

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

10/8/2019

7:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

1. Call to Order

Mayor Robert Barnett called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Barnett led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Council Attendance (Present): Commissioner Walus, Commissioner Earl, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gray, Commissioner Hosé; Mayor Barnett

Absent: None

Non-Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village-owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of past meetings, an opportunity will be given for public comments and questions of a general nature. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to refrain from making repetitive statements.

Mayor Barnett said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

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3. Minutes of Council Meetings

MIN 2019-8351 — A. Minutes: Council Minutes – October 1, 2019

Motion: Commissioner José moved to approve the minutes as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

4. Proclamations

A. National Pharmacists Month – Malorie Ishman, Northwestern University

The Mayor declared October 2019, as American Pharmacists Month in the Village of Downers Grove. He presented the proclamation to Malorie Ishman of Northwestern University.

Malorie Ishman thanked the Mayor for the proclamation, stating that pharmacists are the most available health care professionals. Pharmacists improve patient outcomes. She spoke of new programs including a program regarding vaping. Other programs include topics such as opioid overdose.

B. Fire Prevention Week – Chief Jeff Pindelski

Mayor Barnett proclaimed October 6-12, 2019, as Fire Prevention Week in the Village of Downers Grove and presented the proclamation to Fire Chief Jeff Pindelski.

Chief Pindelski thanked the Mayor for recognizing Fire Prevention Week, and spoke of over 1.3 million fires nationally last year and the responses to fires. The Chief discussed measures to reduce these fire statistics. Fire Prevention Week helps raise awareness among the public as to the work of Firefighters. Individuals can learn about ways to protect themselves and their families from fires, such as using smoke alarms, sprinkler options, and safe practices. He said that we have to prevent tragedy before it starts. Chief Pindelski said that on October 9 there will be the annual Night at the Firehouse. On October 11 the 25th annual Silent Parade will be held starting at 7:00 p.m. in Hinsdale and will be on Maple Avenue in Downers Grove at about 7:15 p.m.

Mayor Barnett encouraged every to attend these events.

5. Mayor's Report

RES 2019-8345 — A. Resolution: Appoint Andrea Knudsen as Chair to the Community Events Commission

Mayor Barnett asked Village Clerk April Holden to read the resolution.

COMMUNITY EVENTS COMMISSION

Appoint Andrea Knudsen as Chair to a three-year term expiring August 31, 2022

**A RESOLUTION APPOINTING ANDREA KNUDSEN AS CHAIR
TO THE COMMUNITY EVENTS COMMISSION**

RESOLUTION 2019-77

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Motion: Commissioner José moved to approve “A Resolution Appointing Andrea Knudsen as Chair to the Community Events Commission,” as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

Economic Development Quarterly Report

Mayor Barnett asked Michael Cassa to present the quarterly economic development report.

Michael Cassa, President and CEO of the Downers Grove Economic Development Corporation, presented the EDC quarterly report. He reported that Village Sales Taxes for June 2019 were down 1.4%, and the Home Rule Sales tax was also down by 5.3%. The first six months of 2019 nationally showed a retail spending decrease. He said, however, that July was 2019’s best month. The August 2019 Hotel Taxes increased 2.5% over a year ago.

Mr. Cassa said that Cooper’s Hawk is open for business and they had a spectacular restaurant opening. They have also made Downers Grove their corporate headquarters. He also noted that Value City Furniture opened on Butterfield Road. Golf Galaxy will also be opening next to Value City Furniture. He noted that Starbucks is redeveloping their existing site on Ogden Avenue. In addition, Vequity is beginning its redevelopment of 6301 Main at the southeast corner of Main and 63rd. He further noted that Zeigler’s second dealership in Downers Grove has been completed and will be the home for overflow inventory. Foxtail is a restaurant being developed to open early in 2020 in the ground floor of the Maple and Main apartment building. BridgePointe has signed several leases for their building on Finley, and they have acquired another 13 acres south of their Phase 1 and will be before the Plan Commission in November. Green Bay Packaging is nearly completed at the northwestern corner of Warrenville Road and Finley. Arrow Gear is the largest employer in the Ellsworth Business Park. They were recently purchased by Precision Gear, and expansion is being planned for the Downers Grove location. He then noted that NTI Connect, which is a fiber optics company, has purchased 5101 Thatcher and will move their main facility to Downers Grove.

Mr. Cassa identified some of the data that the EDC will be tracking including municipal and home rule sales tax revenues, Illinois internet sales tax revenues, Village food and beverage tax revenues, sales tax revenues by retail segments, national consumer spending data, national consumer spending by retail segment, national consumer spending bricks and mortar vs. online, hotel tax revenues, industrial sector occupancy rate, and office sector occupancy rate.

Mr. Cassa then provided information on marketing events including Deals Are Brewing in Downers Grove that was held October 2 in the Village with over 60 commercial brokers and developers from the Chicago area in attendance. Each attendee will receive a letter of appreciation from the Village. He thanked the Council members who attended as well. He then mentioned the International Council of Shopping Centers Dealmaking Show where members, commercial brokers, developers and managers gathered. The EDC has had a booth at this show for several years.

