SUPPLIES OFFICE SUPPLIES	401-301 401-301	50 50	92.11 92.11
09/29/2020	APCH	96069	ACI PAYMENTS, INC	CHECK APCHK 96065 TOTAL FOR FUND 02:			184.22
09/29/2020	APCH	96072	ASSOCIATED TECHNICAL SERV. LTD.	FEES DUES SUBSCRIPTIONS	401-307	50	19.50
09/29/2020	APCH	96074	BLACK HAWK PAVING	LEAK SURVEYS	430-276	50	638.50
				WATER DEPOSIT REFUND	280-131	00	775.00
09/29/2020	APCH	96086*#	COMED	ENERGY - ELECTRIC PUMP	420-206	50	589.37
09/29/2020	APCH	96090	ETP LABS INC	SAMPLING ANALYSIS	420-362	50	100.00
09/29/2020	APCH	96092*#	FOX TOWN PLUMBING INC	MATERIALS & SUPPLIES- STANDPIPE/PUMPH	425-475	50	257.80
09/29/2020	APCH	96093*#	H AND R CONSTRUCTION INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	4,057.50
09/29/2020	APCH	96098	JOE COONS	SCHOOLS CONFERENCE TRAVEL	401-304	50	50.00
09/29/2020	APCH	96109	METROPOLITAN INDUSTRIES INC	EDP LICENSES	417-263	50	138.00
09/29/2020	APCH	96126*#	TAMELING INDUSTRIES	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	31.50
09/29/2020	APCH	96130*#	VERIZON WIRELESS	PHONE - TELEPHONES	401-201	50	106.00
09/29/2020	APCH	96131*#	WAREHOUSE DIRECT	OFFICE SUPPLIES	401-301	50	133.88
				Total for fund 02 WATER FUND			7,081.27

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User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 09/16/2020 - 09/29/2020

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 15 RT	83/PLAINFIELD RD BUSINESS		DISTRICT TAX				
09/29/2020	APCH	96107*	LAW OFFICES STORINO RAMELLO&DURK	LEGAL FEES	401-242	15	285.00
				Total for fund 15 RT 83/PLAINFIELD RD BUSINESS			285.00
			TOTAL - ALL FUNDS				199,136.14

'*' - INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

'#' - INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT

VILLAGE OF WILLOWBROOK

BOARD MEETING
AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE EXTENDING TEMPORARY EXECUTIVE POWERS PURSUANT TO
65 ILCS 5/11-1-6

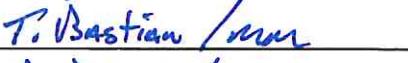
AGENDA NO. 5.d.

AGENDA DATE: 09/28/2020

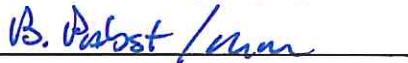
STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: 

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMISSION: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

In late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China. The World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020.

On March 9, 2020 Illinois Governor JB Pritzker declared all counties in the State of Illinois as a disaster area, Governors Disaster Proclamation. Following the lead of Governor, J. B. Pritzker, health agencies on both the State and Federal level, and March 16, 2020 DuPage County Disaster Proclamation by DuPage County Board Chairman Dan Cronin, the Village is taking immediate steps of minimize access to the Village Hall. This action of social distancing is to prevent the spread of COVID-19. The Centers for Disease Control (CDC) and World Health Organization have declared the COVID-19 a global pandemic. The CDC recommended that all events over 50 people be postponed or cancelled. The State of Illinois has entered Phase 4 of the Restore Illinois Plan with limited occupancy for restaurants, retail and office uses with facemask requirements and is still recommending a minimum six-foot social distancing policy. The Centers for Disease Control and Prevention has reported 6,874,982 confirmed cases and 200,275 deaths in the United States and the Illinois Department of Public Health has reported 279,114 confirmed cases and 8,508 deaths that are attributable to COVID-19 as of September 24, 2020.

On July 24, 2020 Illinois Governor JB Pritzker issued an additional Executive Order amending the criteria. (attached).

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

It is the policy of the Village of Willowbrook that the corporate authorities will be prepared to address any emergencies and, therefore, pursuant to Section 5/11-1-6 of the Illinois Municipal Code, it is necessary and appropriate to establish standards for the determination of whether a state of emergency exists authorizing the mayor to exercise extraordinary power and authority, by executive order, during the possible state of emergency, to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the Village remain safe and secure.

If the ordinance is approved, it would allow for the following items allowable through the code of ordinances:

- All actions reasonably and expeditiously necessary to respond to the local state of emergency; and

- b) Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the Village; and
- c) In the event the local state of emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the Village during the existence of the local state of emergency;
- d) Canceling meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice;
- e) Suspend licenses or permits for special events or any other licenses or permits issued by the Village which in the judgment of the Mayor could impact the public health or well-being of residents or visitors to the community;
- f) Authorize any purchase for which funds are available reasonably related to the local state of emergency; and
- g) Authorize to close Village facilities as is reasonably required to protect the health of the public and employees of the Village related to the local state of emergency.

This Extension of the Temporary Executive Power Ordinance will be in full affect until the next regular meeting of the Village Board of the Village of Willowbrook.

ACTION PROPOSED: Pass the Ordinance.



July 24, 2020

Executive Order 2020-48

EXECUTIVE ORDER 2020-48
(COVID-19 EXECUTIVE ORDER NO. 45)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 140,000 and growing, and taking the lives of thousands of residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 7,300 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 and hereby incorporate the **WHEREAS** clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 24, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 hereby are re-issued by this Executive Order 2020-48 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **August 22, 2020**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **August 22, 2020**.

Executive Order 2020-08 (Secretary of State operations):

Sections 2, 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **August 22, 2020**.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-11 (Revisions to prior Executive Orders; Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **August 22, 2020**.

Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period):

Sections 1, 2, and 3 of Executive Order 2020-12 are re-issued and extended through **August 22, 2020**, whereafter Section 2 shall be rescinded.

Executive Order 2020-13 (Suspending Illinois Department of Corrections admissions from county jails):

Executive Order 2020-13 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **August 22, 2020**.

Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):

Executive Order 2020-16 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Section 1 shall be rescinded.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-22 (Township meetings; Funeral Directors and Embalmers Licensing Code; placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **August 22, 2020**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-26 (Hospital capacity):

Executive Order 2020-26 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Sections 2(a)-(d) and (f)-(h), 3, 4, and 5 shall be rescinded.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-30 (Filing of residential eviction actions; enforcement of non-residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Executive Order 2020-30, as amended by Executive Order 2020-33 and as further amended and revised below, is re-issued in its entirety and extended through **August 22, 2020**, whereafter the prohibition on enforcement of orders of eviction for non-residential premises shall be rescinded.

Section 7. The provisions of Section 2 and 3 of Executive Order 2020-30, as amended by Executive Order 2020-33, prohibiting the commencement of residential eviction actions and the enforcement of orders of eviction for residential properties, shall remain in effect to allow the Illinois Housing Development Authority to distribute monetary assistance under the Emergency Rental Assistance and Emergency Mortgage Assistance programs directly to landlords or property owners on behalf of eligible tenants or, for eligible homeowners, directly to the mortgagor's loan servicer.

Executive Order 2020-31 (Educator licensure and student graduation requirements):

Executive Order 2020-31 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Section 2 shall be rescinded.

Executive Order 2020-35 (IDPH regulatory activities):

Sections 1 and 3-17 of Executive Order 2020-35 are re-issued and extended through **August 22, 2020**, whereafter Sections 1 and 3-13 shall be rescinded.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-43 (Phase 4 Community Revitalization Order):

Executive Order 2020-43 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and extended through **August 22, 2020**.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.



JB Pritzker, Governor

Issued by the Governor: July 24, 2020
Filed by the Secretary of State: July 24, 2020

FILED
INDEX DEPARTMENT

JUL 24 2020

IN THE OFFICE OF
SECRETARY OF STATE

ORDINANCE NO. 20-O

**AN ORDINANCE EXTENDING TEMPORARY
EXECUTIVE POWERS PURSUANT TO 65 ILCS 5/11-1-6**

WHEREAS, on March 23, 2020, the Governor of the State of Illinois issued Executive Order 2020-10 ordering all individuals, with certain exceptions, to shelter in place through April 7, 2020; and

WHEREAS, during the March 23, 2020 regular meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-08, entitled “An Ordinance Establishing Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6”; and

WHEREAS, on March 23, 2020, Village Mayor, Frank A. Trilla, signed a “Proclamation Declaring An Emergency In The Village Of Willowbrook Due To The Coronavirus (COVID-19) Outbreak”; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18 extending for an additional thirty (30) days certain executive orders, including Executive Order 2020-10, ordering all individuals, with certain exceptions, to shelter in place through April 30, 2020; and

WHEREAS, effective May 1, 2020, Governor JB Pritzker signed Executive Order 2020-32 extending for another thirty (30) days prior Executive Orders continuing shelter-in-place orders until May 30, 2020; and

WHEREAS, during the April 27, 2020 regular meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-13,

entitled "An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6"; and

WHEREAS, during the May 11, 2020 regular Village Board Meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-17, entitled "An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-6"; and

WHEREAS, during the May 26, 2020 Village Board meeting of the Mayor and Board of Trustees, the Village Board adopted and approved Ordinance No. 20-O-19 extending temporary executive powers; and

WHEREAS, during the June 8, 2020 Village Board Meeting of the Mayor and Board of Trustees, the Village Board adopted and approved Ordinance No. 20-O-21 extending temporary executive powers; and

WHEREAS, during the June 22, 2020 Village Board Meeting of the Mayor and Board of Trustees, the Village Board adopted and the Mayor approved Ordinance No. 20-O-23 extending temporary executive powers; and

WHEREAS, on June 26, 2020, Governor JB Pritzker issued Executive Order 2020-44 (COVID-19 Executive Order No. 42) which extended prior Executive Orders related to the COVID-19 pandemic and again declared all counties in the State of Illinois disaster areas for an additional thirty (30) days; and

WHEREAS, on July 24, 2020, Governor JB Pritzker extended the Disaster Proclamations, previously issued, for an additional thirty (30) days; and

WHEREAS, on August 21, 2020, Governor JB Pritzker extended the disaster proclamation, previously issued, for an additional thirty (30) days; and

WHEREAS, the corporate authorities of the Village believe it is reasonable and necessary for the temporary executive powers afforded by Village Ordinances 20-O-08, 20-O-10, 20-O-13, 20-O-17, 20-O-19, 20-O-21, 20-O-23, 20-O-26, 20-O-29, 20-O-32, 20-O-36 and 20-O-38 be extended to the adjournment of the next regularly scheduled Village of Willowbrook Mayor and Board of Trustees' meeting.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION 1. The corporate authorities of the Village hereby determine that it is advisable, necessary and in the best interests of the public health, safety and welfare of the Village that the Village extend the temporary executive powers afforded by Village Ordinances 20-O-08, 20-O-10, 20-O-13, 20-O-17, 20-O-19, 20-O-21, 20-O-23, 20-O-26, 20-O-29, 20-O-32, 20-O-36 and 20-O-38, and as further extended by this Village Ordinance 20-O-44, until the adjournment of the next regularly scheduled meeting of the Village of Willowbrook Mayor and Board of Trustees.

