

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY COUNCIL
MONDAY, OCTOBER 21, 2019 – 7:00 P.M.**

**CITY COUNCIL CHAMBER, CITY OF ST. CHARLES
2 E. MAIN STREET, ST. CHARLES, IL 60174**

1. **Call to Order** by Mayor Rogina at 7pm
2. **Roll Call**
Present –Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
Absent – Lemke
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance.**
Presentation of the colors from Girl Scout Troop 2040
5. **Presentations**
 - **Recognition of John McGuirk for his many years of service to St. Charles and the Community by Mayor Rogina**
6. **Omnibus Vote. Items with an asterisk (*)** are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.
- *7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the regular City Council meeting held October 7, 2019.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: Lemke
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 9/23/2019-10/6/2019 in the amount of \$3,806,125.86.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: Lemke
ABSTAIN: NONE

MOTION CARRIED

I. New Business

- A. Recommendation for the Partial Release of Executive Session Minutes from the Government Operations Committee and Government Services Committee, motion by Ald. Payleitner and seconded by Ald. Silkaitis.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

II. Committee Reports

A. Government Operations

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to award a 5-year contract for procurement software to Negometrix.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept the auditor's reports for the fiscal year ending April 30, 2019, including the Comprehensive Annual Financial Report, Independent Auditor's Report Pursuant To Uniform Guidance, Management Letter, Pension Fund Reports, TIF Compliance Reports, and Sales Tax Revenue Bond Compliance Report.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes from the October 7, 2019 Government Operations Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

B. Government Services
None

C. Planning and Development

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. 16-2019 A Resolution Recommending Approval of a Zoning Map Amendment for 303 S. 3rd St. (John Weitz).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve an **Ordinance 2019-Z-18** Granting Approval of a Map Amendment for 303 S. 3rd St.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. 17-2019 A Resolution Recommending Approval of a General Amendment to Ch. 17.14 “Business & Mixed Use Districts, Ch.17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading & Access, and Ch. 17.30 “Definitions” regarding regulation of recreational cannabis uses.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis

NAY: NONE

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

Rogina – Before the vote here tonight, Mayor Rogina wanted to remind people that there has been many meetings where citizens have had the chance to speak before the council and committees. In those meetings, there was never a limit put upon anyone, never was there anyone not allowed to address the bodies, and that tonight, as with standard with Council’s history, he would allow two voices in favor of and opposing to this topic to be heard. It is a fair process and if anyone wishes to speak at the end of the meeting in citizen comments, we won’t hold back. Starting with the pro side to the proposition.

Sean Baker – 302 Timbers Trail, Thank you for your efforts towards the city. I have lived in St. Charles for over 4 years and am part of what might be called a young family, I have two smack children who are in D303 schools and we chose St. Charles for many reasons, charm and favorable towards commerce is another. I support allowing the sales in the city. I have spoken to many families like mine and they agree this is a good recourse within the city. We hope that a small but vocal group against this to dictate the future of the city. Studies show that cannabis dispensaries do not associate with increased teen usage. They in fact decrease opioid usage within a general population. Studies also show that no increase in criminal action and a typical increase in housing values is associated, this isn't a bad thing. Tex revenues are also a plus, they can be used towards streets and parking within the city. Furthermore, its already available in the community. Its not legal, not regulated, and can have dangerous additives as we're seeing within the market for vape cartridges. I think legal dispensaries would make the community safer and studies support that retailers are not selling to minors and products are not being diverted to underage markets, in fact cannabis standards are typically higher than liquor stores. If we are really worried about the community and the way it is perceived, we should have a serious conversation about the bars that line the downtown, it would be hard to find someone on cannabis arguing or fighting with people on the sidewalks. January 1st, the ability to control consumption will go away. If we do not have a place to purchase, people will go to surrounding areas, if we opt in, we can control when, where, and how its sold. Illegal sales will be dampened and will generate revenues for the city. Bluntly, prohibition has not worked. Our state leaders have acknowledged this, our city has done the planning and now the time to move forward is here. I speak for many other families in the community as we support the choice to allow a dispensary on the east and west side of town. Thank you.

Rogina – and in opposition?

Gary Seagram – 1537 Ronnsaner Ave., My biggest opposition, the main opposition is that it's illegal. Federal law says this is a schedule 1 drug under the federal control substance act of 1970. It's against the law. I assume you took an oath to uphold the constitution, the bottom line is article 6 of the constitution there is a supremacy act and that says that a state cannot override a federal law, all of the big industry-pharmaceuticals and all, they are not jumping in on this bandwagon because they are holding back because they know that its illegal. We elected you to uphold the law, my point is if you don't, each and everyone of you is breaking the law, if you choose to acknowledge the law up to the president, but the law is the law. If you want marijuana then change the law, not the state law, the federal law, the one that rules, the supreme law of the land. You need to think about that, if you have integrity, you're going to uphold the law and if you don't, you won't. Thank you.

Rogina – Another form the pro?

John Glenn – Henry Lane, Good evening, I am familiar with most of you on the council because I've lived here for 20 years and a home owner's president much of that time and I've been in the position of responsibility for the community and also vice chair of the housing committee and been on the board of Lazarus House and I've seen a lot on both sides. I'm an unlikely person to speak in favor of this law because I have at no time consumed cigarettes, cigars, pipe tobacco, anything smelly, vapors, and I think it's a ridicules thing to do but you cannot stop people from doing it. I'm originally from England, been here 40 years now, longer than being in the UK, became a citizen in 2002 when your predecessor was at my citizenship hearing downtown, I remember the judge saying this is a great experiment this county is. This is part of that experiment, we had prohibition for all this time now and if you ask anyone out side the US what Chicago is they will say Al Capone and prohibition. That didn't work with

alcohol nor has it worked with marijuana and I don't think we would have such a high level problem with drugs like cocaine and opioids if they people who wanted to could smoke a little weed. The experiment is, state's rights. This state has decided that it will allow legal consumption of the product starting January 1, I want to give you permission to say that is okay in St. Charles and we should make tax on it, and should regulate it and not be underground causing crime, arrests, jail like it has all this time. It's time to move on folks and see how this new model works.

Rogina – Thank you, one more?

Paul Daily – 260 Persimmon Drive, I didn't intend to speak tonight but there ought to be another person speaking against this, I feel. I guess I'll be that one. I was in the Air Force as Captain, in charge of the National Weather Service here in Chicago for many years, I retired and went to work with Tom Skilling and still working part time as a meteorologist with WGN and I guess I'm up here to speak about reputation. You think our reputation, you say Elburn is going to allow this, Aurora, Elgin will allow also, so all those wonderful places are going to allow, why not St. Charles? We have lots of bars, we're well knows for the many bars on main street, now if we can get marijuana, that would give us a little better reputation with vice. Maybe if you all or several are leaning towards this, maybe you can make a little more money by having a casino, wouldn't that be great for St. Charles? That could make us more money and more lights. I don't understand why a few bucks can buy your reputation and that's what we've got here, we're the Pride of the Fox. Is the pride of the fox mean that we really want marijuana here? I know you can get it in other cities, let them get it at the other cities, do they have to buy it in St. Charles? St. Charles has a good reputation, up until the last few years when you have all these bars and I guess we can really buy booze after 10 on Sunday mornings now too, we're headed in that direction already, no question and obviously you allowed that to happen so you're probably leaning toward furthering our reputation, I would just like to say, I'm against it, I think you're making a big mistake for what we stand for and for our reputation, I would say vote this thing down, stop the vice in St. Charles, leave it elsewhere. Thank you

Rogina – Ald. Bessner.

4. Motion by Ald. Bessner and seconded by Ald. Turner to approve An **Ordinance 2019-Z-19** Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)

Rogina – before we get into conversation or amendments proposed, I want to make a comment on this, this is also included in the packet of executive summery and I think it is important to say this. Our Planning Commission comment was to consider allowing cannabis dispensaries in the M2, limited manufacturing district. This is the location of the existing Medical cannabis dispensary in town, consideration of the M2 district for recreational dispensary was not included in the general amendment application, accordingly it is not an order to add it to any motion, however this body can either a) direct staff to file a general amendment application with a public hearing before the plan commission for city council approval of b) an applicant could file their own general amendment application, I want to make sure that this was read into the record. Ald. Stellato?

Stellato – Your Honor, I do have an amendment I'd like to make to this motion. We have some use separation requirements. We have a list in this motion of daycares, school, single-family resident zoning districts. I would ask that this motion include churches as well with the 250-foot setting.

Rogina – So after say, daycares, we would add the simple word churches?

Stellato – That is correct.

Vitek – Seconded

Rogina – This has been moved and seconded to include churches to the body of provisions in this ordinance that is summarized in your packet. Is there any conversation on this topic?

Payleitner – I was actually hoping to make a comment before Ald. Stellato made his amendment so, should I wait or go ahead?

Rogina – Comment on?

Payleitner – Just taking a chair privilege, I should say because I didn't make the motion.

Rogina – You'll have plenty of time to make any and all comments before we ever vote on the main motion. Right now we are dealing with the amendment. Any further comment on the amendment? Your vote here is just to add the word churches to the body of the document, when Clerk Amenta calls roll, a yes votes suggests that you would add the word churches per Ald. Stellato's recommendation and then this would become part of a main motion that is already on the table, is everyone clear on that? I think it's clear, we're just adding the word churches, Chuck call the roll.

ROLL CALL VOTE: AYE: Stellato, Turner, Bancroft, Vitek, Pietryla, Bessner

NAY: Silkaitis, Payleitner, Lewis

ABSENT: Lemke

ABSTAIN: NONE

MOTION CARRIED

Rogina – That motion passes and we'll be adding the word churches and I would only suggest, per Ald. Stellato's addition, that the intent here and it says clearly here that there is a 250 foot separation requirement for it. That becomes part of the main motion, now the main motion before you and now we'll have Ald. Payleitner going first, for discussion.

Payleitner – As chair of the committee, I did not make the motion to move this amendment forward. This amendment was crafted in haste, it looks nothing like the planning commission recommendation, a recommendation that by the way took three votes to get through, nor does it resemble the original committee motion from August. This amendment is still lacking in terms of its original purpose. It doesn't accommodate our current medical dispensary, as was an expressed desire of council early on, it cannot be acted on until the mandatory special use finding of facts is addressed and adjusted. Further, weather or not St. Charles allows the sale of recreational marijuana adds nothing to the safety of the product or the depletion of the black market. Those are broader concerns covered by the state bill with or without us. We are powerless as regulators of recreational use marijuana. As of now, the municipal tax we have imposed would not even take effect until September 2020. Once the trailer bill is finalized, we'll be right back here adjusting the amendment again anyway. Why not wait? Staff has assured me that this will most

likely be the case. Truth, we don't know what we don't know. As we contemplate a rush to action, please know that we cannot the door once it is opened. If things go south, there is no license for us to pull and you know any attempt to eliminate in the future, as was suggested by a zoning change, will be met by an industry with deep pockets waiting in the wings to take us to court. I still believe the prudent action, at this time, is to opt-out, at least until March but to do that, you need to first vote this motion down. We can and should pause to work out the bugs in our ordinance and then allow Springfield the chance to do the same. I ask again, why not?

Rogina – Down on this side, anyone further on this side? Ald. Lewis.

Lewis – I want to thank all of those who have shown up here, those five meetings that we have all shown up at, the faces are familiar and the crowd is not small but vocal, it's a large crowd and it's been vocal. I have not heard that from the other side, I know some have said they have, I have not. I would think they would be trying to reach out to me because I am a no vote but they have not tried to change my mind. I want to make it very clear that my no vote is not banning anything, its not banning people who smoke marijuana, I don't have that power. The state has already given that out. I am simply saying no in St. Charles, it's not prohibition, it's not banning, people will be able to smoke it, buy it other places, use it here however they choose to. So, I want to make it clear that I am not judging those who are using pot, I just believe it doesn't need to be sold in St. Charles like some other things that are legal, adult book stores are legal in the state of Illinois but we don't have them here, our ordinances don't allow that. There are a few other things I could site also but I think you get the point I'm trying to make. I just don't believe it's right for St. Charles and not right at this time, it's not a small mom and pop business we're talking about, this is a huge business out there. I believe at this point in time, the way this ordinance, specially this ordinance is written, it's only going to benefit the dispensary and I thank you again for all the input you've given us.

Rogina – Thank you Ald. Lewis, anyone further? Ald. Turner

Turner – I would like to say, I'm glad Maureen (Lewis), that you made that motion last week to ban, if you recall that was in the packet back in August along with the motion to pass. I am still flummoxed when nobody made that motion because at that time.

Lewis – It was not in the packet...

Rogina – Let him finish, let him speak and if you want to rebut, that's fine.

Turner – Even if it wasn't, you could have made that motion, but my point is support for it back then was soft, if that motion would have been made then, not two months later, you might have had some momentum that you could have worked with. I'm also surprised that the ordinance that was presented, there was compromise in there if you would have thought of it but it never came. After that, in essence right there and then when you didn't offer compromises and there was really big compromises, some of us saw that and I'm still surprised you people didn't see that and bring them forward. It came at that time when nothing came of this, you sort of lost the narrative and you handed it to us on a silver platter. And this idea of just saying no, in this day and age, you have to give an alternative and no alternative was given to us except no. What were we do do?

Lewis – Thank you for your comments Mr. Turner, there was no, in the packet, there were no motions to be made. I was handed a piece of paper about thirty minutes before the meeting with two motions. There was nothing in the packet, half of the council didn't even know about it. As the

discussions started, as I recall, without even having the floor, me giving you the floor, you made a motion. I shouldn't have recognized you, but I did. That is now it started, there were not two motions in the packet for everyone to read, it was not done that way. I can show you the packet, I can show you the piece of paper that I had and I thought you were the one that was going to make the motion but, it ended up that someone different made the motion. As a compromise, I can compromise but I couldn't compromise my principals on this one. This one I simply could not compromise my principals, and there are times I vote yes, there are times I vote no, but this one was different so frankly I am not going to take the hit for why this is passing tonight.

Turner – I'm not trying to give you the hit.

Lewis – I think that is what you're trying to do.

Rogina – Okay, that's enough. Ron?

Silkaitis – At the one of the last meetings, I brought up this being against federal law, someone mentioned that we have a medical marijuana dispensary in St. Charles, and we do. We were forced that by the state of Illinois, we could not refuse it. We could regulate it, tell it where to be, but we could not refuse it. Therefore we had no choice in allowing an illegal operation in St. Charles. This time we do control it, and it is still, by federal law, illegal. I've made comments about image and stuff, I'm not going to repeat those. At least we should wait, I'm going to vote no, don't get me wrong but, we should wait until the state knows what's going on. The state has not finalized anything so we don't know what we are really voting on yet. We don't know what's going to change and we will have to come back and revisit our ordinance, why don't we just wait to see the final draft of the ordinance and if you get caught drinking and driving, they do a breathalyzer and at this moment there is still no test for the police to do on site, we should wait until something comes up because we have no way of knowing if they have medical marijuana unless they are taken to the police station and get a search warrant and take their blood then send our for analysis. Another thing, I don't think we know what the penalties are for any violations of these dispensaries, do we yet? I'm not aware of anything from what I've read. Therefore that hasn't been figured out yet. Finally, do we really need this in St. Charles? I grew up here and spent my whole life here, my parents grew up here, I just can't support it.

Bancroft – I would like to thank Mr. Glenn and Mr. Baker for the comments they made at the beginning of the discussion. I think you may disagree with this but this is, in many ways, a form of leadership. When our discussions started, the first people that came before us were people concerned about the impact on the medical marijuana and the ability to receive relief. I've heard the arguments pro and con recreational but what I want to make sure of is that we have a tremendous facility in our city that is providing a service to a litany of people who stood up and wanted to protect in the first meeting and several of those people were military veterans. I think that, in my own decision process, it became assured that we would lose that facility if we didn't allow recreational. For me, it was really that simple and I understand the argument against it-it's a business decision, we wouldn't be throwing them out of the town, they would be leaving. That's true, but again, I couldn't have agreed more with the two comments that were made for the pro. So thank you both for standing up and speaking.

Payleitner – Just an additional rebuttal for Mr. Turner's recollection on the process, how it got started. Usually we get something before us and this was in Chairman Lewis's committee and we have a

discussion then we historically we direct staff to get us information and put it together and come back to us. That was totally skipped here, yes you did.

Turner – We directed staff to come back...

Payleitner - No, you made a motion, you didn't direct staff to come back with...

Turner – We asked staff to...

Rogina – Alright, we're not going to denigrate into an argument here and let me just refresh the memory here, I'm in a position here to go to the staff if I need to, but when that motion was made, the motion was to send the proposition to the plan commission for conversation for the plan commission to come back, because that was the nature of the essence of what was needed here in this particular process. A public hearing before the planning commission that was conducted. If I've misspoken on anything, please Mrs. Tangare, tell me if I have. That was the initial, the initial meeting that Ald. Bancroft referred to, the meetings we had here where first of all, staff outlined for the community, the verity of impacts of the different departments. That was well received, then there was direction and so please add anything you'd like.

Tangare – That is correct, the direction that we received from the government operations committee was to file an amended application and simply to establish to allow recreational cannibals in St. Charles. At that time, the direction was to file an amended application, the committee wasn't actually voting on an ordinance.

Rogina – Can we have the record reflect that?

Payleitner – I was reading it and I was reading it differently, but whatever it's water under the bridge, you're right it's water under the bridge and should I just say, Ald. Bancroft, we are not protecting the medical, you understand that right? They are unable to sell recreational at their business.

Rogina – I think this conversation here...

Payleitner – (inaudible)

Rogina - let me comment here, I don't think we need to have aldermen up here challenging each other at this point...

Payleitner – Well...

Rogina – You're allowed to make comments and I think that everyone down the line here has had that opportunity; I don't want to see any arguments.

Payleitner – Your Honor, how do we have a conversation if we are not a little back and forth on this? We weren't allowed to talk to each other off the dais and here we are at the dais and I'm asking a question of my colleague.

Bancroft – I would submit that often your questions feel a lot more like, almost like a bullying. If you disagree with my opinion and you're going to flyspeck at a bunch of areas where you disagree because

you want to paint a picture that is just not true. The truth of the matter is that you have a disagreement on the dais, and we are going to have a vote and that is the way it's going to work out.

Payleitner – Fine, all that to say, could you answer my question please? Do you understand that our, I'm not bullying, I'm stating the fact and I'm asking a question, our medical marijuana dispensary will not be able to sell recreational as it is right now.

Bancroft – In its current location?

Payleitner – Yes

Bancroft – I understand, yes.

Rogina – Alright, anything else? The motion on the table is to approve An **Ordinance 2019-Z-19** Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.14 “Business and Mixed Use Districts”, Ch. 17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading & Access” and Ch. 17.30 “Definitions” (Recreational Cannabis Uses). Chuck, call the role.

ROLL CALL VOTE: AYE: Stellato, Turner, Bancroft, Vitek, Pietryla, Bessner
NAY: Silkaitis, Payleitner, Lewis
ABSENT: Lemke
ABSTAIN: NONE

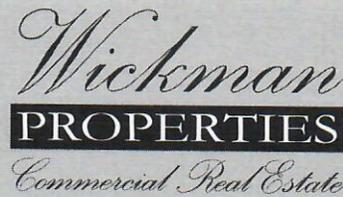
MOTION CARRIED

- *5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the October 14, 2019 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: Lemke
ABSTAIN: NONE

MOTION CARRIED

9. Additional Items from Mayor, Council, Staff, or Citizens
Letter from a citizen who wished to be entered into the record.



October 17, 2019

Dear Mr. Mayor:

Please let me start off with a reminder it is a responsibility of the city administration to maintain a strong economic environment for the city. The numerous retail vacancies in the BC zoning district along East Main Street need all the help they can get to get back on the tax rolls and generating sales tax. I am a St. Charles business man and with my residence and commercial properties in St. Charles I pay a half million dollars per year, every year in property tax. So, I am especially sensitive to anything the city can do to generate sales tax. There would be no better place than a high profile store-front on a high traffic location on Main Street for the soon to be legal an increasingly acceptable sale of recreational cannabis. The projected million-dollar sales tax revenue would be a great benefit to the city's \$40,000,000 budget.

My wife and I are lifelong residents of St. Charles and our three sons were born and raised here and went through the St. Charles School System. We have seen first hand the ease any kid at any age can get pot. For any kid under the age of 21 it is illegal whether the origin is through the safe legalized store or the black market. I believe also, the mentality of a teenager lends itself to desiring something that is forbidden – we've all been there. Pot is, always has been and always will be in the community.

I feel strongly that St. Charles should opt-in to the legal sales of recreational cannabis. If we don't our neighboring communities will and we will miss out on the sales tax and a chance to put our own restrictions of the distributions and availability of legal cannabis. I believe it is in the very best interest of the community and its residents.

Respectfully,

A handwritten signature in black ink, appearing to read "Donald Wickman", is written over a light blue horizontal line.

Donald Wickman
President, Wickman Properties
Email: don@wickmanproperties.com
Mobil: 630 319-7447

Cc: Aldermen
Cc: Rite Tungare, Community & Economic Development Director
Cc: Russell Colby, Community Development Division Manager

Vicki Foley – 505 Indiana Street, I have lived here for more than 30 years of my life, my son died here from a heroin overdose, his gateway drug was marijuana. Anyway, I just want to address some facts as some you have already alluded to, and I'm sure you've done your studies and you've researched all this but, I have concerns. I have concerns that we're jumping the gun on this, I have concerns that we don't have all the facts, I am looking at an article in the Tribune, September 9th and it talks about how Governor Pritzker started this 180 day clock where it is a count down to the laws that are going to make this up and just a couple days later we're selling it. As far as I know right now, here it says a half dozen state agents have authority to propose rules on issues such as over sight for grower, record keeping for retailers, documentation of taxable income, and a loan program to help social equity applicants to obtain capital to start a cannabis business. So far, unless you know something I don't know, none of those proposed rules have been published by the Secretary of State's office. The first step in an approval process, that can take anywhere from 90 days to a year to complete, I don't think we're ready to vote on this. My second thing is, have we looked at the extra cost that it will take for our police officers to get up to speed on how to figure out if a person is impaired when their driving and the cost of the additional officers? I have looked into Colorado and I've gone to Colorado.gov and I found this quote and it says "The number of trained drug recognition experts increased from 129 in 2012 to 214 in 2018", now that is a 66% increase and it says here that thousands of additional officers have been trained in advanced roadside impairment detection. Have we thought about that? The next fact, did you know that accidents increased in Colorado and Washington after legalization? I site here the Insurance Journal.com and without reading a whole lot into it, the basis of it is that the group called, they sited in October 2018 in a study by the Highway Loss Data institute that shows collisions claim frequency was 12.5% higher in Colorado and 9.75% higher in Washington than in nearby states that didn't legalize the marijuana. It also says that more people using marijuana as associated with more people driving with THC in their systems. I don't think we want that in St. Charles. My next fact is the effects on the human brain, did you know that the human brain does not reach full maturity until the age of 25? So we're allowing people ages 21-25 to buy marijuana so are we risking adverse affects on their brains? The National Institute on Drug Abuse says that substantial evidence on animal research and a growing number of studies on humans indicate that marijuana exposure during development can cause long-term or possibly permanent adverse changes in the brain. Do we want that for our young people? I don't think we do. We already have an opioid problem in St. Charles and I'm sure you're aware that it wasn't just my son that died at 19, we've had a lot of instances that there is a big opioid problem in this country, it's an epidemic and marijuana does play a part in that, I'm not saying everyone that uses marijuana is going to do heroin and die, but I am saying that those who are susceptible to this in their brain, who already have this THC conditions in their families, their genes, that's there. I have one final comment and that is that in 2011 St. Charles was ranked #1 city in the Family Circle Annual Survey of best towns and cities and we're all very proud of this and I show no disrespect to Mayor Rogina when I quote this from Don DeWitt. He was quoted as saying "not everyone knows what we've known all along, that St. Charles is a gem among cities, and a wonderful place to live. It's a great city with great opportunities to work and have fun, we pride ourselves on providing a safe, affordable community and a high quality of life." I think you would have said the same thing also. I ask you, is having two recreational marijuana facilities; does it fit with Don's perspective of St. Charles? What about the St. Charles residents? Will we still be a safe and friendly place and a destination for families? Why didn't we ever put this to vote before the people? Why does it come out and we have to come out and speak in a meeting? Why didn't we put it on a ballot in March so everyone could speak out about it? You don't want the whole population in here, I wonder about that, and I thank you for your time.

Mathew Clain – 306 Timber Trail, I'm a Main Street small business owner, husband, father of 3, and resident of St. Charles. I attended the last 2 hearings, including zoning and planning and development

meetings where the votes resulted and the majority favored moving forward with this proposal. Tonight we will hear and have heard from a small but loud group that represents our community, now they are opposed to this proposal. Within this group are members that I look up to as pillars of our community. This includes past elected officials, doctors, teachers, business owners, and parents of children that I once attended school with here in St. Charles. Their actions are admirable and their voices heard but the decision to move forward with this proposal does not sit with just them. Majority votes have been made in favor of this proposal from appointed and elected public officials including alderman and alderwomen who represent a greater member of constituents not present tonight. Both of the past meetings, we heard testimony from the medical dispensary who has modeled good behavior with limited to no incidents reported. Under current law we have provided past permission for them to conduct business, while it was and while it still may be, illegal. In less than 3 months, this business will have the backing of legislation in the State of Illinois and will move forward with legally expanding their business. Under past business models the dispensary has been able to responsibly serve both children and adults who fall victim to chronic illness and receive relief from their services. Of importance, they may not be represented here at tonight's meeting. It is my understanding that if or not we move forward with the proposal, these patients will still be able to continue receiving these services from the dispensary. It is unfortunate, however, that in the past two meetings we have not heard more from those who have benefited from this business. The body opposed to this proposal will alienate those beneficiaries by associating them with hardened criminals and say that this proposal is the next gateway into a drug epidemic. The media is plagued with countless stories of cannabis being shipped into the United States through drug cartels. Moving forward with this proposal will help us close that gap and shut down an arm of that criminal enterprise. My concerns are not that citizens or kids may or may not use cannabis, my concern is that if and when they do, if they received a laced batch, they will pay for it with long term health problems, or even their own life. The dispensary currently in business today has given direct testimony about the oversight, scrutiny, and testing their products must pass before it can be sold. We have exhausted the resources of our community leaders and this city hall. The community has spoken and the votes are in favor, please make sure your vote tonight and or in the future represents the greater consensus of our community. Thank you

Warren Bea – 716 South 6th Street, I don't want to confuse this blurred body with the facts, but I'm going to try. I have appeared before this City Council three times in the 65 years I've lived in this city. The first time was in the late 1980s, I live by Baker Field, a park at 6th and Cutler, the play equipment was located on the northwest corner of the park at that time. There was no stop sign on 6th street so people would turn off of Prairie and they would be going 45 or 50 mph while going past the play equipment. I went to the city council and said this is a bad idea, a child is going to get run over and that is not going to be a good thing for the city. They said, well you know what, there is not enough traffic, not enough cars that go through that intersection on a daily basis for us to put up a 4 way stop. I said to them, you know what then you should just rename the park for the child that gets run over and killed there if we don't put of the 4 way stop. The difference between the city council then and now is startling. They actually listened to people. I disagree with the young people that say there are millions of us out there that are in favor of this, I don't see it maybe they are but I don't see it. The second time I appeared before the city council was in the early 1990s because I took care of a lot of patients with asthma, and these patients don't do well when we all burned our leaves in the fall. My nurse was asthmatic and would always end up in the hospital and said you know Dr. Bea, it's because of the burning leaves, I can hardly breathe. I went before the city council, first I went before the safety committee and testified to them then we took it to the city council and eventually we got it banned in the city. A few alderman were opposed because they liked the smell of the burning leaves and I suggested that they could burn 2 or 3 in their kitchen sink to get the appreciation for the smell. They don't have to deal with the health

