

**Village of Germantown Hills Zoning Board of Appeals
November 12, 2019 Meeting with Public Hearing 6:00 p.m.
Zoning Code Amendment-Cannabis Ordinance
2019-03**

Call to Order/Roll Call-Chairperson Randy Nash called the meeting to order at 6:03 p.m.

ZBA Members	RC	1	2	3
Randy Nash	P	N	Y	Y
Joe Maier	P	Y	Y	Y
Glen Riley	A	Y	Y	Y
Dan Mair	P	Y	Y	Y
Justin Roberts	A	-	-	-
Ron Schneider	A	-	-	-
Ed Rainville	P	Y	P	Y

Also, in attendance: Bill Streeter, Village Attorney

Ann Sasso asked the Zoning Board of Appeals if they were ok with Glen Riley to attend the meeting by electronic means due to being away due to an illness. The board agreed.

Randy Nash explained and reviewed a power point presentation (which is attached) noting the purpose of the public hearing and that the meeting was to consider a proposed ordinance amending the Zoning Ordinance regarding cannabis dispensaries and permit application fees. Randy reviewed the following:

- 1) What the proposed ordinance addresses (recreational marijuana sales within the municipal limits of Germantown Hills)
- 2) What it doesn't address (medical marijuana, individual use or consumption of cannabis, medically permitted, home cultivators)
- 3) States that have legalized cannabis
- 4) The adult use purchase limits
- 5) The Village's authority to prohibit the sale but not the use in private residences
- 6) The State, County and Village tax limits
- 7) Details of the proposed ordinance- Presently the ordinance states a dispensary can NOT be within 1,500 feet of the property line of a pre-existing public or private nursery, preschool, primary or secondary school, day care center, day care home or residential care home and can NOT be in a dwelling or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 8) Village policy on public speaking
- 9) The four options the ZBA has in regards to their recommendation to the Village Board.

Anyone wishing to speak will be heard.

Randy Nash stated with the present requirements in the ordinance, there isn't any existing commercial property that would allow a dispensary to locate within the corporate limits.

Public Hearing regarding proposed ordinance amending the Zoning Ordinance regarding cannabis dispensaries and permit application fees. The following public comments are intended to be a summary and not verbatim.

Mike Axelson asked what the Planning Commission recommended, what the expected tax revenue may be and what are the benefits. Mike noted he felt there are too many variables to know what you are getting yourself in to.

Randy Nash indicated the Planning Commission had not recommended the proposed ordinance to the ZBA. The ZBA will make a recommendation to the Village Board. The ZBA has four options which include, recommend approval as written, recommend approval with proposed changes to proposed ordinance, recommend to not approve proposed ordinance, and not recommend changes to proposed ordinance, and recommend to not approve proposed ordinance, but also provide recommended changes to proposed ordinance in the event that the Village Board is inclined to allow dispensaries. He noted there may be others that can talk to the revenues but the ZBA doesn't have that information.

Mike Axelson asked if there were any properties available that meet the requirements.

Bill Streeter, Village attorney stated 1500' was put in the ordinance as a starting point of the distance but the ZBA can recommend a shorter or longer distance if they want but it has to be a reasonable distance.

Terry Quinn asked if this was only on sales and not on usage.

Bill Streeter stated it was.

Terry Quinn indicated he had heard the product was going to be more potent and explained the potential affect on people, such as duller thinking. Terry noted obviously the state says people can use this come January so our community will be more exposed to this but the negative impacts greatly outweigh the positive.

Tim Beechler stated he keeps hearing the effects on young kids but people will have to be 21 years old to purchase the legal substance in the State of Illinois come January.

Glen Riley, ZBA member arrived at 6:16 p.m.

Tim Beechler noted he felt if the residents have the legal right to purchase tobacco and alcohol in the village then they should be able to purchase cannabis.

Veronica Axelson stated she is a business owner and the President of Germantown Hills Chamber and feels this is a gateway drug. Veronica read her statement from the last meeting noting concerns and is against allowing cannabis dispensaries in the Village. She told of three stories of persons she knows affected by cannabis and wishes the board would hold the community to a higher standard.

Rita Demask stated she has personal experience with someone that has used cannabis for medical reasons for pain management. It has helped this person with their cancer. Rita noted she knows many people that use it and is excited to be able to use it once it is legal. She questioned how it can be so good and so bad. She noted alcohol, tobacco and gaming are all being done in front of young children. What is the data on how all of this has affected our kids?

Rosemary Rudolph stated we don't know much about cannabis and effects but she read a 5-year impact study. She stated the study showed traffic accidents increased and there are healthcare issues. She stated for every \$1.00 spent it costs the taxpayers \$4.00. The traffic stops are taking a lot longer to process. She feels it's this body responsibility to keep the community safe. She noted concern about housing values and tax increases. She loves living here but feels we don't know enough about this.

Kevin Poppen asked if the ordinance presently doesn't allow for a dispensary? If property gets annexed then it could happen? He noted he lives here because of the way it is now.

Randy Nash noted presently no property would meet the requirements but the ZBA could recommend changes if they wish to and yes, as property gets annexed it could meet the requirements.

Chip Wilmot stated he is a business owner and the Fire Chief and is adamantly opposed to this ordinance. He stated he would encourage the ZBA to not allow this from happening.

Debra Russell explained something that had happened to a family member. She noted morally we shouldn't want to do this, socially we don't and doesn't want this to be normalized. People are here for the schools and we want the community to be safe for the kids.

Nigel Strickfaden stated he feels this is absolutely wrong thing to do and wants the board to let people go elsewhere for their cannabis.

Don Schaffer stated he appreciates the boards and all of their work but asked if the schools have weighed in on the issue or if there have been any cost studies done with police or fire?

Cheryl Wilmot asked why we need this here when we have to go elsewhere for other things.

Regan Wilmot stated she graduated in May and had planned on planting her roots here. She grew up saying no to drugs and would want our community to do the same and keep it away.

Richard Hartman stated we live in a bubble where a lot of things happen elsewhere but come January the state is going to make cannabis legal. He has done more research than he ever imagined in looking at health risks and potential dangers to society and Germantown Hills. He noted Diane Forney had shared a story at the last meeting about her son and his addiction. There are potential medical both physical and mental advantages along with tax revenue potential. Richard stated streets, sewers, sidewalks and higher employee wages are important but also people, family and community values and the need to choose wisely.

Dr. Kaufman, chiropractor in Germantown Hills and Peoria stated he has heard pros and cons but when he moved here 25 years ago, he picked Germantown Hills because it is a family community. He has served on the school board and Chamber. He feels allowing a dispensary would change our community and it's not the kind of change he wants in Germantown Hills.

Steve Rudolph noted he is on the Planning Commission and has done some research. There's a revenue opportunity but it may be only less than 1%. He stated he doesn't see putting this ordinance in place. It is our responsibility to represent the community and doesn't think there's enough information to make the decision that this is the best thing for the community.

Tim Beechler stated a dispensary is going to be highly regulated. He stated he has heard all the downfalls but all of them center around abuse. The village can't keep people from abusing it just like people abuse alcohol. He noted we need to move forward as it's going to be state law.

Charles Cluskey stated he knows someone that uses the medical marijuana and he's not the same person when he is using it. He feels this will be worse than the medical marijuana. He stated most of the people here are against so he hopes the board will consider what they are hearing in making their decision.

Terry Quinn stated he has heard from the conversations that this is going to be similar to alcohol and tobacco so why would we want to create another problem. We don't want to change the culture of our community. We are different than Peoria but not much different than Morton.

Kevin Poppen stated years ago a survey was completed about what's good for our community and a cannabis dispensary wasn't in it.

Randy Nash explained the recommendation options for the Zoning Board of Appeals to consider.

Stephanie Chaon, resident and Village Board member indicated she was talking as a parent but that this is in the schools and we are talking about 21-year olds that also are able to drink and smoke. DARE taught us all about drugs but it starts with the parents in educating our children.

Linda Hartman noted it is going to be law so it doesn't mean we can stop it but we can stop it in our community.

Marty Clinch, resident and Village Board member stated the reason the ordinance was brought forward was because as of 1-1-20 it will be law and the village needed to decide on what we were going to do. The board agreed to take it through the process from the Planning Commission to the ZBA to the Village Board. The firestorm started when the State passed the law. Marty noted he is a data person so he hasn't totally made up his mind but he has been talking to residents, neighbors, legislators and veterans. He has gone out and talked to people face to face and is not done researching. It is a touchy situation and we have looked at other communities' ordinances to see how it is being approached. He has looked at what the advantages are and the 1500' distance was typical of what other communities were doing.

Debra Russell stated she felt we can make our own decisions and we don't have to do what everyone else is doing.

Mike Axelson asked about the number of dispensaries that are going to be allowed.

Bill Streeter noted it would be a slim chance Germantown Hills would even be considered but it could be down the road.

Tammy Poppen stated she has worked with women that have addictions and it's so sad because it is life altering. She stated she is here because of the community and wants to be able to stay for her grandkids.

Steve Rudolph thanked the ZBA for listening and how the meeting was conducted.

Jeanne Schaffer stated she is a retired nurse and as a nurse she had a philosophy to error on the side of caution and encouraged the board to error on the side of caution.

Randy Nash closed the public hearing at 7:22 p.m.

Randy Nash identified and restated the four options for the ZBA to consider.

Bill Streeter explained if the ZBA recommends prohibiting then if the board agreed they would have to pass an ordinance prohibiting dispensaries.

Randy Nash asked the board for comments and questions. There are approximately 28 people in attendance. The village has approximately 1100 households so with a couple of thousand people this is a low number of people in attendance. He's not sure if that

means people don't care or just don't have an opinion. He started talking to people and was amazed by some of the comments.

Dan Mair noted even though there's a small number of people here he feels in reality these concerns are the sentiment of the community.

Glen Riley stated he trusts Germantown Hills residents to do with what they want but he is against drugs.

Randy Nash noted it would be a slim chance for Germantown Hills to get a dispensary. He noted it is a struggle as once it's a law it doesn't mean people won't use it in Germantown Hills.

Ed Rainville questioned if we don't want it now, nothing stops us from changing it down the road, correct?

Bill Streeter stated that if after the decision is made the board wants to change something down the road, they will need to go through the whole process again.

Randy Nash wanted the ordinance requirements to be acknowledged so that if the board is inclined to approve the ordinance the ZBA should recommend changes if they feel they are needed.

Dan Mair felt down the road if something comes up down the road the distance requirements could be revisited if needed.

Presently if the ordinance is adopted, there's no commercial property that would meet the requirements.

Recommendation to the Village Board on a proposed ordinance amending the Zoning Ordinance regarding cannabis dispensaries and permit application fees.

A motion was made by Dan Mair to not approve the proposed ordinance and not recommend changes to the proposed ordinance. The motion was seconded by Ed Rainville. **Motion passed #1.**

4) Minutes Approval-September 17, 2019-A motion was made by Dan Mair to approve the September 17, 2019 Zoning Board of Appeals minutes. The motion was seconded by Joe Maier. **Motion passed #2.**

A motion was made by Glen Riley to adjourn the meeting at 7:40 p.m. The motion was seconded by Dan Mair. **Motion passed #3.**

Ann Sasso, Village Clerk