

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, OCTOBER 12, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

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

1. CALL TO ORDER

Village Attorney Thomas Bastion called the meeting to order at the hour of 5:30 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: Chairperson Gayle Neal, Trustee Umberto Davi, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Trustee Paul Oggerino, Village Attorney Thomas Bastian, and Building Official Roy Giuntoli.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting September 14, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the September 14, 2020 Law and Ordinances Committee Meeting, second Trustee Paul Oggerino.

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

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 9 Hotels / Motels Code Enhancements

Chairperson Neal summarized that this item was a continuation of the Village review of the proposed enhancements to Chapter 9 Hotels / Motels Code. She stated that staff had provided input on the proposed enhancements and the Committee had reviewed it. The proposed time frame was to finalize the proposed amendments and present a final document to the Village Board on the October 26, 2020 for formal consideration.

Assistant Village Administrator Mertens advised that our Village attorney has used definitions consistent with surrounding communities, staff will clarify the number of rooms best suited for the definition with the intent to keep the definition consistent with

definitions located in the Willowbrook zoning code.

Assistant Administrator Mertens reviewed the updated language that is to be included in the proposed amended ordinance related to the license requirements in Section 3-9-3. Attorney Thomas Bastian mentioned there are some minor Scribner's errors that will be corrected in the final version.

Building Official Giuntoli reviewed the inspections criteria in Section 3-9-6. The Building Department will conduct annual inspections of the properties to assure that meet minimum standards. The ordinance also will provide details of other rules and regulations that Hotel/Motel operators will need to follow.

Assistant Administrator Mertens reviewed Section 3-9-10 that refers to penalties, suspension, and revocation of licenses. This area of the ordinance will provide staff with a method of enforcement, detailing the process and the fees.

Staff will make the recommended adjustments and present an updated document for further consideration.

Village Attorney Thomas Bastian asked Building Official Giuntoli if the current fees reflect or indicate what inspections and re-inspections would cost. Building Official Giuntoli stated that he understood that the initial fee would be part of the licensing process, and that re-inspections would be assessed by Building Department staff per ordinance.

Trustee Davi inquired as to the definition for transients. Village Attorney Bastian and Chairperson Neal both explained the reasoning behind the use of the word.

Assistant Village Administrator Mertens asked for a motion to the revised documentation and present for further consideration. Trustee Davi made the motion. Chairperson Neal seconded the motion. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Trustee Paul Oggerino asked Building Official Giuntoli about property maintenance process. Building Official Giuntoli stated that the Building Department does not currently perform property maintenance inspections on a regular schedule. The department currently works in a reactionary capacity, whether it be the public or staff that identifies a property maintenance concern. Noting that the annual inspections discussed earlier would encompass the entire property. Chairperson Neal also stated that Section 3-9-9 Nuisance Declared can be used in a similar manner as to how the property maintenance code has

been used in the past.

5. DISCUSSION – Business License Late Fees – Chapter 1A License Fees

Assistant Village Administrator Mertens stated that the Village currently does not impose a Business License late fee. Staff completed research of surrounding comparable communities regarding business license late fees and summarized the findings. The consensus of the committee was to concur with a 10% late fee for 30 days and a 30% late fee for 60 days with citations to be issued for licenses later than 90 days.

An ordinance has been drafted by the attorney, and with consensus, would be presented to the Village Board on October 26 for formal consideration.

The Finance Committee is considering a recommendation from the mayor to temporarily reduce liquor licenses and gaming fees.

Chairperson Neal stated that since the village does not have a late fee program and one should be considered.

Trustee Umberto Davi asked what a normal business fee was for the community. Assistant Village Administrator Mertens advised that although it ranges between businesses types, a typical fee is around \$100.00.

Trustee Davi made a motion to concur with the staff late fee recommendation. Chairperson Neal seconded the motion. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

6. DISCUSSION – BYOB Licenses

Assistant Village Administrator Mertens reviewed BYOB license request that was mentioned at the last committee meeting. This item relates to a proposed text amendment to modify applicable definitions for cigarette and retail stores to include smoking lounges in the B4 business district as a permitted use. He noted that the Plan Commission recommended to allow for those definitional changes, furthermore, noting said change will be presented to the Village Board later this evening.

Assistant Village Administrator Mertens advised that staff did a survey of other comparable communities' BYOB requirements. BYOB fees were discussed, and they ranged from \$75.00 to \$2,000 depending on the community. Assistant Village Administrator Mertens stated

that other communities have this program so that they can regulate the use, specifically with a key factor being proper training with the Bassett program. A license can be revoked, and the program is typically used in restaurants. Assistant Village Administrator Mertens requested committee feedback. Examples of various BYOB licenses were provided to the committee.

Chairperson Neal stated that she has seen the number of BYOB licenses limited so not to diminish the value of a liquor license. Most of the BYOB licenses have been limited to beer and wine only. She provided examples of Hinsdale BYOB's experiences, furthermore, stating that at this time there are no issued BYOB licenses. Hinsdale's fees are at \$1,000.00.

Trustee Umberto Davi had no comment at this time.

Village Attorney Bastian stated the fees seem fair as to a proprietor will likely charge fees to its customers for this, he also stated that there are state laws that apply.

Assistant Village Administrator Mertens asked the committee for direction. They unanimously stated that work on this can proceed and prepare a draft for the next committee meeting in November.

7. DISCUSSION – ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these, and were placed here as place holders, and that would likely resurface at future meeting, no further substantial details were provided at this meeting.

- a) Chapter 13 Solicitors Regulations
- b) Adult Use Cannabis Definitions and District
- c) Food Truck Licensing Requirements
- d) Outdoor Sales for Service Stations and Grocery / Drug Stores

8. COMMITTEE REPORTS

- Chairperson Neal: No Report
- Trustee Davi: No Report
- Trustee Oggerino: No Report
- Assistant Village Administrator Mertens: No Report
- Building Official Giuntoli: No Report
- Village Attorney Bastian: No Report

9. VISITOR'S BUSINESS

NONE

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

Village Attorney Bastian asked if staff received written comment and the staff response was no.

10. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Oggerino. Roll Call: Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:15 PM

PRESENTED, READ and APPROVED

_____, 2020

Chairperson

Minutes prepared by
Roy A. Giuntoli, Building Official