



## Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

### Committee of the Whole Meeting

October 22, 2019

#### Call To Order

The meeting was called to order at 7:30p.m. Roll call was answered by Trustees Harlfinger, Dustin, Bogdanowski, Bojarski, Murphy and President Ruzanski.

Motion to allow Trustee Huckins to attend telephonically was made by Trustee Harlfinger and seconded by Trustee Dustin. On roll call vote Trustee Bojarski, Murphy, Harlfinger, Bogdanowski, and Dustin vote Aye. No Nays. Motion carried.

Also present were Assistant Village Administrator/Finance Director Shane Johnson, Deputy Chief of Support Services Mary Frake, Public Works Director Dan Kaup, Community Service Director Fred Mullard, Village Engineer Chad Pieper, Airport Manager Mike Peranich, IT Manager Justin Piessens, Village Attorney Brad Stewart, and Village Clerk Cecilia Carman.

Pledge of Allegiance was led by President Ruzanski.

Duane Foss of American Legion 679 presented a plaque to the Village of Lake in the Hills for participating in The Wall that Heal.

**Audience Participation:** None

#### Administration:

**Halloween Trick or Treat Hours-** Presented by Assistant Village Administrator/Finance Director Shane Johnson - At the direction of the Village Board, per their public discussion on October 10, staff has prepared an ordinance changing the current Trick or Treat hours, 2pm until 8pm, within the village to be 3pm until 7pm on October 31 of each year.

Staff recommends a motion to approve the Ordinance changing the Trick or Treat Hours to 3pm until 7pm on October 31 of each year.

Resident Tim Lawrence was not in favor of changing the Halloween Trick or Treat hours. He believed it will hurt working families.

Trustee Harlfinger, Dustin, Bojarski and Murphy stated they all heard from residents who want to keep the hours until 8pm.

No motion made.

**Call One Contract Renewal – PRI to SIP-** Presented IT manager Justin Piessens- In the past year the Village has experienced several phone service outages, specifically at the Police Department, due to the age and overall state of disrepair of the aging AT&T circuit. To help alleviate these issues, Call One is recommending to upgrade the old analog phone lines, called Primary Rate Interface (PRI) coming into the Police Department and Village Hall, that run through an old AT&T circuit, to a modern digital system

called Session Initiation Protocol (SIP). An additional 4G wireless backup device is also being recommended in case of an outage as the failover coverage. This solution leaves the physical phone system hardware intact, including extensions, voicemail boxes, caller ID, etc. The attached agreements will renew for the upgraded system for a term of 3 years.

**Financial Impact:** It is prudent to take these measures now, as the costs of the analog PRI systems is projected to only increase in the future due to the technology aging. The Analog PRI systems at both Village Hall and the Police Department would cost \$711.08 a month to renew, whereas the new digital SIP upgrade will cost only \$693.45 (\$368.20 for Police and \$325.25 for Village Hall) a month for an improved system with the benefit of failover capabilities. It will save the roughly \$211 a year, while both improving the call quality as well as providing a full failover solution.

- Police Department Call One SIP 500 (20) and 4G backup - \$368.20 Monthly
- Village Hall Call One 500 SIP (15) and 4G Backup - \$325.25 Monthly

Staff recommends a motion to approve and enter into the agreements with Call One.

Trustee Dustin asked if the Village needs to have a one year contract.

IT manager Piessens stated no but the Village receives better pricing with a 3 year contract. The Village will be upgrading phones in the next couple of years and when it is complete they can research better pricing before a new contract is signed.

Motion was made to place this item on the Agenda.

### **Public Works:**

**Award a Contract for the SSA 51 Water Main Replacement Project**-Presented by Public Works Director Dan Kaup:

#### **Background**

In November of 2018, McHenry County consented to the Village of Lake in the Hills' establishment of a Special Service Area (SSA) in its incorporated jurisdiction in response to the Village's desire to replace its water system infrastructure that lies outside its municipal boundaries, south of the Algonquin Road and Pyott Road intersection.

In February of 2019, after conducting a competitive bid process, the Village hired HR Green to perform all of the engineering work associated with this project, including design engineering, permitting, survey work, releasing the bid for the construction portion of this project and construction management services in the amount of \$90,360.00.

At the August 22, 2019 Village Board of Trustees Meeting, after following all State of Illinois procedures pertaining to the formation of an SSA, including a 60-day review and objection period, the Village Board of Trustees voted to pass an Ordinance ratifying the establishment of an SSA, which has been named SSA 51.

#### **Construction Award**

On October 14, 2019, staff opened sealed bids for the construction portion of this project. The five bids ranged from a low of \$1,469,347.00 from Mauro Sewer of Des Plaines, IL, to a high bid of \$2,155,519.00. Mauro has completed similar projects in surrounding communities and received favorable references. Mauro also recently completed the Village's most recent water main relocation project along Randall Road

and Village staff were satisfied with their performance. Therefore, staff recommends award to Mauro Sewer in the amount of \$1,469,347.00.

**SSA 51 - Next Steps**

Now that staff has received the award amount for the construction portion of the project, the Village will proceed with selling the bonds associated with the project as outlined below. The ten-percent contingency listed below in Table 1 is a standard consideration for a project of this scope as there are 41 unit costs associated with the work and the quantities listed in the bid document for these unit costs are engineer’s estimates that will likely adjust as the construction work is performed in the field. The construction will commence at the beginning of 2020.

**Table 1 – SSA 51 Total Cost of Bond Issuance**

Construction bid	\$ 1,469,347.00
Emergency interconnect paid by Village	\$ (68,000.00)
Net construction cost	\$ 1,401,347.00
Plus 10% contingency	\$ 1,541,481.70
Cost per each of 69 parcels	\$ 22,340.31
Village share of three incorporated parcels	\$ (67,020.94)
Water main replacement fee reimbursement	\$ (24,552.00)
Total subject to bond financing	\$ 1,449,908.76
Cost of issuance	\$ 41,928.00
Capitalized interest for first bond payment	\$ 30,000.00
Reimbursements to Village (engineering, legal, postage, etc.)	\$103,000.00
Total bond finance amount	\$ 1,624,836.76
Total to be paid for by Village in 2020	\$ (159,572.94)

**Financial Impact:** The Village will pay for the emergency interconnection with Algonquin (which will be considered through an intergovernmental agreement), for the bond financing share of the three incorporated parcels affected by this project, and for the entire fifteen and a half years of water main replacement fees charged to the unincorporated parcels, for a total cost of \$159,572.94, which will be paid in the 2020 fiscal year.

Staff recommends a motion to award the SSA 51 Water Main Replacement contract to Mauro Sewer of Des Plaines, IL, in the amount of \$1,469,347.00.

Assistant Village Administrator/Finance Director Shane Johnson stated the bonds were sold today. The amount was better than expected. A document will be mailed explaining the sale and future cost for the resident of area 51.

Motion was made to place this item on the Agenda.

**Airport Ground Lease for Hangar PAP-41-**Presented by Airport Manager Mike Peranich- The Lake in the Hills Airport Rules and Regulations require airport tenants to enter into applicable leases, licenses, or

storage agreements for Village owned hangers. Daniel Shipner is requesting a new ground lease on Hangar PAP-41. This lease is for the period of November 1, 2019 to November 1, 2039. The lease includes an option to renew for four additional five-year terms.

Mr. Shipner has signed the appropriate lease form and already has acceptable proof of insurance on file for another hangar he owns. A background check was previously completed and no issues were found by the Lake in the Hills Police Department.

**Financial Impact:** The Airport Fund will receive \$2,390.04 annually from the ground lease and another \$264 from electrical fees, subject to annual increases approved by ordinance.

Staff recommends a motion to approve the Ordinance and authorize the Village President and Village Clerk to sign the ground lease for Hangar PAP-41 with Daniel Shipner of Palatine, IL. Motion was made to place this item on the Village Board Agenda.

**Commercial Activity Agreement with Blue Skies Flying Services, Inc.-** Presented by Airport Manager Mike Peranich- The Lake in the Hills Airport Rules and Regulations require commercial activities which operate from the Lake in the Hills Airport to enter into an agreement with the Village. The agreement gives them access to the airport while establishing service standards, insurance requirements, and a commitment to observe the airport rules and regulations and minimum standards. Blue Skies' agreement is due for renewal in December. The new agreement will be in effect from December 31, 2019 through December 31, 2023. The attached agreement mirrors the existing agreement, with the exception of the new term.

**Financial Impact:** The Village receives \$750.46 on a monthly basis from Blue Skies Flying Services, Inc. in addition to flight instructor fees and hangar rent which are covered under a separate agreement.

Staff recommends The Board of Trustees authorize the Village President and Village Clerk to execute the Lake in the Hills Airport Agreement Authorizing Services (Commercial Activity Agreement) with Blue Skies Flying Services, Inc. Motion was made to place this item on the Village Board Agenda.

**Commercial Activity Agreement with Finefield Aviation, Inc.-** Presented by Airport Manager Mike Peranich- The Lake in the Hills Airport Rules and Regulations require commercial activities which operate from the Lake in the Hills Airport to enter into an agreement with the Village. The agreement gives them access to the airport while establishing service standards, insurance requirements, and a commitment to observe the airport rules and regulations and minimum standards. Finefield Aviation's agreement is due for renewal in December. The new agreement will be in effect from December 31, 2019 through December 31, 2023. The attached agreement mirrors the existing agreement, with the exception of the new term.

**Financial Impact:** The Village receives \$313.14 on a monthly basis from Finefield Aviation in addition to hangar rent which they pay through a separate agreement.

Staff recommends The Board of Trustees authorize the Village President and Village Clerk to execute the Lake in the Hills Airport Agreement Authorizing Services (Commercial Activity Agreement) with Finefield Aviation, Inc. Motion was made to place this item on the Village Board Agenda.

**Commercial Activity Agreement with Mobile Avionics-**Presented by Airport Manager Mike Peranich- The Lake in the Hills Airport Rules and Regulations require commercial activities which operate from the Lake in the Hills Airport to enter into an agreement with the Village. The agreement gives them access to the airport while establishing service standards, insurance requirements, and a commitment to observe the

airport rules and regulations and minimum standards. Mobile Avionics' agreement is due for renewal. The new agreement will be in effect from October 25, 2019 through October 25, 2023. The attached agreement mirrors the existing agreement, with the exception of the new term.

**Financial Impact:** The Village receives \$124.17 on a monthly basis from Mobile Avionics Technologies, Inc.

Staff recommends The Board of Trustees authorize the Village President and Village Clerk to execute the Lake in the Hills Airport Agreement Authorizing Services (Commercial Activity Agreement) with Mobile Avionics. Motion was made to place this item on the Village Board Agenda.

**Community Service:**

**Variations to Section 15.3-1C, Front Yards at 25 Roosevelt Street-** Presented by Community Service Director Fred Mullard- Patricia and Abel Perales request a variation to the Zoning Ordinance to allow construction of a six-foot, 30 percent open wooden fence in the front yard (side) extending approximately 33 feet east from front corner of the building. Because it is a reversed corner lot, the fence may extend up to ten feet from the property line but would a but the front yard of the home at 1523 Washington Street in violation of Section 15.3-1.C of the Zoning Ordinance. Compliance with the Zoning Ordinance would limit it to only 20 feet east from front corner of the building. The attached site plan shows the requested location for the fence in black and the permitted location for the fence in red.

The applicants desire the added space due to the limited space in the rear yard of the parcel. They intend to install the fence to protect their children and dogs from traffic and wildlife in the area. The home is adjacent to the McHenry County Conservation District Fen. Its location at the far end of the subdivision results in limited through traffic on the streets.

The Planning and Zoning Commission conducted public hearings for each variation on October 14, 2019. There were no public comments and Commissioners voted 4-0 to recommend approval of the variation as requested.

Staff recommends a motion to approve an ordinance accepting a variation to Section 15.3-1C, Front Yards, allowing construction of a six-foot, 30 percent open wooden fence in the front yard (side) where the fence extends to the front yard of the adjacent lot at 25 Roosevelt Street on Parcel 19-20-101-014.

Trustee Bojarski asked for clarification on the positioning of the fence. Director Mullard reviewed the fence placement.

Motion was made to place this item on the Village Board Agenda.

**Conditional Use for Automotive Service at 9256 Trinity Drive-** Presented by Community Service Director Fred Mullard- Ernest Hardcastle of Auto Focus, LLC established an automotive maintenance and repair facility at this location many years ago. While a conditional use permit was required at the time, the Village staff failed to identify the requirement. Staff identified the issue recently, and Mr. Hardcastle agreed to correct the oversight. The area is predominately business oriented. There are three other automotive service shops operating in this building and on adjacent lots. The use is compatible with the proposed future land use. The applicant primarily purchases vehicles for repair and resale. The fact that he has been operating at this location for many years without issues demonstrates that it is appropriate to grant the conditional use.

An automotive service requires a conditional use permit in the B-4 zoning district. Staff recommends the Village of Lake in the Hills Committee of the Whole Meeting

following conditions as part of approval of the conditional use:

- All automotive service work will be performed inside the building
- All new and used automotive parts will be stored inside the building.

The Planning & Zoning Commission conducted a public hearing on October 14, 2019. No comments were made by the public at the hearing. The Commission recommended approval by a vote of 4-0. The attached documents are presented for your consideration.

Staff recommends a motion to approve an ordinance granting a Conditional Use for Automotive Service with additional conditions at 9256 Trinity Drive on Parcel 19-22-101-001. Motion was made to place this item on the Village Board Agenda.

**Conditional Use for a Drive-Through at 290 North Randall Road-** Presented by Community Service Director Fred Mullard- Frank Rodd of Plaza Lake in the Hills, LLC wishes to obtain a Conditional Use for a drive-through to be constructed on the north side of this multi-tenant facility. The owner feels that the space will be more marketable with a drive-through based on current market demands. He intends make the actual modification to the building after a tenant is accepted. The planned modification will not change current vehicular or pedestrian circulation on the parcel. A number of facilities in the B-3 District along Randall Road already have drive-throughs in operation.

A drive-through requires a conditional use permit in the B-3 zoning district. The proposed layout meets the requirements of the Zoning Ordinance for size, setback, and staging. In order to meet these requirements, two existing parking spaces would be eliminated. Despite this change, the facility continues to meet the minimum parking requirements based on current users. If more than 50 percent of the facility space were used for restaurant operations, the facility would not be in compliance with minimum parking requirements.

Staff recommends the following conditions as part of approval of the conditional use:

- The conditional use is only permitted as long as not more than 50 percent of the space in this multitenant facility is used for restaurant purposes, as defined by the Zoning Ordinance.

The Planning & Zoning Commission conducted a public hearing on October 14, 2019. No comments were made by the public at the hearing. The Commission recommended approval by a vote of 3-1.

Staff recommends a motion to approve an ordinance granting a Conditional Use for a Drive-Through with added conditions at 290 North Randall Road on Parcel 19-30-227-083.

Trustee Harlfinger asked for an explanation of the traffic flow for the drive thru. Director Mullard explained the traffic flow.

Trustee Dustin asked if this variance is to increase the market-ability of the property. Thomas Apperson of ALA Architects explained the work will not be done anytime soon. This is to only help market the area to more businesses. He wants to have the permit in hand as a marketing tool.

Motion was made to place this item on the Village Board Agenda.

**Conditional Use for Outdoor Storage of Vehicles as a Principle Use and Variations to Section 9.4, Manufacturing Districts Bulk Chart, at 1511 Imhoff Drive-**Presented by Community Service Director Fred Mullard- Kyle Lindley of Prairie Enterprises, LLC wishes to obtain a conditional use for outdoor storage of recreational vehicles to be constructed on this site. The applicant feels there is a need for more

recreational vehicle parking in this area. Prairie Enterprises, LLC currently operates the Big Stuff Self-Storage and Pyott Road Self-Storage facilities on nearby parcels.

Outdoor storage of vehicles as a principle use requires a conditional use permit in the M-1 zoning district. In addition to the two locations owned by this organization, numerous other operations in this subdivision involve outside storage of vehicles as a principal or accessory use. This parcel has remained vacant since the subdivision was approved in October of 1997 and has been the sole remaining undeveloped parcel in the subdivision since 2011.

The Planning & Zoning Commission conducted a public hearing for the Conditional Use on October 14, 2019. No comments were made by the public at the hearing. The Commission recommended approval by a vote of 4-0.

Prairie Enterprises, LLC also wishes to obtain variations to the Zoning Ordinance to allow construction of the outdoor parking. The variations are requested to maximize the use of the parcel due to the large vacant spaces required to safely maneuver large recreational vehicles. Without the variations, the applicant feels the project would not be economically viable.

Two variations are requested. First is a variation to the front yard setback. Section 9 requires a 30-foot setback from the property line along Imhoff Drive. The applicant proposes a 12-foot setback for the parking lot pavement. The majority of the pavement installed within the 30-foot setback is designed as roadway that will still leave the setback vacant most of the time. Four of the twelve 30-foot parking spaces will have a small portion of the parking within the 30-foot setback zone. Some of the properties in the subdivision meet this setback for pavement and others do not. It would not be out of character to allow this variation.

In addition to the pavement, the parking area will be fenced for security. The fence will be installed outside the pavement, no closer than 10 feet from the property line. Section 9 would not allow for this fence in the front yard setback. The fence is intended to be chain link to allow visibility into the parking area and would not block views as a more solid fence might. Many other parcels have chain link within this setback. The applicant was granted a variation for a chain link fence in the front yard setback in 2001 for their facility 1401 Industrial Drive, which is only 300 feet away.

The second variation is to allow storage of vehicles with 10 feet of a side lot line, which is not allowed by Section 9. The applicant proposes ending the paved surface 10 feet from the side lot line; however, this would allow a portion of a parked vehicle to extend into the 10-foot zone along the south edge of the property. This restriction is intended to prevent property owners from storing materials right up to the lot line creating an adverse impact on the neighboring property and making the neighborhood appear crowded. In this case, the south lot line abuts the detention basin for the subdivision. Since there will not be any vertical improvements to this lot, the concerns of appearance are minimized.

There is one concern with the proposed south edge of the parking area. There is a 10-foot wide sanitary sewer easement along the south lot line that would be inside the fence. While the easement would not be paved, it would be inside the proposed fence line. The applicant agrees that they will provide access to the easement as necessary. Additionally, there is a 12-foot public utility easement immediately north of the sanitary sewer easement. This easement would be under the paved surface. At this time there does not appear to be anything within this easement. The parcel immediately to the west has the same easement that is covered by a paved driveway. The applicant agrees that they will provide access and be responsible for pavement restoration should an authorized user need to perform any work within this easement.

The Planning & Zoning Commission conducted a public hearing for the variations on October 14, 2019. A written comment was read at the public hearing. The president of the property owners association raised a concern that all fire hydrants along Imhoff Drive be outside the fence and accessible to the Fire Department. She also raised concern that a fencing in utility easements should not restrict their use or access to them. The Commission added conditions to require access to the easements and the requirement for the property owner to restore fences and pavement. The Commission recommended approval by a vote of 4-0.

Staff recommends a motion to approve an ordinance granting Conditional Use for Outdoor Storage of Vehicles as a Principle Use and Variations to Section 9.4, Manufacturing Districts Bulk Chart, with conditions for access to easements at 1511 Imhoff Drive on Parcel 19-21-127-005.

Trustee Dustin asked if patrons will have 24 hour access. Director Mullard stated yes and it will be via an electronic key.

Kyle Lindley of Prairie Enterprises stated each patron will have a private code to enter the facility. The facility will have overnight lights and security.

Trustee Harlfinger asked if the Police and Fire will have access. Mr. Lindley stated yes with a nox box.

Motion was made to place this item on the Village Board Agenda.

**Text Amendments to Section 3, Definitions, Section 11, Permitted and Conditional Use Chart, and Sections 30 through 33 of the Zoning Ordinance Related to Cannabis Business Establishments-** Presented by Community Service Director Fred Mullard-Staff prepared a Zoning Ordinance amendment related to regulation of cannabis businesses in response to the State of Illinois approval of the Cannabis Regulation and Tax Act that takes effect January 1, 2020. The general content of the text amendment was discussed with the Village Board on September 24, 2019 before going to a public hearing before the Planning and Zoning Commission on October 14, 2019.

The current Zoning Ordinance contains regulations related to Medical Cannabis Businesses that require the following changes.

- Section 3, Definitions – remove existing definitions for Cannabis Cultivation Center and Cannabis Dispensing Organization that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.
- Section 11, Permitted and Conditional Use Chart - remove existing references to Cannabis Cultivation Center and Cannabis Dispensing Organization that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.

Add new material to the Zoning Ordinance based on the following.

- Section 3, Definitions – add definitions for Cannabis Business Establishments to include all cannabis related businesses in the new Cannabis Regulation and Tax Act.
- Section 11, Permitted and Conditional Use Chart – add permitted use for cannabis business establishments in the A-1, B-3, B-4, M-1, M-2, and AD-2 districts.
- Create a new Section 30, Cannabis Business Establishments, and renumber the existing Sections 30 through 33.
- The new Section 30 contains specific restrictions on cannabis business establishments.
  - All cannabis business establishments are required to comply with the state laws as amended.



- Parking requirements are defined using standards existing in the current Zoning Ordinance
- Retail cannabis business establishments (dispensaries) cannot be within 300 feet of a residence, school, or public park.
- Non-retail cannabis business establishments cannot be within 100 feet of a residence, school or public park.
- An established cannabis business establishment cannot lose its permitted status due to another business choosing to locate within the required setback distances.

The focus of these changes is to allow reasonable location of dispensing establishments in the Village's most robust business districts and generally allows cannabis businesses within the industrial and agricultural districts. Setbacks are established to help ensure cannabis related businesses maintain a reasonable separation from residences, schools, and public parks. These regulations are intended to allow the Village to be in a position to effectively compete with other municipalities for these types of businesses and the tax revenue gained by their presence.

A public hearing on this text amendment was held on October 14, 2019. During the hearing, two people appeared before the Commission. One stated she was against allowing any cannabis related business to operate in the Village because she felt it was a dangerous drug. She raised concerns that the setbacks proposed were not sufficient to prevent children from being exposed to the presence of cannabis and potentially tempted to want to become a consumer. The second person stated he was an authorized medical cannabis user and felt that the Village was doing the right thing to allow cannabis sales. He explained that the use of cannabis had helped him get off stronger drugs and live a less painful life. Three posts from the Village's social media site were read. One said the Village should not allow cannabis sales and two said the Village should allow cannabis sales. Commissioners voted 4-0 to recommend approval of the proposed changes.

Staff recommends a motion to approve an ordinance to amend Section 3, Definitions, Section 11, Permitted and Conditional Use Chart, Sections 30 through 33 and add a new Section 30, Cannabis Business Establishments, to the Zoning Ordinance. Motion was made to place this item on the Village Board Agenda.

**Zoning Text Amendments to Sections 3, 11, and 30 through 33 Related to Cannabis Business Establishments-** Presented by Community Service Director Fred Mullard- Staff prepared a Zoning Ordinance amendment related to regulation of cannabis businesses. This is in response to the State of Illinois approval of the Cannabis Regulation and Tax Act that takes effect January 1, 2020. The Village has the ability to establish zoning regulations that do not conflict with the Act. The general content of the text amendment was discussed with the Village Board on September 24, 2019. They approved staff to prepare a text amendment for the Planning and Zoning Commission to consider and adjust as necessary.

The current Zoning Ordinance contains regulations related to Medical Cannabis Businesses that would the following require changes.

- Section 3, Definitions – remove existing definitions for Cannabis Cultivation Center and Cannabis Dispensing Organization that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.
- Section 11, Permitted and Conditional Use Chart - remove existing references to Cannabis Cultivation Center and Cannabis Dispensing Organization that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.

Add new material to the Zoning Ordinance based on the following.

- Section 3, Definitions – add definitions for Cannabis Business Establishments to include all cannabis related businesses in the new Cannabis Regulation and Tax Act.
- Section 11, Permitted and Conditional Use Chart – add permitted use for cannabis business establishments in the A-1, B-3, B-4, M-1, M-2, and AD-2 districts.
- Create a new Section 30, Cannabis Business Establishments, and renumber the existing Sections 30 through 33.
- The new Section 30 contains specific restrictions on cannabis business establishments.
  - All cannabis business establishments are required to comply with the state laws as amended.
  - Parking requirements are defined using standards existing in the current Zoning Ordinance.
  - Retail cannabis business establishments (dispensaries) cannot be within 300 feet of a residence, school, or public park.
  - Non-retail cannabis business establishments cannot be within 100 feet of a residence, school or public park.
  - An established cannabis business establishment cannot lose its permitted status due to another business choosing to locate within the required setback distances.

The focus of these changes is to allow reasonable location of dispensing establishments in the Village's most robust business districts and generally allows cannabis businesses within the industrial and agricultural districts. Setbacks are established to help ensure cannabis related businesses maintain a reasonable separation from residences, schools, and public parks. These regulations are intended to allow the Village to be in a position to effectively compete with other municipalities for these types of businesses and the tax revenue gained by their presence.

The amendments do not address the following issues already covered in the Cannabis Regulation and Tax Act.

- Buildings shall comply with zoning and building codes.
- Lighting and security cameras shall be kept in good working order.
- Building shall be free from infestations.
- Dispensary operations are only allowed between 6:00 a.m. and 10:00 p.m.
- Dispensary operations shall not operate a drive-through window or allow use of cannabis vending machines.
- Dispensaries shall not be located within 1,500 feet of another dispensary.
- Craft growers shall not be located within 1,500 feet of another craft grower or cultivation center.
- Cultivation and infusion only in an enclosed, locked facility.
- Craft grower or infuser may not be located in an area zoned for residential use.
- Infusers, craft growers, and dispensaries may be co-located.

Staff recommends Commission recommend approval to the Village Board to amend Sections 3, 11, 30 through 33, and add a new Section 30, Cannabis Business Establishments, to the Zoning Ordinance.

President Ruzanski asked for clarification of the 300 feet restriction. Director Mullard explained this is door to door. Many businesses in the Village are long and narrow therefore this provides a substantial amount of separation.

Trustee Harlfinger asked if any future land is acquired and an A1 parcel is established, what restriction and ordinance will apply. Director Mullard stated this ordinance will apply to any future parcels as well,

however changes can be made in the future if warranted. Attorney Stewart commented any future business can ask for a use variance. Trustee Harlfinger stated at the Planning and Zoning meeting some members of the cannabis industry attended and are looking at our area for future business opportunities. He believes this ordinance puts the Village at an advantage over other municipalities.

Motion was made to place this item on the Village Board Agenda.

Board of Trustees:

Trustee Harlfinger – None at this time

Trustee Dustin – None at this time.

Trustee Huckins- None at this time

Trustee Bojarski-None at this time

Trustee Bogdanowski-None at this time

Trustee Murphy-None at this time

**President Ruzanski:** Wednesday at 6pm is the dedication for the Ford School. Thursday he will read a Proclamation for National American Indian Heritage Month and there will be an executive session as well.

Trustee Harlfinger asked if he could read the proclamation since he has Native Americans in his family. President Ruzanski stated yes.

**Audience Participation:** None

**Adjournment:** A motion to adjourn meeting was made Trustee Murphy and seconded by Trustee Bojarski. All in favor by voice vote. There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:21 pm

Submitted by,

Cecilia Carman  
Village Clerk