Commissioner Gray thanked Mr. Cassa for the work done by the EDC, and he asked about the sales being down. Mr. Cassa replied that the first six months were terrible for retailers nationally. He spoke about Toys R Us closing all their stores nationwide right before the holidays, and the polar vortex. He indicated that spending via the internet and other smart devices is way up and spending in bricks and mortar stores is down. He said they would see whether there would be a change to local retail sales.

Commissioner Sadowski-Fugitt asked him about the internet tax. Mr. Cassa replied the tax covers the remote retailer. If you purchase something on the internet and the shipping place is not from Illinois, the State will collect an internet tax. If it is purchased and shipped within the State, there are no additional taxes. He noted that marketplace sellers such as seen on Amazon would be subject to the same tax conditions as a remote retailer. The only time it does not kick in is when you purchase something on the internet from Illinois and it is shipped in Illinois.

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Village Manager Dave Fieldman said there are a variety of sales taxes and sales tax rates based on things like point of purchase, point of delivery, storage location, etc. The Village has asked the Illinois Retail Merchants Association to provide a chart showing how the taxes are determined.

Commissioner Earl asked about the typical lag time between the end of period and reporting. Mr. Cassa responded that they are waiting for the July reports. Quarterly numbers are much worse.

Mr. Fieldman further replied that it is typically 90 days, but the State has launched a web-based portal that is supposed to increase the reporting time.

6. Public Comments

This is the opportunity for public comments.

Mary Blanchard commented that in recognition of National Coming Out Day, Good Samaritan Hospital is hosting an event this Friday. This is the first event of this kind for Good Samaritan and its objective is to show that Good Sam is a safe environment. Everyone is welcome.

A resident said he promotes the 75th Street area, and the Ogden Avenue corridor and hopes they are a continued focus for the Village Board.

7. Consent Agenda

BIL 2019-8350 — A. Bills Payable: No. 6484, October 8, 2019

MOT 2019-8346 — B. Motion: Authorize \$151,622.00 for the Purchase of a Dell EMC IDPA 4400 Storage Device, Dell EMC Unity XT 480 Backup Appliance and Three Years of Maintenance from Sentinel Technologies, Inc.

Summary: This authorizes the purchase of a Dell EMC IDPA 4400 Storage Device, Dell EMC Unity XT 480 Backup Appliance and Three Years of Maintenance from Sentinel Technologies, Inc. in the amount of \$151,622.00

RES 2019-8347 — C. Resolution: Authorize an Intergovernmental Agreement with the Department of Healthcare and Family Services for Reimbursement of Uncovered Costs of Ambulance Transports through Medicaid

Summary: This authorizes an intergovernmental agreement with the Department of Healthcare and Family Services for reimbursement of uncovered costs of ambulance transports through Medicaid.

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES AND
THE VILLAGE OF DOWNERS GROVE**

RESOLUTION 2019-78

RES 2019-8348 — D. Resolution: Authorize an Intergovernmental Agreement with the State of Illinois Department of Commerce and Economic Opportunity for Fairview Business District Streetlight Replacements

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Summary: This authorizes an intergovernmental agreement with the State of Illinois Department of Commerce and Economic Opportunity for Fairview business district streetlight replacements.

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
STATE OF ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND
THE VILLAGE OF DOWNERS GROVE**

RESOLUTION 2019-79

RES 2019-8349 — E. Resolution: Authorize an Intergovernmental Agreement with the State of Illinois Department of Commerce and Economic Opportunity for Downtown Business District Crosswalk and Accessibility Upgrades

Summary: This authorizes an intergovernmental agreement with the State of Illinois Department of Commerce and Economic Opportunity for downtown business district crosswalk and accessibility upgrades.

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
STATE OF ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND
THE VILLAGE OF DOWNERS GROVE**

RESOLUTION 2019-80

MOT 2019-8352 — F. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Liquor Commission - August 1, 2019

Motion: Commissioner José moved to adopt the Consent Agenda as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

8. Active Agenda

ORD 2019-8326 — A. Ordinance: Providing for the Issuance of Not to Exceed \$22,575,000 Taxable General Obligation Refunding Bonds, in One or More Series, of the Village of Downers Grove, DuPage County, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds

Summary: This provides for the issuance of General Obligation Refunding Bonds, Series 2019.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$22,575,000 TAXABLE
GENERAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, OF THE VILLAGE OF
DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY AND
COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND
INTEREST ON SAID BONDS**

ORDINANCE NO. 5776

Motion: Commissioner José moved to approve “An Ordinance Providing for the Issuance of Not to Exceed \$22,575,000 Taxable General Obligation Refunding Bonds, in One or More Series, of the Village of Downers

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Grove, DuPage County, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds,” as presented. Commissioner Earl seconded the motion.

Commissioner Earl explained that this ordinance is like refinancing a mortgage and stands to save the Village about \$800,000.00.

Mayor Barnett said this is refinancing Village debt.

Votes: Yea: Commissioners Hosé, Earl, Gray, Kulovany, Sadowski-Fugitt, Walus; Mayor Barnett

Nay: None

Mayor Barnett declared the motion carried.

ORD 2019-8320 — B. Ordinance: Prohibit Adult Use Cannabis Business Establishments

Summary: This prohibits adult use cannabis business establishments.

AN ORDINANCE PROHIBITING ADULT USE CANNABIS BUSINESS ESTABLISHMENTS

ORDINANCE NO. 5777

Motion: Commissioner Earl moved to approve “An Ordinance Prohibiting Adult Use Cannabis Business Establishments,” as presented. Commissioner Walus seconded the motion.

Mayor Barnett commented that an item on the Active Agenda means it has been discussed previously, and has been reviewed thoroughly. The intent of any Active Agenda item is to take a vote, and likely the Council is ready to take a vote. It is probably not good public policy to count e-mails, the number of speakers, etc. All input is welcome. He asked that comments be kept to five minutes, and it is not necessary to repeat everything. The Council will hear whatever is said.

Commissioner Hosé noted that certain of his colleagues have indicated that they do not see this Ordinance as an opt-out forever decision, but as a wait and see decision.

Motion: Commissioner Hosé moved to amend the proposed Ordinance to add a sunset clause repealing the Ordinance as of January 1, 2021 unless extended by affirmative vote of the Village Council. Commissioner Sadowski-Fugitt seconded the Motion.

1. Catherine Molloy asked if the Motion passes does it mean this would be revisited.

Mayor Barnett said yes.

Ms. Molloy said that any drug use is affected by three main factors: the perception of harm, the availability of the drug, and the social acceptance of use of the drug. She asked, “What are we doing?” She doesn’t want our youth or anyone to be continually contemplating whether this negative activity is something that they want to do or not. She wants them to contemplate positive thoughts such as how much God loves them. Then they will learn to love themselves, their families, their community, their country and their God. She asked that we help our youth and everyone to live positive lives.

Mayor Barnett asked people to refrain from applause.

2. Susan Wan said she is in support of the amendment proposed tonight. She was surprised there was a motion to prohibit as she thought the Council was going to direct it to the Plan Commission. She said she wrote to the Council and said she’d like to hear from the whole Council in response to her letter.

3. A resident said that Lisle and Wheaton last night chose to opt out. Sean lives at 450 Rogers and he asked the Council to opt out. He said that Downers Grove is known as a safe, family and business friendly community, and

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he wants to protect our hometown. Cannabis is addictive. He spoke of his experience as a landlord and its destructive side. Sean asked that the Council protect our Village.

4. A resident spoke about the revenue, saying that in Canada, with legalized marijuana, the black market has never been better. The legal retail price cannot compete with the black market. He noted that black market does not require leasing stores, or hiring people. It is highly unrealistic we will see any revenue, but we will see problems and a variety of increased costs.

Mayor Barnett reminded everyone that they are discussing the amendment with a sunset clause right now, and not the general issue of marijuana sales. Discussion of marijuana sales will continue after the amended motion.

5. Diane Casnick said she thinks the sunset clause is a good idea.

6. Zack Alexander commented that they should be looking into research. If the intention of the amendment is serious, he will encourage the amendment.

7. Fran Pixler said that the sunset clause gives the Council 12 months to decide what to do. She encouraged an 18-month wait.

8. A resident asked when the sales tax would be reported. Mayor Barnett said he expects it would be the 2nd quarter before they get a real sense, but they don't know the exact month. Colleen said they might want to consider waiting longer.

Mayor Barnett noted that people who speak do not need to give their address. It says that on the website that addresses are required, but that has to be corrected.

9. Andrew Pelloso said he supports the amendment as proposed.

10. Wayne Cerny asked about the sunset clause and whether it will require revisiting a vote.

Commissioner José said it would go away unless reauthorized by the Council.

Mayor Barnett added that he is certain that the Council would take some action and not do nothing.

Mr. Fieldman stated that staff strongly recommends that any proposed amendment to this Ordinance be further amended to include the clause to "direct Staff to prepare zoning regulations regarding cannabis businesses to be in place prior to any sunset of the prohibition." It is imperative that they avoid a situation where there is no prohibition and no zoning rules. They must protect the integrity of the Zoning Ordinance and be sure that the rules to do business in the Village of Downers Grove are clear.

Commissioner Kulovany asked the Manager to explain what would happen if they were not covered by the Zoning Ordinance.

The Manager responded there would be a high degree of uncertainty as to what is or is not permitted in the Zoning Ordinance and it would be up to the interpretation of staff, and highly likely the court system would decide as to what would happen if somebody proposed selling cannabis when it is not specifically addressed by district or use or regulations.

Commissioner José said he has no problems with further amending the Ordinance. His intention is not to move forward without additional conversation.

11. A resident said he does not support the amendment as it stands. He thinks not researching this is a failure of good government. Cannabis is all around us and kids have easier access to it than adults.

12. A resident of 32 years said she feels the amendment is not enough time. She said that California passed legalization in 2017. The most prominent cities are San Francisco and Oakland and many towns in northern California have opted out. She said she raised her daughter here and participated in the DARE program.

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13. Bo Martin said he thinks the amendment sounds sneaky and opens up the possibility of legalized sales within a year.

14. A resident said she supports the amendment.

15. A Lisle resident said that Lisle opted out last night. He asked that Downers Grove's sunset amendment be scrapped.

16. Rick Kay said he supports the amendment.

17. Mary Blanchard supports the amendment.

18. Peter Legnowski supports the amendment.

19. Frances Brie is opposed to the amendment.

20. A resident said she was confused by the sunset rule and asked for an explanation.

Mayor Barnett said that the current ordinance would need to be reauthorized. He said that there is a split constituency. Staff would have to be prepared with another Ordinance prior to the sunset date. The Mayor said they wanted time to learn from other communities' experiences.

The resident said at this time she is opposed to the amendment.

Commissioner José said that the idea is to keep it simple. We wouldn't let the Ordinance disappear. The amendment allows the Village to continue the conversation in a year. This amendment hits the pause button.

21. A resident opposes the amendment and said that basically this is a money issue.

22. A 32+ year resident said that on the federal level smoking marijuana is still illegal and he opposes the sale.

Mayor Barnett said that the amendment does not legalize retail sales of marijuana, but only compels the Council to revisit the issue. Mr. Fieldman said the amendment would not require a review. It would be an automatic sunset.

Mayor Barnett urged people to be thoughtful and friendly and wants the meeting to be orderly.

23. Steve Kozbecki said he supports the amendment.

24. A resident of Westmont said that their students go to Downers Grove North. The resident opposes the amendment and holds the opinion that opting-out is the right choice.

25. Jim Watson asked how the delay impacts the ability to get a State license. Mayor Barnett said that a license is issued to people/businesses but not a municipality. Mr. Watson said this then kicks the can down the road.

Mayor Barnett noted that licensing is unclear at this time.

26. A resident said that previous cities have either opted-in or opted-out. She asked for clarification and opposes the sale of cannabis. Mayor Barnett said that for the interim period, cannabis businesses would not be legal. Once the Ordinance is repealed, they would have to decide as to the future.

Commissioner José said this is strictly a pause button.

27. A resident said that Downers Grove should learn from Lisle. The resident opposes the sunset.

28. Jennifer supports the amendment. Many residents have been asking for more research.

29. A resident said with respect to getting data, he thinks it will be there and he supports the amendment.

30. A resident does not support the amendment.

31. A resident said they should amend the amendment to a longer time such as two years.

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Commissioner Kulovany asked when licenses would be available for communities opting-in.

Village Attorney Enza Petrarca said that the first round have already been issued and the next round is in July.

32. A resident does not support the amendment and believes we should opt out.

33. Ed Binder opposes the amendment, as it is not good for our youth. He said marijuana is not good.

34. A resident spoke in favor of the amendment and asked if it would ever go to referendum.

35. A resident supports the amendment, saying revenue is not the only information that would be important.

36. A resident who is a landlord does not support the amendment.

37. Another resident does not support the amendment.

38. Christine Martin opposes the amendment.

39. Christine Carpowitz asked whether they could put in more research that could be included in the amendment. She asked if there is an election of board members between now and 2021.

The Mayor replied there is not an election.

40. A resident urged the Council to opt out.

41. A resident asked if there would be a committee in charge of research. Mayor Barnett said that most of the commentary was backed up by wanting to see what neighbors have experienced. The resident wants a committee with firemen, first responders, and police officers. She also asked about a referendum and how that could be done.

Mayor Barnett said there are clear rules about that on line. Village Attorney Petrarca said there is enough time to include a referendum on the ballot for the next election.

42. Steve Carpowitz said he supports the amendment.

43. A resident said the drug is not good for kids and urged the Council to make a decision to opt out.

44. Janet supports the amendment and this Council could establish the process.

There being no further comments on the amendment at this time, Mayor Barnett called upon the Council for their comments.

Commissioner José said he did want to add staff's recommended language as Mr., Fieldman stated earlier.

Commissioner Kulovany asked what the typical time is in months for a business to go through the process with the Village.

Mr. Fieldman said it is about ten weeks from the time of receipt of a completed application to presentation to the Village Council.

Commissioner Kulovany asked how long it takes to open a business.

The Manager said that is up to the petitioner, and depends upon how much work is done ahead of time. It could take up to nine months.

Commissioner Sadowski-Fugitt said this is a pause button, and noted that this could be paused again.

Commissioner Walus commented on the pause button. She appreciates the comment. There is confusion about the sunset clause. She is not opposed to revisiting this but is hesitant to put an exact date on it. She is not comfortable at this time setting an exact date.

Commissioner Kulovany commented that he doesn't think we will have reasonable numbers and asked if anyone is concerned. He would like to talk to the Mayor of Darien, and others to learn their experiences. We don't get to choose business. He said they cannot guarantee dispensaries will be wonderful and of good character. There are

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many issues in the long-range plan and a number of things on our plates. He is not comfortable with the timeframe. He is not in favor of the amendment.

Commissioner José noted that medical marijuana dispensaries will be open and the Village won't have to wait to derive data. Regarding the sunset timeframe, they can amend it to 18 or 24 months if they choose to do so. Regarding zoning, if it's too restrictive they could open that up. What is being done now will zone it out of existence. A comment was made regarding the Meadowbrook location. None of the zoning options had Meadowbrook on the list of permissible cannabis locations. He said if they really want a pause button they should do it. He is open to ideas and wants them to put it on an Agenda.

Mayor Barnett questioned whether they could reauthorize procedurally to amend the Ordinance for the First Reading and Active Agenda. Village Attorney Petrarca replied affirmatively.

Mayor Barnett commented that he thought initially this sounded like there was a commitment on the part of the Council down the road, and he thought he heard Council members had an interest in a pause.

