

MINUTES OF THE PLAN COMMISSION
September 23, 2019

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:05 p.m. at the Libertyville Civic Center, 135 W. Church Street.

Members present: Chairman Mark Moore, Amy Flores, Matthew Krummick, Walter Oakley, Kurt Schultz, and Eric Steffe.

Members absent: Richard Pyter.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

Commissioner Schultz moved, seconded by Commissioner Steffe, to approve the August 26, 2019, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

PC 19-14 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code relating to the crop production and sale of marijuana.

Chairman Moore explained the direction provided by Village Board of Trustees. He stated that at the last meeting the Village Board had made a request of the Plan Commission to weigh in on the upcoming marijuana legislation as to whether or not the Village of Libertyville should allow Recreational Cannabis businesses in the Village. He stated that if they are to be allowed then the types that should be allowed, what zoning districts they should be allowed in, whether they should be permitted uses or specially permitted uses, whether conditions should be applied to those uses, and whether on-site consumption of cannabis should be permitted.

Chairman Moore stated that there was a lot of testimony given by the public and a lot of deliberation had taken place by the Plan Commission at the last meeting. He stated that the goal for tonight is for the Plan Commission to make a recommendation. He stated that at the last meeting the Plan Commission asked Village Staff to do some additional research on this issue including what financial impact would take place if these businesses were permitted.

Chairman Moore stated that as he calls up each member of the public audience who wishes to give testimony that they be limited to five (5) minutes of testimony.

Mr. Thomas Misko, 449 E. Rockland Road, stated that he has been a neuroscientist for over 20 years. He stated that he has worked at various pharmaceutical companies. He stated that having

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marijuana in the Village is a bad idea. He stated that it has bad effects on the nervous system of children and young adults. He stated that the brain in young people does not mature developmentally until they are in their mid 20's. He stated that THC can cause hallucinations. He stated that if someone has schizophrenia it can exasperate the symptoms. He stated that most people do not want to be around cigarette smoke and asked why should anyone have to be around pot smoke if they don't want to.

Mr. Michael Klestinski, 1019 Fairlawn Avenue, stated that he has been in the mental health field for 52 years. He stated that he has owned and operated a substance abuse treatment program for over 20 years. He stated that in his experience that when children or teenagers are referred to him for treatment and have been smoking pot their academic performance and attitude has declined. He stated that they have a desire to withdraw. He stated that if they were once athletes they no longer are athletes. He stated that if they were once students they are no longer students. He stated that he sees their parents crying for help. He stated that he was recently treating a 48 year old man who had been smoking pot since he was 16 years old. He stated that this man stated that he now wants to do something with his life. He stated that this man had always used pot to get away from issues in his life. He stated that this man is now 48 years old and is trying to figure out how to meet and date women but doesn't know how.

Mr. Randy Nipper, 1309 Canterbury Circle, thanked the Plan Commission for having this open forum. He stated that the State Legislatures did not allow the open forum in the State of Illinois. He stated that he is opposed to allowing the cannabis businesses in the Village of Libertyville. He stated that there is only sketchy evidence and a lack of clinical trials that have been done as to how cannabis affects a human being. He stated that there is plenty of data that still says the effect of cannabis is inconclusive. He stated that the Village should not be promoting the use of cannabis when the data is still inconclusive. He stated that there is some evidence that cannabis is harmful. He stated that recreational marijuana has been legal in Colorado and Oregon for some time now. He stated that visits to hospital emergency rooms have risen. He stated that traffic accidents due to the ingestion of marijuana have gone up which have led to an increase in auto insurance rates. He stated that there may be some short term economic benefits to the Village if these businesses are allowed, but he believes that the long term economic impacts will be negative. He stated that he does not want to see the Village of Libertyville allow this. He stated that there are better ways to raise revenue.

Mr. Frank Berardi, 1414 Ruidoso Court, stated that the audience knows the medical effects on the body of someone who uses cannabis, but he thought that there were a couple of other important things to consider while deliberating recreational sale. He stated consideration should be given to the image of the Libertyville community. He stated that Libertyville has worked very hard to create a good public image with its schools and family environment, and that a recreational dispensary does not fit into that image. He stated that this is why Libertyville does not have pawn shops, off-track betting establishments, or strip clubs. He stated that this why we don't have gun shooting galleries as well. He stated that we do not have these things because they fit into a category of places that Libertyville does not need. He stated that he does not want to see the day where a child asks his parents why the town has a cannabis dispensary if the child's parents had told him that marijuana is bad for him. He stated although there has been some discussion that there will be a supposed large financial gain for the Village he has not seen

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a lot of proof to back it up. He stated that he thinks anyone who comes up in support of the dispensaries should say what their vested interest in allowing them is. He stated that the family reputation in the Village is not up for sale.

Mr. Kyle Cashman, 125 N. Fourth Street, stated that the question of morality surrounding cannabis is no longer a topic of discussion because it is now legal in the State. He stated the discussion should center on where the dispensaries would be allowed as far as zoning is concerned. He stated that once cannabis is legalized, people would not be walking around smelling like burning marijuana, because smoking it out on the street would be illegal. He stated that he had read the legislation. He stated that this meeting should not be used to discuss “what-if” scenarios regarding children. He stated that blame should be placed on parents that allow their children access to substances within their own home. He stated that that a previous speaker had told about a man who smoked marijuana and could not seem to have any direction in his life. Mr. Cashman stated that he did not believe it was smoking that caused that man’s problems, but because that individual did not know how to cope with life.

