



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
February 1, 2022**

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**CALL TO ORDER**

President Wallace called the Committee of the Whole meeting of February 1, 2022 of the President and Board of Trustees of the Village of Bartlett to order on the above date at 7:32 p.m.

**ROLL CALL**

**PRESENT:** Chairmen Deyne, Gandsey, Gunsteen, Hopkins, Reinke, Suwanski\*, President Wallace

\*Chairman Suwanski was in attendance via Zoom Conferencing.

**ABSENT:** None

**ALSO PRESENT:** Village Administrator Paula Schumacher, Assistant Village Administrator Scott Skrycki, Senior Management Analyst Samuel Hughes, Management Analyst Joey Dienberg, Planning & Development Director Roberta Grill, Building and Code Division Manager, John Komoroski, Finance Director Todd Dowden, Public Works Director Dan Dinges, Assistant Public Works Director Tyler Isham, Public Works Engineer Bob Allen, Food and Beverage Manager Paul Petersen, Police Chief Patrick Ullrich, Deputy Chief Geoff Pretkelis, Deputy Chief Jim Durbin, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

**BUILDING & ZONING, CHAIRMAN HOPKINS**

**Proposed Text Amendments for Massage and Bodywork Establishments**

Chairman Hopkins introduced the item.

Ms. Grill stated not much has changed as far as the zoning is concerned since the last time it was before the board. Staff met with Mr. Austin Hopkins and as far as zoning is concerned, there was one valid point he brought up that pertains to if a hair or nail salon would like to have a massage room as an accessory use. This text amendment already covers that and if a hair or nail salon wished to have a massage establishment as an accessory use, they would have to apply for a massage or body work license. The other update to this text amendment as far as the amortization goes, specifically for a body work establishment, has now been set at 3 years. Bryan Mraz will address the other regulations as far as the licensing itself.

Chairman Deyne confirmed that the business has to apply for the license.

Attorney Mraz stated those are two different things, we are talking about where in the village they can go. Currently, these uses can go in commercial districts and are permitted



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uses in the office research district and is permitted as an accessory use for certain principle businesses. So that we don't have people slipping through the cracks, beauty parlors still have to get a license for that accessory use, within their combined business.

Chairman Gunsteen asked if a corporate massage company like Massage Envy wants to build on Rt. 59, will they be allowed to apply for a special use.

Attorney Mraz stated No.

Chairman Gunsteen confirmed that we are basically saying no massage parlors except in the industrial park.

Attorney Mraz stated it would be allowed in the Office Research District as well.

Ms. Grill stated the map identifies the areas where massage establishments could be located as a principle use. Those areas are Blue Heron, Southwind and the three office research districts.

Chairman Gunsteen stated it seems odd to have those areas chosen for massage establishments.

Attorney Mraz stated this is to address a problem and we believe the licensing is improved, but it is not sufficient alone. This has been a problem that has gone on for 30 years.

Chairman Reinke asked if the establishment can apply for a text amendment.

Attorney Mraz responded "yes." It would be harder than a special use, but there is an avenue.

Chairman Hopkins asked if that opens the flood gates once you do a text amendment.

Attorney Mraz stated it depends on how narrow the text amendment was. For example, if it was the B-4 district, it would only be that specific district, not the other B-1,2 or 3 districts. B-4 would then be open to other parlors.

Chairman Hopkins asked if making it a special use would be more prohibitive than it is now.

Attorney Mraz stated it is primarily a special use now. There are probably a couple districts where it is a permitted use, but in my opinion, a special use alone is not sufficient to address the issue and solve the problem because courts have said that special uses cannot amount to a permitted use unless this one use creates so much side effects than



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a similar use elsewhere in the district. In effect, it would be better to be a special use than a permitted use, but in his opinion, a special use by itself would not be very effective. Chairman Hopkins stated that for the record, this consumes a lot of staff time and resources to try and make these places compliant.

Ms. Grill stated “that is correct.”

President Wallace stated that this has been an ongoing problem since all board members have been there and has been going on for 30 years. We need to figure out how to change the zoning and the licensing.

Chairman Suwanski had a question of clarification on the zoning. She asked if we do this as a text amendment to restrict where these facilities can be and then in the future someone comes up and they want to relook at this, then we would need to do another text amendment.

Attorney Mraz stated “yes,” but the text amendment could be exactly what we have now, or restrict it some other way, etc. It would be an amendment to the code based on what you are willing to approve.

Chairman Reinke brought up the issue of a petitioner like a business buying a business and wanting to put it on Route 59, as opposed to the board. The board can amend its ordinances any time it wants, so a future board could change it back, but staff’s recommendation is that this would be the most affective means of dealing with the problem. Even with improvements made to licensing, it is not sufficient to deal with this issue. It is a little bit of the “throwing the baby out with the bath water” but it is a real problem and doesn’t just effect Bartlett.

