

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
November 21, 2017**

CALL TO ORDER

President Gail E. Johnson called the meeting to order at 6:00 p.m.

ROLL CALL

Physically Present: President Gail Johnson and Trustees Ryan Kauffman, Karin McCarthy-Lange, Pam Parr, Luis Perez , Judy Sollinger (attended at 6:13 p.m.) and Joe West.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Mark Runyon, Asst. Public Works Director; Jeff Burgner, Police Chief; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Jenette Sturges, Community Engagement Coordinator- Marketing; Jay Hoover, Building & Zoning Manager; and Jim Murphy, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

There was no one who participated electronically.

PUBLIC FORUM

Public Forum was opened at 6:00 p.m. There was no one who requested to speak; the Public Forum was closed at 6:00 p.m.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

F.1. Piggy's BBQ, Spirits & Gaming Presentation and Request for a Liquor and Video Gaming License

Clerk Touchette addressed the Board regarding a request for a liquor and video gaming license. Staff was approached by Matt and Liz Warren with a request to open a restaurant that would also include video gaming. The business would be located at 4581 IL Route 71 (next to Tuscan Tavern). The business qualifies for a Class "A" liquor license. There are no restrictions on the percentage of food sales. Their business plan includes the following:

- 2,200 square foot space
- 72 seat restaurant offering family style food and service, full service bar and a gaming area
- Dine-in, carry-out, online ordering and future catering and business group options
- Specialty food selections including lighter options, gluten free and smaller portions for kids
- Menu includes: Ribs, brisket, shrimp, pork, chicken, wings, sausage, mac & cheese, wraps, tacos, nachos, salads and various sides
- All meats are smoked (beef, pork & chicken)
- Side dishes are 100% homemade

Matt and Liz Warren were present to answer questions.

Board, staff and requestor discussion focused on the Warrens being in the restaurant/bar business for 20 years; their business in Gary IN sold; they currently live in Plainfield; they have been looking to do something locally for 6 months; serving family style food such as chicken, ribs, beef brisket, wraps

and salads; location space is ready except for minor alterations; video gaming will help the revenue stream for the first year; relying on food and alcohol sales; location will be the first of many; open by March, if not sooner; will still continue with the business if there is no gaming; requesting five machines; meals will cost around \$15; costs based on previous restaurant in Gary IN; sales should be better here; labor is 26% of sales; paying staff for what they're worth; bartender paid \$15 per hour; payroll on the higher side; rent/lease starts in January; percentage of growth in the restaurant; \$3,500 per month in gaming; would like the numbers to be real; did not factor in gaming in the budget; helping small businesses get a jump start; looking forward to the business opening. Staff was directed to move forward with drafting ordinances for a liquor and video gaming license. There was no further discussion.

F.2. Massage Parlor Regulations Discussion

Chief Burgner addressed the Board regarding massage parlor regulations. Recently, the Oswego Police Department received information regarding the legitimacy of some of the massage parlors located within the Village. The concerns included the content of the advertising of services being provided to customers. Concern was also raised regarding the potential of people living within the businesses; which is a Village Code violation. The Oswego Police Department conducted an investigation and determined that illegal activity (Prostitution and Aiding and Abetting Unlicensed Massage) was occurring at two massage parlors within the Village. Building Code violations also existed at both businesses. The investigation resulted in three arrests as well as business registrations being suspended. Due to the illegal activity occurring within the businesses, staff researched different options on how to handle this issue moving forward.

The current Zoning Ordinance allows Massage Parlors as a permitted use in the B-1, B-2, and B-3 zoning districts. Staff is proposing to amend the Zoning Ordinance to change massage from a permitted use to a special use. This will require potential new businesses to go through the special use permit process which requires a public hearing before the Planning and Zoning Commission with final approval by the Village Board. As part of the application process, the Village can require the petitioner to demonstrate proof of license by the State of Illinois. Staff believes that reputable businesses will not be deterred by the special use process as it is common in many communities for massage parlors to receive special use permits. All existing massage parlors will be grandfathered and allowed to continue under the Zoning Ordinance as a non-conforming use.

The Village has not adopted an ordinance that would provide a licensing process for a business seeking to provide massages. Massage Parlor ordinances exist in other communities and could be used to assist in drafting one for the Village of Oswego. This licensing process could allow for:

- A background investigation to be conducted for the business owner as well as individuals conducting massages prior to approval
- Inspections to be conducted ensuring the business is in compliance with Village Code as well as State laws
- A dress code to be set for the individuals conducting the massages

Other items to consider when developing an ordinance of this nature would be how it affects current businesses that are operating legitimately, as well as, will this deter legitimate massage parlors from locating in the Village.

Board and staff discussion focused on Kendall County has concerns also; ways to prevent and monitor; enforcing criminal violations; business friendly approach; not penalizing legitimate businesses; Batavia and Shorewood have current ordinances; PD to work with the Clerk's Office with the licensing process; Village license will be different from the State license and Village business registration; requiring businesses to provide a valid State license; how to handle home based

businesses; grandfathering in current businesses; exemptions; Massage Commissioner would provide oversight and approve licenses; could hold hearings for complaints; provisions as part of the license; license would be renewed annually; massage parlors would not be allowed to have a liquor license; advertising restrictions; looking at staff time to process and enforce; staff to work with businesses and obtain input; businesses like the Batavia ordinance; Village does not have an ordinance in place to shut businesses down; ability to close a business with criminal activity; not wanting Village wide if criminal activity is associated to the certificate of occupancy (CO); CO tied to life safety issues; IL Dept. of Professional Regulations were notified of the violations; educating the businesses.

Additional discussion focused on how a special use differs from an ordinance; change of ownership would not need a special use if the special use was previously approved for the location; prohibiting massage business as a home occupation; whether there is anything keeping a new business from opening without a special use; need to check into due process issues; license would not transfer from owner to owner; going after landlords for unsightly businesses; putting landlords on notice; Romeoville currently puts landlords on notice; Yorkville has an ordinance in place; Montgomery staff will be speaking to their Board about putting an ordinance in place; staff to work with the Village's attorney on how to address ownership changes; special use permit in conjunction with an ordinance; Village license would be issued to the business, not an individual; the State licenses the individuals; using State statutes to enforce during inspections; IL Dept. of Professional Regulations have control over individuals; civil level versus criminal level; having a formal process and commission in place; adding more to the inspection checklist process; change of ownership causes the license to become null and void.

Staff was directed to move forward with drafting an ordinance and special use process. There was no further discussion.

CLOSED SESSION

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to enter into Closed Session for the purposes of discussing the following:

- a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

The Board adjourned to Closed Session at 6:47 p.m.

The Board returned to open session at 7:01 p.m.; all remaining members still present.

ADJOURNMENT

The Committee of the Whole meeting adjourned at 7:01 p.m.

Tina Touchette
Village Clerk