

MEETING NOTICE
VILLAGE OF TINLEY PARK
MEETING OF THE COMMITTEE OF THE WHOLE

NOTICE IS HEREBY GIVEN that a Committee of the Whole Meeting of the Village of Tinley Park, Cook and Will Counties, Illinois will be held on Tuesday, September 3, 2019, beginning at 6:45 p.m. in Council Chambers, located in the Tinley Park Village Hall, 16250 South Oak Park Avenue, Tinley Park, Illinois 60477.

The agenda is as follows:

1. CALL MEETING TO ORDER.
2. CONSIDER APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON AUGUST 6, 2019.
3. DISCUSS CANNABIS LAWS.
4. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Meeting of the Committee of the Whole
August 6, 2019 - 6:45 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

Members Present: M. Glotz, President Pro-Tem
C. Berg, Village Trustee - Arrived 6:48 p.m.
W. Brady, Village Trustee
W. Brennan, Village Trustee
D. Galante, Village Trustee
M. Mueller, Village Trustee

Members Absent: J. Vandenberg, President

Other Board Members Present: K. Thirion, Village Clerk

Staff Present: D. Niemeyer, Village Manager
P. Carr, Assistant Village Manager - Arrived 6:49 p.m.
J. Urbanski, Assistant Public Works Director
D. Framke, Marketing Director
L. Valley, Executive Assistant to the Manager and Trustees
H. Lipman, Management Analyst
D. Sanfilippo, Executive Assistant to the Mayor
R. Boling, Computer Technician
L. Godette, Deputy Village Clerk
L. Carollo, Commission/Committee Secretary

Item #1 - The meeting of the Committee of the Whole was called to order at 6:47 p.m.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON JUNE 4, 2019 – Motion was made by President Pro-Tem Glotz, seconded by Trustee Mueller, to approve the minutes of the Committee of the Whole meeting held on June 4, 2019. Vote by voice call. President Pro-Tem Glotz declared the motion carried.

Item #3 – DISCUSS NEW STRATEGIC PLAN AND PLANNING PROCESS - Staff has relied on the current strategic plan as a guide for implementation of goals in four categories: Short-term complex, short-term routine, long-term complex and long-term routine. Approximately 47 of a total of 63 goals are currently in progress and 10 have been completed.

The current goals are a result of a strategic planning process that began in May 2015. An RFQ (Request for Qualifications) was published, requesting services of an outside facilitator. Four (4) proposals were received, and the Village selected Sikich to complete group exercises and processes to assess the Village's policy and operational environments, collecting citizen and stakeholder input and facilitation of strategic planning workshops including visioning, environmental scanning and goal development.

Staff recommended beginning a new strategic planning process based on progress made over the last four (4) years of implementing current goals as well as the appointment of several new Village Board members.

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The process would begin with an RFQ published to solicit proposals for an outside facilitator. The scope of services would include review of citizen survey data/results, strategic planning sessions and the facilitator aid in development of a Village Mission/Vision Statement. Costs were not specifically allocated in the current budget; however, savings have been identified in the budget to cover expenses.

Below is a timeline for the strategic planning process:

- RFQ Issuance - August 7, 2019
- RFQ due - August 28, 2019
- Firm Interviews - Week of September 9, 2019
- Approval of facilitator at Village Board Meeting- September 17, 2019
- Citizen Survey Data/Results Received - October 2019
- Staff/Board Planning Sessions - November 18 and 19, 2019
- Final Report - January 2020

The goal would be for the Village Board to participate in a planning session prior to budget preparation begins and for the final report to be completed in January before final budget decisions are made.

H. Lipman, Management Analyst asked the Committee of the Whole if there were any questions. Trustee Galante asked if the Village could perform strategic planning rather than hiring a consultant. Ms. Lipman provided the advantages of utilizing an independent firm. D. Niemeyer, Village Manager stated strategic planning could be performed either in-house by management or by utilizing an outside consultant dependent upon Village Board preference, however, usual practice is to hire a consultant and also ensures management is involved in goal setting. President Pro-Tem Glotz asked the Committee if there were any further questions. No one came forward. Committee consensus would be to initiate the RFQ process to identify a firm to conduct the Village's strategic planning.

Item #4 – DISCUSS EMERGENCY PUMP REPLACEMENT AT POST 5 SANITARY SEWER LIFT STATION - There have been recent failures in one of three pumps and one of three soft starts, leaving both inoperable at Post 5 sanitary sewer lift station, located at 171st Street and 80th Avenue.

Post 5 Lift Station is currently undergoing a complete overhaul and update. Redesign includes removing all three pumps and VFD (variable frequency drive) soft starts and installation of new components, which would be uniform with pumps at other lift stations. Replacement of the nonoperational pump and soft start now would lower the cost of the station overhaul as well as ensuring wastewater continues pumping as needed. The new pump and soft start have a twelve-week lead time and include a five-year warranty. The new pump and soft start would also be compatible with the current station and with any future improvements made to the station. Pump repair would require six months and includes a ninety day warranty at a cost of \$109,260.00. Pump repair would need to be replaced during the station improvement project. Superior Pumping Services is the Village's current service contractor for lift station maintenance and has been performing emergency repairs and maintenance within the Village for approximately four years.

Staff requested emergency sole source purchase approval and installation of pump and VFD soft start at an amount not to exceed \$185,950.00. Funding in the amount of \$185,950.00 is available in the approved FY-2020 Budget. President Pro-Tem Glotz asked if the Committee had any questions. No one came forward.

Motion was made by President Pro-Tem Glotz, seconded by Trustee Berg, to recommend emergency sole source purchase approval and installation of pump and VFD soft start of an amount not to exceed

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\$185,950.00, to perform emergency pump replacement at Post 5 Lift Station, be brought forward to the Village Board. Vote by voice. President Pro-Tem Glotz declared the motion carried.

Item #5 – RECEIVE COMMENTS FROM THE PUBLIC - No comments from the public.

ADJOURNMENT

President Pro-Tem Glotz adjourned this meeting of the Committee of the Whole at 6:57 p.m.

lc

DRAFT



Interoffice Memo

Date: August 30, 2019

To: Village Board

From: David Niemeyer, Village Manager

Subject: Cannabis Regulation and Tax Act

We would like to have a discussion with the Board on the recently passed cannabis regulation and tax act. As you know, Illinois passed a sweeping law in May of this year legalizing marijuana in the state. The Village Attorney will be doing the attached presentation in regards to the new law. The Village will need to make several decisions on the new law.

- Do we want to opt out of the law and prohibit cannabis dispensing businesses?
- If no, what zoning regulations do we want to enact to limit the commercial production or distribution of adult use cannabis. The village can also regulate the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.
- Do we want to allow on premise use of cannabis?
- If yes, where do we want to allow them?
- What type of inspection process for these businesses and what kind of civil penalties will we establish for business violating our regulations?
- Will we impose a sales tax on cannabis on adult use cannabis related products, with the maximum being 3% of the purchase price?
- We will also be reviewing and potentially updating our personnel policies related to this new law. We will have a separate discussion on this when we bring suggested updated to the personnel manual to the board shortly.

I have also included a fact sheet from the Illinois Municipal League on the new law and a summary of where other municipalities are at on this issue right now.



VILLAGE OF TINLEY PARK:
THE CANNABIS REGULATION AND TAX ACT



REGULATION OF ADULT USE CANNABIS BUSINESSES AS ALLOWED BY THE ILLINOIS GENERAL ASSEMBLY'S RECREATIONAL MARIJUANA BILL

- Illinois residents 21 and older
- Beginning on January 1, 2020, will be able to legally possess up to 30 grams of cannabis flower, 500 milligrams of THC infused products and 5 grams of cannabis concentrate
- Non-residents of Illinois will be permitted to possess about half the amount of cannabis than residents will be allowed to possess
- Ability to purchase from licensed marijuana dispensaries
- Currently, there are only medical dispensaries and 22 state-licensed cultivation centers.
- While purchasing marijuana will become legal, it will remain illegal to smoke marijuana in public places or to drive while under the influence.
- Personal cannabis use will be allowed in most private residences, but not in prohibited areas including any public place or in close physical proximity to underage persons.





ILLINOIS STATE LICENSING

- The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries.
- The state will issue licenses according to a graduated scale
- The state estimates:
 - By the end of the first year, there will be up to 295 dispensing organizations
 - Up to 500 dispensing organizations by January 1, 2022
 - Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed



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ZONING/ REGULATORY ABILITIES OF THE VILLAGE

- Reasonable zoning ordinances that do not conflict with the Act
- Ordinances and rules governing the time, place, manner, and number of cannabis businesses consistent with the Act.
- Dictate the location of cannabis businesses as they relate to points of interest such as schools, churches, government buildings, and liquor stores.
- Broad authority to authorize and regulate privately-owned facilities where cannabis and cannabis products may be consumed on-site (i.e., “cannabis lounges”) similar to hookah lounges.
- Determine how cannabis businesses are operated such as hours of operation.
- Dictate the amount of legal dispensaries within the Village



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LAW ENFORCEMENT FACTS & IMPLICATIONS

- May clear the way of hundreds of thousands of criminal cases to be dismissed.
- These expungements will be automatic (around 800,000 cases will be dismissed)
- Some benefits for the state and its residents, it also brings issues and challenges to Illinois Law Enforcement in implementing the recent law legalizing marijuana.
- Difficulties understanding and enforcing new laws that aim to regulate marijuana use rather than enforcing laws that deem marijuana illegal.
- Conducting investigations, establishing probable cause, determining search and seizure procedures and addressing public safety concerns.
- Same standards of public behavior as alcohol
- Consumption of marijuana while driving is prohibited and driving under the influence of marijuana is treated similarly to driving under the influence of alcohol.





TAX REVENUE

- At retail level the state will tax sales at:
 - 10% for cannabis with THC levels at or less 35%
 - 25% for cannabis with THC levels above 35%
 - 20% for cannabis infused products such as edibles
- Both home rule and non-home rule municipalities can adopt ordinances to impose a local tax on the operation of a cannabis dispensary.
- The rate of tax cannot exceed 3% of the dispensary's gross receipts from the sale of non-medical cannabis. If imposed, the tax may only be imposed in 0.25% increments.
- In addition these scalable tax rates, the state's regular 6.25% sales tax rate also applies, along with local taxes of up to 3%
- The tax will be collected and enforced by the Department of Revenue, which is entitled to retain 1.5% of the amount distributed to each municipality as an administrative fee.



Adult-Use Cannabis

Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.



7/15/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. More information about the medical cannabis program is available via this link.



ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.



LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.



SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.

COMMUNITY SUMMARY - CANNABIS

Bourbonnais	in discussions, looking to permitt in Manufacturing District		
Oak Brook	opted out		
Naperville	opted out		
Lombard	Will allow by right along Roosevelt Road		
Algonquin	opted out		
Lockport	disussing in October		
Lemont	in discussions		
Orland Park	left message		
Frankfort	opted out		
Mokena	discussing		
New Lenox	September 16th discussion at Board		
Oak Forest	September 4th discussing at Plan Commission-discussion only		
Joliet	left message		
Matteson	Left message		
Orland Hills	discussing		
Crestwood	Discussing-quoted as going to allow it		

**PUBLIC
COMMENT**

ADJOURNMENT