



**MINUTES FOR VILLAGE OF GILBERTS
BOARD OF TRUSTEES MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Tuesday, November 19, 2019**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

2. ROLL CALL / ESTABLISH QUORUM

Village Clerk Courtney Baker called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Allen, Farrell, Hacker and President Zirk. Others present: Village Administrator Brian Bourdeau, Village Attorney Kurt Asprooth, Public Works Coordinator John Swedberg, and Police Chief Mike Joswick. For members of the audience, please see the attached copy of the sign-in sheet.

3. PUBLIC COMMENT

Judy Bethge – Ms. Bethge approached the Board and stated that she is a resident of Gilberts who resides on Woodland Park Circle. Ms. Bethge asked the Board to not allow any cannabis businesses in Gilberts. Ms. Bethge stated that she did not believe that the research regarding marijuana is reliable, that law enforcement does not have proper training regarding marijuana and that allowing cannabis businesses might influence children that smoking marijuana is normal. Ms. Bethge also asked if the Board could delay their decision. President Zirk advised that the Village has a deadline of December 31 to make a decision on whether or not to allow cannabis businesses within the Village.

Trustee Zambetti asked Attorney Asprooth if it would be possible for the Village to adopt a zero tolerance within the Village of Gilberts. Attorney Asprooth advised that it would not be possible to adopt a zero tolerance policy as the State has already made the decision that the use of cannabis will be legal throughout the entire state of Illinois come January 1, 2020.

Trustee Hacker asked Chief Joswick if marijuana is similar to alcohol whereas it is out of your system within a few hours. Chief Joswick stated that marijuana stays in your system for days.

President Zirk stated that the Board's only concern is consider the zoning of cannabis businesses.

4. CONSENT AGENDA

A. A Motion to approve Minutes from the November 5, 2019 Village Board Meeting

- B. A Motion to approve Minutes from the November 12, 2019 Committee of the Whole
- C. A Motion to approve Bills & Payroll dated November 19, 2019
- D. A Motion to approve the October 2019 Treasurer's Report
- E. A Motion to approve Ordinance 17-2019, an Ordinance Amending the FY2020 Budget for the Fiscal Year Ending April 30, 2020
- F. A Motion to approve Resolution 24-2019, a Resolution Amending Resolution 06-2019 for IDOT General Maintenance Under the Illinois Highway Code

President Zirk asked if any of the board members had any consent agenda items they wished to remove for separate consideration. After hearing none, asked for a motion to approve.

A Motion was made by Trustee Allen and seconded by Trustee Corbett to Approve Consent Agenda Items 4A-F as presented. Roll call vote: Trustees Corbett, Allen, Farrell, Hacker and Kojzarek voted Aye. 0-nays, 0-abstained. Motion carried.

5. ITEMS FOR APPROVAL

There were no items for approval at this time.

6. ITEMS FOR DISCUSSION

- A. Presentation and Discussion of a Cannabis Tax and the Plan Commission's Recommendation Regarding the Establishment of Regulations Governing Cannabis Business Establishments – Attorney Asprooth advised the Board that the State has approved the Cannabis Regulation and Tax Act and cannabis use will be legal throughout the state of Illinois come January 1, 2020. The Act allows municipalities to either “opt-out” by prohibiting or significantly limiting cannabis businesses in their jurisdiction or permit cannabis businesses and adopt reasonable zoning regulations that do not conflict with the Act. The State of Illinois has made the determination that cannabis is legal and therefore, the Village may not restrict legal cannabis consumption under the Act. However, the Act preserved local zoning authority and has granted municipalities the authority to enact reasonable zoning regulations pertaining to cannabis businesses. The Board elected to refer consideration of the zoning regulations to the Plan Commission.

Administrator Bourdeau advised the Board of the Plan Commission's recommendation which was to permit dispensaries and craft growers, allow these businesses to operate in the C-1 Commercial and I-1 Industrial Districts, and a cannabis business may not be located within 250 feet of the property line of a pre-existing public or private school, public park, public library, child care or instructional facility or a property zoned R-1, R-2, R-3, R-4, or OT. The Plan Commission also recommended that dispensaries and craft growers be allowed subject to the issuance of a Special Use permit as well as meet additional special use conditions. In addition to consideration of the Plan Commission's recommendations related to zoning, the Village would have the right to establish a 3.00% Municipal Cannabis Retailers' Occupation Tax within the Village of Gilberts. As limited by the State of Illinois, this tax would only apply to sales at a recreational dispensary. The tax would be collected by the State and remitted back to the

municipality less 1.5% of the gross amount as an administrative processing charge. If approved by the Board, the tax would be effective July 1, 2020.

Trustee Hacker expressed his concern that if the Village were to allow cannabis businesses, this would encourage the illegal sale of cannabis by blackmarketeers since they could sell it without charging taxes. Trustee Hacker asked Chief Joswick for his thoughts on this possibility. Chief Joswick stated that this may happen, just like when people purchase cigarettes from other places to avoid certain taxes, but it will happen regardless. Trustee Hacker asked Chief Joswick how we would police the dispensaries since they are going to have a lot of cash on hand. Chief Joswick stated that it would have to be done like with other businesses with patrol of the area but the business will need to protect their establishment on their own as well with things like security cameras.

Trustee Zambetti stated that he believes people would go to a nearby municipality that sells cannabis and bring it back to Gilberts, therefore, it would not make the streets of Gilberts any safer by not allowing cannabis businesses here.

Trustee Farrell stated that she does not believe that there are currently any appropriate locations where a cannabis business would be a good fit.

President Zirk advised the Board to ask Administrator Bourdeau any questions prior to this item being presented to the Board again at the first meeting in December.

- B. Presentation and Discussion Concerning Proposed Improvements at Waitcus Park – Administrator Bourdeau advised the Board that, over the past several weeks, Trustee Farrell and Village staff have examined the current conditions and usability of Waitcus Park and explored potential ideas for the future of Waitcus Park. Waitcus Park is in need of certain maintenance items and there are several other concerns that affect the ability of the park to meet current needs. One of the proposed actions would be to remove the baseball diamond and keep the space as open green space. By removing the baseball diamond, the parking lot could be shifted to the west allowing the Village to fully vacate the railroad easement. This would allow the park to maintain the same amount of parking as currently exists. As part of the parking lot shift, the Village would remove the rotted rail ties which currently serve as parking stops and replace them with either concrete or rubber stops. It is also recommended to replace the playground equipment due to its age and current deterioration. Trustee Zambetti stated that the Village should add Frisbee Golf to Waitcus Park as the Village already has the equipment for it in storage.

Gilberts resident, Shirley Carlson, stated that she felt that the Board needs to improve Waitcus Park as it is an asset to that particular neighborhood in Gilberts. President Zirk advised Staff to get more approximately pricing and a final number to bring back to the Board for consideration.

7. STAFF REPORTS

Administrator Bourdeau

- The next couple Board meetings will be busier as we approach the tax levy.
- Staff received an 8th disbursement request from Troy and the request is currently in review.

Public Coordinator Swedberg

- The additional order of salt for the Village is being delayed by the State, however, the Village has enough salt to use in the mean time if need be.

8. TRUSTEE REPORTS

Trustee Hacker

- Asked if Kane County Board Member, Cliff Surges, could speak on behalf of the cannabis discussion. Mr. Surges approached the Board and advised that the Kane County Sheriff provided the County with a report that outlined areas that he felt would be best served for the five or seven permitted uses versus the areas that wouldn't be. The Sheriff's report indicated that he did not feel as though he could send an officer out to the unincorporated areas of Kane County and count on back up to come soon enough, therefore, encouraged Kane County to opt out of allowing cannabis businesses in the unincorporated areas.

9. PRESIDENT'S REPORT

President Zirk had nothing to report at this time.

10. ADJOURNMENT

There being no further public business to discuss, **a Motion was made by Trustee Allen and seconded by Trustee Corbett to adjourn from the public meeting at 8:55 p.m.** Voice vote carried unanimously.

Respectfully submitted,



Courtney Baker
Village Clerk



Village of Gilberts
87 Galligan Road
Gilberts Illinois 60136
Village Board Meeting
November 19, 2019
Sign in Sheet

Name

Address

Judy Bethge 213 Woodland Park Cir

WEN DALL SUTCLIFFE 79 Glenbrook Circle

CHRIS CARLSON 299 Tollview Terr

Pamela Hamilton Huntley, IL

CLIFF SINGES GILBERTS IL