

APPROVED MINUTES

VILLAGE OF ANTIOCH BOARD OF TRUSTEES SPECIAL MEETING Municipal Building: 874 Main Street, Antioch, IL December 19, 2019

I. CALL TO ORDER

Mayor Hanson called the December 19, 2019 Special Meeting of the Board of Trustees to order at 6:00 pm in the Municipal Building: 874 Main Street, Antioch, IL.

II. PLEDGE OF ALLEGIANCE

The Mayor and Board of Trustees led the Pledge of Allegiance.

III. ROLL CALL

Roll call indicated the following Trustees were present: Pierce, Macek, Yost, Dominiak, Poulos and Johnson. Also present were Mayor Hanson, Attorney Long, Administrator Keim and Clerk Romine.

IV. Absent Trustees Wishing to Attend Remotely

There were no absent trustees wishing to attend remotely.

V. Regular Business

1. Consideration of Accounts Payable as prepared by staff - Trustee Poulos moved, seconded by Trustee Pierce, to approve the payment of accounts payable as prepared by staff in the amount of \$216,719.60. Upon roll call, the vote was:

YES: 6: Pierce, Macek, Yost, Dominiak, Poulos and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

2. Consideration of an Ordinance Authorizing and Regulating the Legal Marketing of Recreational Cannabis (Option A providing zoning for multiple forms of cannabis-related businesses, or Option B providing zoning for dispensaries only) OR Consideration of an Ordinance "Opting Out" and Prohibiting the Legal Marketing of Recreational Cannabis - Trustee Macek moved, seconded by Trustee Poulos, to approve **Ordinance No. 19-12-44** Authorizing and Regulating the Legal Marketing of Recreational Cannabis, Option A for providing zoning for all uses except cultivation center, waiving the second reading.

Trustee Pierce read a statement into the record relating to recreational cannabis. Trustee Macek commented on revenue, surrounding communities, and said marijuana will be here whether we like it or not. He said it is about Antioch and believes craft growers will be growing for medical marijuana and said it is a safety issue. Those present discussed allowed sales in dispensaries based on The Act.

Trustee Yost commented on his position, and his concern with how sales will affect the town of Antioch and the character of the community. He said he has not been provided any information about how increased revenues will be realized, and thinks more information needs to be gathered, stating he would feel more comfortable moving forward with additional facts instead of acting now. Trustee Yost said he has asked to be shown any substantial, significant, or positive impact to the taxpayers, and hasn't heard anything proving such at this point. He would like to protect the revenue that is here, and to protect the revenue of the future. He believes there is time to wait, and suggested a 3-month moratorium to gather more information. Mayor Hanson asked for information on revenues. Trustee Yost replied that his data shows 60% of marijuana shops make less than \$500,000 per year. Trustees Pierce and Yost discussed costs to the Village.

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Trustee Dominiak doesn't see this as being a part of our brand and values in the Village of Antioch and asked for a point of clarification regarding the issuance of licenses by the state; that licenses are issued in May and applicants have 180 days to find a location. Attorney Long believes applicants must have a zoning certificate for a license to apply at the state level, and you can't get a zoning certificate if the zoning doesn't allow it. She expressed concern with moving to quickly and suggested opting out for a period of time. She said the previously held public hearing was never discussed and doesn't believe the recommendation from the Planning and Zoning Board has been deliberated properly by the Village Board. She has concerns with recreating the blood border of the past, and is not interested in the additional revenue. She discussed other communities who have opted out and believe they have more similar characteristics to Antioch than those who zoned cannabis. She is additionally concerned with the thought of expanding businesses past a dispensary.

Trustee Yost discussed licensing regulations. Trustees discussed the process of licensing dispensaries and fees involved. Trustee Dominiak discussed the process for obtaining a special use from the Village of Antioch in general. Attorney Long explained the burden of proof on a special use and the rationale needed.

Trustee Poulos discussed the timeline and investment of a business wishing to locate as well as limiting options to a dispensary only business. He further discussed the map presented by staff where businesses may be located and the limit to the potential locations. Trustee Johnson agrees with Trustee Poulos and discussed the level of difficulty to opt back in if the board chose to opt out. Attorney Long said the only difficulty would be pragmatic if you're trying to market and establish a business; the first communities to allow the sales would have the most success. Trustee Johnson expressed concern with being behind everyone else, and said if all 6 uses were approved, there is no guarantee that all of those business will locate in Antioch.

Trustee Dominiak discussed the wishes of existing tenants at the Antioch Corporate Center not to have any forms of cannabis-based businesses as a neighbor. Trustee Yost asked if other businesses were contacted as well, and suggested they be asked the same question. Trustee Pierce reviewed the map and limited possibilities for the businesses.

Trustee Dominiak asked for clarification on transporting licenses. Attorney Long said it would be similar to the brinks building.

Trustee Macek amended his motion to remove transporter from the allowed uses. Trustee Poulos amended his second.

Administrator Keim relayed discussion from a task force meeting where it was determined that a secondary recreational license issued to a medical dispensary could locate in Antioch.

Upon roll call on the motion to approve **Ordinance No. 19-12-44** Authorizing and Regulating the Legal Marketing of Recreational Cannabis, Option A for providing zoning for all uses except cultivation center and transporter, waiving the second reading, the vote was:

YES: 4: Macek, Poulos, Johnson and Mayor Hanson.

NO: 3: Pierce, Yost and Dominiak.

ABSENT: 0.

THE MOTION CARRIED.

3. Consideration of the Village of Antioch Zoning Ordinance – Director Garrigan said the revised ordinance reflects the comments of the Village board, particularly minimum lot sizes in R1 and R2. Retail Storage was also amended as well as required insurance. Staff is proposing B3 be converted to B2 based on internal staff discussion, which would also require an amendment to the cannabis ordinance. Trustee Pierce asked for the final determination on fences, and Director Garrigan said there are no front yard fences permitted in the code. Corner fences would be allowed, but would have restrictions on location and height.

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There was a brief recess at 7:33 pm. The board reconvened at 7:39 pm.

Trustee Dominiak moved, seconded by Trustee Yost, to approve the first reading of **Ordinance No. 19-12-43** entitled the Village of Antioch Zoning Ordinance.

Director Garrigan said the zoning ordinance will be modified for cannabis before the second reading is presented to the board based on approval of Ordinance 19-12-44 earlier in the meeting.

Trustee Pierce asked for an amendment to the section related to vehicle maintenance to provide for personal maintenance of vehicles. Attorney Long suggested leaving it to the discretion of code enforcement.

Trustee Dominiak asked if the cannabis portion of the zoning ordinance could be amended. Attorney Long replied that the cannabis zoning ordinance was just approved. There was a discussion regarding the previous motion and approval of the previous cannabis ordinance as well as the special use process including criteria for granting a special use. Mayor Hanson asked Trustee Dominiak to share her comments on the cannabis ordinance.

Trustee Dominiak asked for a restriction placed on cannabis to not allow businesses within 250 feet of a residence. Trustee Pierce discussed the 50-foot buffer requirement. Attorney Long said there would be discretion within the special use permitting process. Trustee Dominiak asked why there isn't a buffer from churches. Attorney Long replied that they may consider the location of a church when considering a special use permit. Trustee Dominiak asked how many dispensaries the board wishes to have. After a lengthy discussion, a majority of those present agreed to begin with 1 license for each allowed business. Attorney Long said a public hearing would be required for additional licenses since it is located within the zoning ordinance.

Trustee Dominiak asked why it's acceptable to restrict adult use displays and not require restrictions of the display of cannabis products. Attorney Long said the adult uses are graphic in and of themselves and the courts have ruled that they must be hidden. The trailer bill does not allow the restriction of displays.

Trustee Poulos expressed concerns with the potential locations on North Avenue and Route 83 close to residential areas, and potential odors involved with growers.

Trustee Dominiak amended her motion, seconded by Trustee Yost, to approve the first reading of **Ordinance No. 19-12-43** entitled the Village of Antioch Zoning Ordinance with amendments to add 1 license for each category other than cultivation and transportation.

Upon roll call, the vote was:

YES: 4: Macek, Poulos, Johnson and Mayor Hanson.

NO: 3: Pierce, Yost and Dominiak.

ABSENT: 0.

THE MOTION CARRIED.

4. Consideration of Christmas Eve holiday hours – Mayor Hanson said last year the village was closed on Christmas Eve, and asked the board what they would like to do this year. Administrator Keim said Christmas was on a Tuesday last year and we have been open until 5 all other years. Those present agreed to stay open until 4 with two people on staff.

VI. Other Business

VII. Executive Session – Personnel, Pending Litigation, Property Acquisition, Lease of Village Property

The Mayor and Board of Trustees did not go into executive session.

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VIII. ADJOURNMENT

There being no further discussion, the Village Board of Trustees Special meeting adjourned at 8:24 p.m.

Respectfully submitted,
Lori K. Romine, RMC/CMC, Village Clerk