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VILLAGE OF WINFIELD
PLAN & ZONING COMMISSION

ZONING TEXT AMENDMENT)
TITLE 10 (Zoning Regulations))
OF THE VILLAGE OF WINFIELD) Case No. 2019.13
MUNICIPAL CODE PERTAINING TO)
ADULT-USE CANNABIS)

REPORT OF PROCEEDINGS had in the
above-entitled cause on the 16th day of October, A.D.
2019, at 7:00 p.m.

PLAN & ZONING COMMISSION:

KAREN SKILLMAN, Chair;
WILLIAM FAEDTKE,
WILLIAM KOVACS,
HUBERT LOFTUS,
WILLIAM FAEDTKE,
HENRY PITTNER, Members.

PRESENT:

CURT BARRETT, Village Manager;
PETER KRUMINS, Community Development Coordinator;
KATHLEEN ELLIOTT, Village Attorney.

REPORTED BY:

MS. CATHERINE ARMBRUST RAJCAN,
CSR, RMR, RDR, CRR, CRC.

1 CHAIRPERSON SKILLMAN: Good evening, everybody.

2 It is 7:01. Apologize for being a minute late.
3 And it is time for the Plan & Zoning Commission Meeting
4 of October 16th, 2019.

5 Mr. Krumins is on an errand, so I will call the
6 meeting to order. With roll call.

7 Commissioner Loftus.

8 COMMISSIONER LOFTUS: Here.

9 CHAIRPERSON SKILLMAN: Commissioner Pittner.

10 COMMISSIONER PITTNER: Here.

11 CHAIRPERSON SKILLMAN: Commission Kovacs.

12 COMMISSIONER KOVACS: Here.

13 CHAIRPERSON SKILLMAN: Commissioner Faedtke.

14 COMMISSIONER FAEDTKE: Here.

15 CHAIRPERSON SKILLMAN: And Chairperson Skillman.
16 Here.

17 We have a quorum. Thank you.

18 Tonight we have a public hearing; and thank you
19 all for coming. There -- I'm going to kill time for a
20 second.

21 I can -- I know that some of you have been here
22 before for public hearing; but for those of you who
23 haven't, we will open, there will be official motion to
24 open the public hearing; with that we will hear from
25 staff to give their report. Tonight we have Mr. Krumins,

1 Manager Mr. Barrett, and the police chief.

2 Then we will ask questions periodically, the
3 commissioners will ask questions periodically of the
4 staff presenters. And then we will open up for public
5 comment, which is where you come in.

6 And I hope you plan to make comments, questions,
7 suggestions, whatever.

8 We hope to answer questions before the public
9 comment section. Because I think there's a lot of --
10 there is a lot of detail here and a lot -- lot to think
11 about and a lot to know. So we're going to try to answer
12 all your questions. But I certainly will encourage you
13 to come up to ask questions.

14 And with that, do we have a motion to open
15 public hearing?

16 COMMISSIONER FAEDTKE: So moved.

17 CHAIRPERSON SKILLMAN: And a second?

18 COMMISSIONER LOFTUS: Second.

19 CHAIRPERSON SKILLMAN: Commissioner Loftus?

20 COMMISSIONER LOFTUS: Yes.

21 CHAIRPERSON SKILLMAN: Commissioner Pittner?

22 COMMISSIONER PITTNER: Yep.

23 CHAIRPERSON SKILLMAN: Commission Kovacs?

24 COMMISSIONER KOVACS: Aye.

25 CHAIRPERSON SKILLMAN: And commissioner Faedtke?

1 COMMISSIONER FAEDTKE: Aye.

2 CHAIRPERSON SKILLMAN: And I will vote yes, Chairman
3 Skillman for opening that. And at that too we will --
4 I'm going to at this point ask the court reporter to
5 swear in anybody who during public comment section would
6 like to make a comment, a statement, anything.

7 So you need to be sworn in to -- this is sworn
8 testimony. It's a public hearing. It's part of the
9 legal record. So if anybody would like to speak or --
10 know -- if you know right now that you'd like to speak
11 and ask a question, please stand up, and I'll ask the
12 court reporter to swear you in.

13 (The persons were duly sworn.).

14 CHAIRPERSON SKILLMAN: Those that didn't stand to be
15 sworn, can speak later, we'll swear you in at the time.

16 So with that, who would like to go first?

17 Mr. Barrett?

18 Village Manager Mr. Barrett. Thank you.

19 VILL. MGR. BARRETT: Good evening, Madam Chairman
20 and members of the Plan Commission.

21 PETER KRUMINS: Did we open the public hearing?

22 CHAIRPERSON SKILLMAN: Yes.

23 PETER KRUMINS: Who made the motion?

24 ATTORNEY ELLIOTT: Commissioner Faedtke, seconded by
25 Commissioner Loftus.

1 PETER KRUMINS: Thank you.

2 VILL. MGR. BARRETT: I had discussed with Community
3 Development Coordinator Krumins our best approach to
4 laying a foundation for a discussion this evening, and
5 thought to take a few minutes to touch on some of the
6 basics of the new state law, and then go into some detail
7 about why the Village is taking a close look at this.

8 If you could bear with me, I think that might be
9 helpful to the overall discussion.

10 A few opening comments to that.

11 In June Governor Pritzker signed the Cannabis
12 Regulation and Tax Act which legalized the sale,
13 possession, and use of cannabis statewide for
14 recreational purposes, in limited quantities, by persons
15 21 years and older, beginning January 1st of 2020. So
16 the end of this calendar year.

17 As with medicine -- medicinal cannabis, which
18 Illinois legalized in 2014, the new law provides a
19 limited number of licenses the State will issue for
20 cultivation centers and dispensaries. It is anticipated
21 the majority of the existing 55 medical cannabis
22 dispensaries in the state will apply for early approval
23 licenses, allowing these dispensaries to serve both
24 medical and recreational cannabis markets. Under the
25 law, current medical dispensaries may also apply for a

1 secondary site license, allowing an additional
2 recreational dispensary to be located elsewhere as early
3 as January 1 of 2020 in any location where such uses have
4 not been prohibited.

5 The State will be issuing licenses on a
6 staggered basis through the year 2022 at this point.

7 As Mr. Kruminis will speak to momentarily,
8 municipalities may regulate or ban cannabis businesses,
9 but have no control over the state licensing process.
10 The Act prohibits new dispensaries from locating within
11 1500 feet of another dispensary. Municipalities that
12 choose to regulate dispensaries may designate zoning
13 districts within which cannabis businesses may be allowed
14 as a permitted or special use -- which gives the
15 municipality the power of actually having to license one
16 by one any kind of facility -- and enact reasonable
17 zoning regulations such as standards for off-street
18 parking, signs, separation from residential and other
19 sensitive areas, and hours of operation.

20 Village staff were asked to gather data to
21 assist with an informed discussion of the matter and
22 choices available to the Village.

23 Staff reviewed what commercial locations might
24 be considered should the Village establish zoning to
25 regulate cannabis businesses, with limited areas on the

1 north and south ends of town, seeming most likely.

2 The Act allows municipalities to adopt an
3 additional local tax up to 3 percent on the sale of
4 recreational cannabis.

5 Staff's review of projections developed by a
6 number of surrounding towns suggest that this 3 percent
7 sales tax, combined with the Village's current local
8 sales tax, could generate approximately 400 to \$600,000
9 per year in local sales taxes for each dispensary.

10 This information was reviewed with the Village
11 Board at a preliminary public hearing held during its
12 Committee of the Whole on September 19th.

13 I do want to go through just a few of the slides
14 that we had reviewed at that time. This is based from a
15 presentation provided by the legal counsel to the
16 Illinois State Senate staff. There's been a lot of
17 seminars put on in the area, because all of the different
18 municipal officials are trying to get up to speed on the
19 new law and what kind of considerations there are for the
20 local authorities.

21 I want to first point out -- maybe I can get a
22 little closer on this.

23 The national picture as of June 2019, shows us
24 here -- I guess I would touch on a comment that the staff
25 have heard cited that this is illegal under federal law,

1 use of cannabis; and that does remain true, but as you
2 can see, all but four states have at this point in time
3 enacted some type of legalized use of cannabis.

4 And so this map shows the areas in gray --
5 Kansas, Nebraska, and South Dakota, and Idaho -- are the
6 four states that have not implemented some kind of
7 program at the state level. And I guess just the point I
8 would touch on there, that despite the federal position
9 on it, the federal government has left the states to
10 determine within their own boundaries what kinds of uses
11 they -- they see fit.

12 What we have seen it a progression among some of
13 the states; the lighter green ones allow low content THC
14 programs, of such a CBD oils and some of the kinds of
15 products that you may see infused on the marketplace.
16 The darker green states have comprehensive medical
17 cannabis programs in place statewide. And then the
18 charcoal states, including Illinois, now have adult both
19 medical and adult recreational use legal.

20 So the federal status has not been an issue
21 impeding what state laws in each of the 50 states, or the
22 46 states that have implemented programs, what they may
23 proceed with. Where there has been issue with the
24 federal position is on the banking system, so that banks
25 that operate chains outside of just one state, across

1 state lines, then do fall under federal law. The
2 concerns with the federal position on the use of cannabis
3 has really had a chilling effect on those banks that
4 don't want to run afoul of federal law, so they have not
5 been willing to deal -- to provide banking service to a
6 lot of the cannabis-related businesses.

7 That has been addressed in the State of Illinois
8 by recent legislation that the State put in place after
9 it legalized cannabis, so that banks that operate only in
10 Illinois have protections from any kind of prosecution.
11 And that should address the banking issue for businesses
12 that set up and operate within our state.

13 At the federal level there was a bill passed
14 along the similar lines from the House that's now going
15 over to the Senate, we don't know how that will end up.
16 But I did want to speak to that aspect of it.

17 And then it -- maybe a little bit regionally,
18 you can see in the southern states, more still just along
19 the lines of medical cannabis program; while midwest,
20 northeast and western states, it has progressed more
21 towards the full-fledged comprehensive medical programs,
22 and in some cases the recreational use.

23 Quickly I'll just touch on what the law in
24 Illinois allows. The general uses that -- rule is that
25 public use of cannabis remains prohibited. A public

1 place is defined as any place where a person could be
2 reasonably expected to be observed by others. So
3 standing in your driveway will not be a legal place to
4 use cannabis.

5 Sitting on your back porch, as best we can
6 ascertain from what the experts are saying, will be
7 allowable. Certainly within the confines of your own
8 home as well.

9 We expect -- and all towns, certainly in
10 Winfield, there's going to be some sort of getting used
11 to what the new law is; and we may get many phone calls
12 of about people who are smelling marijuana in the next
13 yard over and the police will have to, you know, work
14 through that case by case. But that is going to be
15 something legal under the law, that somebody on their
16 back patio may take use of it, but going out into the
17 street in a public places remains illegal.

18 Also it is certainly illegal near school
19 grounds; you cannot drive under the influence. Medical
20 patients cannot transfer to nonmedical patients. It is
21 not legal for use by a law enforcement officer or someone
22 on duty with a CDL license.

23 Going a step further, for motor vehicle use,
24 cannabis cannot be used in a vehicle in motion, and it
25 must be kept in a sealed container during any kind of

1 transit. Use under the age of 21 remains illegal. There
2 are no protections for parents hosting parties of
3 underage kids as well.

4 In general, the guiding principle in the new
5 state law is to treat cannabis similar to how liquor
6 violations are treated under the law.

7 Touching -- turning to the revenue side, which
8 really I believe is the driver at the state level, why
9 the law has come into being, for state taxation all the
10 taxes the state applies will be deposited into a new
11 cannabis regulation fund. That will include a privilege
12 tax for cultivation; so people that get permits to grow
13 it will pay 7 percent tax on their sale.

14 For the purchase or excise tax -- so this is the
15 place of sale for cannabis business, that sells it --
16 there will be a 10 percent tax on lower levels of THC; a
17 20 percent tax on anything that's an infused product like
18 a -- cookies or chocolates; and a 25 percent tax on
19 anything with higher levels of THC gauged at 35 percent
20 or higher. These are in addition to existing taxes.

21 How those dollars will be spent by the State is
22 allocated, for at least for the first five years of the
23 program under the current law, is going to be split up
24 between many different uses, which is not a surprise.
25 For example, if you see somehow motor fuel taxes get

1 split to, I think, 40 different entities for what you pay
2 at the pump.

3 Under this program, first agencies responsible
4 for administering adult cannabis programs will receive
5 funding, second the state police and state attorneys will
6 receive funding for costs, and then the rest will be
7 split up between drug treatment funds, 8 percent of the
8 revenue will be transferred back to the local governments
9 through the local government distributive fund. We
10 estimate, based on projections, that might be \$30,000 a
11 year that would come back to the Village of Winfield for
12 use specifically with training for our police officers.

13 Twenty percent of the revenue will be
14 transferred to a fund to support mental health and
15 substance abuse services at local health departments.
16 Twenty five percent will be transferred to the Recovery,
17 Reinvest, and Renew Program for community reinvestment.
18 Twenty five percent will be transferred to the State's
19 general revenue fund, and the last 10 percent will be
20 transferred to the budget stabilization fund, which is
21 paying off all their unpaid bills.

22 The law allows for local government taxation
23 under the municipal cannabis retailers occupation tax.
24 Municipalities may enact a tax up to 3 percent. It
25 mentioned increments of a quarter cent, that simply means

1 you can't start off with a 2.1 percent. They want it in
2 increments, wherever you go.

3 There has been, interestingly, some comment from
4 the state legislators that pushed this through that they
5 hope the local governments would not raise up to the 3
6 percent, because that might hurt the marketplace after --
7 after all the taxes the State has placed on it.

8 The counties also have a similar ability to levy
9 a local excise tax.

10 Medical cannabis will be exempt from both state
11 and local taxes.

12 That wraps up the background information that
13 had been presented to the Village Board. At the meeting
14 on -- hearing on the 19th of September, the Village Board
15 talked in length about several aspects related to
16 considering the regulation of cannabis sales within the
17 village. There were a variety of points of view ranging
18 from we're going to be dealing with likely more police
19 issues with the legalization of cannabis -- which the
20 chief certainly will be able to speak to questions that
21 you may have. And I think we do expect we're going to
22 have some training issues, and there's going to be an
23 adjustment and transition period because it is coming.
24 It has been legalized. It is going to be something that
25 people will -- will adjust to under the new law, for

1 better and worse.

2 There was also sentiment that it is coming, we
3 are going to run into the cost associated with that, can
4 the Village consider availing itself to the revenues that
5 also are being made available under the state law to help
6 offset some of those costs.

7 At the end of the discussion what the Board did
8 direct staff to do is to continue developing research on
9 the different options, but to look specifically, if the
10 Village Board were to consider allowing regulated sale of
11 cannabis within any portion of the village, that we
12 review with the Plan Commission what zoning regulations
13 would be most appropriate.

14 So the question posed for staff to take to the
15 Plan Commission for a public hearing really is -- is not
16 about whether to allow, it's in the event that the
17 elected Village Board leaders were to move down the path
18 to allowing cannabis sales, what recommended zoning
19 regulations would the Plan Commission forward for
20 consideration by the Board.

21 The last aspect I wanted to touch on is why is
22 the Village Board and the Village staff looking closely
23 at this. And it is entirely a financial matter. It's
24 certainly not for kicks or anything beyond the bottom
25 line situation that the Village is in financially.

1 And while I can tell you that today we are in as
2 strong a position as we have ever been financially, I
3 would at the same time, as the finance director as well
4 has pointed out, would tell you that is still somewhat
5 precarious. And we are a small town with very limited
6 resources. We are essentially, for practical purposes,
7 very much a bedroom community. And while that makes for
8 a great place to live, it really stretches the available
9 resources and sources of revenue to provide the services
10 that our residents rely upon.

11 I wanted to give you a little more insight into
12 the information that the Village officials are aware as
13 they look at this. And they don't -- I think I can speak
14 for all the Board members, they don't relish the
15 discussion, but understand there's some stark choices
16 that the leadership of this community look at as we look
17 on the horizon.

18 Some key information to allow an informed
19 discussion of Winfield's financial situation, I wanted to
20 touch certainly. We are recognized as one of the most
21 frugal municipalities in DuPage County and in the western
22 suburbs. We have a limited number of options, as
23 mentioned; which really come down to property taxes and
24 sales taxes; and then some unique revenue generators that
25 Winfield has in place through the grant program we have

1 been able to enter into with Central DuPage Hospital
2 making some contribution towards the cost of running the
3 village, as they -- they enjoy the use of much of our
4 services; and also the red light camera on Roosevelt
5 Road, which is a highly active location. All of the
6 revenues generated by that support the cost of
7 maintaining our Police Department. And that's in the
8 realm of about half a million dollars a year that is
9 generated by that and pays for -- for a number of our
10 officers we're able to have on our force.

11 I wanted to talk a little bit more through each
12 one of those sources so you understand what we're looking
13 at when we've got to figure out year by year how do we
14 pay for what the Village needs to do.

15 First I'm going to take a quick look at property
16 taxes. You probably have seen this if you read the
17 popular Annual Financial Report that came this fall in
18 your utility bill. But in case you missed this page,
19 this is the common breakdown of your property tax dollar
20 in Winfield and how it gets split up.

21 So every one dollar you pay in property taxes
22 gets split a number of ways between all the taxing
23 bodies, which will be on your property tax bill. And
24 starting down at the bottom you've got some of the
25 smallest ones, College of DuPage, and the library, and

1 the township, and then the village. So we're at .4, so
2 four pennies -- four cents for each dollar you pay, four
3 cents comes to the municipality.

4 A lot of times people I think just think it's
5 all one big taxing body, but in fact there's a division
6 between all the different taxing powers.

7 The Fire District is right at about the same
8 taxing level. The Park District, interestingly, has a
9 higher property tax rate than either the Fire District or
10 the Village. And then of course, by far the largest
11 taxing bodies are the schools. And certainly in the case
12 of our local grade school system, it is -- they are --
13 have a very healthy funding level. That's been set over
14 the course of time by referendums that are passed by
15 residents who -- you know, the government bodies will put
16 the question to voters, and then in some cases it's
17 supported, a strong persuasive case is made, and in other
18 cases they're shot down.

19 For example, we certainly are hearing that the
20 Fire District continues to struggle with the funding to
21 provide the services they need to, and is looking at
22 another referendum drive. That would be their 10th
23 referendum effort. In modern history they've never
24 passed one.

25 You know, they're saying they're in a very tough

1 situation, and I believe they're going to be looking to
2 bring that case to the public.

3 The Village is not looking to run a referendum;
4 we're looking at where can we find the dollars we need to
5 pay for services. But I just do point out this is a
6 relatively small percentage of your dollar that comes to
7 the municipality.

8 Moving on, wanted to touch on how we stack up
9 against surrounding towns. So this is municipal property
10 tax rate, just for the municipality.

11 Again, you see we're here near the bottom with
12 our rate. The only surrounding municipalities that have
13 lower rates actually enjoy some distinct advantages.
14 Bloomingdale has Stratford Square Mall, which is a --
15 over a million-dollar generator of sales taxes. While --
16 there's malls as well or large shopping areas in Burr
17 Ridge.

18 Carol Stream has so many different manufacturing
19 locations that they actually don't have a property tax in
20 Carol Stream because they get so much sales tax. On the
21 other hand, it's a much more industrial community as
22 compared to raising your family in Winfield. So there's
23 trade-offs.

24 But the point I would just illustrate is we have
25 really worked with a relatively low tax rate compared to

1 the towns around us, compounded by the fact that we're a
2 small entity, so we really work to stretch our dollars
3 here.

4 One more comparison, because we do think these
5 are important to touch on, I want to look at the staffing
6 level. Municipal employees per thousand residents, which
7 is another good measure, again, we are at the bottom of
8 the list. We have the leanest staff of all the
9 comparison towns where we look at here. Carol Stream,
10 Lisle, West Chicago are the next closest ones. Each of
11 those towns is two, three, or four times larger than the
12 village, so they have an economy of scale as well;
13 whereas, as a smaller 10,000-person community, you have
14 to have -- our community development department has two
15 full-time split positions: Peter and the permit clerk.

16 We -- we couldn't operate that department
17 without at least two people. He doesn't have an
18 assistant. None of our department heads have a full
19 assistant. And so it's pretty amazing, frankly, in my
20 estimation, how we manage to take care of business
21 without having someone to fall back on. We don't have
22 people go down and wear a lot of hats here.

23 But again, another point of pride, but also a
24 real point of stretching constantly with what resources
25 we have available.

1 Few final comments. I mentioned the staffing
2 level with regard to -- and I guess -- I haven't set the
3 slides -- with regard to the Community Development
4 Department. We wouldn't be able to cut a position there.
5 We have two full-time positions in Administration
6 Department, which is myself and our executive assistant.
7 We have eight positions -- or three full-time positions
8 in our Finance Department. We have eight positions in
9 our Public Works Department. All of them work in the
10 field. We do not have a single office person.

11 So I think we're the only municipality in the
12 county that if you wanted to go talk to the Public Works
13 Department, you come here, you talk to the clerk at
14 Village Hall, also serves as the administrative staff for
15 the Public Works Department.

16 We have as lean a staffing in the Police
17 Department as we can safely maintain. There's a large
18 percentage of the day when we only have two officers on
19 patrol. And that's the minimum, because we need at least
20 one able to back up the other when they get into a -- a
21 challenging situation, which does happen even in a
22 relatively safe town. And just as there's a delay before
23 any other towns would be able to send help over.

24 We're not always at two officers. Obviously on
25 weekends we're able to staff a little larger, but we're

1 as thin as we could. We could not reduce positions any
2 further and still be able to maintain a backup.

3 And so again want to point to the level of
4 resources we have. Also, some of the costs and
5 challenges we have, the Police Pension Fund, just for
6 one, the -- the property tax the Village brings in, about
7 a million dollars a year, we spend more of that -- than
8 that just funding the police pension for retirees,
9 without even spending one dollar on an active officer.
10 So just trying to give you a sense of scale on how tight
11 it is with -- with our finances.

12 Okay. So I did want to talk briefly on a couple
13 of the other sources behind property taxes, because we
14 appreciate full and well people don't want to pay higher
15 property taxes. Anywhere. And certainly not in
16 Winfield.

17 Sales taxes is the one other clear opportunity a
18 town has to offset some of the costs that can fall on
19 homeowners. As a bedroom community, we really -- it's --
20 homeowners are the lion's share of who owns property that
21 we are able to turn to for money for the basic services
22 that the people need.

23 We have a wildly successful regional hospital
24 that is tax exempt, so they're not required to make much
25 in the way of payments -- I will touch in a minute on the

1 grant that -- the short-term grant we enjoy at the
2 moment.

3 But the sales tax opportunity is one that is --
4 is obviously -- sounds ideal. That if we can get some
5 big sales tax generators, that can give us some
6 additional revenue.

7 I would tell you, for the resources we have, we
8 have worked diligently on both ends of town and in Town
9 Center to attract what opportunities we can, but it is --
10 it is slow-going.

11 And certainly what we see, many of you will
12 recall, who have lived here longer, the divisive issue of
13 whether to commercialize Roosevelt Road. And that was
14 finally put to rest under President Spande's
15 administration about six years ago through a large-scale
16 effort publicly to update the comp plan and hold public
17 hearings, where it ultimately got to the decision, for
18 financial reasons, we need to work to commercialize
19 Roosevelt.

20 We have endeavored since then to really set the
21 table for development by assembling purchase options on
22 most of the frontage up there, hiring a broker to work
23 the marketplace; and do have the first large-scale
24 project lined up with the Bucky's Super Station that now
25 is a closed deal. They're nearly \$3 million into that.

1 They've purchased the property; we certainly expect that
2 to follow through.

3 That said, we hoped that would have broken
4 ground last year, let alone this year. And it looks like
5 it will actually next year. So what I will tell you,
6 that we went back and forth, we're squeezed repeatedly by
7 that company before we got the deal done. And that's --
8 that's no surprise. That's what private industry does
9 when they can, they work to get the best deal they can
10 from your town. Any town.

11 And so I guess the point I make is just counting
12 on the sales tax, well, it's taken us over twice as long
13 as we figured just to get to that project breaking
14 ground, we expect, next spring. So by sometime in the
15 later part of next year that should open up. That should
16 increase our sales tax by at least \$150,000 a year.

17 We have the lowest sales tax amount of any
18 municipality in DuPage County. So it's not too hard to
19 have a large percentage increase when you're a smaller
20 bedroom community.

21 But that -- that \$150,000 does not go that long
22 a way. We certainly are -- are looking to commercialize
23 along the north side, the three blocks between Winfield
24 and Wynwood. I can tell you, despite claims to the
25 contrary in years past, Costco is not pounding on our

1 door to come build there. We found -- we've had to work
2 very hard to assemble it, because every property owner
3 wants the best deal they can. So just getting to the
4 purchase options was quite a feat to put that all
5 together.

6 We do have some entities in discussions, and
7 would be hopeful in the next year to bring something
8 forward. But that's not a done deal. And there's work
9 yet to be done on it.

10 So what we're finding is the marketplace has
11 changed since the recession. Also with all the online
12 sales, it's a different world than when we're all
13 younger; the way brick and mortar would go up is a lot
14 different in this day and age.

15 We have made inroads getting up to North Avenue
16 with the new -- the North Avenue Commerce Center opening
17 up. That's going to be more property tax it generates
18 than sales tax, however.

19 And we have limited locations that -- beyond
20 Roosevelt where there's clearly going to be opportunities
21 for commercial retail sales. The other opportunity is
22 certainly in Town Center. There again, I think I can
23 stand here and tell you, it has been quite a tough
24 negotiation with -- with Central DuPage, and actually now
25 with Northwestern, it's downtown Chicago that we are

1 trying to deal with. They -- they're holding out for the
2 best deal they can get from this community.

3 And so it is -- been no easy task there. Our
4 estimates are, if we're able to get a deal done, it would
5 probably support itself in terms of the sales tax that
6 could be generated by those first-floor retail and
7 restaurant. Might eventually a full build-out yield
8 100,000 or \$200,000 a year in sales tax. But we would
9 have a number of costs, including police protection that
10 would offset. So that's not going to be a windfall. We
11 would hope it would cover its own costs and create a
12 destination for this community that -- that's more
13 attractive and more of a draw.

14 But again, it's one of the trade-offs of being a
15 bedroom community. There's not the same kind of sales
16 tax opportunities that some of our surrounding towns have
17 to deal with.

18 The last thing two things I'll touch on are the
19 CHD grant and the red light camera. And with regards to
20 the CHD grant, we're in year four of that five-year deal.
21 If you recall, we went at it for several years about how
22 they were not making a fair contribution. We know that
23 they have averaged between 150 million and 200 million
24 dollars in profit each year. They finally agreed under
25 the threat of us going for a Home Rule referendum, that

1 might allow us to tax the hospital further, they finally
2 agreed to pay \$900,000 a year to the Village a year for
3 five years. Next year will be the fifth year of that.

4 We are in negotiations. They're looking to
5 lower that amount.

6 And our costs are going up. So there's no easy
7 answers, I guess would be if there's one thing you take
8 out of it. That's why we're looking at the opportunity
9 presented with the potential for business cannabis sales.

10 The last item was the red light camera. That
11 has been very productive up on Roosevelt. That
12 intersection of Roosevelt Road and Winfield, that
13 intersection has been scheduled for I think the better
14 part of ten years now for expansion and improvements,
15 because of the traffic flow. It's one of the higher
16 traffic accident locations in the IDOT system. The State
17 struggled for funding. And so they repeatedly pushed
18 that back.

19 As of now I believe it's set for construction
20 three years out. We'll see if that moves back further.
21 The State has finally approved a big capital improvement
22 program that may allow that to finally happen.

23 When that does happen, that light will be
24 removed to allow for expansion of the intersection. That
25 will trigger if we do look to reinstall it; you have to

1 go through three years of traffic studies before you can
2 apply to the State. And there's certainly no guarantee.

3 In fact, the way the political head winds are
4 going on red light camera -- I clipped the article for
5 the board from the Herald this week -- that there is
6 support growing for a statewide ban on red light cameras.
7 And most people, no one likes -- I got a ticket in West
8 Chicago -- don't like paying those. But that is
9 something that supports our police services.

10 If that goes away, that's a half million dollar
11 hit to \$5 million general fund. That's 10 percent of our
12 revenue right there.

13 So again, we have -- when we look down the
14 line -- which we have an excellent finance director that
15 has really got us into a more professionalized approach,
16 not just looking a few years out, but five years and more
17 with our financial projections, what we see here, this is
18 with regard to our reserve position. We are today in a
19 healthy position. We have half a year's worth of our
20 budget -- a half year's budget in reserve. That's our
21 rainy-day fund. So that \$5 million budget, we have over
22 \$2 million in reserves.

23 If we start seeing a further decline in our
24 revenue sources, we will have to start tapping into our
25 reserves.

1 This is a -- generally worst-case scenario
2 showing if we are not able to extend the grant with the
3 hospital and also have the red light camera go away in
4 the year -- fiscal year '23, we're going to be dipping
5 into our reserves, over the next five years.

6 Now, that's worst case. I would optimistically
7 say we should be able to work something out with the
8 hospital. When we got real serious and threatened Home
9 Rule, they finally compromised with us. And I would hope
10 to think something along those lines could play out
11 again.

12 The red light camera, I'm less certain of. I
13 think it's probably a better bet that that's going to go
14 away later or sooner.

15 What do we do if we start dipping into our
16 reserves?

17 Well, we would have some amount of time where
18 that would keep us going at our levels, but we -- most of
19 our departments, we're not in a position to lose staff
20 and stay operational. The first place you would see us
21 cutting back is road repair, which we worked long and
22 hard to get up to speed.

23 Actually, we took -- this last year, we didn't
24 do any road projects because every road is less than 20
25 years old. So we took a year's worth of road funding,

1 and we've essentially lock-boxed it. Because we know --
2 if you remember, we did the big road bond five years ago
3 and we fixed about a third of the roads, we know 20 years
4 out we got a pig in the pocket coming when we're going to
5 need more than a regular year's worth to fix them all.
6 We're putting some of that money away now for what we
7 know is about 15 years out.

8 So we made that commitment. We could hang on a
9 little longer if we start tapping those dollars. That's
10 not wise. We put it away because we need it down the
11 road.

12 What you would see happening is we'd stop fixing
13 the roads, by a matter of degrees, as we ran out of
14 funding. And then I think inevitably the next big thing
15 we looked at would be back talking about outsourcing the
16 police services to the County Sheriff.

17 So these are some stark things when we look at
18 what potentially we face on the horizon. This is why the
19 Village has taken a close look at what revenue source a
20 dispensary on each end of town by the busy state routes
21 could potentially generate half a million dollars or more
22 each per year; and help speak to the limited options that
23 we have.

24 Thank you.

25 CHAIRPERSON SKILLMAN: Okay. I would ask now at

1 this time, any of the commissioners have any questions
2 for Mr. Barrett pertaining to his presentation?

3 No?

4 Okay. Thank you, sir.

5 DENNIS ROHDE: Can I ask a question?

6 CHAIRPERSON SKILLMAN: Not yet. Hang on. Public
7 comment will come up at the end of their presentation.

8 Mr. Peter Krumins.

9 PETER KRUMINS: Okay. So as Manager Barrett stated,
10 the Village Board has not made a decision whether to opt
11 in or opt out. If they opt out of any cannabis-type
12 business being allowed in the village, then the reason
13 we're having this public hearing will really just be a
14 good exercise. But if they opt out, then this ordinance
15 that we're going to be talking about will not ever be
16 implemented.

17 If they choose to opt in, because of the fact
18 that the state law goes into effect January 1st we're
19 kind of under a time crunch. We want to have something
20 in place that the Village Board can adopt if they choose
21 to opt in before January 1st, because on January 1st, the
22 statewide ordinance goes into place.

23 If we haven't done anything, then a cannabis
24 business could move into a commercial location, and we
25 would not have regulated it in any way, shape or form.

1 So -- so we're talking about this, we're holding this
2 public hearing kind of as a safety net to get something
3 in place should the Village Board decide to opt in.

4 And we talked about this, like Curt said, at the
5 September 19th Village Board meeting and got some broad
6 parameters of what an ordinance would look like, or
7 should look like, or suggested to look like by the
8 Village Board, which is what was put in front of you,
9 that obviously now will take your input and the public
10 input and make recommended amendments if needed to the
11 ordinance that is being discussed tonight.

12 So that's the first of the four things that I
13 want to talk about, is that board hasn't decided whether
14 to opt in or opt out.

15 The ordinance we're talking about is what you
16 should be talking about. It's -- although this -- all
17 the information, the background information leading up to
18 this is very helpful to understand why we're even talking
19 about this, the Plan Commission, the Planning & Zoning
20 Commission's only purpose is not to decide whether to opt
21 in or opt out, you're just to decide if we opt in, what
22 zoning regulations we would put on such a business. And
23 as I said, if the Village Board opts out, then your
24 recommendations will not be acted on and never become
25 law.

1 So the attached ordinance that you guys have
2 been provided, it's actually based on a model ordinance
3 provided by the Illinois Municipal League. And in the
4 ordinance it provides various cannabis business-related
5 definitions. The state law allows -- allows several
6 types of cannabis businesses. Cultivation centers, which
7 are the large-scale industrial growing facilities. These
8 have to be completely enclosed so as you're driving down
9 the road, you won't see a cornfield here and a cannabis
10 field here. You -- they have to be completely enclosed.
11 They are a high utility user. And says here, and in many
12 other places I've read, that the odor can be a nuisance.

13 The craft grower is a smaller cultivation
14 operator. They start at 5,000 square feet and then they
15 can go up by 3,000-square-foot increments, depending on
16 demand and other factors. They can also be reduced if
17 the grower does not follow state law.

18 And the craft grower can actually be located
19 with a dispensary. They can't be the same business, but
20 they can be in the same building and be kind of like
21 co-habitants of a -- of a location.

22 Dispensary, that's your retail location to go in
23 and buy your cannabis. A processor is more of a light
24 industrial manufacturing facility that extracts the
25 chemicals and compounds. And they sell those to both the

1 dispensaries and the infusers.

2 An infuser is like it says here, similar to a
3 commercial kitchen, like a bakery, a -- they prepare the
4 gummies that have is cannabis infused into them. And
5 those also can be located in the -- as an accessory or
6 as a co-occupant of a dispensary, but they can't be the
7 same business.

8 They -- so those are the type of businesses that
9 are allowed under the state law.

10 What the ordinance provided to you does, it
11 prohibits all of these except for the dispensary. Now,
12 we've had some discussion that those other two businesses
13 that could be, you know, co-located with a dispensary,
14 the craft grower and the infuser, maybe we should have
15 further discussion whether to allow those along with the
16 dispensary.

17 And the other thing that the ordinance is, that
18 you have does, is it makes a cannabis business a special
19 use. So that means someone can't just find a commercial
20 location and move into it. It's a special use. They
21 have to come through the Plan Commission for a public
22 hearing, and receive public comments, and then go onto
23 the Village Board, who would then have to vote to approve
24 that location. And through the special use the Village
25 would put any specific conditions on that location that,

1 you know, might not be relevant for every location, but
2 we would look at that application in that location, and
3 possibly there would be additional conditions put on it.

4 And finally, the ordinance as written prohibits
5 a cannabis business to be within 1,000 feet of a school
6 or an existing daycare, whether it's a commercial or a
7 home daycare. And so these black circles are the
8 1,000-foot buffer around existing locations of schools
9 and daycares.

10 And you can't put any of these businesses in
11 residential district anyway, so all these residential
12 districts that aren't covered are still prohibited.

13 And what staff -- the feedback staff got during
14 the public hearing at the -- at the Village Board was
15 that they would like to see these businesses relegated to
16 the outer corridors, so Roosevelt Road -- and so we would
17 only allow a cannabis business in what is zoned RRPD,
18 Roosevelt Road Corridor Planned Development, which is
19 down in this corner -- and then annexation to the west
20 could lead to more areas. But as far as what's actually
21 in the village right now, it would be this area.

22 And up along North Avenue-St. Charles Road, we
23 have the North Avenue Commerce Center which is zoned
24 SCPD, St. Charles Road Corridor, or these other two areas
25 which are along the St. Charles Road Corridor are zoned

1 B1, so it would be allowed in any B1 zoning district
2 which is along the St. Charles Road-North Avenue
3 corridor. So in other areas of town where we have the B1
4 zoning, it would not be allowed.

5 And --

6 COMMISSIONER KOVACS: Peter, where's the warehouse
7 that we changed the use on?

8 PETER KRUMINS: It would be that location right
9 there.

10 COMMISSIONER KOVACS: That one? Okay.

11 PETER KRUMINS: And so that is the essence of the
12 ordinance to regulate the location of -- of the possible
13 cannabis business. And at this time as written,
14 eliminating any other use but the dispensary, but open to
15 further discussion of those businesses that can co-locate
16 with the dispensary.

17 With that, I'll take any questions.

18 CHAIRPERSON SKILLMAN: Bill?

19 COMMISSIONER FAEDTKE: Peter, that 1,000-foot
20 restriction, does that just take into account properties
21 that are within Winfield, or does that include the
22 perimeter?

23 Say if there was a daycare center in
24 Carol Stream, would that -- within 1,000 feet of that.

25 PETER KRUMINS: If there was daycare in -- daycare

1 in Carol Stream, it would take that into account.
2 However, Carol Stream -- and I'm -- you know, should they
3 allow it, they don't have to take that into account for
4 us. They could put their own buffer at 500 feet, and be
5 within 500 feet of one of our daycares.

6 But as far as our ordinance goes, we say 1,000
7 foot of an existing daycare, and that's irrelevant of
8 whether it's in our municipality or not.

9 COMMISSIONER FAEDTKE: Okay. Thank you.

10 CHAIRPERSON SKILLMAN: On this side?

11 Hubert, have any questions for Peter?

12 COMMISSIONER LOFTUS: Yeah. A couple. The
13 1,000-foot offset is from property line to property line,
14 correct?

15 PETER KRUMINS: Correct.

16 COMMISSIONER LOFTUS: And the -- and I think you
17 just answered my other question. Looking at North Avenue
18 there's -- there's a church on the north side. But it's
19 about 1,000 feet away from North Avenue. It's kind of a
20 moot point because it's not in Winfield. So it would not
21 be --

22 PETER KRUMINS: Well, no --

23 COMMISSIONER LOFTUS: -- subject to the regulations?

24 PETER KRUMINS: It would be subject to the 1,000
25 feet, because we won't allow it within 1,000 feet. I

1 don't know if that church has a daycare or not.

2 COMMISSIONER LOFTUS: I don't either. But, you
3 know, it's a big place. I imagine it might.

4 CHAIRPERSON SKILLMAN: Oh, they do. Yeah.
5 Wheaton --

6 COMMISSIONER LOFTUS: The property line is right on
7 North Avenue. The church itself is maybe 1,000 feet
8 away. So the question is for consideration, do we make
9 the 1,000 foot from property line to property line, or
10 from building to building?

11 Or -- just throwing that out there. It's...and
12 the other way -- the other thing that crosses my mind is
13 are these in strip malls?

14 I'm trying to get an idea of how big the
15 dispensaries typically are. I guess I can compare.

16 VILL. MGR. BARRETT: We've seen something maybe
17 comparable to a Verizon phone store.

18 CHAIRPERSON SKILLMAN: I looked online at some
19 stores in Colorado, and they're small. They're fairly
20 small. They range in size, actually, from fairly small
21 to a Verizon store or -- certainly not -- possibly as big
22 as the Apple store in Naperville.

23 COMMISSIONER LOFTUS: Okay. So a logical place
24 would be a strip mall-type -- as opposed to a
25 free-standing building.

1 VILL. MGR. BARRETT: Correct. And you're
2 building-to-building concerns probably is one to
3 consider.

4 COMMISSIONER LOFTUS: Right. In the strip mall as
5 well, because you could have a large property, one owner
6 that, you know, maybe would go by property line, it's a
7 lot easier to disqualify the whole property.

8 VILL. MGR. BARRETT: Right.

9 COMMISSIONER LOFTUS: As opposed to where you
10 actually locate the facility. So something to maybe talk
11 through.

12 CHAIRPERSON SKILLMAN: Uh-huh. Good.

13 Bill, do you have a question? Bill Kovacs?

14 COMMISSIONER KOVACS: Not necessarily for Peter, but
15 it goes to our handout here.

16 CHAIRPERSON SKILLMAN: Okay. Let's -- is it the
17 zoning-related?

18 COMMISSIONER KOVACS: Right.

19 CHAIRPERSON SKILLMAN: Okay.

20 COMMISSIONER KOVACS: I don't want to put Kathy on
21 the spot, but --

22 CHAIRPERSON SKILLMAN: Oh, let's do.

23 COMMISSIONER KOVACS: -- in the memo -- in the memo
24 to the city under "the village may not," you've got,
25 number one, prohibit home cultivation. And then in this

1 page, the attachment, it just says home grown limited.

2 Which is right?

3 ATTORNEY ELLIOTT: Correct. The state regulates
4 home growing. They have restrictions on what you can do
5 with home growing. The cannabis statute does not allow
6 the local government to regulate home growing at all.
7 That's -- it -- it's preempted by the state as far as --

8 COMMISSIONER KOVACS: It's pre -- you're saying it's
9 preempted.

10 ATTORNEY ELLIOTT: Correct.

11 COMMISSIONER KOVACS: Okay. It wasn't obvious to me
12 that you were talking about a preemption.

13 ATTORNEY ELLIOTT: Yes.

14 COMMISSIONER KOVACS: It's already not possible --

15 ATTORNEY ELLIOTT: Right.

16 COMMISSIONER KOVACS: -- under the state statute,
17 except if you've got a home -- unless you're home-grown
18 limited to medical.

19 ATTORNEY ELLIOTT: Correct. Right.

20 COMMISSIONER KOVACS: Okay. So that overrides the
21 ordinance entirely.

22 ATTORNEY ELLIOTT: Yes.

23 COMMISSIONER KOVACS: That's what I wasn't clear on.

24 ATTORNEY ELLIOTT: Yes. But again, not just anybody
25 can grow pot; you have to have a medical card.

1 COMMISSIONER KOVACS: Okay.

2 ATTORNEY ELLIOTT: And there's restrictions on that.
3 You can't grow it outside. So even people with medical
4 cards, they can't start planting marijuana plants out in
5 their garden; no. It has to be inside.

6 COMMISSIONER KOVACS: Okay. So that's why we don't
7 have to deal with it in the ordinance, because the
8 statute --

9 ATTORNEY ELLIOTT: Yeah. I think it's only five
10 plants. I think.

11 COMMISSIONER KOVACS: That's why I wasn't clear.

12 ATTORNEY ELLIOTT: Yeah. We can't regulate it at
13 all.

14 COMMISSIONER KOVACS: Okay.

15 CHAIRPERSON SKILLMAN: Henry, you have a question?

16 COMMISSIONER PITTNER: Nothing for me.

17 CHAIRPERSON SKILLMAN: I have a question regarding
18 the 1500 feet versus 1,000. I'm slightly confused.

19 1500 feet is the State requirement from one
20 store to another store.

21 ATTORNEY ELLIOTT: It's a separation between
22 licenses --

23 CHAIRPERSON SKILLMAN: Just stores.

24 ATTORNEY ELLIOTT: Yes.

25 CHAIRPERSON SKILLMAN: Except the ones that are

1 co-habiting; right?

2 No, from store to store.

3 ATTORNEY ELLIOTT: From dispensary to dispensary;
4 correct.

5 CHAIRPERSON SKILLMAN: Okay. But we could -- the
6 Village here could -- while crafting this ordinance --
7 could reduce it to 500 feet; right?

8 We don't have to --

9 PETER KRUMINS: Not the distance between
10 dispensaries.

11 CHAIRPERSON SKILLMAN: But the -- from --

12 PETER KRUMINS: But from schools and daycares.

13 CHAIRPERSON SKILLMAN: Okay. From daycares.

14 COMMISSIONER PITTNER: Or we would increase it.

15 CHAIRPERSON SKILLMAN: Yeah.

16 PETER KRUMINS: And just a clarification on that
17 part. The -- the distance you measure is 1,000 feet from
18 the property line of the school or the daycare. So if
19 that 1,000 feet goes into like half of a shopping mall,
20 then the half that's further out of a -- the 1,000 feet I
21 believe would be able to have a -- a cannabis business in
22 it. So it's not -- the -- it's measured from the lot
23 line of the thing you're trying to protect, not the
24 property that you're trying to put something into.

25 COMMISSIONER LOFTUS: So it's lot line to building,

1 facility?

2 Lot line of the school --

3 PETER KRUMINS: It's lot line of -- yeah.

4 COMMISSIONER PITTNER: Lot line to whatever --

5 ATTORNEY ELLIOTT: To that building; correct.

6 COMMISSIONER LOFTUS: The actual building.

7 PETER KRUMINS: Yeah.

8 ATTORNEY ELLIOTT: Or portion of the building.

9 Yeah. Just so you know the distance
10 requirements, I mean, they're just taken from the model
11 ordinance the Illinois municipality created. You're free
12 to set the distance requirements or make recommendations
13 as you see fit for our community.

14 CHAIRPERSON SKILLMAN: Okay.

15 ATTORNEY ELLIOTT: They basically just set up a
16 template for you to work off of.

17 CHAIRPERSON SKILLMAN: So as -- since we're doing --
18 we will do it as a special use, do we have any
19 flexibility at the time of special use of what the -- if
20 we build it into the ordinance, do we have flexibility at
21 the time of special use?

22 ATTORNEY ELLIOTT: I don't believe -- I mean, you're
23 going to want to have a set of standards. And if you
24 have distance requirements, you're not going to be able
25 to change those.

1 CHAIRPERSON SKILLMAN: Okay.

2 ATTORNEY ELLIOTT: But you will have your -- you
3 know, your general criteria that we have for all special
4 use permits. And if for some reason there are negative
5 factors, you know, in it beyond distance requirements or
6 other things, then you could deny it on that basis. So
7 those are like the only ones that you really can't set in
8 stone, the factors that we always have, you know, what's
9 the benefit to the community, what's the harm to the
10 surrounding people, because those are site-specific.

11 And so you can look at that; but your general
12 criteria would have to remain the same.

13 CHAIRPERSON SKILLMAN: Okay.

14 PETER KRUMINS: So I mean, in theory you could
15 eliminate any distance buffer requirement at all. And if
16 you keep these zoning districts as where you want them,
17 and then look at it in that case on a case-by-case basis,
18 whether there's a reason to say, oh, it's too close, like
19 right next door is a daycare. So we don't -- if you can
20 find justification to not approve that special use.

21 But you would have to have --

22 CHAIRPERSON SKILLMAN: Say that again, please?

23 So we could leave that distance question out --

24 ATTORNEY ELLIOTT: Right. What Peter is saying is
25 all these things, again, are just part of the template.

1 You don't have to use distance requirements; you could
2 limit it by area. And it's -- as you can see, the one of
3 the recommendations is extremely limited area.

4 CHAIRPERSON SKILLMAN: Right. Okay.

5 If the commissioners have no other question for
6 Peter, I'd like to ask Chief Schar to come up.

7 If you're finished, Peter?

8 Finished?

9 PETER KRUMINS: Sure.

10 CHAIRPERSON SKILLMAN: For the moment?

11 PETER KRUMINS: No more questions, then I'll finish.

12 CHAIRPERSON SKILLMAN: For the moment. Chief, do
13 you have a presentation, or are you...

14 CHIEF SCHAR: I do not have a presentation. The
15 Village Manager covered the entire presentation, but we
16 felt it would be beneficial for me to answer any
17 questions the Commission may have. So that's why I'm
18 here.

19 CHAIRPERSON SKILLMAN: Okay. Very good. And we'll
20 start with the Commission, and we'll get to the audience
21 once the Commission is gone through.

22 Gentlemen, any questions for Chief Schar?

23 COMMISSIONER FAEDTKE: Have there been any reports
24 from other towns in, let's say, Colorado or California
25 where it's legal in terms of a lot more police

1 involvement?

2 CHIEF SCHAR: Well, because of the fact that there's
3 very limited data because of the amount of years it's
4 been unlawful there, so to see a significant trend
5 data-wise, you usually want ten years of data, and there
6 isn't ten years of data available.

7 What they are seeing and what we're using as
8 very loose guidelines is there is an increase in DUIs
9 associated with marijuana use. They are seeing in
10 California -- one reliable study, in my opinion -- saw an
11 increase of anywhere between 7.7 and 9.1 DUIs over a
12 calendar year, strictly related to cannabis.

13 So that doesn't mean their DUI arrests went up
14 that much, it means their cannabis DUI arrests went up
15 that much.

16 CHAIRPERSON SKILLMAN: It might have been -- alcohol
17 may have gone down.

18 CHIEF SCHAR: May have, may have not. They didn't
19 look at that. What they're saying is the number of
20 people arrested strictly for using cannabis and driving
21 went up by that amount after they had made it legal.

22 So as far as other types of crime, there are no
23 reliable statistics out there at this point. What you're
24 going to see from anecdotal experience, the general
25 crimes that are associated with the use of cannabis are

1 person and property crimes. Users who are addicted
2 will -- and if they don't have a -- a lawful money
3 stream, they're going to pick-pocket people, they're
4 going to strong-arm people; they're going to commit
5 burglaries, robberies and assaults to get what they can
6 to finance their habit.

7 I have no reliable data as to what amount of
8 that may go up in any area where these are located at
9 this point. But that's what you generally can find
10 happening. But there's no -- nothing indicating that
11 it's happening throughout these areas that have already
12 predone that.

13 Those are the types of crimes we would consider
14 to be on the look out for. Those are the types of crimes
15 that are generally impacted in a positive way by
16 omni-presence. So in other words, us driving by, people
17 seeing our squad cars, people seeing us stop there and do
18 business checks, which would become a part of our routine
19 if they're put in place. Just like we do with all the
20 bars here in town.

21 That lessens the likelihood that the criminal
22 will think that's a high -- high likelihood target.

23 Does that answer your question?

24 COMMISSIONER FAEDTKE: Thank you.

25 CHAIRPERSON SKILLMAN: Anyone -- Henry, do you have

1 a question?

2 COMMISSIONER PITTNER: Yeah, I actually have one.

3 Chief, if the -- if the Village says no to it,
4 you'd still have the same effect from other communities
5 or other people getting cannabis legally somewhere else,
6 coming into town, using it the way they would like to in
7 their own home, and then if they're leaving, and they're
8 a DUI because of the cannabis, you'd still have to deal
9 with it.

10 CHIEF SCHAR: Yes.

11 COMMISSIONER PITTNER: So that doesn't really change
12 the equation whether we have a dispensary or not per se,
13 because people that want to use it legally,
14 recreationally, are still going to go get it. They're
15 still going to use it within the borders of our town
16 and -- and even people that are passing through, you've
17 got to deal with them one way or the other.

18 CHIEF SCHAR: Yes; that would be an accurate
19 statement. There are still going to be people --
20 residents in town who can use it legally who are going to
21 purchase it elsewhere and bring it in. We'll be dealing
22 with those people, whether it's in their cars or on their
23 property, if we get a phone call, as the Village Manager
24 mentioned. And there will be an increase in the people
25 who are using it legally and transporting it legally

1 that we'll have contacts with, that we'll have to
2 investigate those stops a little bit farther.

3 Yes. So...

4 COMMISSIONER PITTNER: There really isn't any --
5 there isn't a greater impact if you have a dispensary in
6 town because the dispensary is there per se.

7 CHIEF SCHAR: I would agree with a slight caveat in
8 that it will be up to the Board to regulate whether the
9 dispensary will allow on-site use or not. My
10 recommendation would be to not allow that type of use,
11 obviously; because you don't want somebody hanging out
12 the dispensary for two hours, smoking, and then getting
13 into their car to drive home.

14 So assuming that it were allowed but not with
15 on-site use, I would agree with that statement 100
16 percent.

17 COMMISSIONER PITTNER: And second question I had was
18 regarding any information you have from anywhere else
19 where recreational is.

20 Are there a lot more incidents happening at
21 dispensaries that -- where you're not allowed to smoke or
22 anything like that, or -- do you know of any statistics?

23 CHIEF SCHAR: Again, I have no direct data, because
24 the studies are still in process. But I have not -- I
25 try and follow the news in those locations as much as I

1 can, and I have not seen an increase of those areas being
2 held up more or people being strong-arm robbed in their
3 parking lots, things of that nature.

4 COMMISSIONER PITTNER: Yeah.

5 CHIEF SCHAR: There is no data I'm aware that shows
6 that.

7 COMMISSIONER PITTNER: Would you assume it would be
8 the same as going to Bucky's to get some beer and things
9 like that?

10 CHIEF SCHAR: Exactly. Because what the law
11 requires for them to put in security-wise, they are not a
12 good environment to target people in. So...

13 ATTORNEY ELLIOTT: Right. Chief's probably aware of
14 this as well, but there are extensive -- there are --
15 many of them now in the legal places are cash businesses.
16 So though generally have armed security.

17 COMMISSIONER PITTNER: Right.

18 ATTORNEY ELLIOTT: Going to be like trying to rob a
19 bank.

20 CHIEF SCHAR: Close circuit televisions, inside and
21 outside. They have taped cameras everywhere that are
22 very high quality. So that if the person does flee the
23 scene, you're -- they're fairly successful in being able
24 to identify them later.

25 COMMISSIONER PITTNER: Right. That's it for me.

1 CHAIRPERSON SKILLMAN: Hubert, questions?

2 COMMISSIONER LOFTUS: No. Covered them all, Henry.

3 CHAIRPERSON SKILLMAN: Good. I have a couple
4 questions regarding, first of all, what -- what does --
5 maybe this is for Kathy.

6 What does a legal purchase look like?

7 What will happen?

8 What's the scenario of a legal purchase?

9 What does the product look like?

10 CHIEF SCHAR: Would you like me to take that?

11 CHAIRPERSON SKILLMAN: How is it transported, and
12 all that?

13 ATTORNEY ELLIOTT: If you will --

14 CHIEF SCHAR: If somebody goes in to make a
15 purchase, they will be prescreened in the business.
16 They'll have to show identification to prove they're 21
17 years of age. Once they're prescreened and pass all
18 those, they move into the next part of the store. And
19 that is where they will shop, if you will, for what
20 products they want.

21 Once the product is picked, they pay. And they
22 generally then are let out a different door, quite
23 honestly, so that it's like moving through the system.
24 And the people -- there's generally speaking most of them
25 have a policy of no more than three customers in the

1 store at any given time. They normally have a buzz-in
2 procedure, it's not unlike a fine diamond store.

3 And so there -- again, everything inside and out
4 is taped so that they can be aware of everything that's
5 going on.

6 Does that answer your question?

7 CHAIRPERSON SKILLMAN: Uh-huh.

8 ATTORNEY ELLIOTT: Also, there -- the product is
9 sealed and -- and labeled, and they're not allowed to
10 transport it with the seal broken. Sort of like alcohol.

11 CHIEF SCHAR: Oh; yes. I apologize. I did not
12 actually answer that part of your question. I apologize.

13 It is sealed hermetically to keep the smell in.
14 So if it -- if they open it as they're leaving the store
15 and then get in their car and happen to get pulled over
16 for some reason, the officers are going to hopefully
17 recognize that, if they have the experience.

18 And then that gives them probable cause to do
19 what officers do.

20 CHAIRPERSON SKILLMAN: What kind of training do you
21 foresee for the department?

22 Either whether it's a dispensaries here or not.

23 CHIEF SCHAR: Well, yeah, there's definitely going
24 to be training coming up in the future. There's already
25 a -- an amount of training that's incorporated into our

1 DUI training. That's going to have to increase because
2 the state law has been passed. Whether or not we allow
3 one into town, all officers are going to need to get
4 further education on proper certified field tests that
5 are useable for the detection of cannabis consumption.

6 Unfortunately, currently there are no -- for DUI
7 we have -- almost everybody is probably familiar with the
8 breath test. That is a certified, sanctioned test in the
9 State of Illinois. It's been expertly reviewed, and it's
10 accepted by the courts.

11 They have made that machine small enough that we
12 have several out in the squad cars that are not
13 certified, but they are preemptively certified so that we
14 can further our investigation if we get a certain result
15 in those.

16 There's no such test currently for cannabis.
17 The only test for cannabis is blood or saliva.

18 So...we don't have those in the car. So there's
19 going to need to be -- they're working on developing
20 those. How close they are is anyone's guess.

21 But we do not currently have, other than looking
22 at the pupil of someone's eye, how they follow -- very,
23 very basic road tests right now. That will be
24 increasing, and the type of training that we'll need to
25 do to train all of our officers will -- will be coming,

1 I'm sure, in the very near future.

2 CHAIRPERSON SKILLMAN: Okay. And I have I think
3 just one more.

4 Well, I have lots of questions pertaining to --
5 first of all, one thing that just for information, any of
6 the cannabis sold for processed in the state has to be
7 grown in the state.

8 ATTORNEY ELLIOTT: Correct.

9 CHAIRPERSON SKILLMAN: So there's a lot of rules.
10 Actually, Kathy, would you mind going through a couple of
11 those things like that.

12 What happens if -- what do you think would
13 happen -- and please stay there, Chief.

14 CHIEF SCHAR: No problem.

15 CHAIRPERSON SKILLMAN: What do you think would
16 happen if the growers, the cultivators are producing more
17 than the supply?

18 In the state of Illinois.

19 ATTORNEY ELLIOTT: I don't see that happening for a
20 number of years, because what's typically happened in
21 other places where they've legalized it is initially
22 there have been shortages, because they have to come up
23 to speed very quickly. And our state law requires that
24 whatever supply is available, has to first go to the
25 medical card people, the medical sales before they can do

1 the recreational sales.

2 So...I mean, I would think what's going to take
3 at least ten years, because they're rolling out licenses,
4 you know, gradually for everything. The wholesale
5 grower, the craft -- everything is like a rolling thing
6 on -- you know, they're not going to be at capacity on
7 how many they plan to issue for quite a while. So...I
8 see that taking quite a while before they get to market
9 saturation.

10 CHIEF SCHAR: Not necessarily -- it would be a bad
11 business model to -- to grow more than they're allowed to
12 legally sell. My guess would be is if -- if it's not
13 able to be sold within the confines of the law, it would
14 be collected by the state and disposed of just like we
15 dispose of the cannabis we collect for illegal -- from
16 illegal uses. So...

17 ATTORNEY ELLIOTT: Yeah. There's nothing in the
18 statute now that would allow them to sell it out of
19 state. I mean -- but you know, I mean, that could
20 change.

21 CHAIRPERSON SKILLMAN: Yeah. Okay.

22 For the chief, what do you think the legal
23 sales -- whether it's -- we have a dispensary here or
24 not -- what do you think the legal sales of marijuana is
25 going to do to the illegal sale of marijuana?

1 How -- I have an article here --

2 CHIEF SCHAR: I believe there will be -- I'm sorry,
3 go ahead.

4 CHAIRPERSON SKILLMAN: I have an article here from
5 Cranes about what legal pot means for your local dope
6 dealer. And the guy that's being featured is -- just
7 from a couple months ago -- says he's going to continue
8 to sell it illegally.

9 CHIEF SCHAR: Right.

10 CHAIRPERSON SKILLMAN: So what happens if you -- if
11 someone is using the product legally but it was obtained
12 illegally?

13 CHIEF SCHAR: I think what you're going to see,
14 there will be a slight drop-off in illegal sales.
15 Because those of -- those users who are adults and can
16 afford to, will go to a legal supplier and be able to pay
17 the taxes that are going to be attached throughout all
18 these different laws. The people who are under 21 who
19 can't legally use it, will continue to frequent illegal
20 sales -- sellers, as will those who don't have a higher
21 standard of living and don't want to pay those taxes. So
22 it will not kill the cannabis trade, illegal cannabis
23 trade by making this legal in Illinois.

24 CHAIRPERSON SKILLMAN: How does the
25 decriminalization work?

1 Not for people who might be -- have sentences
2 reduced, but for people who do the scenario I just
3 mentioned?

4 They're using it legally, but they've purchased
5 it illegally?

6 CHIEF SCHAR: If we were to catch them in the
7 process of buying it illegally, they would still be
8 arrested for possessing that cannabis because it's not
9 legal cannabis.