affects that it was causing other people. I thought as legislators and as people that make policy, you're supposed to do it to protect the people that are most vulnerable. That's what we did in those two situations, and that is not what we are doing in this situation. I thought I came in very late in this discussion, it sounded like there were 6 aldermen that had made up their minds, I thought there must have been hundreds of meetings about this that had taken place over a number of months and I come to find out that there were three meetings before the three that I attended. I asked one of my aldermen for the reason that she came to her opinion and she said to me, the reason I came to my opinion are in the minutes of the meetings, you can look it up yourself. So I did and read through all of those and I want you to know that I didn't find very much, I guess partly because they don't make a note of nodding heads. Since then, at the government operations committee, she asked one question, is there a penalty for selling to minors? The well cited cannabis machine trotted out employees, medical marijuana users and the possible threat of losing our medical marijuana dispensary. I want you to know, as a physician, I prescribe medical marijuana for patients but, I think that we are confusing the two in thinking that we are going to lose the medical dispensary if we don't approve recreational marijuana. I wouldn't like that to happen but if we lost the medical dispensary, there is one in North Aurora, 7 miles away. It's not like we're telling people they have to drive 400 miles to get their medical marijuana. Believe it or not, there are counties in the south part of the United States where you might have to drive 25 miles to get your beer because they will not sell it in that particular county. At the government operation meeting August 19th, further discussion of Zen Leaf relocating if aren't allowed to sell recreational marijuana took place, interestingly enough, medical patients are allowed 2.5 ounces of marijuana every 14 days, while recreational use purchasing is 1 oz per day. If my math serves me right, would be 14 ounces in 2 weeks as opposed to 2.5 ounces for the people that really need it for pain relief and other things. At that meeting, Ald. Stellato stated, I believe that medical marijuana is here if we like it or not. I guess I would say we don't necessary have to like it, I understand that you have a young man that died, a friend of your family because he had tainted pot, I've seen that happen as well. The problem is that legalizing marijuana doesn't eliminate black market pot, in fact it increases in every state that it has been legalized, black market marijuana increases and it is not going to go away because we made it legal. In Colorado the NPR report of 6/29/19-the black market for pot is growing. A PBS News Hour 7/15/19, how Colorado's marijuana legalization strengthened the drugs black market and Colorado isn't nearly as dysfunctional as the state of Illinois, look at what we are the best at, #1 people leaving this state, #2 the worst state for taxation, #3 the poorest run government in the United States, so if we think that we're going to do a better job because we're in Illinois and these other states are not, I can only pray for you. Maybe there is a very twisted logic in their somewhere, if we keep people stoned, maybe they will be to lazy to move or forget where they live and stay here for the long run. One last thing, I argue this because I have seen the effects of drugs on young people and we're not going to sell to people under 21, that's understood, but you know what? There are still going to get their marijuana, they are going to get it from the black market or the guy who's selling his pot on the black market who goes and buys it legally and sells it to the teen agers next door. So if you think we are preventing a problem, we're not. Monitoring this is a disaster, trying to deal with people who are stoned and driving is a problem, the State of Illinois is not prepared for what is coming forward and I think that it is very premature to act on this. Thank you for your time.

Rogain – Dr. Bea, you've done a great job in this community as a medical doctor and I'm going to come back to you in a second, I do have some comments to make on that. Anyone else?

Anthony Marsico – 3714 Illinois Ave, I am the executive vice-president of retail for Zen Leaf Dispensary, the current operational medical dispensary in St. Charles. As Ald. Lewis said, I'm one of

those familiar faces; I have been at every one of these meetings and have been a vocal at each one of them. I really want to commend the aldermen and council here today on their diligence and vigor. They have left no stone unturned. They have listened to hours and hours of public comment and I have been to about a dozen of these in different communities and can say that this is one of the more educated groups that we have met with. Also, on Ald. Lewis's comment, spoken to some of the staff and the mayor and also out the invitation out there to every since one of the aldermen so the comment that no had reached out to you, I'd have to disagree with, also I invited all the aldermen, the mayor and other public official open invitation to visit our dispensary. A lot of the comments from the public make reference to Colorado and California, I think those are two of the worst examples and the stigma we are fighting, with respect to the legal cannabis market. They are highly unregulated markets, extremely high number of licenses and that makes it extremely difficult to regulate. Illinois, when the legislation was passed, was one of the most strict application processes in the country to date. The adult use bill is 600+ pages, again Illinois has also left no stone unturned and there is some interpretations still to be figured out but overwhelmingly its very strict and regulated market. When we talk about the black market growing, markets like Colorado and California, the main reason for that is the states have taxed them-selves out of the market. California, if you add municipal taxes, can see an aggregate of 45% tax, that brings the black market back in. Colorado, 30+% taxes that brings the black market back in. Illinois is not doing that, I think the bill is passed responsibility and I think that St. Charles has also made a responsible choice. Also, in those unregulated markets, there is a large amount of cannabis that is going out the back door. Virtually impossible with the way Illinois has regulated it. The oversight in our dispensaries is unreal. We have a great working relationship and have heard from the local police chief here, as one of the gentlemen here said, we have operated without incident and have an impeccable record. The last thing I do want to say is we are on the outside looking in and I think that has been addressed, we are going to continue try and be part of this community and hoping that at text amendment does get approved that will allow our use, that is a separate conversation but again, wanted to thank all the aldermen, it's been a long time, late nights listening to all the public comments. There have been quite a bit of opposition in the last two meetings but I can also say that the meeting before, almost unanimous in favor, maybe one or two comments against so thank you again.

Rogina – Thank you, anyone else?

Lynn Caballo – 1002 Fox Glen Drive, At the risk of sounding like a broken record, I spoke before you all last week, specifically the planning committee, and addressed my concerns as not only a 30 year resident of St. Charles but also a 12 year prosecutor in DuPage County of drug offenders. I made my position very clear and I said I'm sure you don't want to hear it again. I want to reiterate the law enforcement costs are going to go through the roof. We do not have drug recognition experts trained to recognize those who are under the influence of cannabis. The DuPage County, some departments do but it is an extremely expensive process and in some cases they have to be brought to the scene of an accident where people are injured, to deal with impaired drivers. This doesn't just happen once a week, it's not 3 times a week, its probably every day. Even more importantly than that, what we are going to be dealing with is drug treatment of these offenders in our community. This idea that there is going to be this tremendous realization of dollars down the line, as I said, is pure folly. The proof will be in the pudding. I've seen the drug offenders, I have seen them sentenced in court, and as one of the residents said, because you are a heroin addict, you're going to want to say that doesn't mean that you started with cannabis but the fact of the matter is, every heroin addict that I saw sentenced in DuPage County was a cannabis user. So that is my concern, my concern for the people of St. Charles that are going to use it for their children that are somehow going to acquire it from those who obtain it legally or illegally because illegal cannabis will still be less expensive than legal cannabis, once the legal cannabis is dispensed and

in our city. We need to think about that too. I'll leave you with one last thought, and that is we have a tremendously successful drug program in DuPage County, it's a drug program that takes offenders and tries to rehabilitate them through multiple processes and that program and the amount of people that are becoming part of that program is growing astronomically. I don't want to see that happen in Kane County, I don't want to see that burden on the Kane County court system like I have seen it where I practice so please think about that because there is going to be fallout and we need, if you're going to pass this, you need to be prepared for the fallout because it's going to be there. Thank you.

Rogina – Thank you.

Lewis – I would just like to set the record straight to Mr. Marsico's comment. I guess you did reach out to me in an email but I would suspect that seeing as you're the Zen Leaf Company you'd try to convince me, I guess I was thinking of residents and other businesses, and not your own company. But thank you for the invitation.

Rogina – Anyone else? I'm sitting here and sometimes wiser people say to me, the council has spoken, you didn't vote, you don't have anything to say, do you? I sat here and listened tonight very carefully and I think that it is incumbent upon me as the mayor of this community to say a few words and I think that should happen here. Let me start with the disagreement up here, it happens. I'll tell you one thing, I'm proud to work with all 10 of these individuals, Ald. Lemke included, he's not here tonight but he is included in that group of ten. I take umbrage, great umbrage with people who say that this council doesn't listen. It listens, it listens carefully and the individual speaking sometimes doesn't suggest that they are listening to him, or her, but they are listening, collectively they are listening up here. This is obviously a controversial topic so there are a lot of comments I wrote down here and I want to mention a few. Yes, we have been recognized by Family Circle, it's a great place to raise families and I appreciate you commenting on that, it's a source of pride for me as the mayor, it's a source of pride to me when I was a councilmember, having said that, if we think as a community that we don't have problems in this community that we don't need to correct and address and go after, then we are really not thinking very clearly. What I mean by that is simple, this community has a fine image and having said that, just like any other western, northern, or southern suburb it has the same issues to deal with such as unregulated drugs in the community that the teachers, and I taught for 30 years here so I can speak to that issue as well as anybody, yes that's true, we deal with that issue and we are still dealing with that issue. Somebody said up here that we dealt with it in the 60s and 70s, hasn't stopped so here is an attempt on the part of the majority of this council to look carefully at this issue and see what we can do to address it. Just like the DuPage prosecutor has spoken here tonight, I respect those comments immensely, and don't think for a second that I haven't and perhaps some of the other council members up here haven't interacted with the Kane County prosecutors and we understand the issues associated with what's happening here. Furthermore, with respect to St. Charles allowing this, let's cut to the quick on this point, the state of Illinois passed this, an unfunded mandate that one of my colleagues up here said accurately so, unfunded, unfunded mandate by the state and the comments about having to deal with using resources time to deal with this subject is very clear, and you are correct, we will, regardless if we have a dispensary or we do not have a dispensary. I do take some umbrage also with comments in general that St. Charles is turning the wolves loose, so to speak. That's not true at all. This body of 10 up here, plus the mayor, has great respect for this city and treats it like they would treat their child, with great respect. My final point would be the following, whether the members up here or myself are pro or con on this point, you're allowed to be critical, and you should be critical if it doesn't abide by what you feel but, do me a favor, do me a favor and do the elected officials a favor, don't be sending them notes where you humiliate them, you accuse them of things that frankly are not true and would insult their

intelligence and insult my intelligence. The last point to make is very simple, we have been a very transparent body here in this community and continue to be that way, my door is always open, the mayor's door, I respond to emails, I have to admit I have and I'm sure these city council members have received a number of suggestions and comments and questions and so on, and I believe strongly that all of them work with the best interests on St. Charles in mind. It happens tonight that you are at a meeting where there is strong disagreement among members, and that's fine. I do need to say one more thing too, and I've heard this several times, and frankly I'm a big believer, I believe in a democratic process, if we had to go to the people for every issue, your ballots would be full in April, November, and points in between. You elect us to do the work of this community, and we'll do our best to do it. Until such time you either replace us or we step down, it's a simple as that. I agree with Ald. Lewis, when she thanks you and I thank you for active participation in your community. Anything futher?

A. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

10. Adjournment by Ald. Turner and seconded by Ald. Bancroft at 8:16pm

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: Lemke MOTION CARRIED

Charles Amenta, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Charles Amenta, City Clerk

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted