

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 14, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Trustee Neal called the meeting to order at the hour of 5:35 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present in person at roll call were: Trustee Gayle Neal, Trustee Umberto Davi, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Village Attorney Thomas Bastion, Building Official Roy Giuntoli, and Willowbrook Consulting Planner Ann Choi.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting Oct 10, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the October 10, 2020 Law and Ordinance Committee Meeting, second by Trustee Neal. Roll call, all in favor.

MOTION CARRIED

4. DISCUSSION – Chapter 13 Solicitors Regulations

Assistant Village Administrator Mertens stated that this topic was briefly discussed at the last Law and Ordinances Committee meeting. The solicitor permits are processed through the Deputy Clerk's office. There are two types of Solicitation Permits: Charitable & Commercial. The Village currently requires a driver's license and a Certificate of Insurance. Solicitation Permits are prohibited from November 1<sup>st</sup> through March 31<sup>st</sup>. The solicitation hours of operation are 9 am to 9 pm or dusk, whichever is earlier. The Village does not currently charge a solicitation permit fee.

Trustee Neal discussed some processes from neighboring communities. Trustee Neal would propose to better define the solicitation terms, who is eligible, revocation period, appeal and denial processes, administrative records, penalties, fees and add First

Amendment Right language. She noted that Other communities also issue these types of permits through their Police Department. Trustee Neal will be providing research on best practices from comparable communities for a future discussion.

Village Attorney Bastian listed some communities that he has worked with on solicitation permits.

Trustee Davi inquired whether we were doing this proactively, as opposed to addressing a problem that we are experiencing? Assistant Village Administrator Mertens stated that it is provocative, and as our code is dated and we wanted to revise prior to next spring when solicitor permits are processed.

Trustee Neal noted that some communities are having issues with certain soliciting companies and an updated ordinance is warranted.

5. DISCUSSION – Retail Tobacco Store and Smoking Lounge Text Amendment (Plan Commission Public Hearing September 23, 2020)

Assistant Village Administrator Mertens stated that there is a proposed Plan Commission hearing scheduled for September 23, 2020. The Village received a petition for a text amendment, specifically section 9-2 and 9-6. 2, for a smoking lounge in our B-4 Business District.

The proposed text amendment is to redefine retail tobacco stores and add with smoking lounge. Also proposed is to replace “Tobacco Stores” and “Tobacco Shops” with “Retail tobacco store with smoking lounges.” Currently the Village allows smoking lounges in B2 and B3 Zoning Districts. The proposed text amendment would add a proposed “special use” allowance in the B4 district. The petitioner is requesting change for the former Kerry Piper restaurant, whereas this is not a permitted or special use in the B-4 district.

Staff confirmed with attorney that entertainment is not allowed in these types of locations, due to the State of Illinois Smoking statute. The petitioner was advised that entertainment is not allowed in smoking lounges.

Trustee Davi asked the timeline for this process. Assistant Village Administrator Mertens stated that the text amendment goes to the Plan Commission on September 23, 2020 and then for final Village Board consideration on October 26, 2020. If petitioner submits documents to staff in a timely order, their proposed Special Use permit could be presented to the Plan Commission on October 7<sup>th</sup>.

Trustee Davi questioned the live entertainment issue with respect to smoking lounges. Village Attorney Bastian advised this is being treated as a retail tobacco store. If 80% of the retail tobacco store generates their revenue from tobacco and tobacco products, they can have a smoking lounge. If it is a tobacco store with a smoking lounge you cannot have live entertainment due to the Illinois smoke free act, specifically as it relates to secondhand smoke. The petitioner is also proposing that this facility be a private club. Private clubs are defined in the act as public places and smoking is prohibited in public places. The petitioner was made aware on this determination.

6. DISCUSSION – Fence Enhancement Text Amendment (Plan Commission Public Hearing October 7, 2020)

A proposed text amendment to enhance our fence code is currently projected for October 7, 2020. The current fence code only allows for a minimum 50% open fence design. Residents often request a solid fence design for better security and privacy. Additionally, some residents are questioning the height of fences along a major arterial road (Kingery Highway/Rt. 83 specifically), currently restricted to six feet (6') in height. It was noted that residents do not always like the 50% open design due to pets & children. Residents that abut major streets area also looking for taller fences. Staff is proposing a text amendment that extends that height to eight feet (8') along Route 83 as well as allowing privacy fencing options.

Chairman Neal stated this topic, from a security and sound perspective, has been a needed discussion for over 25 years. Trustee Davi agreed with Trustee Neal.

Trustee Davi inquired as to how the Village defines a major arterial road. In respect to the fence code, our current fence code identifies certain streets as 1) Kingery Highway, 2) 75<sup>th</sup> Street, 3) Plainfield Road., 4) 63<sup>rd</sup> Street, and 5) Madison Street.

Building Official Giuntoli stated that the eight-foot (8') fence text amendment was being called out specifically for the Kingery Highway properties only. Current code defines the six-foot (6') tall fence, staff will amend it to also identify the location for the eight-foot (8') fence.

Trustee Neal stated that this subject was brought up during a Kingery Highway corridor study made up by corridor residents.

7. DISCUSSION – Business License Late Fees

Assistant Village Administrator Mertens stated that our Chapter 1A license fees schedule

does not provide for a late fee or assess a penalty fee for companies who are behind in obtaining their Business License. The Deputy Clerk researched comparable communities to determine best practices with respect to late fees. Staff will provide recommendations to be made for next year's Business License program.

Village Attorney Bastian noted that the Village can issue citations to businesses for operating without a Business License.

Village Attorney Bastian will provide a draft ordinance for the next meeting.

8. DISCUSSION – Signage Permit Fees

Assistant Village Administrator Mertens advised that Mayor Trilla had requested staff to research sign criteria and permit fees as compares to other municipalities. He asked Building Official Giuntoli to expand on his research results.

Building Official Giuntoli stated that in his research he found the following:

- The ways of calculating the allowed sign surface area (SSA) was different as compared to other municipalities.
- Highlighted that a typical retail business sign size allowances and fees are comparable to other municipalities.
- One area that exceeds other municipalities is the electrical fee for illuminated (electrically operated) signs. Staff will propose adjusting the fee accordingly.
- Fees should be calculated based on cost incurred.

9. DISCUSSION – Adult Use Cannabis Definitions and District

Village Administrator Mertens advised that on December 16, 2019 the Village approved Adult Cannabis Dispensaries as a special use within a certain defined district. The focus at that time was on dispensary uses because of that is what we were receiving the most calls on at that time. However, it was known that there were other cannabis related businesses that had to be addressed; specifically, cultivations centers, craft growers, processing organizations, infusers, dispensing or transportation organizations.

Staff is proposing consideration of these categories that are listed under the State Cannabis Regulation and Tax Act. Since these categories are not defined in our code, they are considered prohibited uses. Staff has been fielding calls for some of these issues: i.e. craft growers, infusers, and transportation organizations.

Staff recommends focusing them on Zoning District that the board has approved for

dispensaries. Some elected officials have mentioned expanding the district for dispensaries; however, nothing has been determined at this time.

Trustee Neal agrees that defining and providing definitions of the cannabis act is warranted. Trustee Davi concurred.

10. ON GOING REVIEWS

Assistant Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these projects.

- a. Code Enhancements for Chapter 9 Hotels – Rooming Houses
- b. Food Truck Licensing Requirements
- c. Outdoor Sales for Service Stations and Grocery / Drug Stores
- d. BYOB Licenses

11. FUTURE ZONING CASES

Trustee Neal stated:

- a. Special Use Permit for a Smoking Lounge – October 7, 2020
- b. Hinsdale Lake Commons PUD Amendment – Drive Thru Sketch Plan Review October 7, 2020

Trustee Davi questioned the drive thru project. Trustee Neal stated that there is a current vacant restaurant site in the shopping center that SC Management wanted to alter to include a Drive Thru to lure a new tenant.

Willowbrook Consulting Planner Ann Choi stated the unit is at the southeast corner where the Juicy O restaurant was located. The petitioner is proposing revising the PUD to include a drive thru. A traffic memo submitted stating that there is no traffic impact based on queuing. Staff will present this matter to the plan Commission on October 07, 2020.

Trustee Neal stated that this area is located near the northeast corner access point, a private entry area, to the Lake Hinsdale Village (LHV) subdivision.

Trustee Davi was made aware by Trustee Neal that this entrance was used often by LHV residents, however, went on to state that if the drive thru is designed well it should not affect the traffic patterns of the subdivision.

Trustee Umberto Davi inquired the process to formally install the new Law and Ordinance Chair. Assistant Village Administrator Mertens stated that this was on the Village Board agenda later this evening.

12. COMMITTEE REPORTS

- Trustee Neal: No Report
- Trustee Davi: No Report

13. VISITOR'S BUSINESS

NONE

14. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal.  
Roll call. Motion Carried

Meeting adjourned at 6:25 PM

PRESENTED, READ and APPROVED

\_\_\_\_\_, 2020

---

CHAIRMAN

Minutes prepared by  
Roy A. Giuntoli, Building Official