

MINUTES
VILLAGE OF ELBURN COMMITTEE OF THE WHOLE (COW)
JUNE 3, 2019

Members Present: President Jeff Walter, Trustees: Ken Anderson, Sue Filek, Bill Grabarek, Chris Mond, Patricia Schuberg, Matt Wilson

Board Members Absent:

Staff Members Present: Village Administrator John Nevenhoven; Finance Director Doug Elder, Village Attorneys Britz & Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert; Village Engineer Dave Burroughs

Others Present: Residents LeRoy Herra, Chuck Urbasek; Elburn Herald Reporter Susan O'Neill

1. Call to Order – Mayor Walter called the meeting to order at 7:24 PM.
2. Roll Call – A roll call ensued.
3. Public Comment – None
4. Discussion:
 - a. Discuss Zoning for Cannabis Dispensaries – Mayor Walter was approached by someone in the medical cannabis dispensary business asking if the Village would support a dispensary within the Village. The Village's Building Commissioner and Attorneys have been consulted. Village Attorney Thomas gave an overview of the bill which was approved by the State House of Representatives in May and is only a signature away from becoming law. Thomas stated verbiage is similar to medical legislation. If passed, it will be a "pilot program" with an end date so the State can change their mind if they would like. The goal is to get the medical and recreational cannabis legislation. Cannabis remains illegal as far as the Federal government is concerned. The law includes definitions, cultivation centers and dispensaries, including location restrictions. Thomas presented highlights as far as: how this will effect local law enforcement; limitations as to where you can use cannabis; licensing agents and department of health involvement, etc. If medical carries over to recreation, nothing stops employers from adopting guidelines and restrictions. Thomas recommended the Village hold off for now for distinction between medical and recreational use. Locally, medical cannabis dispensaries are located in St. Charles and North Aurora. In the Chicagoland area, most dispensaries are located in commercial or manufacturing districts. Cannabis regulation will allow taxation similar to alcohol and will be for adult consumers (21 years of age or older). Medical cannabis users are allowed to grow five plants. Legislation will pardon past low grade convictions and possibly major convictions if petitioned for. Taxing is based on percentage of THC level and is in addition to state and local sales taxes. Counties and incorporated areas can add taxes as well.

As far as Village of Elburn zoning districts, this type of use was not considered when the Zoning Ordinance was created. Thomas summarized zoning categories in the Village Zoning Ordinance (special or conditional uses, agricultural, residential, business, industrial, etc.), some of which allow for medical clinics, drug stores, pharmacies. There are a lot of similarities between tobacco, alcohol and cannabis and restrictions will most likely remain for certain uses (schools, daycare, etc.).

There was Board discussion contemplating why Elburn should not get this tax benefit. Perhaps we should address now rather than wait and see.

If passed, legislation goes into effect January 1, 2020. Initially, priority will be given to medical use then recreational.

Police Chief Sikora stated a "trailer bill" with additional items related to recreational use will be considered by the legislature in the next session. While the Village may not be able to say no to a dispensary, the Village can restrict where they should go. Dispensaries are subject to a fairly intensive process—background checks, agents for organizations, etc.

As the Village Zoning Ordinance stands, someone could open a medical dispensary today without approaching the Village. Mayor Walter stated the person he spoke with wants to work with the Village on this. We need to put some thought into this—perhaps similar to regulating liquor licensing. When asked if crime will increase, Sikora said there is a set standard of security process dispensaries must follow. Sikora said he has not received bad feedback from St. Charles and North Aurora facilities. Illinois Chiefs of Police has reached out to Colorado as far as what to expect if recreational cannabis is approved. They said you can expect increases in traffic crashes, medical and rehab facilities, etc.

There was consensus to continue dialogue with the interested party and in the meantime, staff will research. Perhaps the Village should consider limiting the number of dispensaries allowed—similar to liquor licenses. Legal sales at the recreational level will be taxed heavily and in Colorado, the illegal market has not gone away—partially due to heavy taxation.

From a sobriety standpoint, there is no testing provision to test for cannabis other than field sobriety testing. This will be more of an issue with prosecution until a presumptive test is available.

There is a lot of wait and see with this law. Staff will review the Zoning Ordinance relative to this.

5. Other Business – Mayor Walter was asked if the Village would consider changing quiet hours on weekends to 9:00am vs 7:00am. There was consensus from the Board to leave as is.
6. Adjourn – Trustee Filek moved to adjourn the meeting at 8:34 p.m. The motion was seconded by Trustee Mondri and passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk