October 01, 2019

Board Meeting

Village of Sugar Grove

6:00 PM

President Michels opened the meeting at 6:00 PM and asked that Trustee Lendi lead the Pledge. The roll was then called.

Present: President Michels, Trustee Lendi, Trustee Herron, Trustee Konen, and Trustee Koch, Trustee Walter Trustee Montalto

Quorum Established.

Also Present:

Administrator Eichelberger, Attorney Wilson, Clerk Galbreath, Public Works Director Speciale, Community Development Director Magdziarz, Public Work Director Speciale, Finance Director Anastasia, Management Analysts Murphy, and Police Chief Rollins.

PUBLIC HEARINGS

Boundary Agreement with Kaneville

President Michels opened the Public Hearing regarding the Boundary Agreement with the Village of Kaneville. He then called for public comments, hearing no comments President Michels closed this portion of the agenda.

APPOINTMENTS AND PRESENTATIONS

None.

PUBLIC COMMENTS

President Michels read the agenda items and the called for comments on those items on the agenda. He asked that comments regarding Cannabis be held until the item was discussed. Hearing no further comments President Michels closed this portion of the agenda.

Audience member A addressed the Board concerning meeting minutes and expressed displeasure in how they are completed and lack of response to her previous concerns voiced on the accuracy of minutes.

Audience member B addressed the Board concerning the Hannaford Park and that he was in favor of it being a private park.

CONSENT AGENDA

a. Approval: Minutes of the September 17, 2019 Meeting
b. Approval: Vouchers
c. Proclamation: Cyber Security Month
d. Proclamation: National Planning Month

e. Ordinance: Declaring Surplus
f. Ordinance: Amending the Village Code Regarding Curb Cuts
g. Resolution: Amending the Fee Schedule Regarding Curb Cuts

Trustee Koch **moved to Approve the Consent Agenda removing items f & g.** Trustee Herron seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Lendi				
	Koch				
	Walter				
	Montalto				

Motion Carried.

<u>Ordinance Amending the Village Code Regarding Curb Cuts</u>

Trustee Herron **moved to Adopt an** Ordinance Amending the Village Code Regarding Curb Cuts**.** The Board discussed the costs of the permit and asked how many inspections were required and if the engineering firm needed to be involved. They also asked if these were just windshield inspections or did the inspector get out to do the inspection. It was further stated that the minimum fee for any permit at $95.00 seems it bit high. It was answered that curb cuts are not a visual inspection from a vehicle, there are time when an engineer needs to be consulted about drainage. This type of work at a minimum requires 3 sight visits. Staff stated that at budget discussions the Board wanted permit fees to cover the cost of the permit. The Board will address fees again at budget time. It was pointed out that curbcuts can only be completed when a person is replacing their apron. The Board stated that if a person was replacing their whole drive they did not want an extra fee to be included for a curb cut if it was done at that time. Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Lendi				
	Koch				
	Montalto				
	Ryan				

Motion Carried.

<u>Resolution Amending the Fee Schedule Regarding Curb Cuts</u>

Trustee Herron **moved to Adopt a Resolution Amending the Fee Schedule Regarding Curb Cuts.** Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None

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	Herron				
	Lendi				
	Koch				
	Ryan				
	Montalto				

Motion Carried.

GENERAL BUSINESS

Approval 2020 Meeting Calendar

Trustee Herron **moved to approve the 2020 meeting calendar.** Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Lendi				
	Walter				
	Montalto				
	Koch				

Motion Carried.

DISCUSSION ITEMS

Hannaford Farm Park Property

Staff presented the following information for consideration by the Village Board.

At the September 3 meeting the Village Board directed staff to ask the Hannaford Farm HOA if the would accept a public access easement to the park in question. The HOA responded that they are willing to accept a public access easement as long as the easement be released should in the future the HOA make an improvement such as a tennis court or swimming pool.

The Board discussed the information presented. There was much discussion about being neighborly, the desire to have all parks in the Village from now into the future all public parks, the liabilities of park ownership from vandalism to accidents, how different people react to various situations, and compromising. After much discussion it was decided that the best course of action was to have the Hannaford Farm HOA become the legal owner of the park with the contingency that it has public access.

Boundary Agreement with Kaneville

Staff presented the following information for consideration by the Village Board.

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The proposed boundary agreement line is the Kaneville Township line from Dauberman Road to Interstate 88, and then meandering along I-88, Seavey Road and Illinois 47 and terminating at Smith Road and IL 47.

