

MINUTES
VILLAGE OF ELBURN COMMITTEE OF THE WHOLE (COW)
AUGUST 5, 2019

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

Members Absent: None

Staff Members Present: Village Administrator John Nevenhoven; Finance Director Doug Elder, Village Attorney 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, Dan Kolzow, Elburn Herald Reporter Susan O'Neill

1. Call to Order – Mayor Walter called the meeting to order at 8:01 p.m.
2. Roll Call – A roll call ensued.
3. Public Comment – None
4. Discussion:
 - a. Zoning Restriction for Cannabis Dispensaries – Village Admin. Nevenhoven referenced the model ordinance received from the Illinois Municipal League along with its various website material. Two model ordinances were provided. He discussed some options of where the restriction could be inserted into the village's ordinance, such as in the B-1 General Commercial District as a permitted use or as a conditional use, with review by the Plan Commission or, in the industrial districts as a permitted use or with conditions. Nevenhoven asked for direction on how to draft the village's ordinance.

Board comments followed that: 1) dispensaries should be permitted in the Business 1 district or light industrial areas; 2) language in the model ordinance already included some restrictions; and 3) research what other communities were doing. Concern was voiced to not have a negative view of the village's image yet keep the small downtown area vibrant. Because such businesses were more professional in nature than years ago, the board supported locating such businesses in the B1 and general industrial areas as a permitted use.

Asked if the Village could license the dispensaries itself, Village Atty. Thomas did not recall seeing anything about licensing on its own, because it was given the option to op-out and have reasonable restrictions. He also believed there was enough state control over the licenses. Trustee Anderson suggested making dispensaries a conditional use so they go through the Plan Commission in a public process. Police Chief Sikora pointed out the issue he saw with locating such dispensaries near home daycare centers. Further discussion followed on making dispensaries as a permitted use or a special use but include reasonable restrictions to protect the Village from discrimination complaints. The board would have to determine those restrictions.

Nevenhoven asked for guidance on those restrictions. The board asked him to look at the number of dispensaries, the distance between them, size/square footage, and have no drive-throughs or on-site consumption. The Board agreed that as other issues arise on this topic, they would be addressed accordingly. Atty. Thomas mentioned how this matter may evolve over time and how the village will have to begin with small steps.

- b. Sales Tax on Recreational Cannabis Sales – Nevenhoven stated the Village Board can approve up to 3% for sales tax on recreational cannabis sales. The Board was comfortable with 3%.
 - c. Solicitors Permit – Police Chief Sikora raised discussion about some vendors having concern over the limitation of hours for soliciting since it limited contact with people in their homes. Currently the Village allowed permits for Monday thru Friday, 9:00 a.m. to 5:00 p.m. He reviewed what other towns were doing and described some have a monthly license for certain types of vendors. Additionally, he wanted to keep a set of vendor fingerprints on file for any future issues. Lastly, the chief mentioned other towns have no restrictions on the font size for the No Solicitor sign and he would like to relax the Village's ordinance regarding same. Mayor Walter explained why the current solicitation hours were set the way they are – mainly due to the community's concern of door-to-door solicitation after hours. As for street vendors, such as the ice cream vendor, he felt a monthly permit could be considered. Discussion followed by the chief on how residents can identify door-to-door vendors. New on the Village's web site and on Facebook is a list the police puts out of current valid permits for solicitors. Mayor Walter recommended that the chief review the ordinance and control what required words need to be on the No Solicitor signs. Chief Sikora indicated he would work with the village attorney regarding that as well as the ordinance language for vendors and solicitors, keeping Monday through Friday, but that street vendors have different hours.
5. Other Business – None.
 6. Adjourn – Trustee Mondt moved to adjourn the meeting at 8:51 p.m. The motion was seconded by Trustee Wilson and passed by a unanimous voice vote.

Respectfully Submitted,

Celeste Weilandt,
Recording Secretary
For Village Clerk
Diane McQuilkin