

VILLAGE OF HINCKLEY
COMMITTEE OF THE WHOLE MEETING - MINUTES
November 11, 2019

CALL THE MEETING TO ORDER: Meeting was called to order by Village President Nelson at 6:30 PM.

Present: Trustees Rob Zimmermann, Mike Constant, and Christine Clark. Quorum Established.

Trustee Nier arrived at 6:45pm.

Absent: Trustees Manivong.

Also Present: Village Clerk Elizabeth Losiniecki, Attorneys Kurlinkus, Chief Gettemy, and Members of the Public.

The pledge to the flag was recited.

Public Comment

None.

Items for Discussion

° Cannabis Legalization

Village President Nelson stated that the Committee of the Whole meeting was called to discuss the legalization of cannabis. Attorney Kurlinkus advised the Board of Trustees that they need to consider what, if any, use(s) will be allowed. Any use? All use? There are five types of uses that can be added to specific zoning districts, or the Village can opt out of all. Village President Nelson asked if the Village could allow some uses and disallow others and Kurlinkus said, "yes." The five uses to be considered are: adult-use cannabis craft grower organization, adult-use cannabis cultivation organization, adult-use cannabis dispensing organization, adult-use cannabis infuser organization, and adult-use cannabis transporting organization. There was a discussion based on the meeting packet information from the Illinois Municipal League (IML). Craft growers will be limited to 5000 square feet and cultivation growers are factory farms. Infusers put the THC product into edibles; processors pull oils out of the plant. Transport organizations will be transporting, only. All uses are regulated by the State. The Village can control some factors, such as distance from schools.

Attorney Kurlinkus stated that most municipalities are using the IML packet to draft their ordinances and the first question is if the Village even wants to consider allowing this. It will still be legal, even if the Village disallows sales. There was further discussion regarding regulating the number of plants vs. square footage and Attorney Kurlinkus stated that the Village is considering commercial uses, not residential. Chief Gettemy clarified that personal use is regulated based on number of grams (30 max) and falls under the "hobbyist" classification. He stated that craft growers cannot be in residential areas. Individuals can grow up to five plants in their home but cannot sell the product. Trustee Constant stated that the first two options will not apply in Hinckley because of size and proximity limitations.

Trustee Constant asked if retail licenses will be limited and Kurlinkus stated that medical licenses will be allowed and the State will increase the number of licenses based on popularity and demand. Chief Gettemy stated that there is insufficient supply for medicinal dispensaries. Attorney Kurlinkus advised that the Village should not rely on the State for all regulations because the State will change the rules as time goes on. Trustee Constant stated that it looks like Sugar Grove and Sandwich are going to vote, "no." Chief Gettemy stated that he is not a fan of the legalization but the Village

should take advantage of the sales tax since the State already voted to legalize. Attorney Kurlinkus advised that even if the Village votes “no” now, the decision can be reconsidered at a later date and that businesses that are looking to do this are seeking out communities that are supportive.

Trustee Nier arrived at 6:45pm.

Chief Gettemy stated that DeKalb is poised to be granted a license and Village President Nelson asked if the Board wants to go forward with the consideration. Trustees Clark and Zimmermann indicated that they were in support of further consideration and Trustees Constant and Nier abstained from making a decision.

Attorney Kurlinkus stated that medicinal dispensaries that already have licenses will be granted another license and allowed to sell for recreational use. What is sold must be grown in Illinois and there are not enough suppliers. Trustee Constant asked if the Village should consider allowing all uses for now and Trustee Clark agreed. Constant stated that business locations would be controlled through zoning. President Nelson asked if there was consensus among the Trustees to proceed and a majority were in favor. Attorney Kurlinkus stated that a zoning map amendment would be required for special use or conditional use. He advised that the Village should mirror the State Statute restrictions regarding proximity to schools and residential areas.

Village President Nelson directed Clerk Losiniecki to refer the topic to the Planning Commission for consideration. Attorney Kurlinkus stated that the “tax option” will need to be passed after January 1, 2020. Other municipalities are basing their tax rate on surrounding town’s decisions.

Open Discussion

None.

ADJOURNMENT

Motion: Trustee Nier moved to adjourn the meeting at 6:59 PM. Trustee Clark seconded the motion. Voice Vote: All members voted yes. Motion carried.

Nancy Nelson, Village President

Elizabeth Losiniecki, Village Clerk