A boundary agreement is useful in that it permits the parties to perform necessary long-range land use planning and capital improvement planning with a high degree of certainty as to where their respective future boundaries will be located. The agreement prevents neighboring municipalities from being used as negotiation pawns with landowners and developers. The boundary line agreement has a term of 20 years (the maximum permitted by law).

The Village of Kaneville has not held their public hearing. The Ordinance authorizing execution of the Intergovernmental Agreement for a Boundary Line will be presented to the Village Board for adoption at a later date.

The Board discussed the need for an agreement and the proposed boundary. They approved of the boundary line as presented.

Cannabis Sales

Staff presented the following information for consideration by the Village Board.

Municipalities cannot prohibit the use of recreational cannabis. The statutes allow municipalities to decide whether recreational cannabis businesses are allowed to operate within their boundaries.

The state law prohibits the location of *advertisement* of cannabis within 1,000 feet of the perimeter of school grounds, a playground, a recreation center, or facility, or a game arcade to which admission is not restricted to persons 21 years of age or older. Advertisement is defined as promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

If cannabis dispensaries are allowed in the Village staff recommends that specific local regulations be developed to restrict potential locations.

The Cannabis Control Act identifies and defines five different groups or categories of cannabis business:

- dispensing organizations (retail)
- cultivation center
- infuser organizations
- processing organizations, and
- transportation organizations

The Village can choose to exclude any or all types of cannabis businesses. The cannabis tax is only collected from the dispensing (retail) organizations.

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If the Village Board decides to permit cannabis retail sales, the Zoning Ordinance would need to be amended to include this use. The following are a few of the decisions to consider with such an amendment:

- Location of cannabis businesses: by zoning district; minimum separation requirements from like uses, schools, churches and parks, food service uses; establish an overlay district in which these uses can locate; should they be dispersed or concentrated
- Does Village establish a license requirement for cannabis businesses, similar to liquor licenses?
- Does Village permit dual licenses, i.e. an establishment that has a liquor license?
- Performance standards: min/max floor area; age of employees; facility requirements; operation of business, e.g. must show identification to enter, on-site use prohibited; limit sales directly to users; disposal requirements; hours of operation; security; ventilation requirements; facility monitoring and security requirements, etc.

If we apply the advertising setback/separation requirements found in the Cannabis Control Act to Sugar Grove, there are relatively few locations where dispensing organizations could locate (see map). The green areas represent territory that satisfied the separation requirements within the current corporate limits. The blue areas represent territory that could be annexed and satisfy the separation requirements. Assuming cannabis dispensing organizations are permitted in commercial and industrial zoning classifications, there are few choices. Bearing in mind that much of the green highlighted area on the map is airport property, only a small area of College Corner (IL 47 & Waubonsee Drive), Capitol and Galena Boulevard, Main Street south of the BNSF railroad, the US 30 corridor, and a small portion of the former Prairie Grove development between Galena Boulevard and US 30 are all that are available for cannabis dispensing organizations. Future annexations create more possibilities.

Following the August 6 Village Board discussion staff distributed an electronic survey to 1,648 residential utility customers located within the Village limits. 696 responses were directly received and 8 additional verified responses were also included. 44.5% of the respondents oppose recreational cannabis sales in the Village and 43.1% support it.

Comments from those opposed generally focused on potential harm to the small town, family feel of the community and impacts on quality of life and home values.

Comments from those in support focused on the additional tax revenue.

Should the Board choose to consider allowing any or all of the potential cannabis businesses it would be appropriate to request the Plan Commission to develop and recommend standards. Should the Board choose to deny any or all of the potential

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cannabis businesses it would be appropriate to direct staff to prepare the necessary ordinance(s).

President Michels stated that while the Village cannot prohibit use of cannabis the Village can prohibit the sale with the Village. He then stated that the Board would entertain comments. He stated that each person who wanted to speak would be given 5 minutes.

Speaker A spoke against the sale of cannabis and asked the Board to opt out.

Speaker B spoke in favor of allowing the sale of cannabis.

Speaker C spoke in favor of allowing the sale of cannabis.

Speaker D spoke against the sale of cannabis and asked the Board to opt out.

The Board then discussed the sale of cannabis and gave their opinions based on individual thoughts and research. The discussion included the need for additional research on cannabis and its affects, the projected image, the gain/loss of sales tax, the need to aid, the need to aid if cannabis is not sold, the desire to wait to the FDA approves THC, how to test for intoxication levels. ~~Also discussed were items that the Board is not necessarily behind such as adult clubs and abortion clinics that are also legal and would have to be approved because they are legal~~The Village Administrator pointed out that adults clubs and abortion clinics could be brought to the Board for approval as they are legal. He also pointed out that he did not believe that anyone would oen a medical facility and not be allowed to sell for recreational purpose. Cannabis is legal and at this time the only discussion is to allow the sales. Discussion of use are irrelevant as it would be with adults uses or abortion, a person's moral feelings are not pertinent however granted hard to leave out of the conversion.

Police Chief Rollins stated that while in the past law enforcement has been against legalization they have been over-ruled. It will be tough to determine if someone is driving under the influence of cannabis however not impossible. If an accident occurs drivers can be blood tested for substance. People are working on machines that can detect cannabis.

It was asked what is the positive the answer was revenue as people were still allowed to use they would just have to purchase it elsewhere. The negative is that yes it is intoxicating however so is alcohol and alcohol is legal and cannabis will shortly be.

The Board asked for additional information on where the sales of cannabis could be allowed in the Village. Administrator Eichelberger stated Board members send to him any additional questions that they would like to be researched more thoroughly on the subject so that additional information can be given at the next meeting.

CMAP Comprehensive Plan Grant

Staff presented the following information for consideration by the Village Board.

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The Chicago Metropolitan Agency for Planning (CMAP) recently opened its call for projects for the next cycle of their Local Technical Assistance (LTA) program.

The LTA program is a program funded by a consortium of state and federal agencies that provides assistance to local government agencies with long range planning issues ranging from land use, economic development, transportation, environmental, preservation, housing and social equity challenges at the neighborhood, corridor and community level. Projects awarded assistance by CMAP are intended to advance the regional plan's development goals.

Village staff proposes submitting an application for a comprehensive plan update. The current Comprehensive Plan was originally adopted in 2005 and amended in 2014 and 2018.

If awarded, the Village will be expected to provide some level of funding towards the project. The amount of the Village's obligation won't be known until projects are awarded. The typical cost for a full comprehensive plan update, including data collection, public participation process, and preparation of goals, objectives and policies, will be in the neighborhood of $125,000. An update of a smaller area such as a neighborhood or corridor could cost less, depending upon the scope of work. The Village's share would be at least one-half of the project cost.

Given the LTA application cycle, projects are not awarded until late January and intergovernmental agreements with CMAP are not finalized until late April. Thus, the Village would not commit funds until the next fiscal year in May 2020. The application period ends October 17, 2019.

The Board discussed the need for an updated Comp Plan and directed staff to pursue the grant. The scope of the Comp Plan will be discussed at a later date.

Overweight Vehicle Regulations

Staff presented the following information for consideration by the Village Board.

Staff while working on a number of overweight trucks issues throughout the village turned to the existing ordinance for reference and found some gaps that are not reflected with our current practices, such as our streamlined permit processes now on-line. In addition, our existing ordinance was silent on addressing over dimension moves, providing traffic escort options and cleaning up a number of housekeeping items. Preparing for the future, when other jurisdictions change their language, our ordinance will be current as it refers to the actual legal citing's of these other government entities and not specific language of the statutes. The major changes being are for the following sections of the ordinance; definitions, maximum weight limit content, maximum weight/dimension oversize limit, police escorts, permit suspension and reinstatement,

The Board reviewed the information presented and agreed that Village Code should be amended as proposed.

REPORTS

Staff

Director Speciale stated that Village roadwork is completed for the year. Trustee Herron asked why the microsurfacing seems to loosen when it is turned on. Director Speciale stated staff will check on it. Trustee Konen asked about sidewalk bidding. Director Special stated work started yesterday and as much as possible will be completed this year.

Trustee Konen asked about the barricade drill at the middle school. Chief explained how the partnership works with the school district. Staff and students are being trained on various procedures in the event of a intruder at a school. It used to be shelter in place however now children are also being taught that sometimes running or escape if possible is a better option.

Trustee

Trustee Walter thanked the Board for the conversation on the Park and on Cannabis, it was good to have, Trustee Konen stated the Hannaford Farm HOA filed for adopt a highway.

President Michels asked the Board to do research on minutes and asked the Board to take a few moments to see how other communities do their ~~mines~~minutes.

AIRPORT REPORT

Mr. Wolf, Sugar Grove Airport Liason explained how the airport was governed and ran.

PUBLIC COMMENTS

None.

CLOSED SESSION

Personnel

Trustee Herron **moved to adjourn to Closed Session to discuss personnel taking no action and to adjourn therefrom per the exceptions to the Open Meetings Act.** Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Lendi				
	Walter				
	Montalto				
	Koch				

Motion Carried

ADJOURNMENT

Motion adjourn at 8:57 p.m.

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