



**MINUTES FOR VILLAGE OF GILBERTS
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Wednesday, November 13, 2019**

1. CALL TO ORDER

Chairman Mills called the meeting to order at 7:00 p.m.

2. ROLL CALL / ESTABLISH QUORUM

Village Clerk Courtney Baker called the roll. Roll call: Members present: Commissioners Page, Del Vecchio, Sullivan, Lateer, and Chairman Mills. Commissioners Borgardt and McHone were absent. Others present: Village Administrator Brian Bourdeau and Village Attorney Kurt Asprooth.

3. PUBLIC COMMENT

There were no public comments at this time.

4. ITEMS FOR APPROVAL

A. A Motion to approve Minutes from the August 28, 2019 Plan Commission Meeting.

A Motion was made by Commissioner Sullivan and seconded by Commissioner Lateer to Approve the Minutes from the August 18, 2019 Plan Commission Meeting. Roll call vote: Commissioners Page, Sullivan, Lateer and Chairman Mills voted Aye. Commissioner Del Vecchio abstained. 0-nays. Motion carried.

5. PUBLIC HEARING ON PORPOSED AMENDMENTS TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH REGULATIONS GOVERNING CANNABIS BUSINESS ESTABLISHMENTS

A Motion was made by Commissioner Del Vecchio and seconded by Commissioner Lateer to open the public hearing. Roll call vote: Commissioners Page, Del Vecchio, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

Administrator Bourdeau advised the Commission that the Illinois General Assembly approved the Cannabis Regulation and Tax Act, and was signed by the Governor on June 25, 2019. The effective date of the legislation is January 1, 2020. The new law allows persons over the age of 21 to possess up to 30 grams of cannabis beginning January 1, 2020. At the August 13, 2019 Village Board meeting, a concept presentation was provided to the Board which outlined the Act and the various options going forward. Based upon that meeting, the Board has requested that the Plan Commission

consider and make recommendations relating to reasonable zoning regulations regarding cannabis businesses. By referring this issue to the Plan Commission, the Board is not expressing a view as to whether cannabis should or should not be legalized; the State of Illinois has already made that determination and the Village therefore has no authority prohibit the use of legal cannabis.

Attorney Asprooth presented a slideshow presentation to the Commission regarding the Cannabis Regulation and Tax Act and what the Act allows and does not allow. The Act provides municipalities with significant regulatory authority of recreational cannabis businesses, even outside of the State's licensing scheme, but municipalities cannot prohibit recreational cannabis use and possession all together. The Act also allows local governments to "opt-out" by adopting ordinances that prohibit or significantly limit a cannabis business establishment's location. Home rule and non-home rule municipalities can impose a local tax on dispensaries. Rate of tax can be a max of 3% of gross receipts from sales of cannabis, imposed in .25% increments. State collects, retains 1.5% of amount distributed to municipalities.

Administrator Bourdeau asked the Commission to provide a recommendation on the following considerations as provided in Attorney Asprooth's presentation. The Commission members came to a consensus that cannabis dispensaries and craft growers should be permitted in the Village. The Plan Commission viewed dispensaries in a similar fashion to a retail establishment and therefore felt it appropriate to recommend dispensaries and craft growers be allowed to operate in the C-1 Commercial and I-1 Industrial Districts, subject to the issuance of a Special Use permit. After reviewing maps of areas in Gilberts, the Commission members agreed that 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 Commission also agreed to the additional special use conditions that were laid out in the draft ordinance presented to the Plan Commission.

A Motion was made by Commissioner Page and seconded by Commissioner Del Vecchio to close the public hearing. Roll call vote: Commissioners Page, Del Vecchio, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

6. RECOMMENDATION TO THE VILLAGE BOARD CONCERNING PROPOSED AMENDMENTS TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH REGULATIONS GOVERNING CANNABIS BUSINESS ESTABLISHMENTS

A Motion was made by Commissioner Lateer and seconded by Commissioner Page to Accept the Proposed Amendments to the Gilberts Unified Development Ordinance to Establish Regulations Governing Cannabis Business Establishments as Summarized. Roll call vote: Commissioners Page, Del Vecchio, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

7. NEW BUSINESS

There were no items to discuss at this time.

8. OTHER BUSINESS

There were no items to discuss at this time.

9. ADJOURNMENT

There being no further public business to discuss, a **Motion was made by Chairman Mills and seconded by Commissioner Page to adjourn from the public meeting at 8:57 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,



Courtney Baker
Village Clerk