Mr. Cashman stated that most of members in the audience were a generation or two older than him, and went on to claim that most people similar in age to him do not care about having a dispensary in the Village. He stated that home sales have stagnated in Libertyville, although home building was booming, so he did not think a dispensary would destroy home values.

Mr. Cashman stated that Libertyville is nothing like the fictional town “Mayberry” that people often compare it to, in part because of the high rates of DUIs in this town.

Mr. Cashman stated that he sees many DUI posts on the Village Police Facebook page, but never any posts about arrests made involving cannabis in town. He stated that he does not understand the outrage surrounding consideration of a dispensary in town, and that it seems like a generational issue. He stated that he had smoked cannabis before and that it never impacted his ability to do anything, like become an Eagle Scout or make other accomplishments.

Ms. Amanda McDonagh, 413 Catalpa Lane, stated that they moved to Libertyville three years ago. She stated that they chose Libertyville with their family in mind. She stated that Libertyville has a strong sense of community and the people are very friendly. She stated that Libertyville’s strong sense of community will be damaged if Libertyville becomes a destination for people wanting to buy marijuana. She stated that there is nothing about drugs that enhances the sense of community. She stated that if the Village is considering the potential of financial gain from marijuana businesses then the costs must also be examined. She stated that although we cannot keep drugs out of Libertyville we can at least restrict them from being sold here in Libertyville.

Ms. Fran Skinner, 1031 Blackburn Circle, stated that she does not want to talk about morality, but only the facts. She stated the state of Colorado approved recreational marijuana in 2013. She stated that since that time traffic deaths have increased by 48%. She stated that 21% of the traffic deaths have involved individuals who tested positive for marijuana use. She stated that marijuana related hospitalizations in Colorado have doubled from before it was legalized. She stated that marijuana use and abuse by youth in Colorado has increased by 20% since

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legalization of recreational marijuana. She stated that marijuana use by youth in Colorado ranks first in the nation. She stated that 70% of illicit drug users started with marijuana. She stated that people would be naïve if they believe that they do not have to explain this to their children. She stated that no matter where medical dispensaries are located people will still have to explain it to their children because they will be talking about it at school.

Mr. Ryan Clark, 130 W. Lincoln Avenue, stated that he is against marijuana businesses in town. He stated that he has a friend in Colorado who reported that for those areas that established dispensaries first in Colorado he noticed a high level of vagrancy and an evolving trend of tent cities near the dispensaries. Mr. Clark stated that there is a negative impact from a cost-benefit analysis. He stated that regardless of the tax revenue that could be generated from a dispensary there will be degradation on the quality of life as a result of have a recreational marijuana dispensary.

Mr. James Ramaker, 942 Sandstone Drive, stated that he has lived at his current address for 34 years. He stated that Libertyville is a family community. He stated that he understands that the Village has an opportunity to opt out of allowing recreational cannabis businesses in the Village. He supports the option of opting out in order to not allow these businesses in the Village.

Ms. Barbara Shafer, 315 Minear Drive, thanked the Commission for deferring the topic of recreational cannabis to the second meeting because it had given audience members more time to research. She stated that the law was new and would therefore have many issues or loopholes that had not been considered when the legislation was written. She stated that it was even weaker because the citizens of Illinois were not allowed a vote in the matter, and it had been forced upon 12 million people by a subset within 178 legislators. She stated that it was also important because the two people representing Libertyville said “No” to recreational cannabis legalization.

Ms. Shafer stated that she wanted to focus on two things in her testimony. She stated that the first, being a couple of case studies from cities which had already legalized recreational cannabis and the second was to get clarification about some parts of the new Illinois legislation. She stated that she wanted to talk about how the law would affect the family-friendly future of Libertyville. She stated that that she had read the entirety of the new law and that she has concluded that opting out of recreational dispensaries is the only “reasonable alternative”. She stated that it was her understanding that in a court case, the jurors and judge would use what laws Libertyville has in the books, and not the deliberations of the Plan Commission. She asked for confirmation of this statement from Mr. Pardys, the Village Attorney, who answered that a court would indeed look to the Village ordinances.

Ms. Shafer stated that the Village had three options that they could choose from. She stated that the Village could accept the law and then discuss how many plants would be allowed in homes and such, or where dispensaries would go. She stated that even though the Village would discuss these things, the State would have full discretion as to who the licenses for such dispensaries

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would go to. She stated that the administration in charge of the new laws regarding recreational cannabis would be the State's Department of Agriculture and the State's Department of Financial and Professional Regulation. She stated that she is concerned that the legislation made the State the benefactor of the application fees, that it gave the State power over regulation, and that it was a huge benefactor of the taxation surrounding cannabis. Ms. Shafer posed the question: "Do we trust the State to guard the family-friendly aesthetic of hometown Libertyville?"

Ms. Shafer stated that if the Village does say yes to dispensaries being allowed, then we need to get our attempt at a recreational dispensary perfect, because it could invite a wave of "State meddling into Libertyville, particularly on the drug issue".

Ms. Shafer stated that the second option, the Village saying "No" to recreational dispensaries, and stated that this option was her preferred choice. She stated that just because the Village may opt out would not mean that people could not smoke in their own homes. She stated that she had found that many suburban municipalities across Illinois are opting out and that "across the nation, in states with legalized cannabis, somewhere between a 1/2 and 3/4 of communities have already said no". She stated that people who wish to purchase marijuana should go to a different place to get it, and that it would be no different than going to a different town to go to a store that Libertyville does not have. She stated that saying no is important because it will mean that the State will not have more influence in what happens in Libertyville, and a large number of problems/unknowns would stay off the table. She stated that allowing cannabis and then trying to put more and more restrictions on it would be a lot harder than saying "no" in the first place. She said that the Village could opt out at any time before it is legal in the State.

Ms. Shafer proposed a scenario where the Village did not opt out and January 2nd came about, allowing a dispensary within the Village. She stated that she was unsure if Libertyville could legally say no to a dispensary once a business had registered with the State and paid the non-refundable fee for licensure. She stated that a situation like that would remind her of a lawsuit Libertyville lost in the year 2000 against a company called Lover's Lane.

She questioned how much taxes would really cover the expenses of the additional administrative costs that would be required to address having a dispensary in town, and if the costs outweighed the revenue, would money have to be diverted from other budgets?

Ms. Shafer wanted to know that if the Village did say "no" to recreational dispensaries, and then changed its mind, how much would it take to allow such a dispensary in town? Mr. David Pardys, Village Attorney, stated that the Village would need to pass an ordinance specifically approving recreational cannabis dispensaries and defining specific districts that it would be allowed within. Ms. Shafer asked for Mr. Pardys to clarify that it would be no different to amend the Village Code at a later date to allow dispensaries in town than how the Village normally amends the Code. Mr. Pardys stated that it would be just like any other time they wanted to amend the Code.

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Ms. Shafer stated that there is a third option she could foresee, where the Village chooses to do nothing. She stated that she advises against this course of action since she had the impression that municipalities were opted-in unless they specifically opted-out. She reiterated that she believed opting-out is the more reasonable and flexible choice.

Ms. Shafer stated that it seemed like a lot of the legislation was intended to help applicants of social equity, and clarified that it was to help people affected by the war on illegal drugs. She said that this was important because although proponents for dispensaries may want a license, there is no evidence that they would then score higher in social equity items.

She asked if Lake County is considered disadvantaged compared to surrounding counties in this region. She asked what it would mean for Libertyville if people who are from out of town decide they want to make Libertyville their stop for cannabis.

Ms. Shafer stated that she hadn't seen numbers from proponents of cannabis that clarify how much a dispensary would really help the social equity factors of people affected by the war on illegal drugs. She stated that all she seems to see from proponents is encouragement to hurry through the process of legalization and very few sources of real data. She stated that she has all her data, facts, and opinions in the public eye. She stated that she has faced obstacles and public backlash for her views, but she stuck with it because she values facts and education. She said that even though she has received push-back, there have also been praises in 4 cities and 4 different states. She stated that for those places that she had received support, she said that she was advised that Libertyville take its time and fully investigate the revenues and expenses that would come with a dispensary. She stated that it is in Libertyville's best interest to talk to people in the emergency service departments and in the Community Development Department to see how it would affect them to know exactly what Libertyville is getting itself into.

Ms. Shafer stated that in Washington state, they have had to enact extra legislation to keep citizens safe and that now they are passing legislation to allow edibles and other infused products to be administered to minor patients on school grounds. She stated that this would be in direct opposition to Red Ribbon Week and its initiative to teach students to be drug free.

Ms. Shafer stated that she views opting out as the damage minimization route for Illinois municipalities to take. Ms. Shafer stated that this new legislation regarding recreational cannabis dispensaries is important also because it deals with the degree to which Libertyville maintains local control, and therefore, this stands between Libertyville and lawsuits, State control, and Federal compliance in Libertyville schools.

Mr. Steve Dill, 1676 Cedar Glen Drive, stated he is the Executive Director of Horizon Pharmaceutical in Lake Forest, IL. He stated that he has been a Libertyville resident for 35 years. He stated that when he first started out living in Libertyville one of the first initiatives was to develop a waste management facility just west of where his home was located. He stated that

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he testified at those public meetings as well and made a point of the costs and damage associated with the activity that is associated with the development of that type of facility. He stated he wants to address Item IV on Page 5 of the DRC Staff report regarding projected revenue. He stated that he believes that the numbers as shown in the report are not accurate. He stated that a sensitivity analysis was not done to support the claims that the report is making. He stated that the report's financial claims were based on a number of assumptions. He stated that the claims include \$100,000 in tax revenue would be made from each recreational marijuana dispensary store. He stated that this amount is decreased by \$20,000 due to Libertyville being a non-home rule community. He stated that \$80,000 would not cover the cost of an extra police officer which would be needed if the collateral effects were taken into consideration of having a recreational marijuana dispensary such as traffic accidents, and the rise in other bad factors such as juveniles delinquents who get high and do something unintended.

Mr. Dill stated that the report makes reference to another report from the DuPage County Mayors and Managers Conference which cites potential tax revenue of almost \$500,000 per dispensary per year. He stated that this revenue is based on the assumption that the State-wide demand for cannabis would be higher per store in the early phases of licensing as there would be a smaller number of stores initially. He stated that it would not be that difficult to drive to Wisconsin to purchase cannabis products for people coming from Libertyville. He stated that if recreational cannabis dispensaries are permitted in the Village of Libertyville then that would encourage an undesirable element to come to the Village which will downgrade the quality of life for the Libertyville community. He stated that he does not believe the financial projections as presented in the report as the need for increase in support from the police force as it does not appear to be taken into account.

Mr. Dill stated that there is an excellent book out in the market about the dangers of marijuana called, "Tell Your Children the Truth about Marijuana, Mental Illness and Violence" by Alex Berenson.

Ms. Julie Beal, 635 S. Dymond Road, stated that she was born and raised in Libertyville. She stated that she is a Millennial and she is against this proposal.

Ms. Ellen Coury, 933 Sandstone Drive, stated that she does not believe that the tax revenue generated by recreational marijuana dispensaries would be beneficial to the Village of Libertyville. She stated that she has calculated the tax relief would not exceed 38 cents per household if the tax revenue equaled \$100,000 for one dispensary. She stated that the costs would exceed the benefits due to the increased need in enforcement and administrative costs. She stated that there is a risk for the potential negative impact upon the Libertyville community. She stated that there is no turning back once the dispensaries are in the Village.

Ms. Katie Talerico, 236 Carriage Hill Circle, stated that she is a pediatrician. She stated that she wanted to address the impact that marijuana has on children. She stated whether it becomes

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legal or not it is a fact that young people are already using marijuana. She stated that if there is greater access to it then they will use it more. She stated that cannabis does have an effect on the developing brain. She stated that the brain is not completely developed until around age 26. She stated that MRI's have shown an impact on the pre-frontal cortex from marijuana use which correlates to learning, memory, and inhibition control. She stated that there is a higher rate of mental health issues for those that use marijuana. She stated that she is concerned for her children who will be exposed to this so much more easily if they have more access to it if we end up selling it here in Libertyville.

Ms. Clara Misko, 449 E. Rockland Road, stated that she recently moved to Libertyville and is 24 years old. She stated that she heard that the only young people who spoke at the last meeting were in favor of the recreational cannabis businesses in Libertyville. She stated that she is against recreational cannabis businesses in Libertyville. She stated that the Alex Berenson book mentioned earlier is an excellent book. She stated that this book indicated that in four states that marijuana has been legalized the murder rate has gone up 25%. She stated that this book makes correlation between violence and marijuana usage. She stated that the book indicates that the THC in cannabis causes psychotic episodes and this is based on a scientific consensus. She stated that this affects both children and adults in this manner. She stated that for anyone that disagrees with this information is misinformed. She stated that the misinformation is a result of not doing enough research. She stated that she has seen firsthand how the abuse of marijuana has destroyed a life of a friend of hers with the understanding that there are other factors. She stated that it can induce a downward spiral. She stated that she is new to this community and still getting acclimated to Libertyville. She stated that when she heard about the public hearing on this issue it shocked her. She stated that anyone would use something that has scientifically been proven to destroy people's lives or negatively impact their health as an opportunity to increase tax revenue is unconscionable.

Mr. Scott Guziec, 14292 W. Kirkwall Court, Green Oaks, IL., stated that he appreciates the opportunity to speak and that he has a vested interest in what is being discussed tonight. He stated that he arrived in Libertyville in 1976. He stated that it was once quite small and unappealing, but has since then become a wonderful place for families. He stated that the Plan Commission and all of the boards and commissions before them deserve a great deal of gratitude for their accomplishments. He stated that Libertyville has become a gem and a model for Lake County. He stated that the issue of recreational marijuana should be a matter of public safety. He stated that he does not understand why this decision has to be thrust upon so many Illinois communities. He stated that our State government which is near bankruptcy saw a golden opportunity to raise 2.6 billion dollars in tax revenue from legalizing recreational marijuana. He stated that depending upon the form and potency of the cannabis being sold, taxes can increase between 10% and 25%. He stated that the entrepreneurs that are flooding the State are distorting factual information about cannabis. He stated that research should be examined that has objectively identified the actual impacts that these cannabis dispensaries have inflicted upon communities. He stated that police departments are better equipped to objectively assess how

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dispensaries have impacted their communities. He stated that a police report from California indicated there have been increases in crime, traffic, increase in noise, and pedestrian traffic that include non-residents and persons with marijuana. He stated that the report also indicated that often times there are people waiting to prey upon people outside of the dispensaries. He stated that the dispensaries attract drug traffickers, drug users, arms violations, and unjustified fictitious prescriptions for cannabis and minors are exposed to illicit use of marijuana.

Mr. Guziec stated that recently in the news there was story that a Buffalo Grove medical marijuana dispensary is facing public backlash over handing out hats, stickers, and other promotional items to minors during the holiday weekend's Buffalo Grove Days festival. He stated that there is a debate that there could be a loss in tax revenue. He stated that there is concern about the potential for loitering in front of dispensaries. He stated that there is a concern about robberies of dispensary customers going in and out of the dispensaries and an increase in burglaries at or near the dispensaries. He stated that there is a concern of a loss in trade in other commercial businesses. He stated that there is a concern for an increase in traffic accidents caused by those driving under the influence of marijuana.

Mr. Guziec stated that these dispensaries have proven to be unsafe to their own proprietors. He stated that villages and towns that grant approval for the dispensaries will also have to contend with regulating the lounges where cannabis can be consumed and the regulation of growers including requests by growers to join the local farmer markets. He stated that we don't want them, we don't need them, please keep them out. He stated that the new Cannabis Act is over 600 pages long. He stated that the State will benefit from the tax revenue but the local communities will suffer for it. He stated that pot dispensaries will increase the number of impaired drivers on the streets of the local communities. He stated that there is nothing family friendly about allowing recreation marijuana dispensaries. He stated that his vested interest is that his two grandsons walk to school every day just a few blocks from the location of this meeting.

Ms. Katie Stewart, 1021 Avalon Lane, stated that she was born and raised in Libertyville and considers herself a Millennial. She stated that she is against having a dispensary here in Libertyville.

Ms. Judy Tancer, 328 E. Winchester Road, stated that she once lived in Colorado for five years and went to college there. She stated that she loved Colorado Springs. She stated that she eventually moved to Libertyville where she has lived for the last decade. She stated that she has two teenagers where one attends Highland Middle School and the other attends LHS. She said that she took her children to Colorado Springs for a visit last year to the downtown that she used to love. She stated that downtown Colorado Springs is not what it used to be. She stated that Libertyville now is very much like what Colorado Springs use to be 20 years ago. She stated that Colorado Springs now has drug paraphernalia stores everywhere and people are sleeping the park, it has become a sad place. She stated that she spoke to a friend who still lives in the

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Colorado Springs area and learned from them that the number of drivers driving under the influence of cannabis has increased over the years. She stated that the Rocky Mountain High Intensity Drug Trafficking Area report published a study recently that reported that there was a huge increase in children over the age of 12 who admitted to using recreational marijuana than before it was legalized. She stated that this makes her worry about her own teenagers. She stated that her 15 year old son helped her to draft a letter to the Village. She stated that she is concerned about what dark corner of the Village would a dispensary be located where it will not affect families and their children. She stated that they do not want dispensaries in the Village of Libertyville.

Mr. Ron Sempetean, 1314 Kempton Drive, stated that he moved into his home on 9-11. He stated that he has 6 children, 15 grandchildren, and in November he will have his 8th great grandchild. He stated that he is confused because he thought that there is a Federal law that should address this issue. He stated that he was drafted into the military in 1953 where he served honorably until 1955. He stated that he does not see people from the Police Department present in this meeting. He stated that he does not see nurses or other hospital people present. He stated that they are the true heroes in our community. He stated that by allowing the dispensaries we will be imposing upon our police and hospital workers. He asked if the Village will replace the Cook Park Rose Garden with a marijuana patch. He asked if the Independence Grove trees will be torn down. He stated that if anyone likes recreational plants they should go to the Botanical Garden. He stated that he is not speaking for himself, but is speaking for the children. He stated that consideration should be given to the reason why we would consider besmirching ourselves. He stated that we should not have to cow tow to the people in Springfield, Illinois. He stated that he has many fond memories including going to see the Cubs at the World Series in 1945, but his best memories are that of his family including his children, grandchildren, and great grandchildren. He stated that for those who are parents or grandparents they should embrace them in their arms the first opportunity that they have, look them in their eyes, and make sure that you are making the right decision.

Mr. Dennis Mudd, 1209 Lisa Circle, stated that he is the father of 6 children. He stated that he is the grandfather of 20 grandchildren, and a great grandfather of 1 with 2 on the way. He stated that he has lived in Libertyville for over 45 years. He stated that he works with some of the Libertyville service people. He stated that if recreational marijuana was approved for Libertyville then the Village should ask the service providers how it might impact them. He stated that responding to issues related to establishments with liquor licenses may already be enough to contend with. He stated that it will take a significant commitment by the Police Department to contend with the impacts that will be caused by legalizing recreational marijuana establishments. He stated that he is concerned about the State of Illinois government overriding the Village's ability to regulate recreational marijuana establishments. He stated that the State has chosen to not regulate slot machines because there is not a good financial return on allowing them. He stated that the Village should consider going to a referendum on the recreational marijuana establishments in Libertyville question.

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Mr. Tim Malham, 5995 Murifield Drive, Gurnee, IL., stated that he was previously from the southside and his wife is a northsider. He stated that he followed his wife to this area and started to have kids. He stated that his vested interest in this issue is that his two oldest children are going to school in Libertyville now. He stated that he moved to Gurnee five years ago and had looked at Libertyville as the place that they should move to, but decided that they could not afford it. He stated that he is concerned about the impact upon the property values if this were to be approved and if that were the case he will not move to Libertyville. He stated that the demand and value that Libertyville has will go down.

Mr. Pat Kamins, 1913 Halifax Street, stated that he recently spoke to someone who wants to set up a recreational marijuana dispensary in the State of Illinois. He stated that prospective dispensary operator needed to approach the city council of another town to request his permit. Mr. Kamins stated that the operator attempted to entice approval with the idea that the tax revenue from the dispensary will be substantial. Mr. Kamins stated that he asked the operator how he will proceed while competing with other dispensary operators. Mr. Kamins stated that the operator's response to his question was that he had 30 million dollars ready to go and can get money faster to the city faster than the other operators. Mr. Kamins stated that this particular operator admitted that this is how they approach communities. Mr. Kamins stated that he asked this operator who are the other operators and do they get approval from the State of Illinois. Mr. Kamins stated that the operator has to find employees with arrest records because the State of Illinois offers credits towards their license if the marijuana dispensaries have employees with arrest records for possession for minor amounts of marijuana. Mr. Kamins stated that the operator told him that they then have to figure out how to get rid of these employees with the arrest records because the operator indicated that he did not want to be business partners with them. Mr. Kamins stated that this prospective dispensary operator was on his way to the city council meeting of a community just north of Libertyville. Mr. Kamins stated that he did not want the Village boards and commissions to sell our souls for a few dollars.

Mr. Patrick McDonagh, 413 Catalpa Lane, stated that he is opposed to allowing recreational marijuana establishments in the Village of Libertyville. He stated that Lake County is a AAA rated county in the State of Illinois according to Lake County Partners. He stated that there are important industries in our area that make reference to the AAA rating and their chief concern is that Springfield wants to steal their money. He stated that Springfield is broke. He stated that his sister just moved to Wisconsin because her child is autistic and has special needs. He stated that his sister moved out of Illinois because there are not services here for special needs. He stated that there is a risk of not benefiting from the tax revenue anticipated from recreational marijuana establishments because Springfield is broke. He stated that we have to fix our own roads because the State is too broke to do so. He stated that for the majority of his life the State of Illinois has never passed a positive budget.

Mr. McDonagh stated that he is concerned about how the potency in marijuana has increased over the years. He stated that he has read in the Atlantic periodic journal that the average THC

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levels have increased by 4% in 1995. He stated that the average THC levels grew by 12% by 2015. He stated that the THC potency levels has increased substantially since the study found in the Atlantic article ended in 2015. He stated that everyone already knows that nicotine is addictive. He stated that although the e-cigarettes are for adults only, children can still get access to them and now we are seeing news of deaths related to vaping. He stated that even though we don't have a say in the matter in the State of Illinois regarding recreational marijuana, we do have a say here in Libertyville.

Ms. Katy Talerico, 236 Carriage Hill Circle, stated that the common thread between the kids who have died from vaping is that the e-cigarettes were laced with THC.

Mr. Peter Schmitz, 767 E. Garfield Avenue, stated that he has lived in Libertyville for 39 years. He stated that residents elected the boards and commissions to represent them. He stated that no one here wants the recreational marijuana establishments in Libertyville.

Ms. Jennifer Fuslo, 428 Arbor Court, stated that she and her husband have raised 4 children here in Libertyville. She stated that two years ago her second son had an opportunity to work in an internship in the state of Michigan which happened to be three blocks from their previous home. She stated that Michigan is a lot like Illinois. She stated that when they went back to visit Michigan there were whole streets full of dispensaries. She stated that many of the store fronts that have become dispensaries have been blacked out. She stated that the streetscape atmosphere wasn't welcoming anymore. She stated that their Michigan neighborhood has changed. She stated that her son graduated and got a job in that same Michigan area. She stated that recreational marijuana is now available in Michigan. She stated that now the florist there sells cannabis. She stated that the 7-11 store sells cannabis infused gummy snacks. She stated that it seems like it is everywhere, not just in the dispensaries. She stated that even for those who might support dispensaries in Libertyville, but only in the outlying areas of the Village and not in the downtown, will still cause an impact because the lesser expensive starter homes are located in the outlying areas of the Village where young families begin. She stated that we do not want to mix cannabis with first time homeowners together.

Chairman Moore stated that the public testimony portion of the public hearing shall be closed. He stated that they will now hear public comment from the Commissioners. He stated that the Village Board has asked the Plan Commission to make a recommendation as to whether all or some Cannabis Businesses should be prohibited in the Village; if allowed in the Village, what zoning districts should Cannabis Businesses be allowed to operate in; if allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use; if a special use permit is required, what specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use permit; and whether, and under what conditions, should on-premises consumption of recreational Cannabis be allowed.

Chairman Moore stated that he would like for the Plan Commission to initially focus on the zoning districts. He stated that there has been a lot of testimony tonight from the public

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regarding the all-out prohibition of recreational cannabis establishments in the Village, but the Plan Commission has been asked to make a recommendation not just whether to prohibit the use all together, but to also make recommendations on location, operational conditions, on site consumption, etc. He stated that he would like for the Plan Commission to begin their deliberation on which zoning districts could be considered for each type of recreational cannabis establishments. He stated that the Development Review Committee report listed various zoning districts that already list retail and crop production land uses and he would like for the Plan Commissioners to critique each one.

Commissioner Oakley stated that he does not support any of the proposed Zoning Code text amendments regarding recreational cannabis establishments. He stated that if it were to be approved then he is in favor of making it a Special Use Permit in the I-1 District to mirror the ordinance and operating conditions already in place for Medical Cannabis dispensaries. He stated that he does support allowing on-site consumption.

Commissioner Flores stated that she does not support allowing recreational cannabis establishments in the Village of Libertyville and stated that she concurs with Commissioner Oakley's recommendation to mirror the Medical Cannabis ordinance and operating conditions if recreational dispensaries are allowed. She stated that she does not support the on-site consumption of cannabis.

Commissioner Steffe stated the he also recommends not allowing recreational cannabis establishments in the Village of Libertyville. He stated that he concurs with Commissioner Oakley and Commissioner Flores's recommendation to mirror the Medical Cannabis ordinance and operating conditions if recreational dispensaries are allowed by limiting the recreational cannabis dispensaries to the I-1 District as Special Permitted Uses, if allowed. He stated that he does not support the on-site consumption of cannabis.

Commissioner Krummick stated that he is against allowing recreational marijuana establishments in the Village of Libertyville. He stated that if it were to be allowed he supports having the same regulation that has been applied to medical marijuana establishments be applied to recreational marijuana establishments. He stated that the one condition that he would change would be to increase the distance between a recreational marijuana dispensary from 2,500 feet from a school, as dictated for medical marijuana establishments, to one mile. He stated that if recreational dispensaries are allowed that they should be classified as Special Permitted Uses in the I-1 District to mirror the medical marijuana dispensary regulations. He stated that he does not support allowing on-site consumption of cannabis.

Commissioner Schultz stated that he is against allowing recreational marijuana establishments in the Village of Libertyville. He stated that if it were to be allowed he supports having the same regulation that has been applied to medical marijuana establishments be applied to recreational marijuana establishments. He stated that if recreational dispensaries are allowed that they should be classified as Special Permitted Uses in the I-1 District to mirror the medical marijuana dispensary regulations. He stated that he does not support allowing on-site consumption of

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cannabis. He stated that he wanted to thank Village Staff for providing the background information to the Plan Commission. He stated that it did not seem worth the anticipated tax revenue. He stated that it is important to preserve the overall image and character of the Village.

Chairman Moore stated that he is against allowing recreational marijuana establishments in the Village of Libertyville. He stated that if it were to be allowed he supports having the same regulation that has been applied to medical marijuana establishments be applied to recreational marijuana establishments. He stated that if recreational dispensaries are allowed that they should be classified as Special Permitted Uses in the I-1 District to mirror the medical marijuana dispensary regulations with the conditions being the same as they are in the Medical Cannabis Ordinance. He stated that he does not support allowing on-site consumption of cannabis.

Chairman Moore stated that he acknowledges the proposal by Commissioner Krummick to increase the distance of separation between a recreational cannabis dispensary and a school to a minimum of one mile.

Mr. Pardys stated that this would be a change to the proposed Modal Ordinance Section 7-2.6(F)(2) to increase the distance between a recreational Adult-Use Cannabis Dispensing Organization and a protected use from 1,000 feet to one (1) mile.

Chairman Moore asked if there are conditions incorporated that would make it impossible to establish a dispensary runs into any legal issues. He stated that by requiring a one (1) mile separation between a dispensary and other protected land uses such as schools would make it impossible for recreational cannabis dispensaries to be in the Village.

Commissioner Krummick asked about the Zoning District of the Poko Loko Day Care on the north side of town. Mr. John Spoden, Director of Community Development, stated that it is in the C-3 General Commercial District.

Commissioner Krummick stated that if a measurement of 1,000 feet is taken from the Poko Loko Day Care it might reach the Libertyville Sports Complex. He stated that the separation requirement should be further than 1,000 feet.

Commissioner Schultz stated that when they held the public hearings on the medical cannabis text amendment they chose 1/2 mile as the minimum distance of separation between a medical cannabis dispensary and a protected land use such as a school.

Commissioner Krummick stated that if one mile is too limiting, then he would support a 1/2 mile minimum separation between recreational cannabis dispensary and protected land uses.

Chairman Moore stated that the discussion from the Plan Commission seems to reflect a desire to be more conservative with the regulation of recreational cannabis establishments. He stated that

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consideration could be given to striking a balance and perhaps a 2,500 foot separation is more applicable.

Commissioner Krummick stated that a 2,500 foot separation is acceptable as opposed to 1,000 feet.

Mr. Pardys stated that in the DRC Staff report there are recommended motions to be made. He stated that the reason for the proposed text amendments listed out in the motions is because they currently don't know what how the Village Board will rule. He stated that if the Village Board should approve the allowance of recreational cannabis establishments in Libertyville then the other motions are recommendations as to how to control their location, controls on how they operate, whether they should be Special Permitted Uses or not and so on. He stated that this gives the Plan Commission the ability to make motions on each item separately. He stated that it is done this way because the Plan Commission can't predict what the Village Board will do on the first motion which is outright prohibition. He stated that if the Village Board were to support allowing this land use in the Village then they would have the information from the Plan Commission on their recommendation on how to regulate this use if allowed including possible Zoning Code text amendments that would limit them to the I-1 District as a Specially Permitted Use with other conditions to limit how dispensaries could operate that would be as rigid as those conditions that are already in place for the medical cannabis establishments.

Chairman Moore stated that for clarification there are conditions that would go with the proposed ordinance that have been drafted for the Plan Commission to consider in these motions that they are about to make tonight that will match the conditions that are part of the Medical Cannabis ordinance already in place. He stated that one of the Commissioners stated that consideration should be given to changing one of the conditions by increasing the distance that separates a recreational cannabis dispensary from a protected land use. He stated that there are two ways of handling this issue which include (1) increasing the separation from 1,000 feet to 2,500 feet and then put that to a vote; the second (2) way to address this condition is to leave the current recommendation at a 1,000 foot separation without increasing the distance further than proposed. Chairman Moore stated that he would like to take a straw vote on the separation of land uses question with each Commissioner so that a motion can be made on one measurement or the other.

Chairman Moore stated that the first motion the Plan Commission will make is whether recreational cannabis establishments will be allowed in the Village at all. He stated that if the Village Board voted to allow recreational cannabis establishments in the Village then the Plan Commission should have made recommendations as to which Zoning Districts should they be allowed in, and whether they should be permitted or specially permitted.

Chairman Moore stated that they will make motions on the recommendations as it is drafted.

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In the matter of PC 19-14.1), Commissioner Schultz moved, seconded by Commissioner Krummick, to recommend to the Village Board of Trustees that all cannabis business establishments be prohibited within the Village of Libertyville.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

In the matter of PC 19-14.2), Commissioner Schultz moved, seconded by Commissioner Flores, to recommend to the Village Board of Trustees that if cannabis business establishments are not prohibited in the Village, such business establishments shall be located within the I-1 zoning district.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

In the matter of PC 19-14.3), Commissioner Schultz moved, seconded by Commissioner Oakley, to recommend to the Village Board of Trustees that if cannabis business establishments are not prohibited in the Village, such cannabis business establishments be classified as special uses.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

In the matter of PC 19-14.4), Commissioner Schultz moved, seconded by Commissioner Oakley, to recommend to the Village Board of Trustees that if cannabis business establishments are not prohibited in the Village, conditions with respect to such cannabis business establishments be adopted as set forth in the DRC report dated September 20, 2019.

Motion carried 4 - 2.

Ayes: Moore, Flores, Oakley, Schultz
Nays: Krummick, Steffe
Absent: Pyter

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In the matter of PC 19-14.5), Commissioner Oakley moved, seconded by Commissioner Steffe, to recommend to the Village Board of Trustees that on-premises consumption of recreational cannabis at cannabis business establishments be prohibited.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

In the matter of PC 19-14.6), Commissioner Schultz moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve proposed text amendments to the Village of Libertyville Zoning Code as set forth in the DRC report dated September 20, 2019.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

NEW BUSINESS:

PC 19-17 Darren Anders, Durable Packaging Inc., Applicant
1530 Artaius Parkway

Request is for a Special Use Permit for a Miscellaneous Fabricated Metal Product Manufacturing facility in order to allow the occupancy of Durable Packaging International, an aluminum foil product and packaging manufacturer, in the tenant space located in an I-1, Limited Industrial District.

Mr. Darren Anders, Durable Packaging Inc., applicant, stated that Durable Packaging International is an aluminum foil product and packaging manufacturer and that they are seeking to occupy the building located at 1530 Artaius Parkway, previously occupied by Metalex Corp. He stated that they are currently located at 750 North Gateway in Wheeling, Illinois, and are steadily growing and are in need of more warehouse space. He stated that the proposed use will be clean and hygienic as they are packaging aluminum foil and wax paper for distribution. He stated that there will be no waste or by-products from their packaging process.

Commissioner Krummick asked about the amount of truck deliveries and traffic. Mr. Anders stated that there will be deliveries and shipments of up to three (3) trucks per hour, but that all deliveries will be held to the hours between 7:00 a.m. and 11:00 p.m.

Commissioner Oakley asked about the use and space of the petitioner's current location. Mr. Anders stated that they are outgrowing their current location.

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Chairman Moore asked the petitioner what he would like for the Plan Commission to do this evening. Mr. Anders stated that he would like to receive a favorable recommendation from the Plan Commission to the Village Board for the Special Use Permit.

In the matter of PC 19-17, Commissioner Steffe moved, seconded by Commissioner Schultz, to recommend that the Village Board of Trustees approve a Special Use Permit for a Miscellaneous Fabricated Metal Product Manufacturing facility in order to allow the occupancy of Durable Packaging International, an aluminum foil product and packaging manufacturer, in the tenant space located in an I-1, Limited Industrial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Steffe
Nays: None
Absent: Pyter

STAFF COMMUNICATIONS AND DISCUSSION:

Commissioner Oakley moved, seconded by Commissioner Krummick, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 9:15 p.m.