SECTION 2. The officials, officers and employees of the Village are hereby authorized to take such further actions as are necessary to carry out the intent and purpose of this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 3. This Ordinance shall be in full force and effect upon and after its passage, approval and publication in accordance with law.

PASSED and APPROVED this _____ day of September, 2020.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

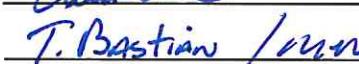
ATTEST:

Leroy R. Hansen,
Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:	AGENDA NO.
Receive Plan Commission Recommendation – Public Hearing Case 20-07: Consideration of a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-1 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new permitted use in the B-4 Zoning District.	5.e.

STAFF REVIEW: Ann Choi, Planning Consultant	SIGNATURE: 
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: 
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

This text amendment was proposed by Roy Dobrasinovic, the applicant and new owner of the former Kerry Piper restaurant, an existing building located at 7900 Joliet Road on property zoned B-4, to allow a cigar lounge in the now vacant space. The proposed use is not currently permitted in the B-4 zoning district. The text amendment would also clarify inconsistencies such as “Tobacco stores” and “Tobacco shops” in the B-2 and B-3 zoning districts. These terms would be replaced by “Retail tobacco stores with smoking lounge” to establish a use category that is used consistently in the Zoning Ordinance.

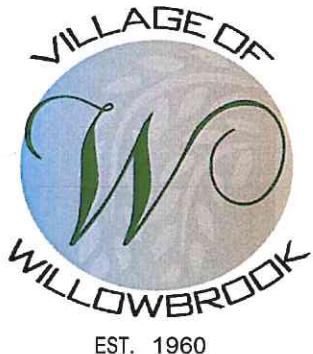
ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

As a special use in the B-4 zoning district, the Village would have the opportunity to notify surrounding property owners and conduct a public hearing before the Plan Commission. The Plan Commission would be able to recommend conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. The special use process would provide a transparent, public review process to determine whether if the use will be compatible with surrounding uses and development patterns. Staff recommended that the retail tobacco store with smoking lounge be permitted as a special use in the B-4 zoning district to provide for the most effective review and approval process.

The Plan Commission conducted a public hearing on this petition at a special meeting of the Plan Commission at their September 23, 2020 meeting. Two members of the public provided testimony on behalf of the applicant. Both requested that the Plan Commission consider allowing the retail tobacco store with smoking lounge as a permitted use rather than a special use, in the B-4 zoning district.

The Plan Commission did not express any opposition to the proposed retail tobacco store with smoking lounge but indicated that the special use process may be too costly and onerous of a process for a use that is permitted by-right in the B-2 and B-3 zoning districts. Most of the Plan Commission members were in favor of allowing the retail tobacco store with smoking lounge as a permitted use in the B-4 zoning district and made a motion to forward this recommendation. The Plan Commission voted 5-1 of the members present in favor of the proposed text amendments with the recommended modification and forwarded a positive recommendation to the Village Board.

ACTION PROPOSED: September 28, 2020: Receive Plan Commission Recommendation.



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MEMORANDUM

Mayor

Frank A. Trilla

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

Village Clerk

Leroy R. Hansen

MEMO FROM: Dan Kopp, Chairman, Plan Commission

Village Trustees

Sue Berglund

SUBJECT: **Zoning Hearing Case 20-07:** (Roy Dobrasinovic, Compass Real Estate Holding LLC, 15W580 N. Frontage Road, Burr Ridge, Illinois) Consideration of a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

At the special meeting of the Plan Commission held on September 23, 2020, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Wagner that based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Pages 2 through 6 of the Staff Report for PC Case Number 20-07 that adds the definition of “Retail tobacco stores with smoking lounge”, replaces “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and adds “Retail tobacco stores with smoking lounge” as a new permitted use in the B-4 zoning district.

ROLL CALL: AYES: Chairman Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Remkus, and Kaucky;
NAYS: Soukup.
ABSENT: Walec.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp



Proud Member of the
Illinois Route 66 Scenic Byway



Village of Willowbrook

Staff Report to the Village Board

Village Board Receive: September 28, 2020

Public Hearing Date: September 23, 2020

Prepared By: Ann Choi, Planning Consultant

Case Title: PC 20-07: Consideration of a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

Petitioner: Roy Dobrasinovic, 11308 75th Street, Burr Ridge IL 60527

Action Requested by Applicant: Title 9 – Zoning Sections:

- 9-2-2 Definitions (Add “Retail tobacco store with smoking lounge”).
- 9-6B-1 Delete “Tobacco stores” from the list of permitted uses and replace with “Retail tobacco stores with smoking lounge” in the appropriate alphabetical location.
- 9-6C-1 Delete “Tobacco shops” from the list of permitted uses and replace with “Retail tobacco stores with smoking lounge” in the appropriate alphabetical location.
- 9-6D-2 Add “Retail tobacco stores with smoking lounge” to Section 9-6D-2 as a special use of the Zoning Ordinance in the appropriate alphabetical location.

Proposed Location: Existing property zoned B-4 at the southwest corner of Joliet Road and 75th Street.

Documents Attached:

- 1. Smoke Free Illinois Act
- 2. Comparison of Other Municipalities
- 3. Public hearing notice

Necessary Action by Village Board: Receive Plan Commission Recommendation.



History & Discussion of Request

Roy Dobrasinovic, petitioner, requests a text amendment to allow a cigar lounge as a new proposed use in the B-4 zoning district. Notification requirements for this application have been satisfied. A legal notice for the public hearing was published in the September 8, 2020 edition of *The Chicago Sun Times* newspaper.

The Smoke Free Illinois Act (2008), includes provisions for retail tobacco establishments which allow for indoor smoking on the premises. The operation must derive 80% of its gross revenue from retail sales and any type of liquor, food, or restaurant license is not allowed. Several other regulations would be required. A copy of the Act has been attached as **Exhibit A** of this staff report.

The Village currently allows "Tobacco stores" and "Tobacco shops" as permitted uses in the B-2 and B-3 zoning districts, respectively. Since "Tobacco stores" and "Tobacco shops" are not currently defined in the Zoning Ordinance and the terms are variations of essentially the same use, one of the objectives of this text amendment is to establish a use category that is used consistently in the Zoning Ordinance. "Tobacco stores" and "tobacco shops" will be replaced by "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts' list of permitted uses. Indoor smoking is allowed in these establishments under the current state regulations. The Village of Willowbrook currently has one "Retail tobacco store with smoking lounge" already in town. "Stogies" is a 1,451-square foot retail tobacco store that allows the on-site consumption of tobacco products and is in the Hinsdale Lake Commons Shopping Center. This retail tobacco store has been grandfathered in as it existed prior to the state requirement for retail tobacco stores to be located within a standalone building.

Village staff researched zoning ordinances from other communities to understand how the on-site consumption of tobacco and/or tobacco-related products are specifically regulated. Refer to Attachment 2 for the summary containing the results from the research. Research has shown that many communities in the surrounding area have drafted or approved ordinances that vary widely from one community to the other. Some communities such as Aurora, Downers Grove, and Naperville consider retail tobacco stores as retail sales and are permitted by-right in their business districts. Other communities like Lombard and Homer Glen make a distinction between tobacco retail stores and smoking lounges and are permitted as special uses in the business districts. In these cases, a distinction is made by defining lounges as devoting the majority of the store's floor area for the on-site consumption of tobacco products.

On September 14, 2020, staff's findings were presented to the Law & Ordinance Committee, and there was consensus that Village staff should prepare Text Amendments for Plan Commission and Village Board consideration.

Proposed Text Amendments

The following sections are to be amended. New language is highlighted in the **red and is underlined**. Language to be eliminated is indicated with a ~~strike-through~~.

Add the following definition to Section 9-2-2 in the appropriate alphabetical location:

RETAIL TOBACCO STORE WITH SMOKING LOUNGE: a retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store with smoking lounge" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing,



importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store with smoking lounge" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. "Retail tobacco store with smoking lounge" does not permit the on-site consumption of cannabis or marijuana products. "Retail tobacco store with smoking lounge" is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

Delete "Tobacco stores" in Section 9-6B-1 (permitted uses in the B-2 zoning district) and "Tobacco shops" in Section 9-6C-1 (permitted uses in the B-3 zoning district) and replace with "Retail tobacco stores with smoking lounge" in the appropriate alphabetical location in both instances.

9-6B-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Antique shops.

Apparel and clothing stores.

Art and craft supply stores and studios.

Art galleries.

Auto supply stores, provided that retail sales only shall be permitted, and further provided that machining of any type and/or outdoor storage are expressly prohibited.

Bakeries where not more than sixty percent (60%) of the floor area is devoted to storage of supplies and product processing.

Banks and other financial institutions.

Barber shops and beauty parlors, including therapeutic massage, where not more than twenty percent (20%) of the floor area is devoted to massage therapy.

Blueprinting and photocopying establishments.

Book, stationery stores and newsstands.

Camera and photographic supply stores.

Candy, ice cream and bakery shops or shops selling similar commodities.

Carpet and rug stores.

China and glassware stores.

Clinics, medical and/or dental; including laboratories.

Clothing and costume rental shops.

Coin and philatelic stores.

Computer sales and service.

Department stores.

Dry cleaning and laundry retail establishments, providing that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs.

Florists.



Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furriers.

Hardware stores.

Hat and shoe repair shops.

Hobby shops.

Housewares stores.

Interior decorating shops.

Jewelry shops, including watch repair.

Laundries, self-service and shops for the collection and distribution of laundry and dry-cleaning articles.

Leather goods and luggage stores.

Liquor stores (occupancy permit subject to issuance of liquor license).

Loan offices.

Locksmiths.

Millinery stores.

Music stores.

Musical and instrument stores.

Office supply and stationery stores.

Offices and office buildings.

Optical stores and optometrist offices.

Orthopedic and medical appliance stores.

Paint and wallpaper stores.

Pet shops.

Photographer, artist or similar studios.

Photography studio.

Physical culture and health service, gymnasiums and reducing salons.

Picture framing shops.

Real estate sales and brokerage offices.

Retail tobacco stores with smoking lounge.

Sales and display rooms.

Sewing machines sales and service, household machines only.

Shoe stores and shoe repair.

Sporting goods stores.

Tailor or dressmaking shops.

Tanning salons.

~~Tobacco stores.~~

Toy stores.

Travel agencies and transportation ticket offices.

Typewriter and office equipment sales and service.

Variety stores.

Video gaming cafe.

Video tape/disc sales and rental stores.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 84-O-51, 10-22-1984; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 97-O-10, 4-14-1997; amd. Ord. 19-O-32, 11-25-2019)



9-6C-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.
Animal hospitals and veterinarian offices.
Art galleries.
Auction rooms.
Banks and other financial institutions.
Bicycle stores; sales, rental and repair.
Blueprinting and photocopying establishments.
Carpet and rug stores.
China and glassware stores.
Clothing and costume rental shops.
Coin and philatelic stores.
Computer sales and service.
Dry cleaning and laundry retail establishments, provided that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, that such processing shall be limited to service of the principal use.
Electrical, gas and other household appliance stores, including radio and television sales, accessory repair and service thereof.
Employment agencies.
Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
Furrier shops, including the incidental storage and conditioning of furs.
Garden supply and seed stores.
Greenhouses and conservatories.
Interior decorating shops, including upholstery and making draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.
Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").
Kennels, with no outdoor dog runs.
Leather goods and luggage stores.
Liquor stores, retail sales of packaged goods only (occupancy permit subject to issuance of liquor license).
Locksmith shops.
Mail order service stores.
Millinery stores.
Music stores, sheet music, tape and disc sales.
Musical instrument sales and repair.
Office supply stores.
Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.
Paint and wallpaper stores.
Parking lots, for passenger motor vehicles only.
Pet service, domestic.
Pet shops.
Physical culture and health service, gyms and exercise salons.
Picture framing, when conducted on the premises for retail trade.



Plumbing, heating, air conditioning and electrical fixtures and equipment; show room shops for domestic use only.

Printing plants for newspapers and similar publications.

Radio and television broadcasting studios.

Radio and television service and repair shops.

Recording studios.

Retail tobacco stores with smoking lounge.

Service, cleaning and repair shops for personal, household or garden equipment.

Sewing machines sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Tailor shops.

Taxidermists.

Tobacco shops.

Toy shops.

Typewriter and adding machine sales and service establishments.

Video gaming cafe.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

Add "Retail tobacco stores with smoking lounge" in Section 9-6D-2 as a special use in the B-4 zoning district. Staff recommends that the proposed smoking lounge use be allowed in the B-4 zoning district as a special use.

9-6D-2: SPECIAL USES:

Special uses in this district are:

Equipment rentals, not including outside storage.

Fast food establishments.

Firing range, indoor.

Planned unit developments.

Radio and television broadcasting studios.

Retail tobacco stores with smoking lounge.

Restaurants and banquet halls, including musical entertainment and dancing.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-4 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 79-O-12, 4-9-1979; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 14-O-15, 3-24-2014; amd. Ord. 19-O-32, 11-25-2019)

In addition to adding "Retail tobacco stores with smoking lounge" as a special use in the B-4 zoning district, planning staff would consider the following conditions of approval to impose on future special use petitions for smoking lounges.

1. All smoking lounge patrons and occupants must be at least twenty-one (21) years of age.



2. Smoking lounges can only sell pre-packaged snacks such as chips and nuts with no on-site food preparation.
3. No live entertainment shall be permitted.

It should be noted that the Plan Commission does not have the authority to limit the hours of operation, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, the Village will need to review and amend portions of the Willowbrook Municipal Code to comply with the State's most recent legislation, to amend codes that are outdated, to identify conflicts with the new use, and to make definitions consistent. The following codes to be reviewed and amended include, but are not limited to:

1. Title 3 Business Regulations, Chapter 5 Tobacco Dealers. The Village is looking to update this section to align with state legislation regarding tobacco use and the Smoke Free Illinois Air Act (2008). The update would clarify any ambiguity between tobacco dealer and retail tobacco store and would authorize a special use for a retail tobacco store with smoking lounge.
2. Title 6 Health and Sanitation, Chapter 10 Smoking Regulations. The Village is looking at updating this Chapter to align with the most recent state legislation, the Smoke Free Illinois Act (2008).

Recommendation

Staff believes the requirement of a special use for "Retail tobacco stores with smoking lounges" within the B-4 zoning district to be the most appropriate process for consideration. This process will require notification of surrounding property owners and a public hearing before the Plan Commission. The Plan Commission would be able to recommend reasonable conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. The intent of the special use process is to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. Staff is confident that this process will provide for the most effective review and approval process for the regulation of "Retail tobacco stores with smoking lounges" in Willowbrook.

Public Hearing and Plan Commission Recommendation

The Plan Commission conducted a public hearing on this petition at a special meeting of the Plan Commission at their September 23, 2020 meeting. Due to the COVID-19 pandemic, the public hearing was held virtually and members of the public were given the opportunity to call into the Village's phone line. The following members were in attendance: Chairman Dan Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Kaucky, Soukup and Remkus. Commissioner Walec was absent.

Testimony by Applicant and Applicant's Representatives

Randy King, the applicant's architect, provided an explanation of the proposed smoking lounge and explained that the applicant did not intend to add any additional floor area to the former Kerry Piper building and the structure would remain "as-is". The upper level "attic" would be used as storage and would not be open to any patrons because of the absence of an elevator. The goal of the establishment would be a "country club" atmosphere without any golf. The smoking lounge would offer areas for casual seating, a bar, seating areas around multiple television screens, and private rooms. The smoking lounge would also utilize the existing outdoor area. Memberships would be offered. The applicant does not intend to sell food within the building, but patrons would be able to consume food that is prepared off-site. Mr. King indicated that the intent of this establishment is to attract the same patrons who would use the facility across the street



(Compass Arena) where smoking is not permitted indoors under state law. Mr. King further expressed his client's desire to allow this use as a permitted use, rather than a special use in the B-4 zoning district, since the proposed location is far from any residential areas, and would draw less traffic than a restaurant. Mr. King emphasized that the proposed location is tucked away in a corner of the Village, bound by I-55 and Route 83. When looking at the B-2 and B-3 zoning districts, these districts are closer to residential areas, so Mr. King expressed confusion as to why retail tobacco stores in the B-4 zoning district should be treated differently than how they are currently permitted in the B-2 and B-3 zoning districts. A special use process would force his client to spend more money obtaining approvals on a building that already exists. Mr. King respectfully requested that the Plan Commission consider allowing the retail tobacco store with smoking lounge as a permitted use in the B-4 zoning district.

Mario Magliano, of Compass Real Estate Holdings and applicant's representative, also provided testimony. Mr. Magliano expressed concerns about the special use in the B-4 district as well, since the special use process would require \$8,000 in fees and another \$15,000-20,000 in professional fees, in order to document conditions that already exist (lighting, parking, curbs, building, setbacks, etc.). Mr. Magliano reiterated that the applicant is trying to reopen a shuttered business in Willowbrook in the middle of an industrial park that is far from residential areas in every direction and where the biggest neighbor is the outdoor storage facility and the expressway. Mr. Magliano stated that \$20,000 is asking an awful amount of money for inventory and materials. Mr. Magliano also expressed confusion on the government process and expressed appreciation for any consideration on the alleviation on some of these expenses and overburdens.

In response, Chairman Kopp provided a brief overview and clarified that staff was composed of the Village planning consultant and the Village Administrators. Chairman Kopp further explained that staff does not include the elected officials or the Plan Commission, and the role of the Plan Commission was to provide a recommendation to the Village Board.

Chairman Kopp was agreeable to the proposed use and was sympathetic to the petitioner. Chairman Kopp agreed that the special use was too onerous of a process and would be in favor of allowing the retail tobacco store with smoking lounge as a permitted use in the B-4 zoning district. Commissioners Remkus, Kaucky, Kaczmarek and Wagner all agreed. Commissioner Soukup, however, was not in favor of any establishment that promotes smoking.

The Plan Commission did not express any opposition to the proposed retail tobacco store with smoking lounge but made a motion to allow the use as a permitted, rather than a special use. The Plan Commission voted 5-1 of the members present in favor of the proposed text amendments, and forwarded a positive recommendation to the Village Board.

Motion

The following sample motion was provided in the staff report for the Plan Commission:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Pages 2 through 6 of the Staff Report for PC Case Number 20-07 that add the definition of "Retail tobacco stores with smoking lounge", replaces "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and adds "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.

The following motion made by Remkus was seconded by Wagner and approved unanimous 5-1 roll call vote of the members present:



Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Pages 2 through 6 of the Staff Report for PC Case Number 20-07 that adds the definition of "Retail tobacco stores with smoking lounge", replaces "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and adds "Retail tobacco stores with smoking lounge" as a new permitted use in the B-4 zoning district.

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Attachment 1
Smoke Free Illinois Act (420 ILCS 82/1 *et seq.*)

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

PUBLIC HEALTH

(410 ILCS 82/) Smoke Free Illinois Act.

(410 ILCS 82/1)

Sec. 1. Short title. This Act may be cited as the Smoke Free Illinois Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/5)

Sec. 5. Findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The General Assembly also finds that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

The General Assembly also finds that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/10)

Sec. 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment", nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or

scientific health-related research. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area

within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970. (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09; 96-797, eff. 1-1-10.)

(410 ILCS 82/15)

Sec. 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.

(Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)

(410 ILCS 82/20)

Sec. 20. Posting of signs; removal of ashtrays.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act

by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/25)

Sec. 25. Smoking prohibited in student dormitories. Notwithstanding any other provision of this Act, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/30)

Sec. 30. Designation of other nonsmoking areas. Notwithstanding any other provision of this Act, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/35)

Sec. 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. A retail tobacco store may, with authorization or permission from a unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county, allow the on-premises consumption of cannabis in a specially designated areas.

(3) (Blank).

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that

all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(5) Enclosed laboratories that are excluded from the definition of "place of employment" in Section 10 of this Act. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(6) Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans' Affairs or licensed under the Nursing Home Care Act that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(7) A convention hall of the Donald E. Stephens Convention Center where a meeting or trade show for manufacturers and suppliers of tobacco and tobacco products and accessories is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

- (i) is a trade-only event and not open to the public;
- (ii) is limited to attendees and exhibitors that are 21 years of age or older;
- (iii) is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and
- (iv) involves the display of tobacco products.

Smoking is not allowed in any public area outside of the hall designated for the meeting or trade show.

This paragraph (7) is inoperative on and after October 1, 2015.

(8) A dispensing organization, as defined in the Cannabis Regulation and Tax Act, authorized or permitted by a unit local government to allow on-site consumption of cannabis, if the establishment: (1) maintains a specially designated area or areas for the purpose of heating, burning, smoking, or lighting cannabis; (2) is limited to individuals 21 or older; and (3) maintains a locked door or barrier to any specially designated areas for the purpose of heating, burning, smoking or lighting cannabis.

(Source: P.A. 101-593, eff. 12-4-19.)

(410 ILCS 82/40)

Sec. 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local, Department of Natural Resources, and Department of State Police law enforcement agencies shall

enforce the provisions of this Act through the issuance of citations and may assess civil penalties pursuant to Section 45 of this Act.

(a-2) The citations issued pursuant to this Act shall conspicuously include the following:

- (1) the name of the offense and its statutory reference;
- (2) the nature and elements of the violation;
- (3) the date and location of the violation;
- (4) the name of the enforcing agency;
- (5) the name of the violator;
- (6) the amount of the imposed civil penalty and the location where the violator can pay the civil penalty without objection;
- (7) the address and phone number of the enforcing agency where the violator can request a hearing before the Department to contest the imposition of the civil penalty imposed by the citation under the rules and procedures of the Administrative Procedure Act;
- (8) the time period in which to pay the civil penalty or to request a hearing to contest the imposition of the civil penalty imposed by the citation; and
- (9) the verified signature of the person issuing the citation.

(a-3) One copy of the citation shall be provided to the violator, one copy shall be retained by the enforcing agency, and one copy shall be provided to the entity otherwise authorized by the enforcing agency to receive civil penalties on their behalf.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

(c) The Department shall afford a violator the opportunity to pay the civil penalty without objection or to contest the citation in accordance with the Illinois Administrative Procedure Act, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control.

(d) Upon receipt of a request for hearing to contest the imposition of a civil penalty imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with the Illinois Administrative Procedure Act and the rules established thereto by the Department applicable to contested cases, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. Parties to the hearing shall be the enforcing agency and the violator.

The Department shall notify the violator in writing of the time, place, and location of the hearing. The hearing shall be conducted at the nearest regional office of the Department, or in a location contracted by the Department in the county where the citation was issued.

(e) Civil penalties imposed under this Act may be collected in accordance with all methods otherwise available to the enforcing agency or the Department, except that there shall be no collection efforts during the pendency of the hearing before the Department.

(f) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois

Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.
(Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/45)

Sec. 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 or 20 of this Act shall be liable for a civil penalty pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be liable for a civil penalty in an amount that is \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 or 20 of this Act shall be liable for a civil penalty of (i) \$250 for the first violation, (ii) \$500 for the second violation within one year after the first violation, and (iii) \$2,500 for each additional violation within one year after the first violation.

(c) A civil penalty imposed under this Section shall be allocated as follows:

(1) one-half of the civil penalty shall be distributed to the Department; and

(2) one-half of the civil penalty shall be distributed to the enforcing agency.

With respect to funds designated for the Department of State Police under this subsection, the Department of State Police shall deposit the moneys into the State Police Operations Assistance Fund. With respect to funds designated for the Department of Natural Resources under this subsection, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.

(d) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/50)

Sec. 50. Injunctions. In addition to any other sanction or remedy, the Department, a State-certified local public health department, law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

(Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/55)

Sec. 55. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/60)

Sec. 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Act.

(Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)

(410 ILCS 82/65)

Sec. 65. Home rule and other local regulation.

(a) Any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any regulation authorized under subsection (a) or authorized under home rule powers, any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/70)

Sec. 70. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/75)

Sec. 75. Rules. The Department shall adopt rules necessary for the administration of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/80)

Sec. 80. (Amendatory provisions; text omitted).

(Source: P.A. 95-17, eff. 1-1-08; text omitted.)

(410 ILCS 82/90)

Sec. 90. The Illinois Clean Indoor Air Act is repealed.

(Source: P.A. 95-17, eff. 1-1-08.)



Attachment 2
Comparison of Other Communities

Municipality	Cigar Lounge	Definition	Rules and Regulations
Aurora	Cigarette or Tobacco Shops – Permitted Uses in the B-1, B-2, B-3, M-1 and M-2 Districts, Accessory Use in the ORI District	Undefined.	N/A
Darien	Tobacco Shops – Permitted Uses in the B-2 and Special Use in the B-3 Districts	Undefined.	N/A
Downers Grove	Retail sales – Default to State requirements which provides an exemption for retail tobacco stores (in this case cigar shops). Retail tobacco stores that derive more than 80% of its gross revenue from the sale of tobacco products and do not have a liquor, food or restaurant license can have a smoking lounge. Hookah lounges are prohibited.	The two in town are considered retail sales.	Per State requirements.
Homer Glen	Smoke Shops – Permitted Uses in the C-1, C-2, C-3, and C-4 Districts; Smoking Lounge – Special Use in the C-1, C-2, C-3, and C-4 Districts	Smoking Lounge – A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, tobacco clubs, tobacco bars, etc. (Collectively referred to as "smoking lounge(s).") Hookah bars, hookah cafes, and hookah lounges are not included in this definition, as hookah pipes and related devices are defined as drug paraphernalia in Article II (Drug Paraphernalia) of Chapter 5 (Public Safety) of the Code of the Village of Homer Glen.	N/A

Lombard	<p>Smoking establishments – Conditional Use in the B4A District, Roosevelt Road.</p> <p>Lux Hookah Lounge & Bar at 1221 S. Main Street – approved prior to Illinois Smoke Free Act so it is not in a freestanding building.</p>	<p>Smoking establishment is an establishment, which has its principal business purpose dedicated to, or has the majority of its gross floor area dedicated to, the on-premises smoking or vaping of tobacco products or other legal substances, excluding cannabis, and/or is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.</p>	In conformance with Illinois Smoke Free Act, 410 ILCS 82/1 et seq.
Naperville	<p>Tobacco shops – Permitted Use in the B-2, B-3 District.</p> <p>Cigar lounges are reviewed similar to how hookah lounges are reviewed. They would be permitted under the definition of an eating and drinking establishment.</p>	<p>Drinking Establishment – A building, structure or portion thereof where liquors are sold to be consumed on the premises, but not including eating establishments where the principal use is serving food.</p> <p>Eating Establishment – A building, structure or portion thereof within which food is offered for sale and which permits consumption within the building or structure.</p>	Must be in a standalone building per State requirements and additional building code requirements.
Park Ridge	SU-12-01 TA-12-02		N/A
Schaumburg	<p>Retail Tobacco and Smoking Store – Special Use in the B-2, B-4, and B-5 Planned Regional Center Business District</p>	<p>Retail Tobacco and Smoking Store –</p> <p>(A) A retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and ninety percent (90%) of the space, and in which the sale of other products is merely incidental.</p> <p>(B) "Retail tobacco store and smoking store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or</p>	See Section 154.90.17 of Code.

		<p>a lighted tobacco product is tested, provided that the involved business entity:</p> <p>(1)Maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout;</p> <p>(2)Satisfies the eighty percent (80%) requirement related to gross sales; and</p> <p>(3)Delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business.</p> <p>(C) "Retail tobacco and smoking store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.</p>	
Skokie	Not permitted. The two lounges in town are grandfathered in.	N/A	Health Code prohibits on-site smoking.
Villa Park	Retail Sales of Tobacco products (includes on-site consumption) – Permitted Use in the M-1 and M-2 Districts.		None.
Westmont	Tobacco and vape lounges and bars – Special Use in the B-2 District PZ 19-016 June 26, 2019	Tobacco and vape lounges and bars – Any product (a) sold for the purposes of consumption by ingestion or inhalation through the lungs, including tobacco, vape-liquids, e-cigarette liquids, and similar tobacco and nicotine products, and (b) the devices used to ingest or inhale such tobacco and vape products, including cigarettes, cigars, pipes, electronic cigarettes, and vape pens. Tobacco and vape products does not include cannabis or marijuana products.	Such special use may be permitted provided that no buildings or outdoors portions of the lot containing such use are located within 1,000 feet of a school (not to include nursery schools).



Attachment 3
Public Hearing Notice

**NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 20-07**

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a special meeting of the Plan Commission on the 23rd of September 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

<https://www.willowbrookil.org/Archive.aspx?AMID=44>

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on September 23, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the September 8, 2020 edition of *The Chicago Sun Times* newspaper.

