

MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, October 14, 2019 - 7:30 p.m.

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:30 p.m. by Village President, Thomas Livingston. On roll call, as read by Village Clerk John Burns, the following were:

PRESENT: Trustees Augustine, Gale, Holder, Kotynek, Kuchler and McCarty, with President Livingston presiding.

ABSENT: None

OTHERS: Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Public Works Director Ryan Gillingham
Community Development Director Charity Jones
Finance Director Lou Cipparrone
Police Chief Kurt Bluder
Fire Chief Terrence Vavra

President Livingston asked Village Clerk John Burns to lead the audience in reciting the Pledge of Allegiance.

2. PRESIDENT'S REPORT

President Livingston thanked Chief Vavra and the La Grange Fire Department for providing an excellent opportunity for residents to learn about services provided by the Fire Department and also fire prevention tips at its annual Open House on October 5.

President Livingston thanked the Metropolitan Water Reclamation District for coming to La Grange on Thursday, October 10 to dedicate the new permeable paver parking lots. We are continuing to work closely with the MWRD on storm water management.

President Livingston announced that everyone is invited to join local businesses for the Halloween Walk around the downtown on Saturday, October 26. A Trick or Treat Parade will be held by local businesses beginning at 10 a.m. from Cossitt School and continuing until Noon. Many other special events are also planned – please visit the LGBA website for more information. Trick or Treating hours on Halloween, October 31, are 3 p.m. to 7 p.m.

Earlier this evening the Liquor Commission met to consider an application for a Class A-3 Liquor License from Brothers Mexican Grill located at 1014 S. La Grange Road. The Liquor Commission recommends that a license be issued to Brothers Mexican Grill. The Village Board will be asked to consider the liquor license request at the next Village Board Meeting on October 28.

President Livingston welcomed former Village Trustee Barb Wolfe who was in the audience and thanked her for her service.

A. Oath of Office – Fire Lieutenant James Baum

President Livingston invited Clerk Burns to administer the Oath of Office to Fire Lieutenant James Baum.

3. MANAGER’S REPORT

Manager Peterson announced that as previously reported by President Livingston, residents are invited to participate in a survey regarding the Village’s curbside refuse and recycling collection program. The Village is seeking input regarding the Village’s program and whether changes or improvements should be considered as part of a new refuse contract – the current contract expires in April, 2020. A link to the online survey was provided in the Village Spokesman and is also located on the Village website. Residents are asked to fill out the survey by Monday, October 21.

4. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None.

5. CONSENT AGENDA AND VOTE

A. Engineering Services Agreement – Water and Sewer Rate Study

B. Material Purchase – Public Works / FY 2019-20 Tree Planting Program

Resolution – Public Works / Suburban Tree Consortium

C. Ordinance – Disposal of Surplus Property – Police Department

D. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, September 23, 2019

E. Consolidated Voucher 191014

Trustee Augustine stated that in consideration of her relationship with the Village Prosecutor, she recused herself from each item on the voucher related to the Village Prosecutor.

Trustee Holder inquired as to why the Village did not bid the agreement for the water and sewer rate study. Public Works Director Gillingham responded that as we have an existing task order agreement with Baxter and Woodman and they have conducted 30 to 40 studies of this type.

Trustee Kuchler inquired as to why there is a price differential between the prices in 2019 versus 2020 for the tree planting program. Director Gillingham responded that it is dependent on the species of tree purchased, as certain fall or spring trees vary in cost.

A motion was made by Trustee Holder and seconded by Trustee McCarty to approve the Consent Agenda as presented.

Approved by a roll call vote:

Ayes: Trustees Augustine, Gale, Holder, Kotynek, Kuchler, and McCarty
Nays: None
Absent: None

6. CURRENT BUSINESS

A. Ordinance – Variation – Minimum Required Rear Yard / Jordan Isenberg, 941 7th Avenue

President Livingston asked Trustee Gale to introduce the item. Trustee Gale stated that the petitioner, Jordan Isenberg, owner of the subject property at 941 7th Ave., wishes to construct an attached garage and addition to the rear of his house. The construction as proposed would encroach in to the minimum required rear yard as required in the La Grange Zoning Code. Per the Zoning Code, the minimum required rear yard for the Subject Property is 26.82 feet (20% of the lot depth) and the proposed construction would result in a rear yard of six feet. The proposed construction would not require any other variations from code (in particular the project otherwise meets lot and building coverage requirements).

On September 19, 2019, the Zoning Board of Appeals held a public hearing on this matter. At the hearing, the petitioner testified that the requested variation will allow him to construct a two car garage and a functional three-bedroom floor plan. The petitioner further testified that the placement of the existing house and the characteristics of the home's foundation represented a unique physical condition on the property. At the hearing, one member of the public spoke in favor of the application. No persons spoke against the application. After hearing testimony and deliberating, the Zoning Board of Appeals voted 4-0 to recommend approval of the variation as presented.

Trustee Holder inquired as to how many residents were in support of the variation. Community Development Director Jones responded that 2 residents voiced their support.

Trustee Gale asked about the difference between an attached and detached garage setback. Director Jones responded that it is the principal structure versus the accessory structure, each of which have different impacts.

Trustee McCarty confirmed with Director Jones that the lot was located on a corner and that the house location on the lot presented a unique character as compared to most properties in La Grange. He inquired if the variation, if granted, would result in an encroachment into the rear yard. Director Jones confirmed that it would result in a 4 foot encroachment.

A motion was made by Trustee Gale and seconded by Trustee McCarty to approve the ordinance request for a variation of the minimum required rear yard as requested by homeowner Jordan Isenberg located at 941 7th Avenue.

Approved by a roll call vote:

Ayes: Trustees Augustine, Gale, Holder, Kotynek, Kuchler, and McCarty
Nays: None
Absent: None

B. Ordinance – Amending the La Grange Code of Ordinances to Prohibit Recreational Cannabis Business Establishments and Use of Cannabis in La Grange Public Places

President Livingston asked Trustee Gale to introduce the item. Trustee Gale stated in June 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act (the “Act”) which legalizes the sale, possession, and use of cannabis for recreational purposes in limited quantities by persons 21 years and older, beginning January 1, 2020.

Under the Act, municipalities have the ability to prohibit, allow, or significantly limit the location of recreational (adult-use) cannabis businesses. Cannabis business types include dispensaries, cultivation centers, craft growers, processors, infusers, and transportation organization.

At the July 8, 2019, Village Board Meeting, Village Attorney Mark Burkland provided a general overview of the Act, the Coalition for a Drug-Free Lyons Township provided a presentation on the topic, and the Village Board adopted a Resolution advising the public that recreational cannabis businesses are currently prohibited and that the Village would be studying the matter further.

The Village Board discussed the matter again at the September 23 Village Board Meeting. Information regarding the Act was posted to the Village’s website and the public was invited to provide comments. After discussion, a majority of the Village Board stated that the Village should opt out of recreational cannabis, and directed staff and the Village Attorney to prepare an opt-out ordinance.

Staff and the Village Attorney have prepared an Ordinance as requested that prohibits cannabis business establishments and the use of cannabis in public places. The “establishments” and the “public places” are defined in the Ordinance. Public places are defined generally in the Act, but the Act does not include detail about private events, private social clubs, or classes in those public places. The attached Ordinance defines public places further as including private events in business establishments.

If the Village Board approves the Ordinance, then the staff will prepare appropriate amendments to the Zoning Code consistent with the Village Board’s action. Those amendments will be presented to the Plan Commission, which will conduct the required public hearing for the amendments at its November meeting. The Plan Commission will prepare findings and a recommendation to the Village Board. In addition, the staff and Village Attorney will review

various provisions of the Code of Ordinances to determine any other necessary changes to the Code. The staff anticipates submitting those changes for the Village Board's consideration at an upcoming meeting.

It should be noted that under the Act, a prohibition of recreational cannabis businesses cannot include a prohibition of medical cannabis dispensaries, which were added to the Village's Zoning Code as a special use in the I-1 Light Industrial District in 2014, with the condition that a dispensary is not permitted next to a residential property. To date, no medical cannabis dispensary is located in La Grange.

Trustee Kuchler stated that he is in favor of regulating cannabis versus prohibiting cannabis and would be voting no.

Trustee Gale stated that he is also in favor of regulating cannabis versus prohibiting cannabis and would be voting no.

Trustee McCarty stated that while legal, he does not see the added benefit to having cannabis sales in La Grange. He believes it is difficult to agree on an appropriate location where the sale of cannabis would be accepted in a Village as small as La Grange. He stated that allowing cannabis would be inconsistent with health and good governance and as such, he would be voting yes to prohibit cannabis businesses.

Trustee Holder stated that while La Grange can choose to reevaluate at a later time to allow cannabis, once the door is opened to the industry, it would be very difficult to close. He stated that allowing cannabis is not in keeping with the character of La Grange based on comments from residents. While those who support the cannabis industry often cite revenue as a main motivation, he noted that with greater legalization, less revenue will be realized. He is in favor of the ordinance prohibiting cannabis businesses.

Trustee Gale suggested that staff monitor the industry and produce a memo a year from now regarding the status of the cannabis industry.

Trustee Augustine stressed the importance of taking into account resident comments. She believes that there may be an appropriate place for cannabis businesses outside of the downtown. She asked for further discussion on the topic and stated she would vote no at this time.

President Livingston thanked the Village Board, staff and residents for their discussion over the past several months on this issue. He stated that he would be voting against allowing cannabis businesses, as it is not the right time or place. There have been many contentious issues over the years but few invoked passion like the cannabis issue. All sides were examined when researching and discussing this topic before any decisions were made. He asked, staff to present a memo to evaluate the industry and possibly open the floor to more conversation in January, 2021.

A motion was made by Trustee Gale and seconded by Trustee McCarty to approve the ordinance amending the La Grange Code of Ordinances to prohibit recreational cannabis business establishments and use of cannabis in La Grange public places.

Approved by a roll call vote:

Ayes: Trustees Holder, Kotynek, McCarty and President Livingston
Nays: Trustees Augustine, Gale and Kuchler
Absent: None

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON THE AGENDA

None.

8. TRUSTEE COMMENTS

Trustee Kuchler thanked all residents who shared their opinions and staff for providing information for decision making. He was pleased with the professionalism of the Board and discussion.

Trustee Augustine also appreciated the professional approach taken by the Village Board. She stated that the Village needs to continue to look at ways to increase revenues.

Trustee Gale echoed Trustee comments regarding how the issue was handled. There was thorough debate which he believes is a strength of La Grange.

Trustee McCarty thanked the Village Board for a reasoned debate and stated that many things were discussed that were important to residents at the meeting this evening.

9. CLOSED SESSION

None.

10. ADJOURNMENT

At 8:10 p.m. Trustee Holder made a motion to adjourn, seconded by Trustee Gale. Approved by a voice vote.



Thomas E. Livingston, Village President

ATTEST:



John Burns, Village Clerk

Approved Date: October 28, 2019