

MINUTES
VILLAGE OF ELBURN COMMITTEE OF THE WHOLE (COW)
AUGUST 19, 2019

Board Members Present: President Jeff Walter, Trustees: Sue Filek, Bill Grabarek, Chris Mondri, Patricia Schuberg, Matt Wilson

Board Members Absent: Ken Anderson

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 John Hoffman

Others Present: Residents LeRoy Herra, Chuck Urbasek, Elburn Herald Reporter Susan O'Neill; Campton Hills Village President Mike Tyrrell

1. Call to Order – Mayor Walter called the meeting to order at 7:47 PM.
2. Roll Call – A roll call ensued.
3. Public Comment – Resident Leroy Herra spoke regarding a discussion at the end of the Village Board Meeting earlier this evening regarding flooding in the northwest quadrant of the Village. Herra said there was never a flooding problem in the northwest quadrant until the owner of the farmland contoured the area and people dumped stuff (junk, landscape waste, etc.). The area hasn't been touched in years as far as cleanup and maintenance. Homeowners in the area are doing the dumping and someone used a bobcat to alter the landscape to their favor but caused a problem for others. Although the farm is private property, Herra suggested the Village investigate before spending a lot of money trying to engineer a solution.
4. Discussion:
 - a. Zoning Amendments for Cannabis Dispensaries – Village Admin Nevenhoven stated staff was directed by the COW to craft a zoning ordinance to allow a cannabis dispensary as a "permitted" use in the B1/B2 and CM zoning districts. The Committee expressed an interest in restricting: 1) No alcohol sales (prohibited by Statute, with an exception if the alcohol is used for processing—not consumption); 2) Prohibiting a "drive thru" option (prohibited by Statute); 3) The distance between locations (prohibited by Statute – 1500 feet); 5) The number of locations (restricted through a special use permit); 6) Square footage of the retail operation; 7) The number of customers allowed inside at one time. The Statute does allow for more restrictive conditions by a local unit of government. There was discussion regarding the distance (1500') between dispensaries and consumption of the product onsite. There was additional dialogue as to whether this should be a "permitted use" in the B1/B2 and CM zoning districts or if a Special Use should be required to give the Village more control. The Board was asked for guidance as the next step is for the Planning Commission to review as a text amendment during a public hearing on September 4, 2019. The Board feels comfortable with current State Statute requirements. Police Chief Sikora said the State may pass a "trailer bill" to clean up some language in the Statute and he will review to see if there are any significant changes. Regarding onsite usage, Sikora compared to packaged liquor stores who allow purchase but does not allow consumption onsite. Smoking of cannabis would be regulated from the Illinois Smoke Free Act for public places—especially for adjoined buildings/units but could be construed differently for freestanding buildings. If approved, there would be no tastings allowed. Regarding required distances from daycare facilities, playgrounds, schools, etc., Sikora stated it may be overstated in that registered sex offenders have a required distance of only 500' and 100' for liquor stores. Not knowing what

the "trailer bill" or future Statute revisions may include or change, the Village Board would have more control requiring a Special Use. If all goes well, perhaps the Village could change the ordinance from a Special Use to a permitted use in the future. There was discussion of the State's dispensary permitting requirements including a very high cost for the permit (over \$100,000) and identification of the dispensary location upfront. If the Board decides to allow as a "permitted use," Nevenhoven said the Board may do a text amendment to change to a Special Use should the State "water down" the Statute and the Board feels they need more control. With the required distance between dispensaries (1500'), a plethora in a town the size of Elburn should not be an issue. A comparison of other uses requiring a Special Use in Elburn (drive thrus, live entertainment, etc.) was considered. Enforcement will be a problem for the police department no matter what. Nevenhoven will review the liquor ordinance for distance requirements. The majority of the Board agreed dispensaries should require a Special Use vs. permitted use and is looking forward to the outcome of the Planning Commission public hearing and their recommendation to the Village Board. Nevenhoven will send information well in advance to the Planning Commission for their review. There is a lot to talk about and not sure one meeting will be enough to cover everything. If need be, a special meeting of the Planning Commission can be scheduled if further discussion is needed.

5. Other Business – None

6. Adjourn – Trustee Mondy moved to adjourn the meeting at 8:37 p.m. The motion was seconded by Trustee Wilson and passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk