

VILLAGE OF  
**FRANKFORT**  
EST • 1855

LAND USE AND POLICY COMMITTEE MINUTES  
AUGUST 14, 2019

CALL TO ORDER

Chair Keith Ogle called the meeting of the Land Use and Policy Committee to order at 5:30 P.M. on Wednesday, August 14, 2019, at the Village Administration Building, 432 W. Nebraska Street, Frankfort, Illinois.

ROLL CALL

Land Use and Policy Committee members present included Chair Keith Ogle, Trustees Adam Borrelli, John Clavio, and Margaret Farina; Village Clerk Gene Savaria, Stacy Bond, Michael DiMaggio, Cindy Heath, and Brian Samuels. Staff in attendance included Village Administrator Rob Piscia, Asst. Administrator Jeff Cook, Police Chief John Burica, and Administrative Assistant Theresa Cork. Also in attendance was Ed and Valerie Thelen, John and Nancy Dobner, Edward Gal, and Marc Dabaco. Member Paul Slade was absent.

APPROVAL OF MINUTES (July 10, 2019)

Chair Ogle requested to add “to consider” to the sentence under Other Business - Will County Gambling Ordinance topic item. Trustee Clavio made a motion (#1), seconded by Member Heath, to approve the minutes of the Land Use and Policy Committee meeting of July 10, 2019, as amended. The motion was unanimously approved.

PERSONNEL AND GENERAL SAFETY MANUAL REVISIONS: SECTIONS 10.02; 11.05; AND 13.01

Administrator Piscia provided an overview of the proposed revisions to the personnel manual for committee consideration. He reported the proposed revisions to Sections 10.02 and 11.05 of the personnel manual provide language which conforms Village policy to the Family Medical Leave Act (FMLA) requirements. He reported the FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave per year for specified family and medical reasons. The employer may require, or the employee may elect, to “substitute” accrued paid leave (e.g. paid vacation, paid sick leave, etc.) to cover any part of the unpaid FMLA entitlement period, however the paid leave provided by the employer will run concurrently with the unpaid FMLA leave. The Village’s current policy allows an employee to use accrued benefits before using FMLA leave, however per the U.S. Department of Labor, neither the employee nor the employer may decline FMLA protection for a qualifying leave.

Administrator Piscia also presented a revision to Section 13.01 of the personnel manual which outlines situations for the return of Village owned property upon separation from employment. He reported the manual does not stipulate any time frame for the duration of the separation, which infers the return of property only occurs if the employee resigns or is terminated. The proposed revision requires employees to return Village owned property if an employee's leave exceeds or is expected to exceed more than 30 consecutive calendar days.

Following brief discussion, Member Samuels made a motion (#2), seconded by Trustee Farina, to forward a recommendation to the Village Board to approve the proposed changes to the Personnel and General Safety Manual as presented. The motion was unanimously approved.

### ORDINANCE PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

Administrator Piscia provided an overview of a proposed ordinance prohibiting cannabis business establishments in the Village of Frankfort. He reported the Cannabis Regulation and Tax Act and was signed into law by Governor Pritzker on June 25, 2019 and became Public Act 101-0027. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age. He further reported the Act allows municipalities to prohibit cannabis business establishments from locating in their jurisdiction by adoption of a local ordinance.

Committee members discussed a few of the provisions of the Act and some of the data collected from studies on how adult use of marijuana affects communities. Committee members felt prohibiting cannabis business establishments was consistent with current Village policy and regulations and supported prohibiting cannabis business establishments in Frankfort.

Trustee Borrelli mentioned the Cannabis Regulation Fund, noting a portion of the state tax revenues will go to local governments through the Local Government Distributive Fund (LGDF), which can be used to fund crime prevention programs and training for law enforcement.

Trustee Farina made a motion (#3), seconded by Clerk Savaria, to forward a recommendation to the Village Board to adopt an ordinance prohibiting cannabis business establishments in the Village of Frankfort. The motion was unanimously approved.

### AMENDMENT OF CHAPTER 113: INTOXICATING LIQUOR

- A. Creation of Class D-3 Liquor License Classification***
- B. Creation of Class L-2 Liquor License Classification***
- C. Creation of Class O Liquor License Classification***
- D. Restriction of Single Serve Package Sales***

Asst. Administrator Cook presented three new liquor license classifications for committee review and consideration. Additionally, he provided language to the Liquor Ordinance to restrict the sale of single serve containers at retail.

Mr. Cook provided an overview of the proposed Class D-3 liquor license – Bistro and Wine Bar,

beer and wine only, permitting bar and limited carry-outs. He reported the creation of the Class D-3 liquor license will accommodate the proposed business operation of The Wine Thief, located at 6 Elwood Street. The Wine Thief plans to offer traditional table service selling wines by the bottle or glass, or the customer may also choose to serve themselves at one of the 16 self-service taps located at four wine stations throughout the proposed establishment. They also plan to offer retail sale of specialty wine and beer for carry-out. Mr. Cook noted the Class D-3 liquor license allows the establishment to provide no more than six tasting events for spirits, wine or beer, provided the event is conducted by a duly licensed tasting representative.

It was suggested to add “per year” in the description of the tasting events for the Class D-3 license. Mr. Cook noted the restriction to six tasting events per year pertains to distributor marketing events and does not prohibit the establishment from hosting their own business events, which might also be marketed as “tastings” but not fit the definition under the Illinois Liquor Control Commission.

Mr. Cook provided an overview of a proposed Class O liquor license classification – Congregate Elderly Housing, to accommodate the proposed Cedarhurst Senior Living facility on the property behind the Prairie Crossings shopping center at US 30 and Wolf Road. He reported the Class O license will allow the facility to offer alcoholic liquor to residents of the facility and their guests during the hours it offers food.

Mr. Cook also provided an overview of a proposed Class L-2 liquor license classification – Wine Bar and Packaged Wine Sales. He reported staff recently received a request to operate a wine bar and packaged wine sale business in Frankfort. He reported the existing Class L license is similar but is restrictive regarding on premise consumption. This new classification provides an opportunity for a wine bar and packaged wine sale business as described.

Committee members discussed the new liquor license classifications and the Village’s procedure and control system for the number, kind, and classification of liquor licenses. Mr. Cook further explained the liquor commissioner’s role and the Village’s procedure in establishing the number and kinds of liquor licenses and how they are divided into different classes of licenses, each having their own specific regulatory requirements.

Committee members also discussed restricting the sale of single serve containers and shared examples of when purchasing single-serve containers is desirable and more favorable than purchasing in larger quantities. Members questioned the intended purpose of restricting single serve containers. Mr. Cook explained the proposed ordinance would prohibit stores from selling single containers of beer that hold 16 ounces or less, wine in containers of 374ml or less, and spirits in containers of 374ml or less as an attempt to reduce retail opportunities that might attract violations of the open container law.

Following discussion, committee members felt it was important not to establish speculative license classifications. The committee felt the Class L-2 business proposal was too preliminary and did not support the creation of the L-2 liquor license classification at this time, however expressed openness to creating it in the future once more details were known about a proposed business establishment. The committee was in favor of establishing a Class O liquor license

classification subject to the Cedarhurst Senior Living project moving forward. Committee members requested staff refine the restriction of single serve containers to be more permissive in a grocery environment and return to a future committee meeting for further consideration.

Trustee Borrelli made a motion (#4), seconded by Member Samuels, to forward a recommendation to the Village Board to amend the Liquor Ordinance to provide for the creation of the Class D-3 liquor license classification as presented. The motion was unanimously approved.

Committee members discussed timing of Village Board review of the Class O license and asked that staff schedule review concurrent with Village Board review of the Cedarhurst Senior Living facility project. Member Heath made a motion (#5), seconded by Trustee Clavio, to forward a recommendation to the Village Board to amend the Liquor Ordinance to provide for the creation of the Class O liquor license classification as discussed. The motion was unanimously approved.

#### NEW CINGULAR WIRELESS LEASE AMENDMENT: PRESTWICK TOWER

Asst. Administrator Cook presented a proposed lease agreement with New Cingular Wireless PCS, LLC for the Prestwick water tower. The proposed lease agreement #3 extends the terms of the lease by five years to expire in 2036 and adjusts the rent schedule.

Committee members discussed the terms of the proposed lease amendment. Trustee Clavio voiced concern that the amendment could be construed to eliminate the Village a right to terminate. He suggested revising the language to clarify this point. It was further suggested to adjust the effective date of the 3% rent escalator to an earlier date.

Trustee Clavio made a motion (#6), seconded by Member Heath, to forward a recommendation to the Village Board authorizing execution of lease amendment #3 with New Cingular Wireless for the Prestwick Water Tower site with the suggested changes. The motion was unanimously approved.

#### VILLAGE WEBSITE - DISCUSSION

Asst. Administrator Cook reported, as part of the FY 19-20 goals, staff is looking to improve the Village website. He noted the price range to deliver a new website from a company experienced in municipal website design is expected to cost \$20,000 - \$30,000, with recurring annual fees up to \$5,000/year for hosting, security, maintenance, updates, support, etc. He requested committee direction on whether to refresh the Village's current website or seek proposals from companies experienced in municipal website design.

Committee members discussed the example websites provided by staff and the Village's current website in comparison to neighboring communities. Committee members felt municipal websites reflect a first impression of its community and felt it is important to utilize the Village website as a branding/marketing tool. Members also discussed managing website content and providing a more user-friendly format for residents to navigate for information.

Following discussion, it was the consensus of the Committee for staff to investigate proposals to provide a new Village website.

### OTHER BUSINESS

Trustee Ogle commented on a letter from Three Rivers Association of Realtors relating to an article supporting updating residential zoning laws to meet current demand for ongoing delivery of services for walkable, mixed-use developments.

Trustee Farina acknowledged the new committee seating format and expressed her support for the layout.

### PUBLIC COMMENTS

Audience member Edward Gal requested a recap of the committee's recommendation relating to cannabis establishments in the Village. Chair Ogle reported the committee forwarded a unanimous recommendation to the Village Board to prohibit cannabis business establishments in the Village of Frankfort.

### ADJOURNMENT

Hearing no further business, Trustee Farina made a motion (#7), seconded by Trustee Borrelli, to adjourn the Land Use and Policy Committee meeting of August 14, 2019, at 7:07 P.M. The motion was unanimously approved.