

**COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
Thursday, November 14, 2019**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:00p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Scott Gengler	Here		
Tony Giles	Here		
Judy Gilmour	Here		
Scott Gryder	Here		
Audra Hendrix	ABSENT		
Matt Kellogg	Yes		
Matthew Prochaska	Here		
Robyn Vickers	Here		

Others present: Matt Asselmeier, Megan Briganti, Assistant State’s Attorney Leslie Johnson, Scott Koeppel

APPROVAL OF AGENDA –Member Prochaska made a motion to approve the agenda, second by Member Kellogg. **With eight member’s present voting aye, the motion carried by a vote of 8-0.**

OLD BUSINESS

From Admin HR Committee:

- *Discussion and Approval of GIS Department Legal Description Policy* – Mr. Koeppel reported that the policy was reviewed by the State’s Attorney’s Office, and that GIS implemented the changes and additions for their office, and also included the change requested by County Clerk Debbie Gillette. **The item will be on the November 19, 2019 County Board agenda.**

NEW BUSINESS

From County Board Chair:

- *Review and Discussion of 2020 County Board Meeting Schedule* – Chair Gryder asked the committee to review the current schedule and asked if there are any changes needed. **The item will be on the November 19, 2019 County Board agenda for approval.**

From Finance Committee:

- *Approval of 2020 County Board Dues and Membership Listing* – Discussion on

the various agencies that the County is part of, the benefits the County receives from each one, the addition of the lobbyist for the County, and information that is received from each one. Member Prochaska asked for Mr. Koeppel to get information about the membership of IACBM. **No decision or action was made on this item.**

From Planning, Building & Zoning Committee:

- *Discussion of Petition 19-21 Request from the Kendall County Planning, Building and Zoning Committee for Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, Acreage Donation, and Related Tables –* Member Prochaska stated that the Land Cash Ordinance provides money from new home construction that is set aside for land for parks, Forest Preserves and School Sites. Mr. Asselmeier explained that the PBZ Committee had requested Chief Assessor Andy Nicoletti to calculate fair market values by school district using the same calculation that obtained the proposed fair market value of \$47,121 for the entire County (the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3-year period). The school district information, for sales both inside and outside municipalities, is as follows:

<i>Newark \$20,752</i>	<i>Oswego \$58,328</i>
<i>Plano \$43,844</i>	<i>Sandwich \$52,141</i>
	<i>Yorkville \$49,328</i>

Mr. Asselmeier stated that No sales occurred in the Kendall County portion of the Plainfield, Lisbon, or Minooka School Districts during the previous 3-years.

The current fair market value contained in the Land Cash Ordinance is \$72,680, and that the County's Land Cash Ordinance only applies in the unincorporated areas of the County. Discussion on the cost of constructing schools in the County. Member Kellogg stated that the cost to build a school would be approximately the same throughout the County. Enrollment figures were used to justify having a Land Cash Ordinance, but the enrollment figures did not impact any of the calculations in the Land Cash Ordinance.

Member Prochaska made a motion to forward the item to the State's Attorney's Office for review, second by Member Vickers. With eight members present voting aye, the motion carried.

- *Discussion of Petition 19-31 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Related Uses -* Mr. Asselmeier summarized the request, and stated that: on June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

The changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing

Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.

6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.

7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.

8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.

9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

Mr. Asselmeier stated that the issue has been reviewed by the Planning, Building and Zoning Committee, ZPAC, Regional Plan Commission, and the Zoning Board of Appeals, and that Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee was scheduled for September 10th 2019. On October 1, 2019, the townships were notified of the recommendation of the Kendall County Zoning Board of Appeals and their right to file a formal objection to this proposal. **No township filed a formal objection.** However, Oswego Township requested that no cannabis sales related business be located in Boulder Hill. Kendall Township requested that adult-use cannabis businesses not be allowed in the B-3 District, but they had no objection to a medical cannabis business being allowed in the B-3 District. The correspondence from Oswego Township and Kendall Township were provided.

Mr. Asselmeier stated that the Cannabis Regulation and Tax Act set the hours of operation for adult-use cannabis dispensing organization at 6:00 a.m. until 10:00 p.m., and that they request the proposal be amended to remove the hours of operation of 6:00 a.m. until 8:00 p.m. Maps showing the potential location of cannabis uses were provided.

Discussion regarding the variance process and the text amendment process, security for stand-alone buildings, possible locations for cannabis uses and the availability of stand-alone buildings.

There was also discussion on the setbacks of one thousand feet (1,000') from protected uses and two hundred fifty feet (250') from residentially zoned or used properties as measured from the cannabis use for adult-use cannabis dispensing organization and medical dispensing organizations, one thousand five hundred feet (1,500') from protected uses and two hundred fifty feet (250') from residentially zoned or used properties as measured from the cannabis use for adult-use cannabis infuser organizations, adult-use cannabis processing organizations, and adult-use cannabis transporting organizations, and to have adult-use cannabis dispensing organizations, medical dispensing organizations, adult-use cannabis infuser organizations, and adult-use cannabis processing organizations as special uses in the M-1 and M-2 Districts.

Discussion of the three Minority Reports presented to the Committee of the Whole. Member Vickers wanted an A-1 in the growing, Member Gengler wanted no B-3's at all, and Member Prochaska was fine with no B-3's and the only one would be allowed within 1000 feet of an interchange of an interstate. Member Prochaska said that to make things easier, he moved that the proposal be amended by adding a provision that adult-use cannabis cultivation centers, medical cannabis cultivation centers, adult-use cannabis dispensing organizations, medical cannabis dispensing organizations, adult-use cannabis infuser organizations, adult-use cannabis processing organizations, and adult-use cannabis transporting organizations be in stand-alone buildings and that any conflicting language in the proposal be removed. And that each minority report be viewed and approved as individual amendments. **The item will go to the November 19, 2019 County Board meeting for further discussion and approval.**

PUBLIC COMMENT – Lisa Banovetz, Yorkville School District 115 Director of Business Services, told the County Board that changes to the County's Land Cash Ordinance will definitely hurt Yorkville schools.

Alex Finkey, Realtors Association of Fox Valley Government Affairs Director, told the County Board that the current Land Cash Ordinance was illegal, and that land values should be adjusted according to land value.

QUESTIONS FROM THE MEDIA – Jim Wyman, WSPY

REVIEW BOARD ACTION ITEMS

- *Approval of GIS Department Legal Description Policy*
- *Approval of 2020 County Board Meeting Schedule*
- *Approval of Petition 19-21 Request from the Kendall County Planning, Building and Zoning Committee for Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, Acreage Donation, and Related Tables*
- *Discussion of Petition 19-31 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Related Uses*

ITEMS FOR THE COMMITTEE OF THE WHOLE MEETING - None

CHAIRMAN'S REPORT – No report

EXECUTIVE SESSION – Member Cesich made a motion to enter into Executive Session for Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees as mandated by Section 2.06, 5ILCS 120-2/2, and Litigation, when an action against, affecting or on behalf of the particular body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent as mandated by Section 2.06, 5ILCS 120-2/11, and the purpose of the review of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120-2/21, second by Member Prochaska.

ROLL CALL:

Attendee	Status
Amy Cesich	Yes
Elizabeth Flowers	ABSENT
Scott Gengler	Yes
Tony Giles	Yes
Judy Gilmour	No
Scott Gryder	Yes
Audra Hendrix	ABSENT
Matt Kellogg	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes

With Members Gryder, Cesich, Giles, Gengler, Vickers, Kellogg and Prochaska voting yes, and Member Gilmour voting no, the committee entered into Executive Session at 5:19p.m.

Others Present: ASA Leslie Johnson, Scott Koepfel

With eight members voting aye, the committee reconvened in Open Session at 6:23p.m.

ADJOURNMENT – Member Prochaska made a motion to adjourn the meeting, second by Member Kellogg. **With eight members voting aye, the meeting was adjourned at 6:27p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary