

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
COMMITTEE OF THE WHOLE MEETING
VILLAGE HALL COUNCIL CHAMBERS
OCTOBER 2, 2019**

Call to Order

President Bass called the Committee of the Whole meeting of the Lincolnwood Board of Trustees to order at 6:04 P.M., Tuesday, October 2, 2019, in the Council Chambers of the Municipal Complex, 6900 North Lincoln Avenue, Village of Lincolnwood, County of Cook and State of Illinois.

On roll call by Village Clerk Beryl Herman the following were:

PRESENT: President Bass, Trustees Sargon, Hlepas Nickell, Ikezoe-Halevi, Klatzco, Patel, Cope.
ABSENT: None

A quorum was present.

Also present: Anne Marie Gaura, Village Manager; Chuck Meyer, Assistant Village Manager; Steve Elrod, Village Attorney (7:22 P.M.); Heather McFarland, Assistant to the Village Manager; Jon Bogue, Management Analyst; Doug Hammel, Development Manager, Jay Parrott, Police Chief.

Approval of Minutes

The minutes of the Committee of the Whole meeting of September 17, 2019 were presented with an amendment regarding the attendance of Fran Morel, Director of Human Resources for Food for Thought who spoke at the September 17th meeting regarding the Minimum Wage and Sick Leave Act.

Trustee Hlepas Nickell asked that the letters received from the local businesses on the item of Minimum Wage and Sick Leave Act be attached to the minutes of September 17, 2019.

Motion by Trustee Hlepas Nickell to approve the minutes of September 17, 2019 as amended, seconded by Trustee Ikezoe-Halevi.

The motion passed by voice vote.

Regular Business

1. Discussion Regarding a Zoning Text Amendment Related to Minimum Lot Width in the R-2, R-3 and R-4 Residential Zoning Districts

This item was presented by Mr. Hammel using a PowerPoint presentation.

President Bass stated he didn't see precedent leading up to this discussion.

Mr. Hammel stated that in 2018 there was a request for staff to introduce a Text Amendment for minimum lot width in the R-1 Residential Zoning District. Mr. Hammel stated at that time certain Trustees asked if the lot width could be looked at in other zoning districts.

Mr. Hammel discussed the R-2 Zoning District and pointed out several lots that could be subdivided in that district. Trustee Hlepas Nickell stated that she is aware of some lots that are 90 feet in width with multiple pin numbers.

Mr. Hammel stated that while a property might have three pin numbers, they could sell off a parcel but only if it met the code requirements for lot width.

There was further conversation regarding major and minor subdivision.

Trustee Cope mentioned that there is a side yard requirement based on the lot size and asked if this has been looked at yet. Mr. Hammel stated this has not been looked at but certainly can be if this is referred to the Plan Commission.

Trustee Cope stated that the goal is to not create a bunch of non-conforming lots. Mr. Hammel stated they had discussed that during the R-1 Text Amendment discussion which changed the Subdivision Ordinance as it relates to new lots, not current non-conforming lots and not a zoning change that would affect all lots.

There was discussion concerning covenants on certain properties and how that relates to the Village Code.

Mr. Hammel stated that the same items were looked at in the R-3 and R-4 districts as well.

Mr. Hammel stated that staff is currently seeking guidance on some key policy issues.

Trustee Patel asked if this was for subdivision and not for use of an existing lot to which Mr. Hammel confirmed that was correct.

There was discussion on how this would affect a tear down.

There was Village Board consensus to refer the Text Amendment to the Plan Commission.

2. Requested Consideration of a Text Amendment Regarding the Permissibility of Tattoo Parlors

President Bass noted that the petitioner, Damien Kardaras was present.

This item was presented by the Mr. Hammel, using PowerPoint.

Mr. Hammel presented the regulatory context of the use. Mr. Hammel stated the request for the tattoo parlor is in a B2 Zoning District. Mr. Hammel stated that regarding tattoo parlors in the code, the use of tattoo parlors is not explicitly permitted. Mr. Hammel stated that if the use is

not listed in the code it has been considered to be a use that is not allowed in the Village. Mr. Hammel stated there is clarification that could be made by the Plan Commission.

Mr. Hammel stated that because the use is not clearly permitted in the code, the business license was denied. It is with that denial that Mr. Kardaras is now seeking a Text Amendment.

Mr. Hammel stated there are policy questions for direction that staff is seeking if this item were to be referred to the Plan Commission.

President Bass asked about making tattoo parlors a Special Use. Mr. Hammel stated that could be an option.

Trustee Hlepas Nickell stated she is struggling with the language and what it might fall under due to the waste from the business such as the needles.

Mr. Kardaras distributed documents to the Board regarding his request.

Mr. Hammel stated that tattoo parlors are regulated by the Health Department.

Mr. Kardaras stated that tattoo parlors fall under the same code as day spas and massage parlors under the state guidelines.

Trustee Cope asked about the standards for tattoo parlors. Mr. Kardaras explained they are the standards as provided by the state guidelines.

Mr. Kardaras introduced Kaitlyn Moskowitz who is wishing to open the tattoo parlor.

Trustee Hlepas Nickell asked Mr. Kardaras, for the record, if he was going to be the business operator or just the owner of the property. Mr. Kardaras stated he is the owner of the property and a shareholder of the proposed business.

Ms. Moskowitz went through some of the state guidelines for the Village Board.

Trustee Hlepas Nickell asked Ms. Moskowitz how they dispose of the needles. Ms. Moskowitz stated she has a contract with a firm that picks up the materials that she has placed in bio-hazard boxes.

Trustee Sargon asked what hours the shop would be open. Mr. Kardaras stated the same hours as restaurants, which would be 11 p.m.

Mr. Hammel stated there are several directions the Board can give the Plan Commission. One of those would be to have the parlors under personal service establishments which would make the tattoo parlors allowed in the B-1, B-2 and B-3 Districts. Mr. Hammel stated another option is to treat tattoo parlors as their own use from a zoning perspective.

President Bass stated he feels this item should be sent to the Plan Commission for them to decide how a tattoo parlor should be listed, and also as to whether or not it should be considered a Special Use.

Trustee Cope stated that the petitioner should apply for a Text Amendment for this item. Mr. Hammel said the petitioner has applied for a Text Amendment and the referral of the Text Amendment to the Plan Commission is the first step in the process.

Trustee Patel spoke about possibly licensing tattoo parlors and limiting the numbers of license.

Mr. Hammel stated they will work this through the Plan Commission as both a Text Amendment and a Special Use. Mr. Hammel stated the Special Use would trigger notifying the neighbors and business within a proximity of 250 ft. of the proposed use.

There was Village Board consensus to refer the Text Amendment to the Plan Commission.

3. Discussion Regarding Vaping Ban

This item was presented by Chief of Police, Jay Parrott, using PowerPoint.

Chief Parrott noted this is a rapidly changing topic and that he wanted to focus on state law and Village Code.

Chief Parrott went through and noted the differences between the state code and the Village Code regarding selling age, purchase age and possession in regard to tobacco.

Chief Parrott explained the different kind of vaping devices on the market.

Chief Parrott noted the different vaping restrictions in other states and communities.

Chief Parrott stated there were 16 locations within the Village that currently sell e-cigarettes.

Trustee Sargon asked which of the businesses rely heavily on vape cigarettes. Chief Parrott stated there are about three that rely heavily on those sales.

There was further discussion regarding the black market e-cigarettes and the use of them by youths.

Trustee Hlepas Nickell asked Chief Parrott what latitude does the Village have as a home rule community. Chief Parrott stated the Village Code could be changed to adopt vaping into the code that it is illegal for anyone under 18 to be in possession of e-cigarettes. Chief Parrott stated there is the potential to move that to the age of 21.

There was further discussion regarding possible changes to the code to match the state as well as to not having public displays of e-cigarettes.

Chief Parrott continued with his PowerPoint presentation.

There was further discussion regarding possible licensing or waiting to see what the state does in November.

Chief Parrott listed the following staff recommendations: Amend the Village Code to define Electronic Cigarettes as it relates to sales and purchases; Amend the Village Code to include Electronic Cigarettes in the prohibited sale of tobacco products, tobacco accessories and electronic cigarettes to persons under 21; Direction as to the creation of an Ordinance that bans e-cigarettes from the enclosed work place, restaurants and bars, essentially mirroring the ban on smoking as a part of the Illinois Smoke Free Act.

Trustee Sargon stated that she would like to start with mirroring the ban on smoking as a part of the Illinois smoke free Act.

Trustee Hlepas Nickell asked Steve Elrod, Village Attorney, about banning places from displaying e-cigarettes. Mr. Elrod stated there may be First Amendment concerns if the Village did that on a general basis. But, display regulations can be considered in connection with the issuance of special use permits for establishments.

Trustee Cope asked Mr. Elrod if he had any problem with any of the staff recommendations. Mr. Elrod stated he did not.

There was further discussion.

President Bass asked the Board if they wanted to go forward with the staff recommendations. The Village Board consensus was to move forward with staff recommendations.

There was discussion regarding as to whether or not the Board wanted to put possession of vapping products to be 21 and older.

President Bass asked the Village Board if they were in favor of no one under the age of 18 having possession of e-cigarettes.

There was further discussion.

Chief Parrott stated it would be no different than if a child under the age of 18 were in possession of cigarettes, there would be a ticket issued and it would go to adjudication.

There was Board consensus to come forward with an Ordinance at a future Board meeting with the four staff recommendations.

Public Forum

Charles Halevi came forward and spoke against e-cigarettes.

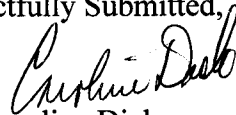
Airaf Jaliawala came forward and spoke on the topic of e-cigarettes, but did not voice an opinion in support or opposition to the topic.

Adjournment

At 7:40 P.M. Trustee Sargon moved to adjourn Committee of the Whole, seconded by Trustee Patel.

The motion passed by Voice Vote.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Caroline Dick".

Caroline Dick
Deputy Village Clerk