Chairman Gunsteen stated that it is definitely a problem state and nationwide. We just need to be prepared for when somebody calls, our general answer should be “no we do not allow your company to located to our town on Route 59.”

Chairman Deyne asked where would it be zoned.

Roberta Grill stated it would be allowed in Blue Heron, West Gate Commons and the office building just west of there. It would also be allowed in an OR District along Stearns. It would be allowed in 5 locations.

Attorney Mraz stated the one place we really haven’t had problems with is the NAT Lab already located in the OR District.

Chairman Gandsey asked if any of the massage establishments had been notified.



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Attorney Mraz stated they will be. This meeting is public. If the board passed it, we would send them a copy of the ordinance as well as the regulations.

Chairman Hopkins stated that the next step is to send this to the ZBA for further review and to conduct a Public Hearing.

Chairman Deyne asked about the amortization.

Attorney Mraz stated the amortization is 3 years. It is just a draft and still has to go for a Public Hearing.

### **Amendment of Massage and Bodywork Regulations**

Chairman Hopkins introduced the item.

Attorney Mraz stated we had extensive regulations and at that time we were trying to plug a hole in state law that dealt with Asian bodywork approaches. The practitioners did not need to be licensed but massage therapists did. We tried to plug that loophole, but then the state massage licensing law was amended and the state took over licensing of Asian bodywork practitioners. We have the ability to license the establishments, but they took the villages ability away to license the actual massage therapists. When they did this, they created a lot of other exemptions. He called down to the Illinois Department of Financial and Professional Regulations to ask about the update. We do not see asian body practitioner licenses being issued. They may have issued them a massage therapist license, but we have not seen one of those issued in the last couple of years. Based on the law, we can say, if they get a state license, we will stay out of it, for practitioners. If the state exempts one of these types of practitioner's and they do not license them, then under the villages home rule powers, in his opinion, we have the ability to license them. That is what the changes do, if they have a state license, we are hands off. If it is one of the practitioner services that falls through the cracks of the state's law and is exempt, then we would require the practitioners to be licensed from us. Most of the changes deal with those things. Austin Hopkins made some recommendations and those are included. He is proposing that when this comes back, he would like to make it applicable to landlords as well. We see when a business is sold because it's not making money or we arrest someone, then they sell it to another massage establishment. The landlord consents to the consignment of the lease. Nobody has a license and we are going through this whole process. The landlord has consented to the lease already and invested some money and it is a mess. His proposal is that the landlord be fined if the establishment is not licensed as well. If those regulations are adopted, we would send them to all of the commercial landlords in town so they know they could be on the hook for fines. There will be a period during the first three years where we will continue to have these issues and the regulations should be updated to deal with it. He is of the opinion that even though he



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thinks they are good and better than almost every other town, he does not think it sufficient to deal with this issue.

Chairman Deyne asked if it is approved by the ZBA and Village Board, when would the licensing of the practitioner need to take effect.

Attorney Mraz stated that we would still not license massage therapists. Right now, we say asian bodywork practitioners are supposed to get a license from us, but no one has applied in years. He believes the state has made it easier for these exceptions to get a state license, so they are applying to be a massage therapist and those are all the licenses we see. All the recent arrests were state licensed massage therapists.

Chairman Gandsey asked if a criminal background check needs to be completed if the practitioner doesn't have a state license.

Attorney Mraz stated that we cannot do background checks if they are covered by the state. If they slip through the state's cracks, then they need a license from us. We would not be issuing a massage therapist license, but we could issue a bodyworks practitioner license.

Chairman Suwanski asked if he was talking about practitioners' licenses.

Attorney Mraz stated Chapters 29A and 29B most importantly require licenses for the businesses. The only thing we would be licensing as far as practitioners go would be bodywork practitioners who are not licensed by the state because they are exempt.

Chairman Suwanski asked if we know what the professional standards are for an asian bodyworks practitioner.

Attorney Mraz stated yes, they are in the ordinance and the previous ordinance.

Chairman Hopkins asked what the next step for this was.

Village Administrator Schumacher stated that the license changes do not need to go to the ZBA for Public Hearing but we thought we would bring these two items back together after the Public Hearing on the text amendments so you get the full context of the public input.

There being no further business to discuss, the board adjourned to Executive Session to discuss pending, probable or eminent litigation, Pursuant to Section 2(c)11 of the Open Meetings Act. Chairman Reinke moved to adjourn the Committee meeting and the motion was seconded by Chairman Hopkins



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ROLL CALL VOTE TO ADJOURN

AYES: Chairmen Deyne, Gandsey, Gunsteen, Hopkins, Reinke, Suwanski  
NAYS: None  
ABSENT: None  
MOTION CARRIED

The meeting was adjourned at 7:55 p.m.

Samuel Hughes  
Deputy Village Clerk