Commissioner Earl said she wants to opt-out.

Commission Gray said someone spoke about not kicking a can down the road, and he opposes the amendment.

Commissioner José said if the amendment passes and the Ordinance passes following, they will have opted out and will simply talk about it in a year.

Commissioner Walus asked if they choose to not vote for the amendment, is there anything restricting them from bringing this forward again. She was told there was not.

Mayor Barnett asked for a vote on the motion to amend this Ordinance.

Votes: Yea: Commissioners José, Sadowski-Fugitt; Mayor Barnett

Nay: Commissioners Gray, Kulovany, Walus, Earl

Mayor Barnett declared the motion to amend the Ordinance failed 3:4.

Mayor Barnett had the original Ordinance motion re-read by the Village Clerk.

At this time, Council took a 10-minute recess.

Mayor Barnett called the meeting back to order at 9:00 p.m. He reviewed that they are going to discuss the Motion on the floor to adopt an Ordinance to prohibit adult-use cannabis establishments. There were no comments from the Council at this time.

1. A resident said that marijuana is illegal at the federal level. They will allow people to startup businesses in the Village violating federal law. These will be cash-based businesses, and they have to think about the cost to society. There could be serious violent crime focused on these businesses.

2. Jim Watson said that on September 3 the Council agreed to move this to the Plan Commission. On September 10 the Motion failed. He has stated his opinion. The business opportunities go beyond dispensaries. Neighboring communities have opted in. Several have suggested a wait and see attitude. He would like to vote to opt-in. He asked about the option to allow business-to-business models that do not sell to the public, and urged the Council to review this further. He feels it will be positive.

3. Rich Kay said the issue is input from a large number of constituents. He spoke about ways to communicate with residents. He said that the Council was not listening to the public. He expressed concern about the lack of listening. Some of the Council members made up their minds before they heard from voters.

4. Stacy Salman is disappointed in the process. Three said they would listen and then retracted on that.

Mayor Barnett said they should dispense with the thought that a lack of agreement is a lack of listening to the input. This is not a contest of counting e-mails or phone calls.

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5. A resident asked that the Council please opt-out.
6. Steve Wiesnecki said this is not just about tax revenue. Some residents will buy and will make other purchases as well.
7. A resident living in Downers Grove North School district said they don't need another addictive drug. They have to limit access and opt-out is the safest measure. Opting-in would increase access to the kids. Marijuana is a gateway drug to opioids and raises the possibility of traffic accidents. She supports opting out.
8. Andrew Pelloso said he is hearing extreme dissatisfaction with the process and the Council. The inconsistencies are what are troubling. Fear is a reckless government. He said this Council is taking their personal positions and interests above that of the residents. Predictability is the foundation of good government. This discussion is a free-for-all and is sending a message to businesses that Downers Grove is in a free-fall. A community that doesn't understand the role of the people doesn't understand its businesses.
9. A resident said she would be leaving Illinois because the public wasn't given an option to vote on this.
10. A resident requested that the Village opt-out. She referenced information on the Village's website. She presented a petition of those who would like to opt-out. She said they don't know the long-term impact of this law and she asked that they consider safety before revenue.
11. Sandy Siegler commented that it doesn't mean it is right, even though it is legal. She spoke of an experience of an acquaintance of hers. She knows three families who have lost their children to drugs.
12. Zack Alexander commented that there is a lot of misinformation available. He shared data from Journal of Economic Behavior and the Journal of American Medical Association regarding reduction in problems in areas where marijuana was legalized. He noted that this would become legal on a federal level soon given the recent number of bills in Congress.
13. A man who works in Downers Grove said his company hires a lot of temporary workers. He shared a story about a job applicant who failed a drug test.
14. Diane Kasnak is a nurse and thinks they should opt-in. She has been in an emergency room for 12 years and never saw a marijuana overdose. Marijuana is not a gateway drug; however alcohol is.
15. Christine Martin urged the Council to opt-out, and spoke about the concern of the Council for students. The Council's concern is for the kids and the community, which she sees in the Village's attempt to protect the students crossing Main Street at Downers Grove North. She said that being a marijuana hub would weaken the Village's brand.
16. Karen Crow said she was in Colorado Springs two years ago when they were having a parade in the downtown. There were marijuana stores all along the street even next to ice cream stores.
17. Maria Wagner commented that her heart is with the children. She represents a family affected by this and related an account of someone who used marijuana and eventually committed suicide. She asked the Council to opt-out.
18. Susan Wan commented she is disappointed with the process. The Council is not interested in public comments. Trust has been dissolved. She rescinded her continuation in the Human Services Ad Hoc Commission.
19. A resident spoke of hallucinations under the influence of marijuana.
20. A resident is a physical therapist working in home health and part of her job is to get people off legal opioids. She said they don't know who will be addicted or who will not be addicted to drugs. Health professionals work hard to monitor to get people to consciously look at their intake of tobacco use. There was once a push to make tobacco look like fun. We don't yet understand everything about THC. She said she would like it to stay in the medical realm. There is a potential for harm.

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21. A resident said he agrees with the comments about the process. He is in favor of opting-in. The issue is what does a locality do with this new law. He spoke about the legal regulatory laws that regulate alcohol. He said that shifting marijuana away from Downers Grove doesn't solve the issue.
22. A mother of two children said that cannabis could be addictive. THC can lead to addiction. She provided statistics on addiction, staying in school, health. The use of the products is exploding. They have to protect the children and families and she wants to see the Council opt-out.
23. Mary Blanchard commented there is a problem with the process. There should have been a fact-finding process. The focus on retail sales seems to be the main focus, which is disappointing. The Council stonewalled the pause button option. They have not set a strong stage or platform for other decisions that have to be made.
24. Peter recommended that the Village not opt-out yet.
25. David Rose said there is a distinction between alcohol and cannabis. They should amend the Ordinance to include alcohol, tobacco, etc.
26. A resident of Downers Grove referenced Downers as a safe community and school districts, but is worried about making cannabis available to our children. The consumption of cannabis causes many health issues. Prevention is better than correction. The resident asked that the Village look at the Village's long-term issues and opt-out.
27. A resident spoke about the ability to go to neighboring towns and thinks the Village should opt out.
28. A resident commented that if we allow dispensaries, the wrong message is being sent to our kids. Usage among children is rising.
29. A mother of two children spoke about the risk for children with developing brains. Cannabis affects skills needed to drive safely. There is increased homelessness in the statistics from locations where cannabis is legal. To keep Downers Grove safe, she asked the Village to choose to opt out.

There being no further public comment, Mayor Barnett returned the discussion to Council members.

Commissioner Gray thanked everyone who came to the meeting, saying this is a difficult issue. He spoke to what he tried to do, saying there are fears about this issue and he tried to pull this out. He also spoke about the image and brand, and he tried to pull that out of his own decision making as well. He stated that he appreciates the comments of the residents who spoke in person, emails or online. He noted that it is impossible to look at this without considering whether it makes good business sense. He referenced his experience in business, as well as articles highlighting the troubles of keeping businesses successful. In addition he referenced an article in the *Chicago Tribune* and *Chicago Sun Times* regarding black market cannabis market sales. Commissioner Gray also spoke about offsetting the costs of marijuana use with the revenue sales. Rules and regulations have not been made and could change the business landscape. He said that the Council has heard the public clearly. He asked if it is good business for Downers Grove, noting that it is impossible to ignore business factors.

Commissioner Sadowski-Fugitt said it is in the best interest of everyone involved to give the family of a deceased community member referenced in the previous discussion time to grieve. She stated that she is profoundly upset at how the governing process fell apart on this issue. They should have been discussing the implications of zoning for all cannabis businesses, not just dispensaries and retail sales. There are businesses that could fill empty industrial spaces or new industrial spaces in the areas of growing, processing and transportation that were never discussed. Instead they fell into morality arguments about legalization and consumption of cannabis. When they were arguing whether or not mental illness and addiction is correlation or causation, and it is the former, they should have been arguing about whether to be 1,000 or 1,300 feet from protected spaces and what that means for an ideal business location for each of the available business types. While they heard specious arguments that asserted links between cannabis and crime, they should have been discussing things like the potential for cash free options or additional security options as conditions for a special use permit. Commissioner Sadowski-Fugitt

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continued saying when they started this process on September 3 she had hope for a more advanced dialogue with a clearer understanding of the potential business options and the Council's role as Commissioners to properly fulfill their duty to the community by analyzing quality resources and assessing community values based on input. Instead, she saw morality judgments, very questionable resources and a basic lack of dedication to understanding the issue at hand. She said they fell far short of her expectations from this governing body. She sincerely hopes and believes they can do better in the future. They can only do so with the continued engagement of the residents, both those who agree and disagree with her, to hold the Council accountable. She thanked everyone who provided feedback throughout this process and asked that the public stay involved with how the Council conducts business in the future for things that will likely have an even greater impact on both the fabric and the wallets of the community. This includes those things mentioned but not limited to new Village facilities, human services, stormwater and property taxes. She plans to vote "no" tonight and thanked everyone for providing their feedback.

Commissioner José said he looks forward to the future consideration of whatever new business item might come from one of his colleagues who is interested in a rather extended pause button. Over the past month they have had a pretty robust community conversation about recreational cannabis and whether to allow its sale within Downers Grove. Several things have become lost in that conversation including the possibility of manufacturing or transportation businesses locating within the Village, rather than just retail establishments. Unfortunately, this Ordinance bans those businesses too. Also seemingly lost is the fact that legalization is upon us whether we like it or not. Many of the negative effects cited by those who prefer to opt out are unavoidable, whether the Village opts-in or opts-out. Most of all what has become lost is reason, truth and trust. As a Council they are stronger and more effective for the community when they are united, not necessarily in a desired outcome but in a commitment to good process, regardless of outcome. Trust is often hard earned. When good process is cast aside and misinformation spread by a majority faction, that hard-earned trust can be lost. Regardless of the outcome of this vote they should all resolve to reaffirm their commitment to good process by working cooperatively from a common set of facts and working openly and honestly with each other for the benefit of the entire Village.

Commissioner Kulovany said he appreciated everyone's input. He noted the lateness of the hour. He said he read every single email and engaged in Facebook even though a reasonably small percentage of people actually see that. Most people may not realize that when something is posted on Facebook seven percent of the people signed up for that particular site actually see it. It is a useful tool but it's hard to say it reaches everyone in Downers Grove. He indicated that part of the issue is that they are going to disappoint people no matter what they do. There are those that once too often would expect them only to listen to their input and not necessarily the input of other people. The other thing is that they did talk a lot about process and they had their first meeting on August 20, and subsequent meetings on September 3, 10, 17 as well as other opportunities for residents to approach the Council including Coffee with the Council on September 21 and long-range planning meeting on September 23 where there were public comments. Other people could have joined in doing that. They also discussed it at length on October 1 and October 8. He said there was some feeling that the Plan Commission had some powers and opportunities that they don't have. What would have happened is that one of the dates mentioned would have been taken up by a Plan Commission meeting and they would have come back with their recommendations. He said people should also keep in mind that it is a zoning and land use board and they would have discussed the 1,000 feet or 1,300 feet distance. It is the responsibility of the Village Council to weigh in on policy matters and it's not the responsibility of the Plan Commission to do that. The other thing is that it is hard for people to come up and speak at the podium. When you speak at a Plan Commission public hearing you have to be sworn in and your sworn testimony is part of the legal process, so people are even more intimidated. He went on to say that it wasn't the full-blown research that people might have expected. He said he has taken an attitude from the trite phrase "wait and see" but he is a real big believer in business, in government and not-for-profits, and actually witnessing what other people have done, because you get to sit across the table from them and get to ask them, "Well, what would you have done differently? What really worked for you and what didn't work for you?" He's used that process before, and he's used it with historic preservation, in a study conducted about downtown design review, and actually went to five different communities and sat across from the Stan Popoviches of those communities and said, "What are you doing now, what are you doing compared to what your website says, what

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would you have done differently if you had to start over again?" He said it was amazing how much you can learn from that process. Commissioner Kulovany said he would love to get additional tax revenue. It is not a crisis but it's a serious issue of what the Village does with taxes; but he'd like them to do it right and it may take a little bit longer than the people who opt-in, who would like the Village to do this immediately. His feeling is it becomes normalized and it will become more like alcohol, which definitely has its problems. He said alcohol abuse, drunk driving, and the deaths that come from that are very serious issues. Vaping now is causing a very serious problem and it makes him wonder because he had the opportunity to look at what would society have done differently if they only knew. He knows that position disappoints some and it's not that he's not listening. It's hard to go back to people, particularly in social media, and say "Yeah, I'm listening. I just don't happen to agree with your particular approach." He thinks the approach that makes sense is to be able to see what actually happens, adjust accordingly and maybe five years down the road we'll have them on Main Street right next to Pierce Tavern. If that's normalized and the problems are as limited as the people who are for this particular product say, that's not outside of the realm of possibility. He said he appreciates the public input and he's really not changing his vote tonight.

Commissioner Walus said they spoke at the beginning about this being an emotional issue for the Council and for residents and she thinks that statement is absolutely correct. She had prepared comment, but through tonight's 3½ hour meeting she scratched out and made and circled notes because she wanted to come back and say those things. For weeks the Council continued to gather public feedback on whether to opt-in or opt-out. There's been a lot of discussion about process and she expressed her disappointment that so many people take issue with the process. She stated that she understands. She acknowledged that from one week to the next she changed her mind from a first reading to a final vote. In her opinion, that is allowed and she doesn't think there's anything that says they are not allowed to change their thoughts. She said it didn't come from a quick decision, but came after the First Reading on options going to the Plan Commission, her rewatching the meeting, reading and re-reading research that was provided to the Council by Village staff. At that point in time the Council began to hear more public comments on social media, email, in person. It didn't come from a random place. A good friend she has known for 20 years and trusts was the lead veteran on the legalized Illinois campaign and he helped craft the veteran provisions for that Bill and was part of a group that went out to speak to municipalities about the benefits of having cannabis retail sales in town. So she heard a lot about this issue before it was even brought to Council from his perspective. Commissioner Walus said she was sharing this information because she wants to get across that her decision tonight is not based on influence from a particular person or a particular group. She said she clearly has friends on both sides of the issue. Her decision is based on what was presented to them by Village staff, rewatching meetings to listen to feedback from her colleagues and from the Village Chief of Police. She wanted to reiterate that she is not against cannabis for medicinal or recreational use if residents should choose to partake. She favors seeing how legalization impacts our community before moving ahead. There was mention about stonewalling tonight and she thinks the sunset clause that was presented took her by complete surprise as well as many other people in the room. She voted against that because she doesn't feel comfortable putting an exact date on the books to talk about this when they have so many other issues that have been mentioned by several Commissioners tonight. She's not against the issue being brought up again, but she is against an exact date being put in place to do so given all that the Council has going on. Among the many things that she tries to instill in her two girls is if something is going to come out of your mouth that isn't kind, keep it to yourself, and treat other people how you want to be treated. She said people will never see her speaking negatively about her colleagues on the dais, on social media, through email or otherwise regarding their opinions on an issue. While her thoughts differ from a lot of her colleagues on the dais, she thanked them for providing things for her to think about and consider. She said she has been back and forth a million times on this issue considering one or another side. It has not been an easy decision for her. There is always the opportunity to learn from other people and she does that in every instance, even if they disagree. She is open to communicate at any time about a vote she made or how she feels about an issue. She apologized to those who emailed her who may not have received a response even though she tried to be diligent in her responses. She thanked the public for taking the time to contact the Council in whatever way they felt the most comfortable. There are about 50,000 people in this community and

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she doesn't think it's out of the realm of possibility that they would hear a variety of opinions given that amount of people. She thinks the Council all did their best to make the decision that they felt was right. Public feedback is vital and appreciated even if they don't happen to agree on an issue.

