

December 9, 2014 Public Hearing to Amend the Zoning Ordinance for Medical Cannabis Facilities for the Hainesville Municipal Code Ordinance

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:04 p.m.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Public Works Superintendent Jeff Gately, Village Attorney Jim Rock, Village Engineer Greg Gruen, Village Planning & Zoning Consultant Jeramiah Yeksavich and Police Chief Phil Perlini

Establishment of quorum

Agenda Approval

Trustee Derenoski motioned to approve the agenda as presented; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Motion carried.

Discussion on An Ordinance Amending the Zoning Ordinance for Medical Cannabis Facilities of the Hainesville Municipal Code

Village Clerk Kathy Metzler stated that the Public Hearing notice was published on Saturday, November 22nd and the public hearing sign was placed in front of the Village Hall on Monday, December 1st. All requirements have been met.

The oath was given to anyone who might want to comment at the Public Hearing and the Trustees by Village Clerk Kathy Metzler.

Jeramiah Yeksavich, Senior Planner with Rolf Campbell & Associates/Manhard, the Village Planning and Zoning Consultants explained that before the Board is an amendment to the Zoning Ordinance to accommodate specific rules for medical cannabis facilities in the Village. Back in January the State Legislature put into effect medical cannabis for the State of Illinois. That establishes a system for growing and distributing pharmaceutical grade cannabis to citizens in Illinois who qualify for certain medical conditions with prescriptions. The two groups are the cultivation center where the cannabis is grown and the dispensary where the cannabis is distributed to patients.

Per the State Act, the Village can set reasonable zoning standards for these facilities and impose certain standards at the state level. For the cultivation center there are certain setbacks in the State statute that stipulate they had to be 2,500 feet from any property zoned for residential use or school or child daycare facility. At this time there is no place in the Village of Hainesville where a medical cannabis cultivation center could be located per the State standards.

With respect to the dispensary, there are certain stipulations in the ordinance that state that they cannot be within a 1,000 feet of a child day care facility, school or in any residential

zoning property. In addition the State allows the Village's to set certain reasonable standards of their own with respect to a medical cannabis dispensary and a cultivation center, which is the ordinance that the Board had before them. Jeramiah noted that he was a member of the Lake County Task Force on Medical Cannabis Zoning Regulations that brought together a number of communities in the areas to look at specific rules and how to address them uniquely in each community.

Jeramiah stated that the Village must approve a Cannabis Facility at the local level before it can go to a State level for licensing. The State licensing rules went into effect during the summer and they are extensive.

In this ordinance the Village wants to make Cannabis Facilities a Special Use in the ORD (Office Research & Development) district. It is the most intensive district in the Village. The only location that is being looked at is between Route 120, the train tracks and the Village boundary. Jeramiah showed on the map where the potential non-residential districts are and showed the setbacks from the school and known child care facilities as well as special conditions that can be considered such as setbacks from Village owned properties, parks, churches and substance abuse treatment facilities and places of worship. Each is an additional 1,000 feet setback. When the analysis was done, the only area outside the 1,000 feet was the property in the ORD district. It is approximately 26 acres so it is substantial in area. It allows for manufacturing, automobile service, office, scientific research and it has access to a major highway. The State is only allowing about 60 in the State for dispensaries and three will be in Lake County. They will need a regional draw for a population of about 200,000 being the service area. Not all of the 200,000 people will have a card for cannabis however.

Jeramiah reiterated that the State allows the Village to set reasonable rules for the zoning but it does not allow prohibiting these facilities. In addition to all the setback requirements there are other standards for the submittal of the Special Use such as the Ordinance calls out that every document that goes to the State for the licensing of a dispensary would first come to the Village as part of the condition of the process. This includes architecture, lighting, parking, traffic impact, land use studies. This is at a higher level than usual because the State requirements are substantial in locating these facilities. Since these are a limited license facility because the State is only giving 60 licenses and three for Lake County the parking requirements are not quite clear as to the demand. There is a set number of at least 100 but the applicant would need to prove demand to the Village. The Applicant will have to provide a traffic study showing how many clients are expected for the facility and what the demands are and the hours of operation.

In addition there are certain requirements for landscaping, building materials and it can only be located on a lot for single use only. There are certain signage requirements; such as it can only be accessed by employees, or card holders. Any signage can only stipulate that it is a cannabis or marijuana facility for medical use and cannot use a cartoon as part of the signage. The Village proposed hours of operation are 8:00 a.m. to 6:00 p.m.; while the State's current rules are from 6:00 a.m. to 8:00 p.m. The Village is proposing reasonable reductions in the hours of operation. Drive-thru facilities are not allowed.

There are also securities and video surveillance requirements at the State level that would be monitored by the state police and at a local level the Village ordinance calls for them to work with local law enforcement. The State rules state that the emergency response for any of these facilities will be provided by the local police force first so coordination is key in these instances to make sure that safety is maintained on site. There is stipulation with regards to surveillance

equipment; some monitoring equipment has to go back to the State at all times. It is extensive and the Village needs to make sure it is coordinated at the local level. Also noted was that there are items for conduct on site such as no loitering, no other uses on site other than actually going in and getting the medical cannabis.

Jeremiah concluded by stating that they have done these for a number of communities already and none that he has worked with has yet received a license application. Zion has received an application for a cultivation center. The first round of applications has gone through at the State level in October and there will be another round next October for facilities that do not get approved.

Trustee Daley noted that the only area, with this ordinance, available for a dispensary is the powder blue area on the map. Jeremiah stated that it is the area bound on the south by Route 120; north by the train tracks and on the west by the Village boundary.

Village Attorney Jim Rock added that the Ordinance establishing the zoning regulations has to be reasonable. The Village does not have the authority to prohibit dispensaries that would be unreasonable in the State's eyes. The setbacks leave the Village with one approximately 26 acre area that could be used for a dispensary. The ordinance before the Trustees includes all of the items that were just described by Jeremiah. Jim Rock stated that normally when an ordinance is provided that amends any part of the code the Trustees are given an ordinance that strikes out parts of the code that were deleted and then underlines the new language, however, everything in this ordinance is new.

In terms of the process, the plan is that after tonight and any discussion, prior to the January Board Meeting, there will be a meeting of the Zoning Board to establish findings of fact and develop a recommendation to the Board and then have on the Agenda at the January Board Meeting the Ordinance for consideration and approval.

There were no public comments.

Trustee Derenoski motioned to adjourn the December 9th, 2014 Public Hearing Amending the Zoning Ordinance for Medical Cannabis Facilities for the Hainesville Municipal Code Ordinance; seconded by Trustee Duberstein.
All in favor say aye, motion carried.

The December 9th, 2014 Public Hearing adjourned at 7:17 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk

December 9th, 2014 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:17 p.m.

Mayor Linda Soto led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Public Works Superintendent Jeff Gately, Village Attorney Jim Rock, Village Engineer Greg Gruen, Chief Phil Perlini and Deputy Chief Jeff Myhra

Establishment of quorum

Agenda Approval:

Trustee Daley motioned to approve the Agenda as presented; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Motion carried.

There were no public comments.

Omnibus Vote Agenda

1. A Motion to Approve the November 11th, 2014 Regular Board Meeting Minutes
2. A Motion to Approve the Ratified November Bills Payable for \$288,697.86
3. A Motion to Approve the December Bills Payable for \$96,436.53
4. A Motion to Approve the November 2014 Financial Statements
5. A Motion to Approve a Proclamation Recognizing December 2014 as Drunk and Drugged Driving (3D) Prevention Month

Trustee Derenoski motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Motion carried.

Mayor's Trustee Appointment – Swearing in of Appointed Trustee

The Mayor explained that in October she asked residents for letters of interest for the appointment to the remainder of Trustee Walkington's term which will expire the end of April 2015. She received nine letters of interest. The Mayor was surprised by how many letters because there is usually a low turnout at Board meetings. She commended everyone for stepping forward and taking an interest in the Village. Mayor Soto stated there were a couple of letters of interest which made it a hard choice.

The Mayor stated that she is very pleased with her appointment. She has resided in the Village for over 18 years in Misty Hill. Her and her husband raised two sons. One of her sons was welcomed home from Afghanistan about a year ago. She offers an extensive background in management skills, budgeting and accounting. She has been involved in various areas of the community and the schools. Mayor Soto announced that she is appointing Dena Hein.

Trustee Daley motioned to appoint Dena Hein as Trustee for the remainder of Trustee Walkington's term; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett and Daley

Motion carried

Village Clerk Kathy Metzler administered the Oath of Office to Dena Hein.

The Mayor reminded all residents that the spring election 2015 has three Trustees positions available. Petition packets have been out and can start being filed at 9:00 a.m. December 15th through 5:00 p.m. December 22nd.

Reports and Communications from Mayor and other Officers:

Village Engineer

Village Engineer Greg Gruen reported that only one invoice has been received for the Cranberry Lake resurfacing project from Peter Baker; which was paid last month. They are busy and there is no pay request this month. The Village would like to wrap it up this year so it should be on the January bills payable. There is a summary included of what the final cost will be for the project. The Village was slightly under budget on all the categories for the Cranberry Lake resurfacing. It is an MFT project which included the Lisk, White Tail and Huntersway road patching work.

Greg reported that the application for reimbursement for the GCBG Grant went to the county. The amount reimbursed is expected to be \$85,000 and expected to come in 90 days or so.

Greg stated that Lake County DOT improvements for Washington Street was let out and Berger Excavating was awarded the contract for the underpass at the railroad track. Utility work is starting already and expected to start moving in the winter of 2015. It is a two year project and estimated to be completed in fall of 2016.

The Village has started the next five year roadway planning period. Preliminary rough estimates were done based on the work that was completed with Cranberry Lake. The Village has invested roughly \$670,000 in the Misty Hill project and the Cranberry Lake resurfacing project. If the rest of the Village was to be completed in a similar manner, it will cost roughly \$1,000,000. That is a preliminary estimate and need to factor in inflation cost. The current MFT balance is \$130,000; roughly the Village gets \$7,000 a month or \$84,000 a year in the MFT funds. The MFT funds will not be sufficient to finish the rest of the Village. Greg will get more detailed information to the Village by the end of the year when the reports are finished. It is not \$1,000,000 over 5 years but some of the roads are in need of work.

Mayor Soto added that the main difference is that those roads are not with the crowning method like we've done to the other roads. Greg agreed that they are in a little bit better shape than the Cranberry Lake project. There are more roads that need work than don't need work.

Village Attorney

Village Attorney Jim Rock worked with Village Planner Al Maiden to develop the Medical Cannabis Ordinance that was discussed during the Public Hearing. He also worked with Mayor Soto and Village Clerk Metzler to develop a letter that will be going to all of the residents who are impacted by the change of address ordinance adopted in November and a form that the resident will be requested to submit to the Village for the authorized stipend.

Jim Rock also worked with Mayor Soto and Clerk Metzler on a zoning matter for a property on Route 120 that is scheduled to be zoned commercial but is currently a residential property. There is an individual interested in operating a business at the location.

Public Works Superintendent

Public Works Superintendent Jeff Gately reported that he received salt. There was an issue because he ordered 2 loads but while he was on vacation the Village received 15 piles of salt. They sent a whole year's allotment in one shipment. About 317 tons of salt was delivered in a bin that holds about 150 tons. With some strategic bulldozing work everything went in and some salt is in Avon's shed. There will be a bill for approximately \$22,000 for the year's allotment of salt. Jeff explained that this year the Village bought the salt through the County Exchange as opposed to buying it through the State. If you signed up before a certain date, it was cheaper; \$68 a ton rather than \$110 a ton. Somewhere within the contract, in order to get that price, you had to take the whole allotment at once. It happened to us and other municipalities. The beet juice has also been delivered which reduces the amount of salt needed, so next year we may not need to order any salt.

Jeff stated the hydrant flags have been installed in all the subdivisions. He also worked on the issue of cold air coming into the Village Hall. Molding was pulled off and spray insulation was put underneath.

Jeff met with Trustee Duberstein and Dave Coulter from Native Restoration regarding the Wetlands and that budget. They discussed overlaps in the budget between Public Works and Wetlands. They also defined areas that needed to be done and how everything will be broken down.

Police Chief

Police Chief Perlini reported that Shop with a Cop will be Saturday at 7:30 a.m. but otherwise things are quiet.

Greg Gruen left the Council Chambers at 7:34 p.m.

Treasurer

Treasurer Kelly Hensley asked that budget sheets be turned in to her by Friday, January 9th. Other items she has been working on are under Business.

Village Clerk

Village Clerk Kathy Metzler reported that she worked on the Ordinance Establishing Meeting Dates for Regular Board Meeting and Committee Meeting for 2015.

The final certified letters for the duplicate addresses will be mailed tomorrow. The letter states the new address and included is a form to be filled out, notarized and returned by January 30th to receive the stipend. The stipend will be mailed out the week of February 2nd. The address effective date is February 1st. The post office, Lake County Clerk's Office and the fire departments have all been notified by certified mail.

Beginning December 15th at 9:00 a.m. is the first day to file petition packets and Monday December 22nd at 5:00 p.m. is the last time to turn it in. Nine courtesy packets have been picked up.

There have also been numerous business inquiries which we are looking into a few to see what will happen.

Mayor

Mayor Linda Soto wished everyone a happy and joyous holiday season which includes Merry Christmas, Happy Hanukkah, Peace, Shalom, Happy Kwanzaa and God Bless Us All.

Mayor Soto stated that the budget is being worked on for the coming year. She has met with officials and staff to talk about various areas. One of the areas that she wants the Board to be prepared for, and should be made a standard line item in our budget, is that we talk about the wetlands and woodlands and part is beautification and some is restoration and some is Public Works. A lot of the wetlands are man-made ponds or manipulated wetlands for storm water detention. There is a working function that they serve which is why there isn't flooding in Hainesville. Last spring was wet and the area did not experience a hot summer. The wetlands never dried out as they typically do and the Mayor has never seen the wetlands with such tall plant life. Some of the wetlands in Deer Point and Misty Hill, the Village has not been as aggressive with Native Restoration to clean them out but now the areas need to be cleared out of vegetation and do controlled burns or the inlets and outlets aren't going to work properly. If this is done, the Mayor stated that it will address the issue for some time but it should be a standing line item in the budget so the Village does not wait until it gets out of control again. The Mayor spoke to Village Engineer Greg Gruen, Trustee Duberstein, Jeff Gately and Dave Coulter. This became noticeable during the construction of Antler Park.

Reports of Standing Committees

Finance – Trustee Daley stated that he reminded the Finance Committee that for the last few years when the budget was put together they looked at the revenue and request for expenditures. Last year particularly, money was taken from the savings account to make the budget balance. This was planned and not a problem because there was a fair amount of money in the savings. Trustee Daley stated that the Village is approaching in the next few years the point where money will not be taken from the savings because it will be spent down to a reasonable amount. Money needs to be kept in the savings for emergencies; which this will lead to tighter budgeting. He will not know how it looks until he gets all the requests in and Kelly gets the revenue estimate together. Trustee Daley reminded the Trustees to be aware that is in the future. The Village is doing well financially but needs to stay on top of it.

Public Works – Trustee Kriese stated that the Public Works Committee meeting will take place tomorrow night at the Village Hall. They will discuss the budget. Everything is ready to go for the snow.

Public Safety – Trustee Kriese reported they are waiting for a response from Lake County on the Hainesville Road issue. Both the Mayor and Police Chief sent letters with the concerns. Mayor Soto received confirmation from Paula Trigg that it is on her radar to do additional work. Pat Carey is aware of the situation but the Mayor has not sat with her or Jeff Werfel.

Wetlands and Open Spaces, Great Age – Trustee Duberstein has been working on a five year plan. The first year is the most intense and then the effort gets better and less expensive.

The Great Age Club had their luncheon earlier in the day at Steven's Restaurant and dessert at her house. A good time was had by all.

Broadcast Media Manager – Trustee Derenoski is working on his budget. The YouTube channel for the last 28 days has had 11 views and 22 minutes on average are watching. He expects that with the holidays the viewing will be low but will pick up in January and February.

Transportation – Trustee Barrett stated that Washington Street will be starting soon and Rollins Road is at a standstill because of the winter construction season. People will need to relearn how to drive once it starts to snow.

Business

An Ordinance Adopting the Annual Tax Levy for Cranberry Lake Special Service Area Number One of the Village of Hainesville

Trustee Derenoski motioned to approve an Ordinance Adopting the Annual Tax Levy for Cranberry Lake Special Service Area Number one of the Village of Hainesville; seconded by Trustee Daley.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Hein

Motion carried.

Ordinance #14-12-197

A Tax Levy Ordinance for the Fiscal Year Beginning May 1st, 2014 and Ending April 30th, 2015

Trustee Kriese motioned to approve a Tax Levy Ordinance for the Fiscal Year Beginning May 1st, 2014 and Ending April 30th, 2015; seconded by Trustee Duberstein.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Hein

Motion carried.

Ordinance # 14-12-198

An Ordinance Establishing Regular Meeting Dates and Standing Committee Meeting Dates for 2015

Trustee Daley motioned to approve an Ordinance Establishing Regular Meetings Dates and Standing Committee Meeting Dates for 2015; seconded by Trustee Derenoski.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Hein

Motion carried.

Ordinance #14-12-199

Trustee Derenoski motioned to adjourn the December 9th, 2014 Regular Board Meeting; seconded by Trustee Duberstein.

All in favor say aye, motion carried.

The December 9th, 2014 Regular Board Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk

