

THE MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF ROSELLE
May 24, 2021
Meeting Held virtually on Zoom
Streamed live on YouTube
Due to COVID-19
6:30 p.m.

1. CALL TO ORDER

The meeting of the Board of Trustees of the Village of Roselle was called to order at 5:30 p.m. by Mayor Pileski.

2. PLEDGE OF ALLEGIANCE – Led by Mayor Pileski.

3. ROLL CALL:

Upon Roll Call the following answered: Mayor Pileski, Trustees Berkshire, Domke, Lenisa, Piorkowski and Trejo

ABSENT: Trustee Della Penna

OTHERS PRESENT: Acting Village Administrator Jason Bielawski, Village Attorney Jim Knippen, Finance Director Tom Dahl, Police Chief Steve Herron, Fire Chief Mark Bozik, Deputy Fire Chief David Gnad, Public Works Director Karen Young, Assistant Public Works Director Kristin Mehl, Zoning Administrator Caron Bricks, Management Analyst Brian Joanis, and Village Clerk Patty Burns.

4. PRESENTATION OF PREPARED AGENDA

Motion by Trustee Domke, second by Trustee Piorkowski, to Approve the Prepared Agenda.

ROLL CALL:

AYES: Domke, Piorkowski, Trejo, Lenisa, Berkshire

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

5. CITIZEN COMMENTS/QUESTIONS

Jessica Walsh spoke about her serious concerns regarding the proposed Lexington Homes development at 7N601 Rodenburg Rd. near Turnberry Manor homes. Her concerns include additional traffic, pedestrian safety, parking and water-drainage management.

Gary Weber submitted his questions regarding the vacant commercial building that used to house the Burger King on Lake Street. He feels that it is an eyesore and he suggested that the Village level the building and plant grass.

Hina Trivedi submitted information regarding the Lions eyeglass program.

6. OFFICIALS AND STAFF REPORTS

- 6A1. MAYOR – Mayor Pileski noted that the Village Board meetings will be returning to the “in person” format beginning June 14, 2021 at 7:00 p.m.
 - 6B. VILLAGE TRUSTEES – No Report
 - 6C. VILLAGE CLERK – No Report
 - 6D. VILLAGE ADMINISTRATOR – Jason Bielawski shared that the 4th of July Fireworks event will be held on Sept. 4, 2021 with Sept. 5, 2021 as the rain date. Due to Covid restrictions, the Village was unable to schedule the fireworks for the 4th of July.
 - 6E. VILLAGE ATTORNEY – Agenda item 9B, section 4 have been rewritten and provided to staff. The item should be approved with attorney corrections added.
 - 6F. CHAMBER of COMMERCE LIAISON – No Report
 - 6G. TREASURER’S REPORT – Provided by Finance Director Tom Dahl
7. UNFINISHED BUSINESS
8. **CONSENT AGENDA**
- A. PRESENTATION AND APPROVAL OF VILLAGE BOARD MINUTES OF MAY 10, 2021.
 - B. APPROVE THE 1ST PARTIAL PAYMENT FOR THE 2021 WATERMAIN REPLACEMENT PROJECT TO *MAURO SEWER CONSTRUCTION, INC.* IN THE AMOUNT OF \$333,013.14.
 - C. ADOPT RESOLUTION 2021-2403 AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2021 STORM SEWER IMPROVEMENTS PROJECT WITH *SCANLON EXCAVATING AND CONCRETE INC.* IN THE AMOUNT OF \$136,515.00.
 - D. PASS ORDINANCE 2021-4155 AMENDING THE FY 2021 BUDGET FOR THE TIF #2 ROSELLE-NERGE FUND, TIF #3 IRVING-CENTRAL FUND AND TIF #4 EAST IRVING PARK ROAD FUND.

Motion by Trustee Trejo, second by Trustee Domke, to Approve the Consent Agenda.

ROLL CALL:

AYES: Trejo, Domke, Lenisa, Berkshire, Piorkowski

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

REGULAR AGENDA

9. COMMUNITY DEVELOPMENT – Trustee Bruce Berkshire
 - 9A. PASS ORDINANCE 2021-4156 REZONING PROPERTY AND AMENDING THE VILLAGE OF ROSELLE ZONING MAP FROM R-2 SINGLE FAMILY RESIDENCE DISTRICT TO R-3 GENERAL RESIDENCE DISTRICT.
Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9A.
ROLL CALL:
AYES: Berkshire, Trejo, Domke, Lenisa, Piorkowski
NAYS: None
ABSENT: Della Penna
MOTION CARRIED.
 - 9B. PASS ORDINANCE 2021-4157 GRANTING A SPECIAL USE PERMIT FOR ROWHOUSE DWELLINGS, A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT (PUD), AND PUD DEVIATIONS, AS AMENDED BY VILLAGE ATTORNEY.
Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9B.
ROLL CALL:
AYES: Berkshire, Trejo, Lenisa, Piorkowski, Domke
NAYS: None
ABSENT: Della Penna
MOTION CARRIED.
 - 9C. ADOPT RESOLUTION 2021-2404 APPROVING A PRELIMINARY PLAT OF SUBDIVISION FOR THE TIMBERLEAF SUBDIVISION.
Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9C.
ROLL CALL:
AYES: Berkshire, Trejo, Piorkowski, Domke, Lenisa
NAYS: None
ABSENT: Della Penna
MOTION CARRIED.
10. ADMINISTRATION – Trustee Tom Piorkowski
No Report
11. FIRE – Trustee Lee Trejo
No Report
12. POLICE – Trustee Tom Della Penna
No Report
13. PUBLIC WORKS –Trustee Wayne Domke

- 13A. ADOPT RESOLUTION 2021-2405 AUTHORIZING THE PURCHASE OF A 2022 FORD TRANSIT CONNECT VAN FROM *FRIENDLY FORD OF ROSELLE* IN THE AMOUNT OF \$34,443.00.

Motion by Trustee Domke, second by Trustee Trejo, to Approve Item 13A.

ROLL CALL:

AYES: Domke, Trejo, Lenisa, Piorkowski, Berkshire

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

14. FINANCE – Trustee Cheryl Lenisa

- 14A. **Motion** by Trustee Lenisa, second by Trustee Trejo, to Approve the Accounts Payable List for May 24, 2021 in the amount of \$860,769.68 in order that the amounts approved by the Board of Trustees agree with the amounts posted in the General Ledger.

ROLL CALL:

AYES: Lenisa, Trejo, Berkshire, Domke, Piorkowski

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

15. NEW BUSINESS

16. DISCUSSION REGARDING CANNABIS REGULATION AND TAX ACT

At its December 2, 2019 meeting, the Village Board adopted an ordinance amending the Roselle Zoning Ordinance that prohibits cannabis related business establishments as defined in the Cannabis Regulation and Tax Act (CRTA) from operating in all zoning districts within the corporate boundaries of the Village of Roselle. A moratorium was included in the ordinance authorizing and directing staff to bring back the Text Amendment for discussion before December 7, 2020. At its December 7, 2020 meeting, the Village Board extended the moratorium through June 28, 2021 directing and authorizing staff to bring back the Text Amendment for discussion before June 28, 2021. Concurrently, the Village Board adopted a resolution for the submission of two advisory referendums to be placed on the April 6, 2021 general consolidated election ballot of whether the Village should allow the retail sale of adult use recreational cannabis and all other cannabis businesses as defined by CRTA. This memo provides an update on the landscape of the issue, results of the referenda, and staff's recommendation for the Board to consider.

Advisory Referendum Results

The April 6, 2021 general consolidated election ballot included the following referendum questions related to adult-use cannabis businesses:

1. Shall the Village of Roselle allow the retail sale of adult-use recreational cannabis within guidelines established by the State of Illinois and to be established by the Village of Roselle?

2. Shall the Village of Roselle allow the craft growing, infusion, cultivation, processing, and transporting of adult-use recreational cannabis within guidelines established by the State of Illinois and to be established by the Village of Roselle?

The results of the referenda are shown in the table below:

Question 1	%	Votes
Yes	58.05%	1551
No	41.95%	1121
Question 2	%	Votes
Yes	53.62%	1436
No	46.38%	1242

CRTA and Adult Use Cannabis Businesses Update

There are currently 123 Adult Use Dispensing Organization Licenses and 21 cultivation licenses issued in Illinois. The state has delayed the lottery for 75 new adult use dispensary licenses that were originally scheduled to be awarded in 2020. Equity concerns were raised in the state's process for choosing competing applicants. An additional 110 adult use dispensary licensees are expected to be awarded in 2021 in concurrence with the 75 original pending adult use dispensary licenses. By December 21, 2021, the Department of Agriculture will issue up to 60 additional cannabis craft grower licenses and 60 additional cannabis infuser licenses. Over 500 dispensary licenses are expected to be awarded over the next five years.

Total cannabis items sold to in-state and out-of-state residents have increased each month as reported by the Illinois Department of Financial and Professional Regulation (IDFPR). In February, the IDFPR recorded \$80.7 million in total cannabis sales, not including tax collected. Total sales have increased 131% from January 2020 when CRTA became law to February 2021.

Municipal Cannabis Retailers' Occupation Tax (MCAN)

MCAN authorizes, by ordinance, a tax on the gross receipts from sales of adult-use recreational cannabis. In addition to the typical 1% sales tax, municipalities can impose up to 3% additional sales tax on transactions. The tax must be imposed in increments of 0.25%. The ordinance must be adopted and filed with the Illinois Department of Revenue's (IDOR) Local Tax Allocation Division.

Zoning Implications and Staff's Recommendation

Staff believes that adult-use recreational cannabis dispensaries are the most desirable business type given the following considerations:

- Results of the referendum question regarding the retail sale of adult-use recreational cannabis passed with the highest approval rating.
- The local sales tax implications match the goals outlined in the 2018-2021 Strategic Plan.
- The status and amount of pending dispensary licenses have created higher demand for permitted locations.

- The current market gap that exists from nearby dispensary locations could make Roselle advantageous to a potential dispensary owner.

Based upon the results of the advisory referenda, staff recommends that the Board consider adult-use recreational cannabis businesses as defined by CRTA as a special use in the B-2 Convenience Shopping Center District, B-3 Town Center District, B-4 General Business District, B-5 Arterial Business District, and the M Limited Industrial District. The attached map reflects areas in Roselle where adult-use cannabis businesses could be located as defined by CRTA including the staff proposed zoning restrictions.

The purpose of the Planning and Zoning Commission (P&Z) is to review and make recommendations to their elected officials regarding zoning. To consider amending the zoning ordinance as it relates to adult use cannabis, a public hearing would need to be scheduled and held before the P&Z. These hearings allow for public input as well as review by the commissioners of relevant definitions, determination of appropriate zoning districts to allow adult use cannabis businesses, whether the use would be a permitted or a special use, whether to enact distancing requirements or other performance standards, and determine if zoning regulations related to smoking establishments require amendment. Staff would present findings from other communities and how they have regulated cannabis facilities and offer options to regulate the use, including hours of operation, location, etc.

If the Board considers this option, the next available P&Z meeting, due to public hearing notice requirements, would not be until July. Even if the public hearing is continued to the August (or even September) meeting to allow for input and thorough discussion, a zoning ordinance text amendment based on the P&Z's recommendation would be ready for review by the Village Board at the end of September. Therefore, staff recommends preparing a resolution extending the moratorium through September 27, 2021 to accommodate this schedule.

Trustee Berkshire approved extending the moratorium to September. The Zoning Board should review this concept to determine zoning changes. These businesses are professional and discreet and will be appropriate for Lake Street locations. **Trustee Trejo** agrees with the 3% tax. He feels that the dispensary should be first with cultivation to follow. He is ok with extending the moratorium to September. **Trustee Domke** stated that more feed back is needed. Only 15% of the voters came out for the April 6, 2021 election where these questions were on the ballot. Even though business owners do not live in Roselle, the Village should listen to their concerns regarding this issue.

Staff was directed to extend the moratorium to September and pass this issue to Planning and Zoning for consideration and review.

17. DISCUSSION REGARDING PURCHASING POLICY REVIEW AND UPDATE.

The Village of Roselle purchasing policy establishes codes of conduct and guidelines for purchasing necessary goods and services efficiently and economically and in

accordance with Illinois Compiled Statutes. From time to time, staff reviews this policy to make sure they are up-to-date and makes recommended revisions for the Village Board's consideration. The purchasing policy was last revised in April 2009 and updates are needed to address changes made by the State of Illinois and Grant Accountability and Transparency Act (GATA) requirements.

The following changes were made to the purchasing policy:

- 1) Expanded policies and procedures within Section 1 to ensure the integrity of the purchasing process and foster public confidence in the use of public monies.
- 2) Expanded policies and procedures within Section 2 setting forth requirements for procuring goods and services. Highlights include:
 - a. Consolidating the purchasing authority tables into a separate exhibit making it easier to update in future years. Purchasing authority distinction between budgeted and unbudgeted items was removed making the purchasing process for efficient. The Village budgets by account number rather than individual item thereby making it difficult to determine items that were unbudgeted versus budgeted. The purchasing authority tables now include authorized purchasing card holders and limits.
 - b. Revising the Village Administrator purchasing authority to \$24,999 from \$9,999. The State of Illinois increased the minimum public works cost to require competitive bidding to \$25,000. This change will keep the Village policy aligned with Illinois state statute and will still require obtaining multiple quotes.
 - c. The purchase order requirement was increased from \$500 to \$1,000
 - d. The RFP/RFQ process section was expanded to provide increased explanation and detail.
 - e. The purchasing card program policy was incorporated into the purchasing policy
 - f. The definition of emergency purchases was updated and the amount required for Village Board approval was increased to \$25,000 to align with the recommended Village Administrator's authority.

Staff was directed to proceed as presented.

18. PUBLIC COMMENT – None

19. OTHER – None

20. EXECUTIVE SESSION

Motion by Trustee Trejo, second by Trustee Lenisa, to go into an Executive Session at 6:30 p.m. pursuant to the requirements of the Illinois Open Meetings Act under Exemptions 5 ILCS 120/2 (c) to discuss 21 Executive Session Minutes, 5 Real Property, 12 Risk Management, 11 Litigation, and **3 Collective Bargaining** and Personnel.

ROLL CALL:

AYES: Trejo, Lenisa, Berkshire, Piorkowski, Domke

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

ADJOURN EXECUTIVE SESSION

Motion by Trustee Trejo, second by Trustee Lenisa, to Adjourn the Executive Session at 6:45 p.m.

AYES: Trejo, Lenisa, Piorkowski, Berkshire, Domke

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

21. ADJOURN VILLAGE BOARD MEETING

Motion by Trustee Trejo, second by Trustee Piorkowski, to Adjourn the Village Board Meeting at 6:30 p.m.

ROLL CALL:

AYES: Trejo, Piorkowski, Domke, Berkshire, Lenisa

NAYS: None

ABSENT: Della Penna

MOTION CARRIED.

Submitted on this 14^h day of June 2021.

Patty Burns, Village Clerk