Commissioner Earl said she has been dealing with marijuana issues in the planning realms for about ten years. She is not comfortable with this at this time. She saw this in Los Angeles at a planning conference for medical marijuana. It was widely talked about at many conference events, including all the struggles they were having with marijuana. When this became legalized medically the Village was in front of that and had already put zoning in place in anticipation of its coming. In this case it's come a whole lot quicker and as a result without much thought on the State level for all of the regulations and the costs that are going to be coming along with it. She is uncomfortable saying that this is something Downers Grove should do because at this time she sees that the downside outweighs the upside. When you can say that is the case, in her opinion she doesn't see that there's another option but to opt out and wait for more information to come, and it will come because some of the Village neighbors have gone ahead and said "yes". She doesn't know how long receiving the information will take or how good that information will be so she can't judge yet and doesn't know how long it will be until it happens. She said it's important to bear in mind that when you shop at Target, you're shopping out of Downers Grove. Even if it's not in your town it's still going to be here and she's very well aware of that; but just because the Village has decided not to do it doesn't mean you're not going to be able to have your fun. If that's what people choose to do, by all means, have your fun. She thanked the residents for paying attention.

Mayor Barnett said that he thinks the Village failed in the process not because of the outcome but because they told the residents one thing and then they did it differently. The process Commissioner Kulovany referenced from August 28 and September 3 set a clear process that the Council at six to one was going to go through and then decided not to. That is a real problem and a real threat to the public's trust and confidence in this group. It has nothing to do with the outcome, but every single conversation that he has been party to since that time including all the opt-out conversations this evening that we've heard has been focused on one of about six potential activities associated with the State's legalization of marijuana, and they never talked about the others. Council talked periodically to both staff and each other and in advance of August 28 and in preparation for September 3 they put together a package of consideration. To Commissioner Earl's point it was in fact trying to be in front of this. It was to have something in zoning, or at least going through the process of the Plan Commission so they were not caught off guard. That didn't come just from staff. It came from everyone on the Council talking periodically to each other and to staff. Something changed. He doesn't know what and he only sort of cares. His biggest issue is that they told the public they were going to engage in one process and then they bailed. That's a problem and it has nothing to do with cannabis. Everything they've heard about cannabis has been all about the use of cannabis, and "I'm not going to use cannabis because I think it's really a bad idea to smoke things that have a potential for addiction." But the State legalized it and the Village decided they were going to have some zoning and taxation questions they were going to vet through. So when the public is upset, which some are and some aren't, he hopes what the Council is realizing is that most of the public that's upset is probably not so much about whether they opt-in or opt-out, but they were told the Council would engage in one process and then they decided on another one. That's a problem. He said he hopes the Council does it differently, and it is up to the Council members to do it differently. He said they should remember that there is absolutely nothing that prevented any one of the seven Council members or all seven of them from getting to the end of that process and still make the exact same decision they made tonight. But what would have been different was the other activities would have been commented on by people who know, with no offense to anyone on the dais, but nobody on the dais has spent 20 years in an entrepreneurial and marijuana businesses. Everybody is well aware of the negative aspects of the use, abuse and addictive elements of marijuana. But all the other activities never got a fair hearing and the public didn't get to participate in that fair hearing. He apologized to the public, saying the process should have been different than that. He hoped that in the next set of decisions they make, which have been alluded to from the dais and the public, the Council will continue to do what they say they're going to do from a process standpoint. That doesn't predispose an outcome. It doesn't have anything to do with the Council agreeing with each other or with the public. But they must keep the process so people can have faith in it. If the public can only have faith in the

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Council when they are sitting watching the Council in session that's really bad. The public has to be able to ignore the Council for six months and feel good about what's probably going on in their absence. That's where he thinks they failed.

He then called for a vote on the original motion to adopt an Ordinance prohibiting adult use cannabis business establishments.

Votes: Yea: Commissioners Earl, Walus, Gray, Kulovany

Nay: Commissioners Sadowski-Fugitt, Hosé; Mayor Barnett

Mayor Barnett declared the motion carried 4:3.

9. First Reading

Mayor Barnett said that due to the late hour, the First Reading item and Manager's Report would not be heard tonight. He asked if any Council members had reports.

INF 2019-8271 — A. Information: 2019-2021 Long Range Plan

10. Manager's Report

11. Council Member Reports

Commissioner Gray spoke about Fire Prevention Week. He said his father was in the fire service and he spent a great deal of time on Fire Truck 24 in Beverly. He loves what our firemen, policemen and first responders do. He urged people to participate in the Fire Prevention Week activities.

12. Adjournment

Mayor Barnett asked for a motion to adjourn.

Motion: Commissioner Hosé moved to adjourn. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 10:33 p.m.

Respectfully submitted,

April Holden

Village Clerk