CLASSIFIEDS 312.321

Public Notices

Public Notice

Given that utility line clearance is scheduled for 2020, in the following municipalities: Algonquin, Heights, Barrington Hills, Bedford Park, Beecher, Bolingbrook, Bridgeview, Bell Valley, Burr Ridge, Calumet, Channahon, Cherry Valley, Chicago, Cook County, Elgin, Elmhurst, Evergreen Park, Fox Lake, Grandwood Park, Grundy County, Gurnee, Hanover Park, Joliet, Justice, Kane County, Kankakee County, Lake in the Hills, Lee County, Libertyville, Lisle, Loves Park, McHenry, Morris, Morrison, Morton Grove, Glenview, New Lenox, Niles, Northbrook, Northfield, Oak Brook Terrace, Old Mill Creek, Palatine, Palos Heights, Peotone, Phoenix, Plainfield, Riverdale, Rock Falls, Round Lake, Round Lake Beach, Skokie, South Chicago, Sterling, Streamwood, Sycamore, Thornton, Westmont, Willow Springs, Winfield, Winnebago, Woodridge and Woodstock. Tree trimming, tree removal and brush control to clear trees interfering with electric lines can cause service disruptions. Line clearance is not required on all properties in these areas. Maps of the affected areas are on file at local offices. All trees requiring maintenance in each area will be projects. Property owners may appeal the planned activities through ComEd or the Illinois Commerce Commission. Questions regarding vegetation management -800-EDISON-1 and ask to speak with a Vegetation live or visit our website at <https://www.comed.com/Pages/TreesPowerlines.aspx>. You may also request a resolution process. To contact a Consumer Affairs Commission, call 1-800-524-0795.

HEARING CONCERNING THE INTENT TO SELL BONDS FOR PARK COMMISSIONERS OF CEDAR PARK DISTRICT, COOK COUNTY, ILLINOIS

750,000 GENERAL OBLIGATION IITD TAX PARK BONDS

HEREBY GIVEN that the Veterans Park, Illinois (the "District"), will hold a public hearing on September, 2020, at 6:30 o'clock P.M. be held at Buiger Park, 1601 North Hirsch, Illinois. The purpose of the hearing will comments on the proposal to sell bonds amount of \$2,750,000 for the payment of purchased for parks, for the building, maintaining, protecting of the same and the existing District and for the payment of the expense.

be live-streamed via Webex and will be allow individuals to observe and comment in, please call 1-408-418-9388 and enter 6-723-5710, followed by the # sign. If word, please enter FsaMKEMp262 (orches and video systems). Written public submitted by 5:00 o'clock P.M. on September 11th, 2020 to veteransparkdistrict.org.

Ident of the Board of Park Commissioners District, Cook County, Illinois.

of September, 2020.

ompson
Board of Park Commissioners,
Park District,
Illinois
113417

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CS-T

Storage - Legal

Storage - Legal

NOTICE OF PUBLIC SALE

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public lien sale on September 23, 2020, the personal property in the below-listed units, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 10:00 AM and continue until all units are sold. The lien sale is to be held at the online auction website, www.storagegettreasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 08221, 2004 Dolton Ave, Calumet City, IL 60409, (708) 251-4122

Time: 10:00 AM

Sale to be held at www.storagegettreasures.com.

1065 - Elmore, Viola 1107 - Turner, Jonathan; 2019 - Stackhouse, Jacqueline; 2020 - hannah, terrence; 2050 - Smith, Virginia; 3016 - Berry, Laquininita; 3031 - holmes, Myeshia; 3039 - Cooper, Tomika; 4002 - Priggett, Kilo; 4044 - MELVIN, KAMISHA; 4047 - Williams, Devin; 5020 - Wilson, Larry L.; 5022 - Torres, Taylor; 6041 - Ali, Joe; 6161 - Burns, Ronneice; 7043 - Manning, Shanelle; 8029 - DEAL, DENNIS; 8072 - davis, Juanita; 9084 - astrey, wanda; 9086 - Boone, James; 9080 - Green, Chantell

PUBLIC STORAGE # 25493, 2115 Bernice Road, Lansing, IL 60438, (708) 722-1008

Time: 10:15 AM

Sale to be held at www.storagegettreasures.com.

114 - Poirier, Eve; 119 - Douglas, McKaylah; 212 - Gianotti, Randall; 325 - Mcclenton, Christopher; 403 - Taylor, Chanda; 406 - Williams, Johnny; 412 - Vela, Rudy; 530 - Goodwin, Jacqueline; 732 - Thomas, Nicole; 829 - Watson, Krystal; 908 - Simmons, Tonya

PUBLIC STORAGE # 22309, 2345 173rd Street, Lansing, IL 60438, (708) 722-1602

Time: 10:30 AM

Sale to be held at www.storagegettreasures.com.

B021 - Mattson, Justin Case; B024 - Young, Jenna; C037 - Virgil, Dwan; D016 - Mcree, Brenner; D028 - George, David; D034 - Saunders, Violet; D051 - Givens, Damion; E022 - Davis, Morningstar; E057 - Davis, Mike; F019 - Glasper, Salena; F026 - McFadden, Dedrick; F042 - Glasper, Salena; G026 - ovie, efe; H061 - Dugger, Tiffany; H063 - Harris, Andrea; J015 - Gatewood, Laci; J034 - Cole, Tashari; J038 - Hubert, Jerome; J053 - Williams, Samone; K053 - GANTER, ALFRED; K088 - Hemphill, Carolyn; K111 - Coffey, Andrea; L033 - Best, Sarah; L055 - George, Bobby; L110 - Lewis, JR, Shaw; M001 - Crane, Jennifer; M010 - Lenoir-Simon, Shonell

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card/no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS OrangeCo, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-8080. 9/8, 9/15/2020 #111353

Public Hearings

Public Hearings

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 20-07

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a special meeting of the Plan Commission on the 23rd of September 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St., Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

<https://www.willowbrookil.org/Archive.aspx?AMID=44>

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to define "Retail tobacco stores with smoking lounge", to replace "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and to add "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on September 23, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the September 8, 2020 edition of The Chicago Sun Times newspaper.
9/8/20 #1113464

Storage - Legal

Storage - Legal

Extra Space Storage will hold a public auction to sell personal property belonging to those individuals listed below at the location indicated:

#1709 1000 E 95th St, Chicago IL 60619 (773)332-2561 on September 23, 2020 at 10:30AM: Nijah White 2061.

#1710 2244 S Western Ave, Chicago, IL 60658 (773)372-3635 on September 23, 2020 at 11:00AM: Marco Juarez A110; Jose Ornelas E178; Jorge Vilasenor G164;

#1711 5701 Ogden Ave Cicero, IL 60604 (708)329-9328 on September 23, 2020 at 11:30AM: Dora Hernandez 3294; Teresa Holakovsky 3156; Jose N Solis Garcia 3283; Francisco Lopez 2069.

#6129 4821 W 67th St, Bedford Park, IL 60638 (708)237-9764 on September 23, 2020 at 12:00PM: Ernesto Vidal Palafax Bautista B201; Mark Raymond C347; Kim M Scott C357; John Galvin K1156; Danyell Bapiste K119;

#8130 7131 W 60th St, Chicago, IL 60638 (773)326-9077 on September 23, 2020 at 12:30PM: Debra Marquez 1030A; Bob Gorski 2054; Robert Chayka 2060; Felicia Marie Guajardo 4084.

#8131 4222 S Pulaski Rd, Chicago, IL 60632 (773)326-9071 on September 23, 2020 at 1:00PM: Teresa C. Williams 1112; Phillip Mcgrone 2073; Donald A Smith 2232; Dorothy J Nelson 3061; Donald A Smith 5040.

#8259 1404 E 97th St, Chicago, IL 60619 (773)326-9039 on September 23, 2020 at 2:00PM: Chandra Hatch B131; Tony Lomu C173; Ashton Harrison E112; Edward Bitoy F128.

#8617 5921 S Western Ave, Chicago, IL 60635 (773)595-6089 on September 23, 2020 at 2:30PM: Charlotte Gully 239; Bridgette Boyd 272.

#1424 416 S Lincolnway St North Aurora, IL 60542 (630)962-2675 on September 23, 2020 at 3:00PM: Casandra Bradley-Sutton 081; Marsha E. Patton Phell 331.

#7045 57 W 85th St Chicago, IL 60620 (773) 420-4429 on September 23, 2020 at 4:30PM: Jonathan Thomas 1061; Jennifer Smith 1112; Kelly Meriweather 1169.

The auction will be listed and advertised on www.storagegettreasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property. 9/8, 9/15/2020 #1113277

NOTICE OF PUBLIC SALE

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public lien sale on September 23, 2020, the personal property in the below-listed units, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 10:00 AM and continue until all units are sold. The lien sale is to be held at the online auction website, www.storagegettreasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 26601, 2638 N Pulaski Road, Chicago, IL 60639, (773) 831-5130

Time: 10:00 AM

Sale to be held at www.storagegettreasures.com.

9001 - Watson, Ronald A004 - Quezada, Clarissa; C041 - Rivera, Mary; C066 - Henderson, Michael; C081 - Torres, Teresa; C093 - reese, Tiffany; D004 - Villanueva, Rosita; D020 - Berrios, Jorge; D049 - Stratmann, Wende; D050 - Murphy, Dorothy; D061 - Leyva-Aguilar, Alejandro; D065 - Thomas, Daniel; D078 - Piper, Christoffer; D096 - Dardon, Ivan; D107 - Fernandez, Carlos; F040 - Lopez, Ernesto; F051 - Hernandez, Hansel; F097 - Chavarin, Gloria

PUBLIC STORAGE # 22336, 2835 North Western Ave, Chicago, IL 60618, (773) 832-7832

Time: 10:30 AM

Sale to be held at www.storagegettreasures.com.

0007 - Yakovenko, Ivanna; 0061 - Close, Michael; 0472 - Schwarzkopf, Randall; 0730 - Flowers, Lawrence; 0780 - Rance, Jaleesa; 0803 - Glover, Mark; 0813 - Tribble, Sean

PUBLIC STORAGE # 08067, 1711 W Fullerton Ave, Chicago, IL 60614, (773) 355-4418

Time: 11:00 AM

Sale to be held at www.storagegettreasures.com.

1191 - Alien, Amber; 4153 - Masters, Sayre; 4163 - Casey, Shannon

PUBLIC STORAGE # 21807, 1916 N Elston Ave, Chicago, IL 60642, (773) 832-7782

Time: 11:30 AM

Sale to be held at www.storagegettreasures.com.

A216 - HEADQUARTERS BEERCADE DOWNTOWN ENTERTAINMENT, LLC Rodriguez, Monique; A238 - Archambault, Rex; A499 - SESAY, HAJA; D569 - Stump, Todd; D667 - Mitchell, Amanda

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card/no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS OrangeCo, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-8080. 9/8, 9/15/2020 #1113267

NOTICE OF PUBLIC SALE

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public lien sale on September 23, 2020, the personal property in the below-listed units, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 10:00 AM and continue until all units are sold. The lien sale is to be held at the online auction website, www.storagegettreasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 26407, 8901 159th St, Chicago, IL 60487, (708) 487-1837

Time: 10:00 AM

Sale to be held at www.storagegettreasures.com.

E047 - Conroy, Frank; E056 - Young, C Sean; K013 - Hernandez, Jose; K034 - Lopez

PUBLIC STORAGE # 08059, 15359 S Western Ave, Chicago, IL 60642, (708) 487-1839

Time: 10:30 AM

Sale to be held at www.storagegettreasures.com.

C030 - Withers, John; 0513 - Middendorf, KRENTOWSKI, CARL; 0802 - Walton-Warren, Raymond; 0910 - busch, paul; 0911 - J

PUBLIC STORAGE # 23218, 4849 W 115th St, Chicago, IL 60633, (708) 294-3380

Time: 11:30 AM

Sale to be held at www.storagegettreasures.com.

B308 - Cheeks, Shantel; B332 - Falls, Tal; C517 - Fiquigui, Emin; H1035 - H1330 - Cheeks, Shantel; JT455 - Keister, Strickland, Trudie; K1631 - Durrell, Kimberly; K2012 - Battle, Brandi; K3216 - Ragsdale, Patricia

PUBLIC STORAGE # 27502, 4606 South Western Ave, Chicago, IL 60643, (708) 247-5274

Time: 12:00 PM

Sale to be held at www.storagegettreasures.com.

C1405 - Leeper, Jonelice; 2110 - Morgan, K Taylor; 3321 - Varnado, Va Rhonda; 4141 - T

drew, Vince; 4311 - Jones, Joshua; 5250 - C Cooks, Annette; 5320 - Washington, Jason Patricia

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card/no checks. Buyers must secure their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS OrangeCo, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-8080. 9/8, 9/15/2020 #1113349

VILLAGE OF WILLOWBROOK

BOARD MEETING
AGENDA ITEM - HISTORY/COMMENTARY

Receive a Presentation on Tax Increment Financing and the Willowbrook Industrial Redevelopment Project Area Eligibility Report

AGENDA NO. 6.

AGENDA DATE: 09/28/2020

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: M. Mertens

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: T. Bastian /mnr

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst /mnr

REVIEWED & APPROVED BY COMMISSION: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

The Municipal Service Committees has coordinated a stormwater drainage review of the Executive Plaza area and Christopher B. Burke Engineering has supplied the Committee with Drainage Master Plan. The plan highlights the area drainage design, drainage history and drainage improvement recommendations. The most feasible design option for consideration is to elevate the Executive Drive and positions of Plaza Court and construct underground stormwater storage. This concept would provide a 100-year level of protection, while making the roadway passable to car traffic. The projected project cost is estimated at +/- \$2 million plus the required engineering design cost.

The Village does not currently have a funding mechanism in place for the proposed improvements. Staff was directed to explore the possibility of creating a Tax Increment Financing (TIF) District for the area as an alternate funding option for the public improvements, environmental cleanup, and redevelopment costs within the area.

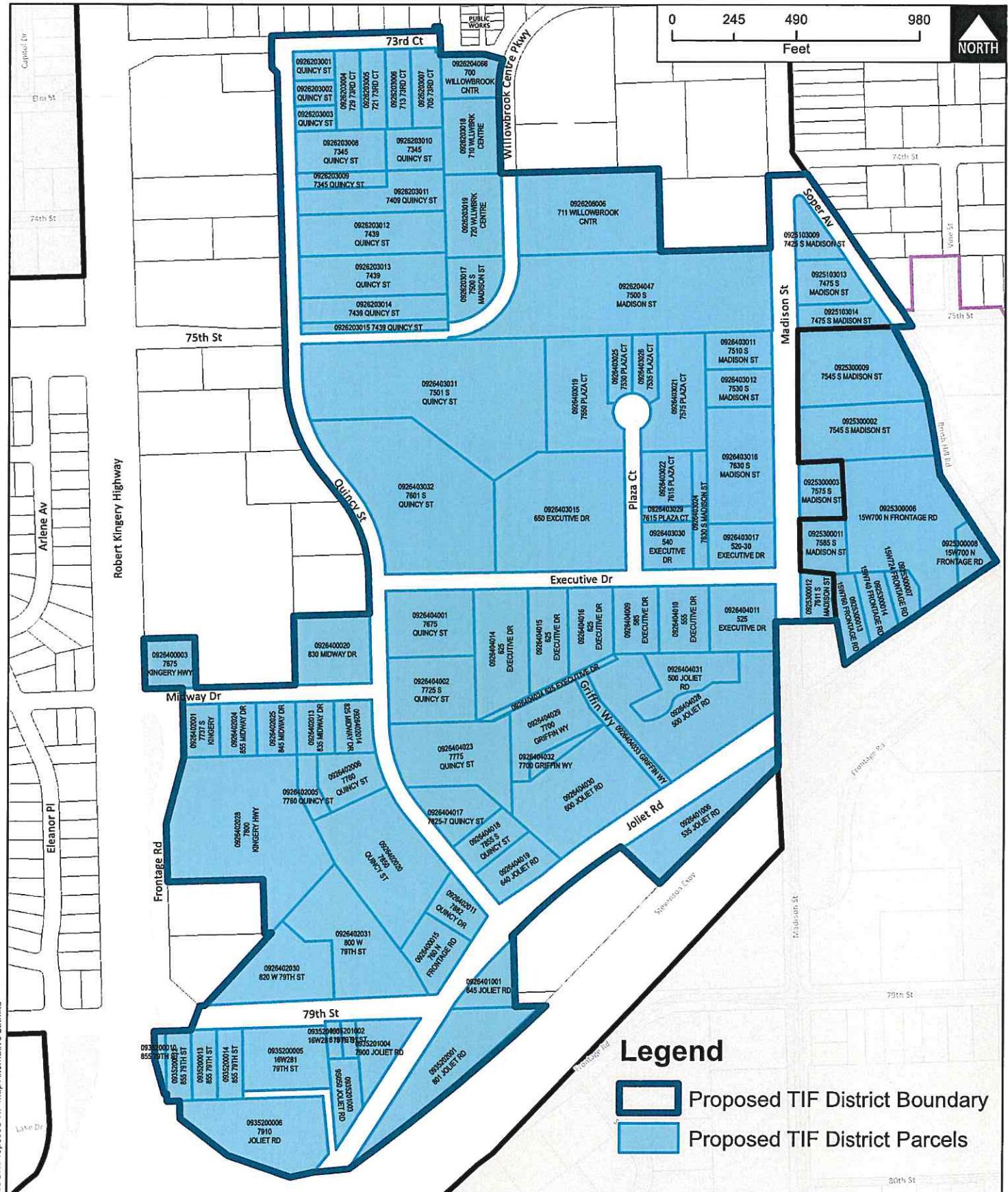
On May 26, 2020, the Village contracted with Kane, McKenna and Associates, Inc. to study, evaluate and author feasibility studies in a proposed area designated as a tax increment financing district.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The Village Board authorize the preparation of an Eligibility Study and Report by Kane, McKenna & Associates as part of a Phase I services in an amount not-to-exceed \$15,000. The Village Board has allocated funding in the FY2020/21 budget to determine the feasibility of the Tax Increment Financing District and the creation of the Redevelopment Plan. If the eligibility report is favorable, the Village could, at a later date, consider the creation of a Redevelopment and Project Plan as Phase II of the process.

Representatives from Kane, McKenna & Associates will present an overview of Tax Increment Financing. They will also present their Eligibility Report findings for the Willowbrook Industrial Redevelopment Project Area. Please see the attached summary report and presentation for further details.

ACTION PROPOSED: Receive the Presentation.



MEMO

To: Brian Pabst
Mike Mertens
From: Kane, McKenna and Associates, Inc. (KMA)
Date: September 22, 2020
SUBJECT: Willowbrook – Tax Increment Financing (TIF) Eligibility Review Summary

Kane, McKenna and Associates, Inc. (KMA) has largely completed their eligibility review for 88 tax parcels (the “Study Area”) in the southern portion of the Village of Willowbrook, Illinois (the “Village”). The key findings of the review are summarised as follows:

Findings:

KMA has found that the Study Area likely qualifies as a “conservation area”, as defined in the State of Illinois Tax Increment Allocation Act 65 ILCS 5/11-74.4, et seq., as amended (the “TIF Act”), and would be eligible for tax increment financing. This conclusion is supported by the following findings:

1. 50% or more of existing structures are 35 years in age or older. In the case of the Study Area 44 of 67 existing structures, or 66% were found to be 35 years in age or older.
2. At least three of 13 possible factors are present, documented to a meaningful extent and distributed throughout the area. In the case of the Study Area, KMA found six potential factors to likely be present. These include:
 - Lack of Community Planning
 - Inadequate Utilities
 - Declining/Lagging Equalized Assessed Value (EAV)
 - Deterioration
 - Obsolescence
 - Excessive Coverage
3. The Study Area is contiguous and is greater than 1 ½ Acres in size. The study area is contiguous and is approximately 146 Acres in size.
4. The growth of EAV for all taxing districts overlaying the Study Area has been impaired by existing conditions.
5. The Study Area would not be subject to redevelopment without the investment of public funds including TIF.

**Kane, McKenna
and Associates, Inc.**

*150 North Wacker Drive
Suite 1600
Chicago, Illinois 60606*

*T: 312.444.1702
F: 312.444.9052*

We are more than happy to discuss our findings to date with you or other representatives of the Village. Please do not hesitate to reach out with questions or needed clarifications.

Thank you.

Prepared for the Village of
Willowbrook, Illinois



Tax Increment Financing (TIF) 101

Presented by Kane, McKenna and Associates, Inc.

09/28/2020

Agenda

- I. What is Tax Increment Financing (TIF)?
- II. When is TIF Used?
- III. How is TIF implemented?
- IV. TIF in Willowbrook

I. What is Tax Increment Financing (TIF)?

“Tax increment financing (TIF) is the most widely used government program for financing economic development in the United States”

- Richard Briffault; “*The Most Popular Tool... “I*

I. What is Tax Increment Financing (TIF)?

- 49 U.S. States use Tax Increment Financing (TIF)²
- In Illinois:
 - 1,000+ TIF Districts³
 - \$1 Billion in Revenue
 - ~4% of total statewide property tax extension
- ~60 TIF Districts in DuPage County⁴
- Neighboring Municipalities with TIF include:
 - Downers Grove, Elmhurst, Glen Ellyn, Lemont, Lisle, Lombard, Naperville, Villa Park, Warrenville, Western Springs, Westmont, Wheaton and Willow Springs
- Willowbrook TIF 1 was designated in 1990 and terminated in 2013

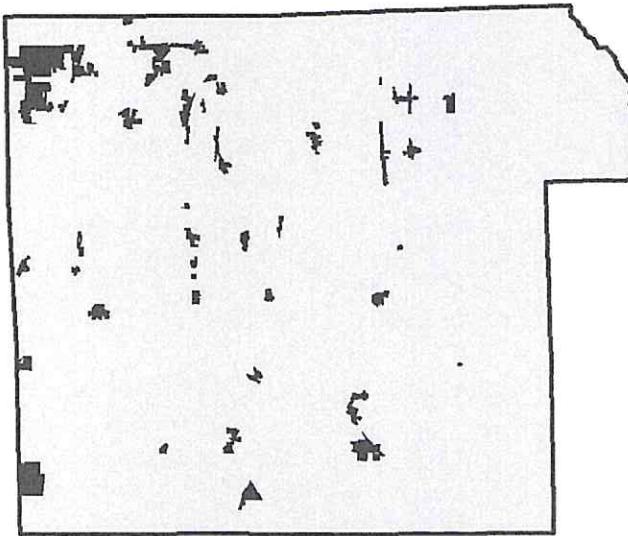


Figure 1. Map of TIF Districts in DuPage County as of Tax Year 2020⁴

I. What is Tax Increment Financing (TIF)?

- Stage 1 – The area generates \$10 in property taxes when the TIF is formed. The \$10 is split between the two taxing districts in the area.
- Stage 2 – Redevelopment during the TIF term increases property values so the area now generates \$20 in property taxes. The taxing districts in the area continue to receive property taxes based on the value of the area at the time of designation. The additional (i.e. “incremental”) \$10 is placed in a TIF Fund and is used to payback some of the costs of redevelopment.
- Stage 3 – The TIF is terminated and TIF Fund is dissolved. The taxing districts now receive new property tax revenue that would not have been generated “but for” the use of TIF.

Theoretical Stages of a TIF Term

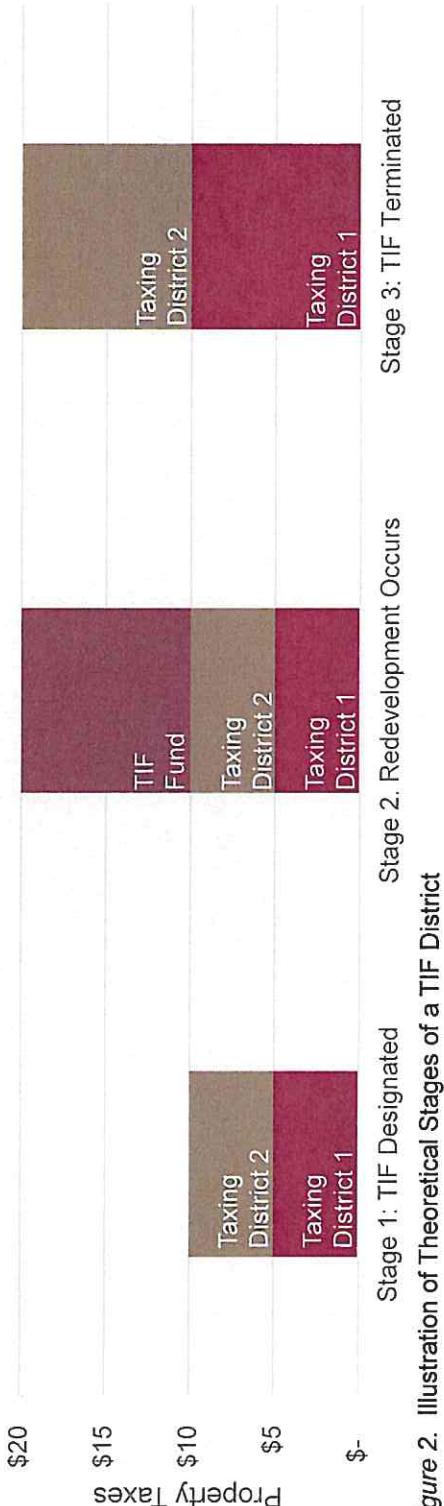


Figure 2. Illustration of Theoretical Stages of a TIF District

I. What is Tax Increment Financing (TIF)?

“...but for...”?

“...but for...”?

“...BUT FOR...”?

“...but for...”?

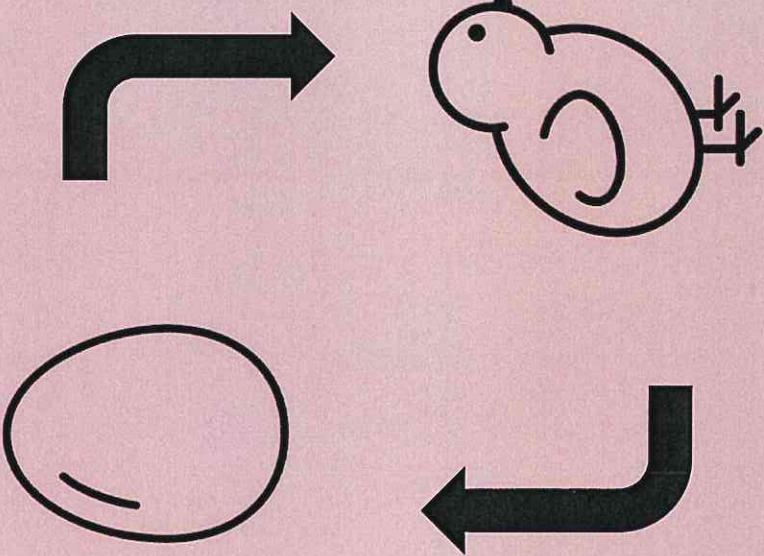
“...but for...”?

±£but for£≤\

“...but for...”?

“...the redevelopment project area on the whole...would not reasonably be anticipated to be developed without the adoption of the [TIF] redevelopment plan...”⁵

I. What is Tax Increment Financing (TIF)?



How Redevelopment is Financed

1. Pay-as-you-go
 - Funds are used as they are generated
 - Typically a nominal total and annual ceiling based on a percentage of project costs
 - Performance-based
 - A "Developer's Note" may be used to secure initial funds
 - Guided by a redevelopment agreement
2. Up Front
 - General Obligation TIF Bonds
 - TIF Revenue Bonds
 - TIF Term is typically 23 years; Obligations are cannot exceed 20 years
 - May also be guided by a redevelopment agreement

I. What is Tax Increment Financing (TIF)?

Eligible Costs

- Generally, eligible costs can be thought of as soft costs (e.g. engineering, legal, consultants) and site acquisition/preparation costs. Hard costs are typically not eligible.

- Eligible costs can include:

- Professional services
- Marketing
- Acquisition/Assembly
- Rehab
- Public improvements
- Incentives
- Capital Costs
- School/Library payments
- Relocation costs
- Payment in lieu of taxes
- Job training
- Interest Costs
- Daycare

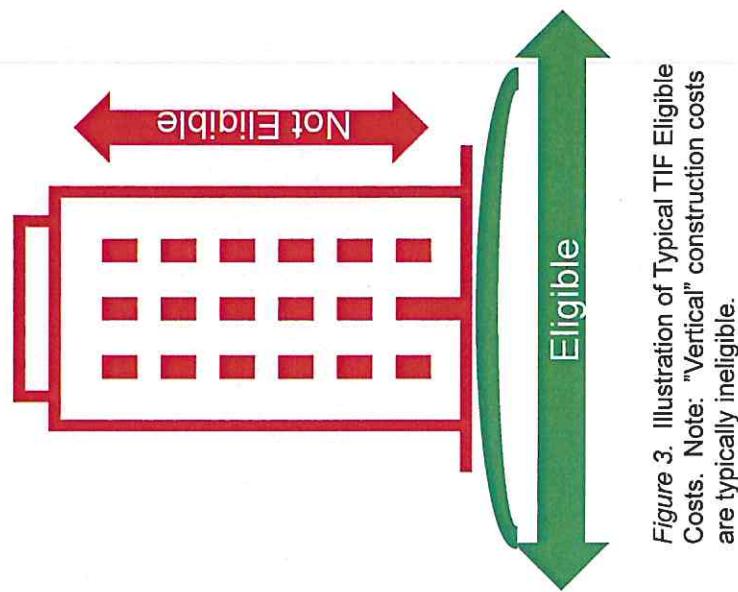


Figure 3. Illustration of Typical TIF Eligible Costs. Note: "Vertical" construction costs are typically ineligible.

I. What is Tax Increment Financing (TIF)?

Statutory School Payments

- Applies if new students generated from new housing units in the TIF if created as part of redevelopment agreement or infrastructure improvements
- Calculated as:
$$Payments = (New Students \times Per Capita Tuition Cost) - Increased State Aid$$
- Limits:
 - 1995-96 Per Capita Tuition < \$5,900
 - Unit Districts – 25% of incremental revenue from new housing
 - Elementary Districts – 17% of incremental revenue from new housing
 - Secondary Districts – 8% of incremental revenue from new housing
 - 1995-96 Per Capita Tuition >= \$5,900
 - Unit Districts – 40% of incremental revenue from new housing
 - Elementary Districts – 27% of incremental revenue from new housing
 - Secondary Districts – 13% of incremental revenue from new housing

II. When is TIF used?

**TIF is a Part of Local
Planning**

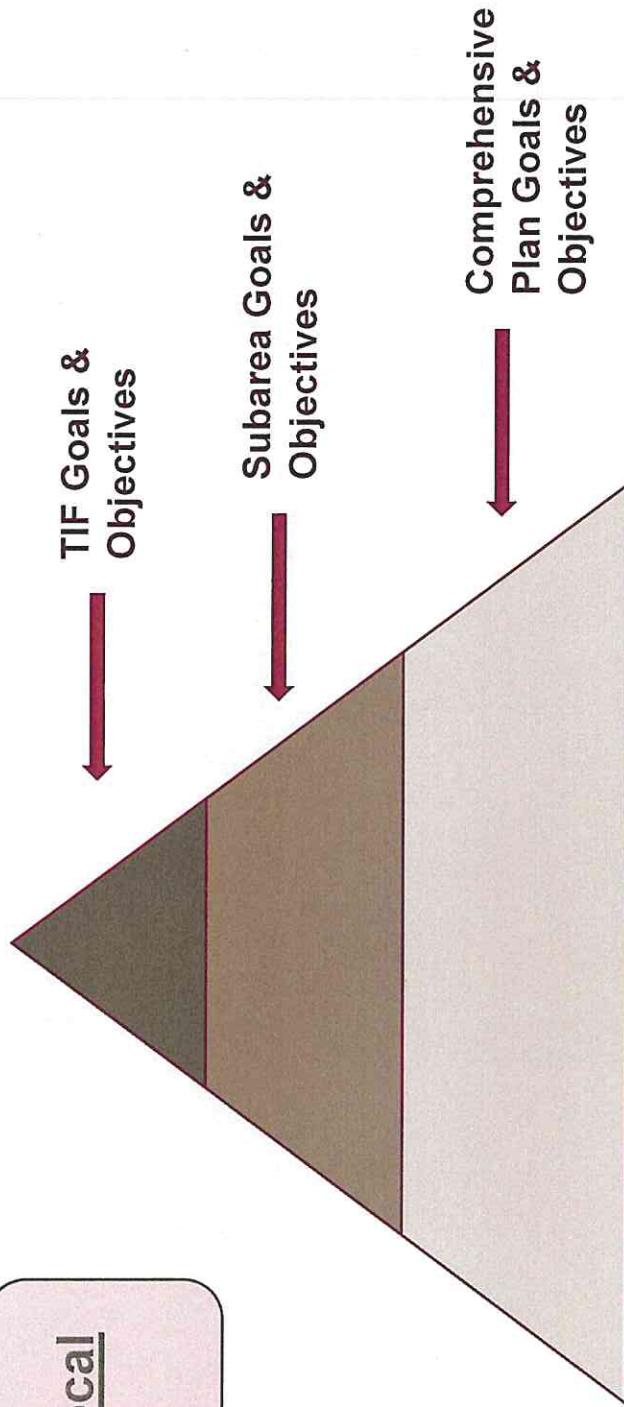


Figure 4. Illustration of TIF's role in local planning. Note TIF is a tool that can be used in the context of other planning initiatives and TIF districts may have their own goals/objectives which build on subarea or comprehensive goals/objectives.

II. When is TIF used?

Project-oriented TIFs

- Boundaries typically reflect project site
- Project is “teed up” but there is a financial gap that makes it financially infeasible
- Project aligns with community & economic development goals
- TIF is used to close the project’s financial gap

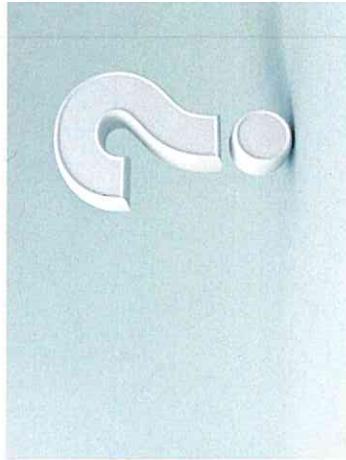
Area-oriented TIFs

- Boundaries typically reflect many potential redevelopment sites
- Often public improvements are needed to make the area attractive to the private market
- Redevelopment of area aligns with community & economic development goals
- TIF is used to induce private market interest and make public improvement investments

II. When is TIF used?

Key Policy Questions

- Will redevelopment only occur “but for” TIF?
- What effect will the TIF have on other taxing districts?
- What type of projects should be funded?
- What other resources are available?
- Will incremental taxes be sufficient to make projects feasible?



III. How is TIF Implemented?

Key Milestones in TIF Designation

1. Determine Eligibility
2. Develop Redevelopment Plan
3. Approve “Kick-off” Ordinance
4. Establish an Interested Parties Registry
5. Hold Advisory Joint Review Board Meeting
6. Public Hearing
7. Approve 3 Ordinances:
 - I. Approving Boundaries
 - II. Approving Plan
 - III. Approving Financing Mechanism



III. How is TIF Implemented?

Key Milestones in TIF Designation

1. Determine Eligibility
2. Develop Redevelopment Plan
3. Approve “Kick-off” Ordinance
4. Establish an Interested Parties Registry
5. Hold Advisory Joint Review Board Meeting
6. Public Hearing
7. Approve 3 Ordinances:
 - I. Establishing Redevelopment Area
 - II. Approving Redevelopment Plan
 - III. Approving Financing Mechanism



III. How is TIF Implemented?

Important Timing Considerations

- Governed by the Illinois TIF Act 65 ILCS 5/11-74
- Timing is significantly impacted by statutory requirements
 - Draft eligibility report and redevelopment plan must be on file with clerk 10-14 days prior to kick-off ordinance adoption;
 - The notice of public hearing and joint review board meeting must be sent to all taxing districts no less than 45 days prior to the public hearing
 - TIF ordinance may be introduced 14 to 90 days after the public hearing
 - Etc.
- A typical designation process takes between 4 and 6 months to complete and may be longer depending on circumstances
- After designation:
 - TIF terms are typically 23 years and may be extended or terminated early
 - Joint Review Board meets annually to review activity

IV. TIF in Willowbrook

Work Completed So Far

- Eligibility Report for 88 tax parcels in southern portion of Village of Willowbrook
- Key Findings:
 - Area likely qualifies as a “conservation area”
 - “But for” condition is met
 - Area is > 1.5 Acres
 - Redevelopment likely conforms to Village community/economic development objectives



Note: PIN 09-26-402-028 was excluded from the analysis.

IV. TIF in Willowbrook

Eligibility Factors Likely Present

- Lack of Community Planning
- Inadequate Utilities
- Declining/Lagging Equalized Assessed Value (EAV)
- Deterioration
- Obsolescence
- Excessive Coverage



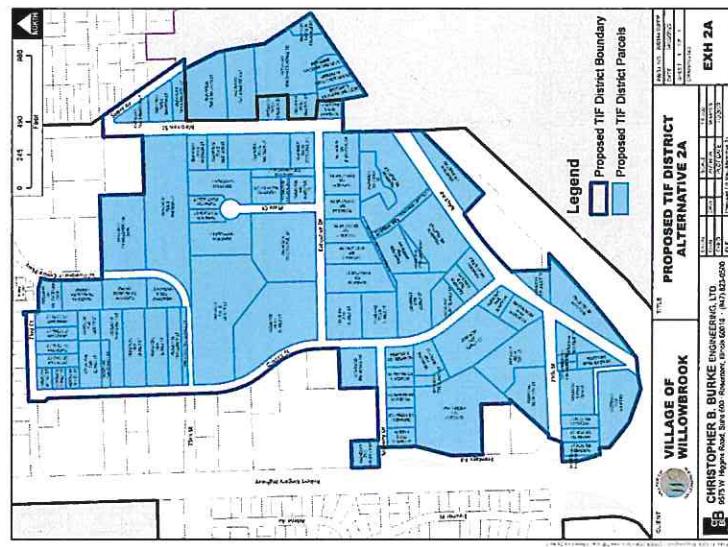
Note: PIN 09-26-402-028 was excluded from the analysis.

IV. TIF in Willowbrook

Next Steps for Consideration

- Development of a Redevelopment Plan
- Approving Public Hearing, Joint Review Board Meeting & Notices

We estimate TIF ordinances could be passed as soon as Spring 2021



Note: PIN 09-26-402-028 was excluded from the analysis.

Endnotes

- 1) Briffault, Richard. *The Most Popular Tool: Tax Increment Financing and the Political Economy of Local Government*. The University of Chicago Law Review 77(1) p.65.
- 2) Merriman, David. *Improving Tax Increment Financing (TIF) for Economic Development*. Lincoln Institute of Land Policy Policy Focus Reports. September, 2018.
- 3) Fiore, Donald J. *Breaking the Boundaries of TIF: A Report on District Size Public Expenditure and the Effectiveness of Tax Increment Financing*. University of Illinois – Chicago Coll- CUPPA [Thesis]. May, 2019.
- 4) "TIF Districts". Data accessed from gisdata-dupage.opendata.arcgis.com on 08/26/2020
- 5) State of Illinois Tax Increment Allocation Act, 65 ILCS 5/11-7