

Village of Lemont

Mayor

John Egofske

Village Clerk

Charlene Smollen

Administrator

George J. Schafer



Trustees

Janelle Kittridge

Ryan Kwasneski

Ken McClafferty

Dave Maher

Rick Sniegowski

Ronald Stapleton

SPECIAL MEETING

President and Board of Trustees

Village of Lemont

December 19, 2019 – 6:30 PM

Village Hall – Village Board Room

418 Main Street, Lemont, IL 60439

AGENDA

I. Pledge of Allegiance

II. Roll Call

III. Mayor's Report

IV. Public Comment

V. Action Items

A. An Ordinance Amending the Municipal Code of the Village of Lemont by the Addition of Chapter 5.07 Prohibiting Cannabis Business Establishments

B. A Resolution to Rescind Resolution #R-101-19: A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Dedication of Resources to Fund the Village of Lemont's Unfunded Police Pension Liability, to Appear on the Ballot of the Electors of the Village of Lemont, In Counties of Cook, Will and DuPage, Illinois at the March 17, 2020 General Primary Election

VI. New Business

VII. Executive Session

VIII. Adjournment

By: Linda Molitor, Executive Assistant, Deputy Clerk, CRM

THIS AGENDA HAS BEEN POSTED FOR THE PURPOSE OF COMPLIANCE WITH THE ILLINOIS OPEN MEETINGS ACT.

Posted: Posted December 17, at 4:00 P.M.

TO: Village Board
FROM: George J. Schafer, Village Administrator
SUBJECT: Recreational Cannabis Opt-Out and Advisory Referendum
DATE: December 17, 2019

EXECUTIVE SUMMARY

The Cannabis Regulation and Tax Act (CRTA) became law on June 25, 2019 and goes into effect on January 1, 2020. The law legalizes responsible cannabis use throughout Illinois and provides regulation guidelines for the production and sale of recreational cannabis via local cannabis dispensary stores. While the act does not allow for the prohibition of responsible use of cannabis, it does allow municipalities the ability to regulate and prohibit dispensaries and other cannabis establishments within its jurisdiction. At the December 19th Special Village Board Meeting, the Village Board intends to approve an Ordinance that formally prohibits (opts out) dispensaries and other cannabis establishments within the Village. The Village Board will continue to gauge community sentiment on the issue and will monitor the benefits and effects of the cannabis legislation as it plays out in the region. Presented for approval at the December 19th Special Village Board Meeting is an Ordinance formally prohibiting cannabis business establishments within the Village limits. In order to further gauge public sentiment on the topic, the previously approved advisory question on whether to allow the operation of a recreational cannabis dispensary in town will be filed with the counties and will appear on the ballot as an advisory referendum question for Village registered voters on March 17, 2020. In addition to the opt-out ordinance being considered at the December 19th Village Board Meeting, presented for approval is a resolution rescinding a previously approved resolution that would've authorized a second advisory question related to police pension funding. As a result, the following question will appear on the ballot as the only question from the Lemont Village Board:

“Shall the Village of Lemont, in Counties of Cook, Will and DuPage, Illinois, allow the operation of a recreational cannabis (marijuana) dispensary within its jurisdiction?”

SUMMARY / BACKGROUND

The Cannabis Regulation and Tax Act (CRTA) became a law on June 25, 2019 and goes into effect on January 1, 2020. This law legalizes marijuana use throughout Illinois and provides regulation guidelines for the production and sale of recreation cannabis via

local cannabis dispensary stores.

The Village Board held a public workshop on October 8, 2019, to discuss the legislation. Several issues and topics related to the new CRTA law were discussed at this meeting including general provisions of the bill, how it would impact Lemont and the Village's ability to regulate impacts of the act. The information from this meeting along with additional information has been made available on the Village's website and will continue to be updated as updates become available. As discussed at the workshop, the bill does not allow municipalities such as Lemont to prohibit responsible consumption use of cannabis within the community, but it does allow the Village Board to enact reasonable zoning ordinances regulating and/or taxing of cannabis business establishments that may locate within a municipality, or to prohibit establishments entirely.

Following the initial workshop meeting, the Village Board directed staff at the direction of legal counsel to prepare amendments to the Village's Unified Development Ordinance (UDO) in relation to the act should cannabis establishments be allowed within the Village. A meeting was held by the Planning & Zoning Commission on November 6, 2019, and the issue was discussed again at another public Village Board Committee of the Whole meeting on November 18, 2019.

After extensive discussion at the various workshops and meetings, the Village Board recognizes that while responsible recreational cannabis usage will be legal January 1, 2020, having a possible dispensary store location in Lemont can be a very polarizing issue with residents. Due to this sentiment and the unknowns still present from the act, the Village Board would like to see how the implementation of the act takes shape in the region and obtain additional feedback from the community. As a result, the Board will be voting on an Ordinance that formally prohibits (opts out) of allowing cannabis businesses in Lemont. However, the Board would still gain additional feedback from residents, and has placed an advisory referendum on the March 17, 2020 ballot. The advisory referendum question approved by the Village Board on December 9, 2019 will be filed with the counties and will appear on the ballot.

BOARD ACTION REQUESTED

Motion to Approve

ATTACHMENTS

- An Ordinance Amending the Municipal Code of the Village of Lemont by the Addition of Chapter 5.07 Prohibiting Cannabis Business Establishments
- A Resolution Rescinding Prior Resolution R-101-19, A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Dedication of Resources to Fund the Village of Lemont's Unfunded Police Pension Liability to Appear on the Ballot of the Electors of the Village of Lemont, And the Counties of Cook, Will and DuPage at the March 17, 2020 General Primary Election.



VILLAGE OF LEMONT

**ORDINANCE
NUMBER O-__-19**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF
THE VILLAGE OF LEMONT BY THE ADDITION OF
CHAPTER 5.07 PROHIBITING CANNABIS
BUSINESS ESTABLISHMENTS**

**JOHN EGOFSKE, Village President
CHARLENE M. SMOLLEN, Clerk**

***JANELLE KITTRIDGE
DAVE MAHER
RYAN KWASNESKI
KEN MCCLAFFERTY
RICK SNIEGOWSKI
RON STAPLETON
Trustees***

Published in pamphlet form by authority of the Village President and Board of Trustees of the Village of Lemont on December __, 2019

ORDINANCE NO. O-____-19

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF
THE VILLAGE OF LEMONT BY THE ADDITION OF
CHAPTER 5.07 PROHIBITING CANNABIS
BUSINESS ESTABLISHMENTS

WHEREAS, the Village of Lemont has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the Village has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Village has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the Village; and

Now, Therefore, be it Ordained by the Board of Trustees of the Village of Lemont, Cook County, Illinois, in exercise of its home rule powers as follows:

SECTION 1: Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Cannabis Business Establishments Prohibited. Chapter 5 of the Municipal Code of the Village of Lemont shall be amended by the addition of Chapter 5.07 that will read as follows:

CHAPTER 5.07 Cannabis Business Establishments Prohibited.

5.07.010. Definitions: The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licenses by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulations to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

5.07.020. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Lemont. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Lemont of any of the following:

- 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

5.07.030. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

5.07.040. Violations. Violations of this Chapter may be enforced in accordance with the provisions of Chapter 5.04 of this Code.

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

ADOPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, ON THIS _____ DAY OF DECEMBER, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

John Egofske, Village President

Attest:

Charlene M. Smollen, Village Clerk

VILLAGE OF LEMONT

RESOLUTION

NUMBER R-____-19

A RESOLUTION RESCINDING PRIOR RESOLUTION NO. R-101-19, A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF ADVISORY QUESTION OF PUBLIC POLICY CONCERNING THE DEDICATION OF RESOURCES TO FUND THE VILLAGE OF LEMONT'S UNFUNDED POLICE PENSION LIABILITY TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LEMONT, AND THE COUNTIES OF COOK, WILL AND DUPAGE AT THE MARCH 17, 2020 GENERAL PRIMARY ELECTION

**JOHN EGOFSKE, Village President
CHARLES M. SMOLLEN, Village Clerk**

***JANELLE KITTRIDGE
DAVE MAHER
RYAN KWASNNESKI
KEN MCCLAFFERTY
RICK SNIEGOWSKI
RON STAPLETON***
Trustees

RESOLUTION NUMBER R-____-19

A RESOLUTION RESCINDING PRIOR RESOLUTION NO. R-101-19, A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF ADVISORY QUESTION OF PUBLIC POLICY CONCERNING THE DEDICATION OF RESOURCES TO FUND THE VILLAGE OF LEMONT'S UNFUNDED POLICE PENSION LIABILITY TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LEMONT, AND THE COUNTIES OF COOK, WILL AND DUPAGE AT THE MARCH 17, 2020 GENERAL PRIMARY ELECTION

WHEREAS, the Village of Lemont, Cook County, Will County and DuPage County, Illinois, is a unit of local government in the state of Illinois

WHEREAS, the Village, on December 9, 2019, approved a Resolution providing for and requiring the submission of an advisory question of public policy concerning the dedication of resources to fund the Village of Lemont's unfunded police pension liability to appear on the ballot of the electors of the Village of Lemont and the county of Cook, Will and DuPage, Illinois at the March 17, 2020 general primary election.

WHEREAS, the Corporate Authorities have recently determined that they do not wish to have this question in front of the electors at the March 17, 2020 election

WHEREAS, based on the foregoing, the Corporate Authorities have determined that Resolution No. R-101-19 is no longer necessary and can be rescinded.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lemont, Cook County, Will County and DuPage County, Illinois as follows:

Section 1: The facts and statements contained in the preamble clauses to this Resolution are found to be true and correct and are incorporated herein by reference.

Section 2. The purpose of this Resolution is to rescind and nullify Resolution No. R-101-19.

Section 3. The Board hereby rescinds and nullifies Resolution No. R-101-19.

Section 4. This Resolution, and its parts, are declared to be severable and any section, subsection, sentence, clause, provision, or portion of this Ordinance that is declared invalid such decision shall not affect the validity of any other portion of this Resolution, which shall remain in full force and effect.

Section 5. If any part of this Resolution is found to be in conflict with any other ordinance, resolution, motion or order or parts thereof, the most restrictive or highest standard shall prevail.

Section 6. This Resolution shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally left blank)

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

ADOPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, ON THIS _____ DAY OF DECEMBER, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES	NAYS	ABSENT	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

John Egofske, Village President

Attest:

Charlene M. Smollen, Village Clerk