10 There are a number of administrative changes to
11 the law as far as how long we're allowed to keep those
12 records now. Just like before this was all passed, about
13 a year and a half ago they changed the administrative
14 laws on how long we could keep juvenile records for
15 cannabis arrests.

16 So by legalizing it, they have taken away all
17 those -- those reports that if they would have been
18 legal, in about eight years those reports all have to be
19 gone.

20 But otherwise there will really be no change in
21 the administration of law, if I'm understanding your
22 question correctly.

23 CHAIRPERSON SKILLMAN: Okay. Thank you.

24 Did you have another question?

25 All right. Thank you. That's all for the

1 Commission at the moment.

2 At this point I want to open up for public
3 comment. We're open for public comment.

4 If you want to make a statement, have a
5 question, anything you want to say about this, please
6 come to the podium.

7 If you have been sworn, come on up. If you
8 haven't been sworn and still want to make a statement,
9 we'll have to swear you in first.

10 So come on up, please.

11 Just keep in mind that our purview here is the
12 zoning ordinances. We do have a few members of the
13 Village Board here who will be voting on whether to allow
14 this dispensaries or not. So they're listening to your
15 opinions too.

16 Thank you. Your name, please.

17 DENNIS ROHDE: Dennis Rohde, R-o-h-d-e. I live at
18 0 South 724 Cleveland in Winfield.

19 I have a question of Mr. Barrett about the
20 hospital.

21 That hospital's never been a nonprofit as long
22 as I've lived here. You said they made like \$250 million
23 last year.

24 Why don't we just sue them instead of being nice
25 to them and have them declared a non -- a for-profit

1 hospital, and then we'd have all kinds of money coming
2 from them?

3 ATTORNEY ELLIOTT: Actually, I can answer that.

4 VILL. MGR. BARRETT: Sure. And I said between 150
5 and 200 million is what we said.

6 ATTORNEY ELLIOTT: They meet the requirements of the
7 state law for not for profit. They are allowed to
8 maintain reserves. Not for profit in Illinois means that
9 you don't have shareholders and you don't pay dividends.
10 That's all it means.

11 DENNIS ROHDE: Well, can't you take them to court
12 and get that changed? This is stupid law.

13 VILL. MGR. BARRETT: They got the law made.

14 CHAIRPERSON SKILLMAN: The American hospital
15 association. Very powerful lobby in Springfield.

16

17 DENNIS ROHDE: You walk into that place and it
18 smells like money, so it's insane.

19 CHAIRPERSON SKILLMAN: Yes, sir.

20 DENNIS ROHDE: So can we write to somebody in
21 Springfield and change --

22 CHAIRPERSON SKILLMAN: Yeah, go right ahead.

23 ATTORNEY ELLIOTT: Please talk to your legislators.

24 DENNIS ROHDE: My other point is as far as I know,
25 Naperville said no to this. Carol Stream just said no.

1 Warrenville has said no.

2 Downers Grove said no. Lisle said no. So we
3 can approach this in two different directions. One is
4 saying Winfield is the only town in southwest DuPage
5 that's going to sell marijuana. And put a little
6 marijuana leaf on our Winfield logo and go into business.
7 Or we can look at it as it's morally wrong and the
8 government should not be in the drug business. We should
9 not be in the lottery business, we should not be in the
10 casino brings and we definitely should not be in the drug
11 business.

12 It's -- you know, its a pie in the sky money.
13 There's no guarantee.

14 When you started the lottery, they said it's all
15 going to go to the schools, so our property taxes would
16 stay low.

17 That was a lie.

18 They built the tollways, when the bonds were
19 paid off, no more tolls.

20 That was a lie.

21 We live in -- I believe it's either the second
22 or third-most corrupt state in the nation.

23 Springfield steals everything they get, they
24 give it to their friends, they give it to their political
25 buddies. There's no guarantee we're going to get this

1 money. And aside from the fact that it's -- we shouldn't
2 be in the drug business, it's insane.

3 Now, they're having groups of people throughout
4 the years who have said let's sell all drugs. Let's sell
5 heroin, let's sell amphetamines, let's make it cheap, put
6 the drug dealers out of business. And since it's going
7 to be legal, it won't be as enticing as something that's
8 illegal. People always like to get something that's
9 forbidden.

10 The -- that's not going to happen with this. If
11 I were going to start a business and they said, you're
12 going to have a 40 percent sales tax before you even
13 start, I would say that's nuts, I'm not going to do it.

14 So it's -- it makes no sense. And beside that,
15 as I said before, government should not be selling drugs.
16 And it's just -- it's just totally, totally wrong. And
17 so please do not do it.

18 Every other suburb around here is saying no to
19 this, so Winfield should also say no.

20 I have one question. Has anybody even shown any
21 interest in coming to this town?

22 CHAIRPERSON SKILLMAN: For the dispensaries?

23 DENNIS ROHDE: For the dispensary. Anything?

24 Yeah.

25 CHAIRPERSON SKILLMAN: Peter, have you had any

1 inquiries.

2 PETER KRUMINS: I mean, we haven't passed a law
3 saying whether we would allow it or not. I had one
4 inquiry from a company in Colorado asking what our status
5 was and -- you know, that's -- that's about it.

6 CHAIRPERSON SKILLMAN: Okay. Thank you.

7 DENNIS ROHDE: So this may be a moot thing.

8 CHAIRPERSON SKILLMAN: It could. And this --
9 this -- our efforts tonight could be moot if the Board
10 votes it down. So we -- we still have to do the proper
11 procedures in case they vote it -- in favor of it.

12 DENNIS ROHDE: They -- and they have had some
13 studies in Colorado -- I just read it in the most recent
14 AARP newsletter, marijuana-related traffic fatalities has
15 risen since they've been in business for, like, five
16 years now, and they have gone up every year since they've
17 allowed marijuana sales.

18 So if you want a stoner to hit your kid or your
19 grand kid and put them in the hospital or worse, up to
20 you.

21 CHAIRPERSON SKILLMAN: Okay. Thank you.

22 DAN JANOWICK: Hi. My name is Dan Janowick, 0N261
23 Winfield Road.

24 CHAIRPERSON SKILLMAN: Excuse me one second, Dan. I
25 neglected to mention that we ask you to stay to three

1 minutes; and Mr Rohde was close to that.

2 DAN JANOWICK: Promise to stay to that.

3 THE COURT REPORTER: Spell your last name.

4 DAN JANOWICK: J-a-n-o-w-i-c-k.

5 I was going to say, I think the presentation
6 tonight was great. So thanks for all the information. I
7 think that the -- the two things that are often hit on
8 the most as I listen to this conversation and listen to
9 the conversation of lots of other village boards, the
10 morality issue comes up a lot.

11 And I personally think that it's -- that's not
12 what the Village Board or the Planning Commission is
13 really voting on. It's legal. So people can go to the
14 State and say they dislike that and they're against it;
15 but it's legal in the State of Illinois.

16 A vote by the Village Board, by the Plan
17 Commission in any way, shape, or form isn't going to
18 change that. So that the -- kind of the antiquated that
19 marijuana, cannabis is bad, is really I think -- just
20 that. It's antiquated.

21 And I think if we look at statistics on alcohol
22 use and -- and I sat at a Plan Commission meeting, I
23 sat -- or listened to a Village Board meeting and heard
24 the jokes about the new bar at the old dentist office.
25 People at the Village Board talked about, gosh, I can't

1 wait to get a Margarita. And when they allowed alcohol
2 at the burrito place by Tony Steamers, it was a joke;
3 right?

4 And for me personally I'd liken the same thing.
5 Alcohol ask a drug. Marijuana is -- is categorized as a
6 drug. I think that the -- the way the Village looks at
7 it, the way the Village Board has looked at that drug in
8 the past, the way the Plan Commission looks at it, seems
9 like it should be an easy thing.

10 I think as was brought up, any of the costs that
11 the Village will incur because of illegal marijuana use
12 is -- or because of legal marijuana use is costs that
13 they're going to incur whether there's dispensaries in
14 Winfield or not. So I don't think that there's a cost
15 aspect to this that we should be worried about.

16 I'd finally say that the -- or already almost
17 finally, the allowance for the special zoning is really
18 made for a place like us because we get to say exactly
19 where it goes. There's no -- it's not going to spring up
20 in place we don't want it. You get to say, like the
21 little circles on the map here, little shapes, it's
22 perfect because you get to put it exactly where you want
23 it, away from -- if you want it away from people, you
24 want it on your busiest roads, the law allows us to do
25 exactly that.

1 Just wanted to address a couple points on this.
2 I'm an attorney, so I have some dealings with concerning
3 the red light issue, the red light cameras and things of
4 that sort. The general view is that they're very
5 unpopular and they likely are going to go away.

6 There have already been disputes about having a
7 third-party vendor being involved and the
8 constitutionality of that. So there's a good chance that
9 revenue is going to be gone.

10 And from what you all have said, we're somewhat
11 limited what we can get revenue from. And some of the
12 numbers that you gave out earlier as far as how much
13 money we could potentially get out of this, I mean,
14 it's -- it was more than what Bucky's could give us or
15 other areas could give us.

16 Also, I think something that hasn't really been
17 touched on very much is that the marijuana that would be
18 sold through the State, yes, it's heavily regulated, but
19 it also is not tainted by other substances and things of
20 that sort. It's far less likely to cause issues, you
21 know. A lot of the marijuana that you see has issues
22 with that.

23 The -- I guess the last thing that really
24 touched on it is -- somebody earlier talked about the
25 taxes being involved and that nobody would want to be

1 involved in -- in that business. I've been to Colorado.
2 I -- I don't smoke marijuana, but I've been to Colorado
3 for other reasons, and it's extremely popular. The --
4 the idea that the taxes are too high, I mean, people --
5 if you go to a bar, the taxes through the liquor license,
6 et cetera, all of that is very high to begin with.
7 Gasoline has really high taxes. It's all still high
8 demand.

9 And that doesn't even touch on there can be
10 other associate businesses that could be drawn into the
11 area. And I don't mean just marijuana-based businesses.
12 Restaurants, things of that sort, if that area has more
13 foot traffic.

14 I think all of those are things that aren't
15 looked at. Nobody wants their property taxes to go up.
16 Nobody wants anything of that sort. And I would argue
17 that there's even a chance that our property values would
18 go up with that, with it brought into the community.

19 And most the neighbors I've talked to, when you
20 get right down to it, when you look at the economic
21 situation we have, most of them have -- have spoken.

22 Finally, and the stigma that's associated with
23 it has really started to dissipate. So thank you.

24 CHAIRPERSON SKILLMAN: Okay. Could I ask you a
25 question, sir?

1 JOSEPH STOCKMAN: Sure.

2 CHAIRPERSON SKILLMAN: What do you -- what's your
3 view of the zoning question, as to where we would allow?

4 JOSEPH STOCKMAN: I've had some dealing -- I grew up
5 in Houston, Texas where the zoning was completely
6 different. They had essentially no zoning; right.

7 And there's pluses and minuses for it. I'll
8 tell you, it's been better for their economy not having a
9 zoning issue.

10 The only thing is that if you come up with a
11 comprehensive zoning, how you want to do it, it's very
12 difficult to change it after the fact. At least it was
13 when I was practicing in Texas.

14 And I can understand that the stigma associated
15 with -- for example, an elementary school. You know, we
16 have -- but if you look at it, we have a liquor store
17 that's not very far from Winfield Elementary School.
18 Things of that sort. I mean, especially if you all
19 aren't going to allow it for on-site use, it doesn't seem
20 to me that it's -- it's as big an issue.

21 You know, at first I also think that most
22 likely, because everyone around here has voted it down,
23 it's going to be -- there will be somebody that's
24 interested in doing it. Regardless of whatever zoning
25 restrictions you all choose to use.

1 CHAIRPERSON SKILLMAN: Good. Thank you.

2 JOSEPH STOCKMAN: Thank you.

3 CHAIRPERSON SKILLMAN: And if you would also --
4 anyone who wants to speak, please add an opinion about
5 the zoning if you have one.

6 CARRIE MONROE: I do. My name is Carrie Monroe, I'm
7 at 0 South 376 East.

8 The first question I have was about the medical
9 cards, how easy they are to get.

10 Can people buy from the retail stores with using
11 their medical cards, and are they exempt from the taxes?

12 VILL. MGR. BARRETT: I don't think you need your
13 medical card at the retail store -- at the recreational
14 sales, but I --

15 CARRIE MONROE: Now, it's tax-free, didn't you say?

16 ATTORNEY ELLIOTT: Okay. I can answer that.

17 VILL. MGR. BARRETT: It might be through the
18 medical.

19 ATTORNEY ELLIOTT: They're going to have to --
20 they're going to have -- the medical cardholders will
21 have to purchase it at the medical dispensaries to have
22 the tax exempt. They're -- they're not -- medical
23 dispensaries are also going to be allowed to have
24 recreational ones, but they -- they can't -- they're
25 separate licenses.

1 CARRIE MONROE: Okay. And are you all talking
2 specifically about the retail dispensaries, then?

3 ATTORNEY ELLIOTT: Correct --

4 CARRIE MONROE: Or the medical-slash-retail?

5 PETER KRUMINS: Retail.

6 CHAIRPERSON SKILLMAN: Retail.

7 CARRIE MONROE: Retail only. Okay.

8 Second of all, do you see any liability issues
9 to the town of Wheaton -- or town of Winfield if there's
10 retail stores here and not in any of the surrounding
11 towns?

12 ATTORNEY ELLIOTT: Well, no.

13 CARRIE MONROE: For allowing it.

14 ATTORNEY ELLIOTT: No.

15 CARRIE MONROE: The State will --

16 ATTORNEY ELLIOTT: Well, first of all, there's
17 what's called the Tort Immunity Act, which says that any
18 discretionary decision made by local governments is
19 immune from liability. And this is clearly discretionary
20 decision.

21 CARRIE MONROE: Okay. A comment about Colorado that
22 we've seen, when we were there, was they hand out cards
23 with all the laws on it. And one of them said that if
24 you were giving -- if you were buying this marijuana for
25 somebody who was younger, under 21, it was a felony that

1 you were committing.

2 Are these the same laws that the State of
3 Illinois has?

4 I'm not familiar with the state laws.

5 CHIEF SCHAR: I'm not -- I don't believe they've
6 updated the law to make it a felony. It would be a
7 misdemeanor based on the quantity that you can buy.

8 CARRIE MONROE: So yeah, we were really surprised
9 when we were reading that, we were like, wow, it's so --
10 it's not illegal anymore, but if you are to give it to an
11 underage kid, it was a felony.

12 CHIEF SCHAR: I have not seen in the law where it's
13 a felony. But I could be wrong.

14 ATTORNEY ELLIOTT: I haven't seen any changes to
15 that either.

16 CARRIE MONROE: Okay. That's it. Thank you.

17 CHAIRPERSON SKILLMAN: Thank you.

18 Anyone else like to comment about cannabis
19 dispensaries and the zoning of said dispensaries?

20 DONNA BUCHHOLTZ: Hi. I'm Donna Buchholtz,
21 B-u-c-h-h-o-l-t-z -- that's a curse -- 27 West 300
22 Williams. And I didn't come in here with a prepared
23 statement, I've just been kind of scribbling notes as I'm
24 sitting here, and I probably can't even read them.

25 But the first thing I heard was financial, and

1 money, and money coming into the Village; which is a
2 great thing.

3 But I've lived there 36 years. We've had the
4 hospital. And at that time, way back when, they never
5 contributed to Winfield.

6 We didn't have, you know, the -- I don't see any
7 of the retail things here in the city -- or in the
8 village really having ever grown. I mean, we have a lot
9 of empty spaces in little shopping mall over here, and
10 empty spaces now where the fuel company used to be.

11 I just think all of our efforts to bring people
12 in, it's almost like we're spinning our wheels. I
13 haven't seen the growth in retail in Winfield that we've
14 tried to -- to get.

15 And -- and can't -- and this thing with the
16 cannabis, it -- all the other municipalities are saying
17 no. There's got to be a reason, you know, why.

18 And I -- I'm just afraid that it's going to
19 bring in, you know, a -- a group of people that we
20 wouldn't necessarily want here in the village. There --
21 and just -- we can't be threatened with higher property
22 taxes and higher sales taxes just because we haven't
23 brought in the revenue in other ways.

24 And you know, Bucky's is going to bring in
25 money. The red light camera, if it's like three years

1 down the line before they even start to develop this part
2 of Roosevelt Road, or IDOT, you know, does that, we've
3 got three years yet with the cameras. We can enforce
4 home rule on the hospital if we had to.

5 I just don't think that -- I think whatever
6 money it does bring in, we're just going to use it for a
7 larger police, you know, presence; we're going to be
8 subject to perhaps like -- I don't know, one of the
9 fellows had said more burglaries into the homes if people
10 are looking for money. They're going to look for, you
11 know, the -- the cars to break into to get the money,
12 because hey, the dispensary's right down the -- right
13 down the block; so let's go see where we can get some
14 money, if they don't have it themselves.

15 I just really think it's going to be detrimental
16 to Winfield. I really do. And you know, I've got a
17 couple teenage kids, and I wouldn't want them to say,
18 hey, let's go to grandma's house because we can buy -- we
19 can get some weed, or dad can get some weed.

20 I don't think Winfield -- I mean, Winfield is
21 a -- to me is like a little haven amongst all this other
22 stuff going on around us. And I like our town. And I
23 really hate to see it change.

24 So thank you.

25 CHAIRPERSON SKILLMAN: Thank you.

1 Anyone else?

2 Address the board?

3 The Commission?

4 (The witness was duly sworn.)

5 CATHY HOCHBERG: My name is Cathy Hochberg, OS --
6 OS676 Cleveland.

7 It's hard to believe that in the 1970s I was a
8 college student that would never believe that I would be
9 testifying at a public hearing about weed. But we
10 discuss with our city. But these are the changing times.

11 This isn't an issue of legalization. It's
12 already going to be legal on 1/1/20. You've already got
13 people in the community that partake in Winfield, in
14 Naperville, Lisle, and God knows, even Wheaton.

15 As Mr. Barrett stated earlier, this is a
16 financial decision. I -- my husband -- my husband and I
17 have lived here for 16 years, we've seen a lot of
18 proposals come across this city -- the village, including
19 one that Mr. Barrett alluded to earlier, and that's the
20 outsourcing of police. Which is something that, thank
21 God, for the present time is off the table.

22 I see no reason why we wouldn't want to have a
23 dispensary here. We can tax it however we would want to
24 tax it.

25 In our travels we visited dispensaries in

1 Oregon, purely as a field trip. As the chief indicated,
2 they buzz you in. You show your I.D., you're buzzed in.
3 And that's a very secure environment. They're not
4 that -- they don't necessarily have flashing lights all
5 over the place advertising that here we are, here we are.
6 Many of them are very low key. You wouldn't necessarily
7 know what they are unless you knew that that's where they
8 are.

9 So zoning, I really don't have a strong opinion
10 of it. The State has the -- the requirement of 1500 feet
11 between dispensaries. We can figure out whatever we want
12 to do on the zoning issue. But I see no reason why we
13 would want to pass up this opportunity.

14 Thank you.

15 CHAIRPERSON SKILLMAN: Thank you.

16 Anyone else want to come up to offer a thought
17 or opinion on this? Ask a question?

18 Because once we close public comments, that will
19 be the end of public comment.

20 So going once...that's all you get. Okay.
21 We'll close public comments for this portion of the
22 public hearing.

23 Now, I would like to have the Board of
24 Commissioners discuss the zoning. What do we want to do
25 with -- what would our recommendation to the Village

1 Board be regarding the zoning?

2 COMMISSIONER LOFTUS: I have one question maybe for
3 Kathy.

4 ATTORNEY ELLIOTT: Sure.

5 COMMISSIONER LOFTUS: We're going down the special
6 use process. So under a scenario where this all passes,
7 and go through the special use permit, someone gets a
8 dispensary opened -- and I think these things sometimes
9 close and move around a little bit, from my
10 understanding. So if it were to close, does the special
11 use permit go with the operator?

12 ATTORNEY ELLIOTT: No.

13 COMMISSIONER LOFTUS: Does it stay with the
14 property?

15 ATTORNEY ELLIOTT: It stays with the property.

16 COMMISSIONER LOFTUS: Okay.

17 ATTORNEY ELLIOTT: And Peter, what, special use
18 permits lapse in six months?

19 PETER KRUMINS: I think it's 12 months.

20 ATTORNEY ELLIOTT: 12 months?

21 PETER KRUMINS: If your special use it not used in
22 12 months, then it lapses. But I would have to
23 double-check for sure.

24 COMMISSIONER LOFTUS: I was talking about the
25 scenario where it actually opens up.

1 ATTORNEY ELLIOTT: Right.

2 COMMISSIONER LOFTUS: They're in business, they
3 decide, well, there's another place that I'd rather do
4 it. And obviously they have their license, so they can
5 do that. So someone else with a license would have to
6 come in.

7 ATTORNEY ELLIOTT: Right.

8 COMMISSIONER LOFTUS: But the zoning -- there's
9 really no control -- if someone has a license and this
10 has already got a special use permit, someone can pop
11 right in that particular spot. That was my question.

12 ATTORNEY ELLIOTT: Yes.

13 COMMISSIONER PITTNER: It lays fallow for a year,
14 then you can't. Then you got to come back.

15 ATTORNEY ELLIOTT: Yeah. It would lapse at some
16 point, but...yeah. If you're zoning for the use, not the
17 particular owner.

18 COMMISSIONER LOFTUS: Operator.

19 ATTORNEY ELLIOTT: Right.

20 CHAIRPERSON SKILLMAN: Do you know, does the state
21 have any thoughts of transferring licenses, or does
22 someone have to start all over?

23 If -- a licensee goes out of business, and --
24 but it's still in a -- a granted special use area, does
25 that license transfer, or is that license dead, gone?

1 ATTORNEY ELLIOTT: I don't know that they allow the
2 -- I would have to research that. But as -- but even if
3 they did allow transfers, you would -- you'd have to go
4 through the same process to be -- to get a license.

5 COMMISSIONER KOVACS: There's he got to be a
6 change-of-control clause in the license.

7 ATTORNEY ELLIOTT: Right.

8 COMMISSIONER KOVACS: It would be just like gambling
9 licenses where you could assign them, but the assignee
10 has to meet the same licensing criteria.

11 ATTORNEY ELLIOTT: Right. Right.

12 CHAIRPERSON SKILLMAN: Okay.

13 ATTORNEY ELLIOTT: And there are limited numbers,
14 so...it's controlled by that, and then, you know, there's
15 pretty strict background checks on issuing the permits.
16 As well as all the criteria for operation, which, you
17 know, we touched on a little bit the security and all
18 that stuff.

19 CHAIRPERSON SKILLMAN: Okay. So Commissioners, what
20 are your thoughts on the location?

21 Or let's -- I'm sorry. Let me back up.

22 What are your thoughts on this draft ordinance?

23 Is there anything we wanted to change in this
24 draft -- recommend to the Village Board that would change
25 in this draft ordinance?

1 COMMISSIONER FAEDTKE: My only concern is regarding
2 the 1,000 feet. I'd almost like to take that out of
3 there and then put the burden on the person applying to
4 come in. Because we may have conditions where they're
5 just within a few feet, and we may say, oh, no, that's
6 too close to a school or -- you know, whatever the
7 condition is.

8 And make that as part of the special use as
9 opposed to in the ordinance.

10 COMMISSIONER LOFTUS: I agree. We don't have this
11 large area that -- you know, we can't analyze every
12 property. I mean, look at the map. It's very specific
13 locations we're talking about. So if we're comfortable
14 with those locations, I agree that that would be part of
15 the special use process to identify how close it is to
16 any school or anything else. And we could take that
17 under consideration.

18 ATTORNEY ELLIOTT: So just add it as a factor, you
19 know, how close they are instead of having a specific
20 distance requirement?

21 COMMISSIONER LOFTUS: Yes.

22 COMMISSIONER KOVACS: Seems to me the residential
23 prohibition really deals with the issue pretty
24 effectively. You know, in terms of Peter's map, the
25 circles are all within the residential blue, and it's not

1 permitted in the residential anyway.

2 ATTORNEY ELLIOTT: Right.

3 COMMISSIONER KOVACS: So again, I don't -- I think
4 it's a complication we don't need, because of the
5 residential prohibition.

6 COMMISSIONER PITTNER: How far can a liquor store be
7 from a school or daycare center?

8 ATTORNEY ELLIOTT: 100 feet.

9 COMMISSIONER PITTNER: So wouldn't that be the
10 standard?

11 I mean, it's the same situation. That should be
12 at least the minimum standard.

13 ATTORNEY ELLIOTT: Yeah. Sounds to be.

14 COMMISSIONER PITTNER: If you're worried about the
15 5 -- 1,000 feet. Should be consistent; right?

16 Shouldn't have a marijuana law different than an
17 alcohol law in terms of location.

18 PETER KRUMINS: So do you want to --

19 COMMISSIONER PITTNER: In my opinion.

20 PETER KRUMINS: -- just remove it altogether, or put
21 the -- some kind of phrase that that it should be
22 consistent with liquor store?

23 CHAIRPERSON SKILLMAN: I would -- I would suggest we
24 make it consistent with the liquor store. Or -- or
25 remove it altogether, actually, but let -- I agree

1 with -- with Henry's stated it.

2 PETER KRUMINS: Kind of have a standard during your
3 special use.

4 COMMISSIONER PITTNER: I think you need a standard.
5 Unless you're not caring about a standard. If you really
6 want to let it be right next to the daycare center, then
7 let's let it happen that way, you know. And not have
8 extra restrictions to them when they come to us to ask
9 for the -- you know, the zoning change there.

10 So to me it should be consistent. There's a
11 consistent way of doing things, life is good, life is
12 easy, and we move on. There's no -- no question about it
13 whatsoever.

14 PETER KRUMINS: Well, we -- I think we have a liquor
15 store within 100 feet of a daycare.

16 COMMISSIONER PITTNER: Yeah.

17 PETER KRUMINS: It was there when I got to town, and
18 it was --

19 COMMISSIONER PITTNER: But they'd have to come in
20 front of this body, and the board would have to approve
21 it.

22 CURT BARRETT: And that could be grandfathered.

23 ATTORNEY ELLIOTT: Right.

24 COMMISSIONER PITTNER: There's methods to say, hey,
25 you know, I'd really like to do this, you know, it's a

1 negative -- doesn't have any negative impacts, what do
2 you think?

3 And we get a chance to talk about it, then --
4 then the Village Board gets a chance to decide, you know,
5 what they want to do. If they wanted to go less than,
6 so -- but I think it's a reasonable standard from, you
7 know, alcohol and -- and you know -- I don't know why
8 we'd make -- extend it; I don't know why we'd make it
9 less.

10 CHAIRPERSON SKILLMAN: Do we want to look at hours
11 of operations?

12 Or was that something we could also cover under
13 the special use?

14 It's from -- the state law is 6:00 a.m. to 10:00
15 p.m.

16 ATTORNEY ELLIOTT: You -- right.

17 PETER KRUMINS: Before we do that, let's take a step
18 back.

19 So was there a consensus of the Plan Commission
20 on the distance requirement?

21 CHAIRPERSON SKILLMAN: I think so. Yeah.

22 COMMISSIONER FAEDTKE: Yeah.

23 CHAIRPERSON SKILLMAN: I'm in agreement with it.

24 Doing the same as the liquor.

25 COMMISSIONER LOFTUS: Same as the liquor.

1 ATTORNEY ELLIOTT: Okay. Okay. What --

2 CHAIRPERSON SKILLMAN: Hours of operation.

3 ATTORNEY ELLIOTT: Hours of operation. You can do
4 that either way. You can have a set standard, or you can
5 have it as a factor to review based on where they are.

6 CHAIRPERSON SKILLMAN: You mean a location --

7 ATTORNEY ELLIOTT: Correct. But the thing is, if
8 you -- if you -- preferably you would want to have a
9 standard that would apply everywhere, because...

10 COMMISSIONER KOVACS: What's the --

11 ATTORNEY ELLIOTT: ...it's not like, you know, bars
12 where they're going to create noise and stuff where you
13 might want to -- if they're closer to residential, you
14 might want to, you know, restrict their hours. Then you
15 might -- somewhere where nobody's going to hear them.

16 I'm not sure you're going to have those same
17 kind of issues, so I would probably recommend having a
18 set standard for hours.

19 COMMISSIONER KOVACS: What's the state law in liquor
20 sales in a gas station?

21 And the gas station goes in, it's going to --
22 the State regulates liquor sales in the gas stations;
23 right?

24 ATTORNEY ELLIOTT: No.

25 COMMISSIONER KOVACS: That's 24/7 liquor sales in

1 the gas station?

2 ATTORNEY ELLIOTT: The State doesn't regulate it.
3 The Village regulates the hours.

4 COMMISSIONER KOVACS: So what have we set for the
5 Bucky's liquor sales?

6 ATTORNEY ELLIOTT: I believe our liquor is 6:00 a.m.
7 to -- is it 1:00 a.m., or 2:00 a.m.?

8 PETER KRUMINS: I don't recall off the top of my
9 head what --

10 ATTORNEY ELLIOTT: I think later -- shorter hours on
11 Sunday.

12 COMMISSIONER KOVACS: I think Henry's comment about
13 consistency again applies.

14 ATTORNEY ELLIOTT: But the liquor hours are --

15 COMMISSIONER PITTNER: I think you'd love it.

16 ATTORNEY ELLIOTT: The liquor hours are broader than
17 what the State allows for marijuana sales.

18 COMMISSIONER KOVACS: So it can't be symmetrical.
19 Okay.

20 ATTORNEY ELLIOTT: It can't be; right.

21 CHAIRPERSON SKILLMAN: It's 6:00 a.m. to 10 p.m.

22 ATTORNEY ELLIOTT: Right. And bars, obviously, stay
23 open longer than 10:00 p.m.

24 PETER KRUMINS: And we could be more restrictive,
25 but we can't be less restrictive?

1 ATTORNEY ELLIOTT: Correct.

2 COMMISSIONER KOVACS: Can't be more expansive I
3 think is the phrase.

4 ATTORNEY ELLIOTT: Right. Right.

5 CHAIRPERSON SKILLMAN: So what do you think about
6 the hours?

7 COMMISSIONER KOVACS: I think 6:00 to 10:00 is fine.

8 CHAIRPERSON SKILLMAN: Bill?

9 COMMISSIONER FAEDTKE: Yeah.

10 COMMISSIONER LOFTUS: Yes.

11 CHAIRPERSON SKILLMAN: I think 6:00 a.m. is too
12 early, but I'll go along with the consensus on that one.

13 COMMISSIONER PITTNER: Somebody getting up at 6:00.

14 ATTORNEY ELLIOTT: That's the maximum, I'm not sure
15 they would choose to be open.

16 CHAIRPERSON SKILLMAN: Yeah. What else we looking
17 at here?

18 We have the district, the zoning district.

19 It's being proposed that we look at North
20 Avenue-St. Charles Road district, business district, and
21 Roosevelt Road.

22 Bill, what do you think of that?

23 COMMISSIONER KOVACS: I think it's a logical place,
24 where the yellow lines are. Fine with me.

25 COMMISSIONER FAEDTKE: Agree.

1 CHAIRPERSON SKILLMAN: The Bills agree.

2 COMMISSIONER PITTNER: And tied to the Comprehensive
3 Plan where we would anticipate the same uses along those
4 corridors?

5 COMMISSIONER KOVACS: Just another kind of dry
6 cleaner.

7 COMMISSIONER PITTNER: Yeah. I want to be clear
8 we're not just talking about the yellow areas if we annex
9 anything and things go on --

10 ATTORNEY ELLIOTT: Correct.

11 COMMISSIONER PITTNER: -- as long as they're in the
12 same --

13 COMMISSIONER KOVACS: Zoning.

14 COMMISSIONER PITTNER: -- zoning and corridors.
15 That's what we're looking for.

16 CHAIRPERSON SKILLMAN: Hubert?

17 COMMISSIONER LOFTUS: Yeah.

18 CHAIRPERSON SKILLMAN: I disagree completely on
19 that. I think the only place we should allow it is on
20 North Avenue and St. Charles Road.

21 And the reasons are, right now especially, the
22 Roosevelt Road area is residential. And we were
23 considering avoiding the residential areas. Geneva Road
24 is off the map totally, because you know, the
25 restrictions of the daycares, which is actually kind of

1 moot if we -- if the Board accepts our recommendation of
2 the same standard as a liquor store.

3 But primarily, we are looking for revitalized,
4 brand-new, hopefully quality development on the
5 properties that the Village has worked so hard to develop
6 along Roosevelt Road. And at this point in time I think
7 allowing a cannabis dispensary or any cannabis use along
8 that area would be detrimental to the development of --
9 that we're looking at right now for Roosevelt Road. I --
10 I can't express more how much I think it would be a
11 mistake to put it along Roosevelt Road, at this point.

12 Now, perhaps in one year, two years, three
13 years, whatever it might take to get some development
14 along Roosevelt, if we decide we want to enhance that
15 development, or help fill empty spaces, then we could
16 perhaps add Roosevelt Road as a zoning district for the
17 cannabis dispensary. But that's -- I think it would be a
18 serious mistake. And if -- you know, I will not vote to
19 approve Roosevelt Road.

20 So that's just --

21 COMMISSIONER PITTNER: So if the commercial strip by
22 the Bucky's at some point wants to get a dispensary, you
23 would be against that?

24 CHAIRPERSON SKILLMAN: I am against that. At this
25 point in time.

1 If it comes to the point that we really want it
2 there, then I would say we must include Geneva Road as
3 well. Because to me I don't see much difference between
4 Geneva Road development, a commercial area, and
5 Roosevelt; except Geneva is already residential -- or is
6 already commercial.

7 COMMISSIONER PITTNER: That's the problem with the
8 diagram, now we've got the 1,000 foot everywhere. So if
9 you reconfigured that to 10 percent of that, that may
10 allow Geneva Road; and I would be all for it. You know,
11 a couple open spots there, and -- you know, let's take
12 advantage of it, for heavens sake.

13 CHAIRPERSON SKILLMAN: And who knows, we might even
14 get an annexation.

15 COMMISSIONER PITTNER: Yeah. So I'd be -- I'd be in
16 favor of, you know, any commercial area that -- that this
17 should be allowed in. You know, based on the two
18 corridors. And if the third one meets the criteria, why
19 not? Why wouldn't you?

20 And there's a liquor store right now at Geneva
21 Road, and I don't see any crime happening there. I don't
22 know -- I don't know that I've seen the chief or a lot of
23 cars out that direction. So, you know, I would have --
24 you know, right down the street from me. I wouldn't care
25 one bit. I think it would be appropriate.

1 COMMISSIONER LOFTUS: I would agree. You know,
2 we're talking about this typical footprint is a strip
3 mall. Right?

4 And we've got a few of them there that are
5 probably struggling, I would have to say. And when you
6 really look at it from a tax revenue per the amount of
7 space it's taking up, that's -- I feel like that's a
8 great use in a strip mall. And if I had a concern about
9 the dispensary in any way, I might think otherwise. But
10 I honestly don't.

11 CHAIRPERSON SKILLMAN: This side? Bill?

12 COMMISSIONER FAEDTKE: My biggest concern now at
13 this point is what that's going to do in terms of
14 revenue. If we take half of this out. What's that going
15 to do in terms of hurting our finances. There's a lot
16 more traffic on Roosevelt Road.

17 COMMISSIONER PITTNER: Yeah.

18 PETER KRUMINS: Hold on. So are we discusses taking
19 Roosevelt Road out, or are we discussing leaving
20 Roosevelt Road and adding Geneva Road?

21 CHAIRPERSON SKILLMAN: I think we're discussing any
22 commercial area.

23 COMMISSIONER PITTNER: Right.

24 PETER KRUMINS: Okay.

25 COMMISSIONER PITTNER: So my question is on the map

1 up there, could you point out the areas that we haven't
2 talked about in the two corridors so we can gauge what
3 we're looking at, particularly on the Geneva Road piece?
4 If that's an appropriate map up there, I assume.

5 The red area?

6 PETER KRUMINS: The red area. So right here is
7 Prairie trail shopping center. Here's the one with
8 Aurelio's. Up in this area on the south side is Winfield
9 Commons. And if you were letting it go anywhere in --
10 in -- including the 1,000 foot, that one would still be
11 available, because it's just south of 1,000 feet.

12 Then on the north side is the -- the CVS,
13 Maciano's, those -- those businesses there.

14 There's one strip mall right here on the east
15 side of Pleasant Hill Road, which is not in the Village
16 of Winfield. So you know, we don't -- we don't have any
17 control over that.

18 And then out here, although --

19 COMMISSIONER KOVACS: Is that Wheaton, or County?

20 ATTORNEY ELLIOTT: County.

21 PETER KRUMINS: Unincorporated. County.

22 And out here is the --

23 COMMISSIONER KOVACS: Okay.

24 PETER KRUMINS: -- Kingsland development, and it's
25 zoned B-1. However, in their approving ordinance it has

1 a list of acceptable uses there, and they're all office
2 and service-type things that are allowed there. So a
3 retail cannabis dispensary would not be allowed there.

4 CHAIRPERSON SKILLMAN: Okay. So Bill Faedtke, you
5 said yes.

6 COMMISSIONER FAEDTKE: I would say yes to Roosevelt
7 Road and --

8 CHAIRPERSON SKILLMAN: To any commercial area.

9 COMMISSIONER FAEDTKE: And also Geneva Road too. I
10 think we'd consider that.

11 CHAIRPERSON SKILLMAN: Okay. Bill?

12 COMMISSIONER KOVACS: I would agree with any
13 commercial area. I think trying to micromanage it is a
14 mistake. We have no idea, no way of knowing if rentals
15 per square foot are going to stimulate just the kind of
16 development we want on Roosevelt Road with an anchor
17 tenant with a dispensary that would launch a nice
18 high-end retail. Without data, you know, leased per
19 square foot, return on investment, quality of structure,
20 we can't micromanage.

21 I think we just set the zoning and see what the
22 market brings us.

23 CHAIRPERSON SKILLMAN: Okay.

24 PETER KRUMINS: Okay. We got to be careful. Any
25 commercial area.

1 Town Center? Yes or no?

2 COMMISSIONER KOVACS: I'm yes. I'm in favor of it.

3 CHAIRPERSON SKILLMAN: Okay. Bill?

4 COMMISSIONER FAEDTKE: Yeah, I agree.

5 COMMISSIONER PITTNER: I don't know why you'd limit
6 it. If it's good in one area, it's good for everybody.
7 You know. As long as it's in the right district. I
8 don't know why you would discriminate.

9 CHAIRPERSON SKILLMAN: Hubert?

10 COMMISSIONER LOFTUS: I agree. Again, if I had a
11 concern about safety or any negative impacts, I -- you
12 know, think twice about it. But honestly I don't. And
13 as Bill said, it could be a -- could spur development as
14 a -- you know -- I think there's two potential
15 opportunities. You -- you know, you have an anchor --
16 sounds funny to talk about a small store being the
17 anchor, but you could have -- that could drive
18 development.

19 But then also in the existing strip malls, you
20 know, I see that as the most likely scenario. And those
21 that operate these things, they're going to do it
22 successfully. So I agree, micromanaging and telling them
23 here and here, but not there, they're going to look at it
24 globally and say, where is the best place that we can
25 place this to be most successful?

1 And giving a few options I think is a good
2 thing.

3 VILL. MGR. BARRETT: If I may.

4 COMMISSIONER LOFTUS: -- to success.

5 CHAIRPERSON SKILLMAN: Let me just say I'm a no vote
6 on that issue.

7 But yes, Mr. Barrett?

8 VILL. MGR. BARRETT: This is a major investment for
9 a company to come in and meet all the requirements for
10 the license and the facility. So there's certainly --
11 it's going to be making a business decision.

12 And with regard to the Roosevelt discussion, you
13 know, it really -- we know from the broker we've been
14 working with, you know, you look at the 3-mile, 5-mile,
15 10-mile; and when you do that radius off North Avenue,
16 you get into -- and Roosevelt, you're getting into two
17 very distinctly different marketplaces. And you're -- to
18 not include Roosevelt you're cutting tens of thousands of
19 potential customers and the southern radius that might
20 not be familiar with North Avenue but know Winfield Road
21 or Roosevelt. And likewise on the other side of town.

22 CHAIRPERSON SKILLMAN: Okay. You got that,
23 Mr. Krumins?

24 And I have one more fly for the ointment.

25 Before -- before I think we pass -- pass to

1 Peter together for what we're saying here for the Board,
2 for us to vote on.

3 You good?

4 PETER KRUMINS: Okay. You have another fly?

5 CHAIRPERSON SKILLMAN: Yes, I do. We have four
6 yeses and a no on opening it all up to the full -- full
7 area, any commercial area.

8 If you look at the uses that are allowed, we've
9 got craft grower, cultivation center, dispensing
10 organization, infuser organization, processing
11 organization, transporting organization. And I think if
12 we are allowing it, my opinion is that it should only be
13 in North Avenue and St. Charles corridor.

14 And with everything else we've talked about
15 regarding the hours and the square -- the distance
16 between things; but I would like to see us recommend to
17 the Village Board that we add craft grower and the
18 infuser organizations to the dispensing organizations.

19 And again, I'm strictly for Roosevelt -- or not
20 for Roosevelt, not for the whole village, but strictly
21 for North Avenue. But I think if we add those two, those
22 two are the ones that are allowed to be -- whatever you
23 call them --

24 COMMISSIONER PITTNER: Co-located.

25 ATTORNEY ELLIOTT: Do you want to say only

1 co-located with a dispensary, or not?

2 CHAIRPERSON SKILLMAN: Well, good question.

3 No. Actually, not necessarily.

4 The craft grower is 5,000 square foot or less.
5 So we would certainly have space for that along the North
6 Avenue-St. Charles Road Corridor.

7 And the infuser is just like a little
8 manufacturing organization that creates the stuff that
9 is -- while it might -- my original thought -- excuse
10 me -- is to include it with the dispensing organization
11 so that a -- someone who's well financed could have a
12 dispensary, and have an infuser, and have the craft
13 grower. And that would be greater likelihood that we
14 would get a quality -- quality business owner -- quality
15 establishment.

16 If they could even include a little bit more in
17 there, and there's room and there's space. They'd have
18 to build a building, they'd have to start from scratch if
19 you're along North Avenue and St. Charles. So this could
20 make it a little more worthwhile for someone to locate in
21 that area if they could include the other two.

22 So what do you think of that?

23 COMMISSIONER FAEDTKE: I agree with that.

24 VILL. MGR. BARRETT: Madam Chairman?

25 If I could just build on that a little bit.

1 CHAIRPERSON SKILLMAN: Yes.

2 VILL. MGR. BARRETT: Because actually, you pointed
3 out -- and I think staff had not taken a close enough
4 look at that -- a good analogy would be a craft brewer,
5 which obviously we've seen those explode wildly. So it
6 would be somebody who could make a name for themselves for
7 their type of cultivated product, which is proprietary
8 and they're known for it. And also could have the
9 dispensary. So it's a -- just like craft brewer, it's a
10 craft cultivator.

11 CHAIRPERSON SKILLMAN: Same with the infuser. And
12 as I -- I looked at these websites for these dispensaries
13 in Colorado, they have -- a larger dispensary has
14 hundreds of products. Hundreds. Different -- there's
15 three, I think -- three different levels of the strength
16 of the THC. But there's -- there's an unlimited amount
17 of products that they could produce.

18 So if we added those two, I think we have the
19 better likelihood of success.

20 COMMISSIONER FAEDTKE: And you're saying only for
21 St. Charles Road.

22 CHAIRPERSON SKILLMAN: Yes. Yeah.

23 So what do you -- so you said yes?

24 COMMISSIONER FAEDTKE: Yeah, I agree.

25 CHAIRPERSON SKILLMAN: Okay.

1 ATTORNEY ELLIOTT: So are you saying you want to
2 limit it to the --

3 COMMISSIONER FAEDTKE: For adding the craft grower
4 and the infuser.

5 ATTORNEY ELLIOTT: To the North Avenue and
6 St. Charles Road Corridor?

7 COMMISSIONER FAEDTKE: Right.

8 CHAIRPERSON SKILLMAN: Or for anywhere.

9 COMMISSIONER PITTNER: Is it even possible in the
10 other sites to have, you know, an infuser organization
11 that needed like 15,000 square feet?

12 PETER KRUMINS: That would be up to a -- a -- a
13 cannabis --

14 VILL. MGR. BARRETT: We have 14 acres on Roosevelt
15 and...

16 COMMISSIONER FAEDTKE: So are you suggesting just
17 make it the whole town, anyplace --

18 COMMISSIONER PITTNER: No, no, I was just wondering
19 if -- if there's anywhere else but that area that could
20 support it?

21 CHAIRPERSON SKILLMAN: I'm looking at each item
22 separately at the moment.

23 So we've got -- we've got a couple things.
24 We've got the -- remove the 1,000-foot feet restriction,
25 we've got the hours, we're just going to -- full standard

1 of the liquor stores.

2 Four out of five of us tonight are interested in
3 any commercial area.

4 And then I'm asking, you know, for any
5 commercial area, if that's the majority, would we
6 recommend to the Board that we add the craft grower and
7 the infuser to the dispensary?

8 Since the law does allow -- the state law allows
9 them to --

10 COMMISSIONER PITTNER: I don't mind it, I was just
11 trying to understand whether Geneva Road or -- you know,
12 the properties available obviously on Roosevelt probably
13 could support it. But it's a warehouse that you have to
14 have to do these things.

15 So...I don't think our properties on Geneva or
16 on Roosevelt are situated for a warehouse. So I don't
17 think it's possible in -- and I could be wrong, but I
18 don't think it's possible to have it in those areas to
19 grow with the kind of things you would need to grow, from
20 what I've seen.

21 CHAIRPERSON SKILLMAN: Could we create two
22 different -- would we want to get into that --
23 dispensaries only in any commercial area; and can we
24 separate that out --

25 ATTORNEY ELLIOTT: Sure.

1 CHAIRPERSON SKILLMAN: -- in any way?

2 And have, then, the three that I mentioned on
3 the North Avenue area.

4 ATTORNEY ELLIOTT: Uh-huh.

5 COMMISSIONER PITTNER: Right. We've already -- the
6 ordinance as drafted has the two zones already. We
7 probably have to add the third zone for everything else
8 including, you know, the Town Center and Geneva Road for
9 the dispensaries, and then within those categories I
10 think you could say yes or no to the infuser or the craft
11 grower component. And it's really -- the square footage
12 is really restrictive almost to a point. But it does --
13 that doesn't protect later if there's other additions to
14 the...to the village. You know, if we annex other
15 properties all of a sudden.

16 But I think they -- the distinction is it's --
17 really has to be like a warehouse to grow --

18 VILL. MGR. BARRETT: Probably is indoor.

19 COMMISSIONER PITTNER: -- and diffuse. It's not a
20 commercial type of a strip mall that you would be using.
21 For that.

22 CHAIRPERSON SKILLMAN: Right.

23 Right. And there's exhaust. There would be
24 exhaust fans that could be --

25 COMMISSIONER PITTNER: So I'd be -- I'd be in favor

1 as you described it in the North Avenue-St. Charles
2 Corridor, because I think that's really the only real
3 area it could be done that way.

4 CHAIRPERSON SKILLMAN: Okay. Hubert?

5 COMMISSIONER LOFTUS: I agree that the craft
6 grower -- what's the maximum square footage?

7 ATTORNEY ELLIOTT: 14,000.

8 CHAIRPERSON SKILLMAN: 5,000.

9 PETER KRUMINS: Starts at 5,000, then they can add
10 at 3,000-foot increments, but that's through the State
11 that they would get additional space based on demand and
12 other factors.

13 CHAIRPERSON SKILLMAN: Okay. So up to 14,000?

14 PETER KRUMINS: Right.

15 CHAIRPERSON SKILLMAN: All right.

16 COMMISSIONER LOFTUS: And the -- the level that --
17 the cultivation centers I know there's issues with the
18 smell, the odor. Because that's obviously now we're
19 talking maybe 100, 200,000 square feet.

20 Is that -- I guess if we're going to include
21 that within the special use process, obviously they have
22 to convince us that they've adequately addressed any
23 issues --

24 ATTORNEY ELLIOTT: Right.

25 CHAIRPERSON SKILLMAN: Ventilation issues, does the

1 Illinois EPA get involved in that, do we know?

2 They do for bakeries and they do for coffee
3 roasters.

4 COMMISSIONER PITTNER: Increase, really?

5 ATTORNEY ELLIOTT: Well, yeah; I mean, any air
6 quality issues is going to be Illinois or U.S. EPA.

7 VILL. MGR. BARRETT: There's an inspection training
8 program. We've seen they are going to be doing
9 inspections.

10 PETER KRUMINS: That's one of the questions I was
11 going to follow up on as far as for like the infusers;
12 since they use the example that is similar to a
13 commercial kitchen, then with the DuPage County Health
14 Department have to get involved and come inspect things?

15 CHAIRPERSON SKILLMAN: That's true too.

16 ATTORNEY ELLIOTT: Well, yeah. Part of the problem
17 is the State hasn't even developed the Illinois
18 Administrative Code regulations that will apply to some
19 of this, so some of these questions aren't answered yet.

20 CHAIRPERSON SKILLMAN: Okay.

21 Okay. So Mr. Krumins, what should we do now?

22 PETER KRUMINS: Well, let me just --

23 CHAIRPERSON SKILLMAN: Okay.

24 PETER KRUMINS: One more time.

25 CHAIRPERSON SKILLMAN: Okay. Yes, sir.

1 PETER KRUMINS: All right. So --

2 CHAIRPERSON SKILLMAN: This isn't exactly the
3 meeting we were expecting.

4 PETER KRUMINS: Amending the ordinance as written to
5 remove the 1,000-foot buffer, and require a buffer the
6 same as the liquor store buffer.

7 Okay. Hours of operation are going to be the
8 same as the State allows, the 6:00 a.m. to 10:00 p.m.

9 Changing the zoning districts to allow the
10 distribution center to be in any commercial location.
11 And as a caveat to that, there are commercial centers in
12 the village that are approved as a PUD. The PUD would
13 still, in my opinion, be the overruling. So if it
14 doesn't allow for this type of use, then it still would
15 not be allowed in those locations.

16 CHAIRPERSON SKILLMAN: Okay. And that would cover
17 Town Center; right?

18 PETER KRUMINS: No; Town Center as a whole is not
19 approved as a PUD. It is -- anything developed in Town
20 Center must be approved as a PUD. But Town Center as a
21 whole is not a --

22 COMMISSIONER PITTNER: Not yet.

23 PETER KRUMINS: -- a PUD; right.

24 CHAIRPERSON SKILLMAN: Thank you.

25 PETER KRUMINS: So any commercial area can be a

1 distribution center. And then craft grower and infuser
2 would be allowed in the North Avenue-St. Charles Road
3 Corridor only. And all of this is as a special use, so
4 it needs to come through for approval.

5 CHAIRPERSON SKILLMAN: Okay.

6 PETER KRUMINS: Those are the three changes I've
7 captured.

8 CHAIRPERSON SKILLMAN: Uh-huh.

9 COMMISSIONER LOFTUS: And then on the Section 4.2,
10 talked about floor area. And it says no dispensing
11 organization shall also sell food for consumption on
12 premises other than as authorized in Section 6.5 below in
13 the same tenant space.

14 PETER KRUMINS: Which was brought up at our
15 workshop, and I missed that. So...

16 CHAIRPERSON SKILLMAN: Yeah.

17 COMMISSIONER LOFTUS: My only other question is
18 regarding the parking. That Paragraph 4.4, confused me a
19 little bit.

20 Is there -- they -- they've been doing this for
21 a while. So is there a standard for number of spaces per
22 square foot of a dispensary that we can --

23 PETER KRUMINS: As I -- I believe dispensaries are
24 defined as a use, as a retail use. So in our plan -- in
25 our zoning ordinance under the parking ratio requirements

1 they would have to qualify or follow the requirement for
2 retail uses. And as part of the special use, they could
3 ask for a variance if they want to reduce that parking.
4 But short of asking for a variance, they would have to
5 follow whatever retail --

6 COMMISSIONER LOFTUS: This means that we're just
7 defaulting to the retail --

8 PETER KRUMINS: Right.

9 COMMISSIONER LOFTUS: Okay. That's fine. Sounds
10 like you have three people at a time; although the
11 parking lot might be full of people waiting.

12 PETER KRUMINS: Yeah.

13 COMMISSIONER LOFTUS: If that's sufficient, it's --
14 seems like it would be.

15 PETER KRUMINS: Right. And again, special use will
16 look at everything as a case-by-case basis, and try our
17 best to get it right.

18 CHAIRPERSON SKILLMAN: Okay. The only -- now,
19 how -- how do -- so you will -- you will -- and you will
20 work on a new draft ordinance.

21 PETER KRUMINS: Well, yeah. So I'll leave it to
22 your discretion. You can either vote on this ordinance
23 with these amendments and forward it on, or you can wait
24 for me to create a new draft ordinance, bring it to you
25 the first Wednesday of November, and then vote on it.

1 And then it would go forward to the Village Board.

2 I'd prefer you vote on it tonight, and we can
3 capture this and keep the ball rolling and --

4 VILL. MGR. BARRETT: They may need a number of
5 meetings too. So given the timeline with January 1,
6 certainly hope we could --

7 ATTORNEY ELLIOTT: I think these are pretty clear.
8 I don't think we're going to have much trouble
9 incorporating that into an ordinance to give to the
10 Board.

11 CHAIRPERSON SKILLMAN: I would like to separate out
12 the -- the zoning districts so that I can vote no, get
13 that on the record. But everything else I'm in favor of,
14 what we've discussed. So that's how I'd like to...

15 COMMISSIONER PITTNER: So would you be adding areas
16 to it, then?

17 The Geneva Street Corridor, or would you try to
18 eliminate all that and just say all commercial areas?
19 And then limit the St. Charles-North Avenue Corridor to
20 the --

21 ATTORNEY ELLIOTT: Peter, I think what we would do
22 is just say for the dispensaries that they're allowed in
23 any of the commercially zoned areas, and then for the --
24 if they want to be -- add the grower, the infuser, then
25 we would use the language we're currently using for the

1 North Avenue-St. Charles Road Corridor, and specify that
2 as the only location.

3 COMMISSIONER PITTNER: Yeah.

4 ATTORNEY ELLIOTT: Peter, does that --

5 PETER KRUMINS: Yeah.

6 CHAIRPERSON SKILLMAN: Okay. Then --

7 ATTORNEY ELLIOTT: Madam Chairman, if you want to
8 vote on that separately, maybe you could ask somebody to
9 make a motion with regard to just that amendment, and
10 then to get a vote on that.

11 CHAIRPERSON SKILLMAN: Well, actually, what you just
12 said, the two -- any commercially zoned areas, and then a
13 separate vote to add the infuser and cultivator, let's
14 just call those two the votes. And that's good for me --
15 or the motions. So two motions.

16 COMMISSIONER PITTNER: Plus the -- the distance?

17 CHAIRPERSON SKILLMAN: Well, I would include in
18 the -- any commercially zoned area motion, I would think
19 we could include all the stuff we discussed tonight.
20 Would that work?

21 ATTORNEY ELLIOTT: Up to you. What you want to
22 separate out.

23 CHAIRPERSON SKILLMAN: That's what I think we should
24 do.

25 So if we could have -- can I have a motion --

1 COMMISSIONER KOVACS: So moved.

2 ATTORNEY ELLIOTT: Let her say --

3 CHAIRPERSON SKILLMAN: Jumping the gun.

4 The draft ordinance with the removing the
5 1,000-foot restriction, making it same as liquor stores;
6 same as hours with liquor stores; and --

7 COMMISSIONER LOFTUS: Not with liquor stores.

8 COMMISSIONER PITTNER: With the State.

9 COMMISSIONER LOFTUS: With the State.

10 COMMISSIONER PITTNER: State requirements.

11 CHAIRPERSON SKILLMAN: Yes. Thank you.

12 So a motion for those three things, and a
13 second. We got a first?

14 COMMISSIONER KOVACS: So moved.

15 CHAIRPERSON SKILLMAN: And a second?

16 COMMISSIONER PITTNER: Second.

17 CHAIRPERSON SKILLMAN: Mr. Krumins, would call the
18 roll on that?

19 PETER KRUMINS: Commissioner Kovacs?

20 COMMISSIONER KOVACS: Aye.

21 PETER KRUMINS: Commissioner Pittner?

22 COMMISSIONER PITTNER: Yes.

23 PETER KRUMINS: Commissioner Faedtke?

24 COMMISSIONER FAEDTKE: Yes.

25 PETER KRUMINS: Commissioner Loftus?

1 COMMISSIONER LOFTUS: Yes.

2 PETER KRUMINS: And chairman Skillman?

3 CHAIRPERSON SKILLMAN: No.

4 Thank you.

5 And then a second motion to create a district
6 along St. Charles Road Corridor -- whatever we call it --
7 if you'll correct me for that, please.

8 ATTORNEY ELLIOTT: North Avenue-St. Charles.

9 CHAIRPERSON SKILLMAN: And North Avenue -- including
10 craft growers -- allow uses for craft grower, infuser
11 organization, and dispensary organization.

12 Do we have a motion?

13 COMMISSIONER LOFTUS: So moved.

14 CHAIRPERSON SKILLMAN: And a second?

15 COMMISSIONER FAEDTKE: Second.

16 CHAIRPERSON SKILLMAN: Okay. And Mr. Krumins, if
17 you would call the --

18 PETER KRUMINS: Commissioner Loftus?

19 COMMISSIONER LOFTUS: Yes.

20 PETER KRUMINS: Commissioner Faedtke?

21 COMMISSIONER FAEDTKE: Yes.

22 PETER KRUMINS: Commissioner Kovacs?

23 COMMISSIONER KOVACS: Aye.

24 PETER KRUMINS: Commissioner Pittner?

25 COMMISSIONER PITTNER: Yes.

1 PETER KRUMINS: And Chairman Skillman.

2 CHAIRPERSON SKILLMAN: Yes.

3 Okay. Anything else? Are we good?

4 PETER KRUMINS: Think that's it.

5 COMMISSIONER PITTNER: Close the public hearing?

6 I so move.

7 CHAIRPERSON SKILLMAN: At this time I would like a
8 motion to close the public hearing.

9 COMMISSIONER PITTNER: Got it.

10 CHAIRPERSON SKILLMAN: And a second?

11 COMMISSIONER FAEDTKE: Second.

12 CHAIRPERSON SKILLMAN: All in favor?

13 (A Chorus of Ayes.)

14 WHICH WERE ALL OF THE PROCEEDINGS
15 HAD AT THE PUBLIC HEARING ON THIS DATE.

16 (The public hearing was concluded at 9:16
17 p.m.)

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1 STATE OF ILLINOIS) SS:

2 COUNTY OF DU PAGE)

3 I, CATHERINE A. RAJCAN, a Certified Shorthand
4 Reporter of the State of Illinois, do hereby certify that
5 I reported stenographically by means of machine shorthand
6 the proceedings had at the public hearing aforesaid,
7 thereafter reduced to typewriting via computer-aided
8 transcription under my personal direction, and that the
9 foregoing is a true, complete and correct transcript of
10 the proceedings of said public hearing as appears from my
11 stenographic notes so taken and transcribed under my
12 personal direction.

13 I further certify that my certificate attached
14 hereto applies to the original transcript and copies
15 thereof, signed and certified under my hand only. I
16 assume no responsibility for the accuracy of any
17 reproduced copies not made under my control or direction.

18 IN WITNESS WHEREOF, I do hereunto set my hand at
19 Wheaton, Illinois, this 23rd day of October, 2019.

21 /s/ Catherine A. Rajcan
22 Certified Shorthand Reporter

23 C.S.R. Certificate No. 084-002503.
24
25