



Village of Oak Park

123 Madison Street
Oak Park, Illinois 60302
www.oak-park.us

Meeting Minutes

President and Board of Trustees

Monday, February 24, 2020

6:30 PM

Village Hall

I. Call to Order

Village President Abu-Taleb called the Meeting to order at 6:34 P.M.

II. Roll Call

Present: 6 - Village President Abu-Taleb, Village Trustee Andrews, Village Trustee Boutet, Village Trustee Buchanan, Village Trustee Taglia, and Village Trustee Walker-Peddakotla

Absent: 1 - Village Trustee Moroney

III. Consideration of a Motion to Adjourn to Executive Session to Discuss Personnel

It was moved by Village Trustee Andrews, seconded by Village Trustee Buchanan, to enter into Executive Session pursuant to 5 ILCS 120/2(c)(1) - personnel. The motion was approved. The roll call on the vote was as follows:

AYES: 6 - Village President Abu-Taleb, Village Trustee Andrews, Village Trustee Boutet, Village Trustee Buchanan, Village Trustee Taglia, and Village Trustee Walker-Peddakotla

NAYS: 0

ABSENT: 1 - Village Trustee Moroney

V. Reconvene to a Special Meeting at 7:30 p.m. in Room 101 and Call to Order

The Special Meeting reconvened at 7:32 P.M.

VI. Roll Call

Present: 7 - Village President Abu-Taleb, Village Trustee Andrews, Village Trustee Boutet, Village Trustee Buchanan, Village Trustee Moroney, Village Trustee Taglia, and Village Trustee Walker-Peddakotla

Absent: 0

VII. Agenda Approval

It was moved by Village Trustee Moroney, seconded by Village Trustee Boutet, to approve the Agenda. A voice vote was taken and the motion was approved.

VIII. Non-Agenda Public Comment

IX. Regular Agenda

A. [ORD 20-009](#) Concur with the Plan Commission's Recommendation and Adopt an Ordinance Amending Article 2 ("Definitions & Rules of Measurement") and Article 8 ("Uses") of the Oak Park Zoning Ordinance Regarding Retail Cannabis Establishments and Craft Grower Businesses in Any Business or Commercial Zoning District

Village President Abu-Taleb acknowledged that there are already restrictions set by the state. He asked Village Attorney Stephanides how Oak Park would benefit by making this a special use.

Village Attorney Stephanides stated that making this a special use would require a public hearing before the Zoning Board of Appeals. The Village Board would then have the authority to deny or accept the ZBA's recommendation.

Plan Commission Chair David Mann stated that the commission looked at this closely. Due to site specific aspects in terms of traffic, parking, noise and security, special use is warranted. This industry is not entirely understood yet. It also aligns with how surrounding communities are operating.

Village Planner Craig Failor explained what types of businesses classify as special use. Mr. Mann added that the commission believes that this is the cautious way to proceed, as this is such a new industry.

Village Trustee Andrews expressed concern regarding over regulating. Mr. Failor gave examples of possible restrictions, such as hours of delivery.

Village Trustee Walker-Peddakotla asked why the commission decided to prohibit consumption of cannabis on-site, as state law permits it. Mr. Mann clarified that this law does not apply to retail establishments; it is for a separate type of establishment, i.e, a smoking lounge.

Judith Alexander. Ms. Alexander thanked the Board, on behalf of a diverse group of residents present, for reconsidering special use zoning for recreational cannabis. She spoke about how relying on the state to enforce their own laws is not a good idea.

Ada Dolph. Ms. Dolph is not anti-marijuana but urged the Board to approve special use zoning. She discussed the potency of today's cannabis and its health and safety risks.

Ben Bottorff. Mr. Bottorff spoke in support of permitted use and the fewest possible hurdles in terms of development on North Avenue.

Kelly O'Connor. Ms. O'Connor is supportive of special use for retail cannabis and discussed prevention and education for youths.

Julianne Nery. Ms. Nery is the director of Wonder Works Childrens Museum. She expressed concern regarding the potential negative effects of cannabis dispensaries near the museum and urged the Board to support special use zoning.

Village Trustee Walker-Peddakotla would support the dispensaries having the ability to allow on-site consumption. Village Trustee Boutet disagreed. Village Trustee Moroney does not think that Oak Park is ready for that; perhaps in the future.

Mr. Failor explained that if the Board does not want this as a special use, they can add

restrictions to the Zoning Ordinance for permitted use.

Village Trustee Boutet feels that public hearings are part of municipal government and that the Board has to use their best judgement regardless of other opinions. The special use process allows for flexibility; additional restrictions for a permitted use may be over regulating.

Village Trustee Andrews stated that the Village already has high standards that are controlled through the zoning and other ordinances. He is not supportive of an additional bureaucratic process and would like to be more competitive with surrounding communities. He acknowledged his apprehension regarding the legalization of cannabis and such a cultural change. However, he believes there is a safe and fair process that will work for everyone within a permitted use ordinance.

Village Trustee Moroney asked Village Trustee Andrews if he is saying that the special use category should be eliminated altogether. Village Trustee Andrews stated that he is in favor of special use when circumstances apply. In the case of recreational cannabis, he believes that the Village should make it as easy as possible while following the law.

Village Trustee Taglia asked Village Trustee what evidence he has that a permitted use process provides a competitive advantage. Village Trustee Andrews stated that a permitted use provides a shorter process. He asked what outcome his colleagues think they will get with a special use that they cannot get with a permitted use. Village Trustee Boutet stated that there is more flexibility with a special use. By taking applicants on a case by case basis, individual locations can be considered as opposed to applying many pages of specific regulations.

Village Trustee Moroney stated that the demand for recreational marijuana will remain unknown until there is a sufficient supply of establishments that meet the demand. It gives the Village a tool to use in a landscape that is very uncertain. He also believes that 1,500 feet between stores, which is state law, is not enough. He would like that doubled. Village Attorney Stephanides stated that the law states it has to be at least 1,500 feet; it can be more.

Village Trustee Walker-Peddakotla spoke in opposition of special use. She also wants to provide safe and protected areas for people to consume cannabis.

Village Trustee Buchanan saw the advantages and disadvantages to both sides. She wants to make it as easy as possible and would support a permitted use if more footage was added between schools, daycares, etc.

Village President Abu-Taleb believes that the reason that the state legalized marijuana in the first place is for revenue to pay their debt accumulated over the years due to mismanagement and other mistakes. They are trying to solve a long term problem with a short term solution. The Village has no control over legalization but can exercise the opportunity they have within their boundaries to make sure they have a say in this issue. He supports a special use and has no concerns about an applicant having to wait longer to set up their business. He would rather start more conservatively and as it goes on, adjustments can be made.

It was moved by Village Trustee Walker-Peddakotla, seconded by Village Trustee Andrews, that this Ordinance be adopted. The motion was approved. The roll call on the vote was as follows:

AYES: 4 - Village President Abu-Taleb, Village Trustee Boutet, Village Trustee Moroney, and Village Trustee Taglia

NAYS: 3 - Village Trustee Andrews, Village Trustee Buchanan, and Village Trustee Walker-Peddakotla

ABSENT: 0

B. [ORD 20-013](#) An Ordinance Amending Chapter 8 ("Business Licensing") of the Oak Park Village Code to Add a New Article 39 ("Cannabis Business Establishments") and Amending Chapter 17 ("Offenses"), Article 1 ("Identification of Specific Offenses"), Section 17-1-35 ("Possession, Manufacture, or Delivery of Cannabis") and Section 17-1-36 ("Possession of Drug Paraphernalia")

Village Manager Pavlicek stated that this ordinance is regarding business regulations related to marijuana retail stores and places the current state law into the Village Code. This will allow for police enforcement action to be written as local ordinance violations and go to Administrative Adjudication rather than a criminal offense in Cook County Circuit Court.

Assistant Director of Development Customer Services Cameron Davis stated that the registration process mirrors some of the Village's business licensing processes. Because the state is the licensing entity, the Village will be the registration entity, similar to how contractors are registered. He briefly discussed the Village's business licensing process.

Village Trustee Walker-Peddakotla expressed concern regarding the section regarding possession of drug paraphernalia being unlawful, as the state has expunged records of that violation. She asked why this is included in the ordinance. Village Attorney Stephanides stated that this was already part of the code but an exception has been added to the ordinance that decriminalizes it. Village Trustee Walker-Peddakotla asked why it is not just stricken from the ordinance rather than having to add an exception. Village Attorney Stephanides stated that by leaving it in as part of the Village Code, it would be considered a local ordinance violation and eligible to go through Administrative Adjudication and not the county. Village Manager Pavlicek clarified that it is still illegal for persons under 21 to possess any type of drug paraphernalia.

Village Trustee Boutet commented that the way the ordinance is written is very confusing and discussed sections that could be clarified or removed and replaced with state law. For example, possession of 30 grams or less is now legal, however it is written as unlawful in the ordinance. In addition, to make it unlawful, it should read 30 grams of more. Village Attorney Stephanides commented that it is still unlawful for those under 21. Village Trustee Boutet noted that it should state that in the ordinance to be less confusing.

Village Manager Pavlicek stated that the Village had an existing ordinance for years. The state law has changed. Staff took the most straightforward path and wrote that this ordinance does not apply if there is an exception under state law. She noted that the Board can strike the entire ordinance and just follow state law. However, any violation would have to go through the Cook County court system as opposed to local adjudication, as it would not be a local ordinance violation.

Village Trustee Walker-Peddakotla discussed why she is confused by the language in the ordinance.

Village President Abu-Taleb summarized the intent of the ordinance. He asked Village Attorney Stephanides to explain if this is more or less criminalizing, or equal to state law. Village Attorney Stephanides stated that it is further decriminalizing than the state by sending violations to adjudication.

Village Trustee Andrews understands the intent but would like it to be clearer that this is an old law being exempted by state law. Village Attorney Stephanides stated that it is written the way it is to allow for changes in state law without having to further amend the ordinance.

Village President Abu-Taleb spoke in support of letting the Village Attorney and Village Manager do their work and that the Board should not be challenging this at the Board table. He has respect for the process and the people who are in these positions.

Village Attorney Stephanides answered additional questions from the Board.

Village Trustee Boutet moved to amend 17-1-35 to strike B and C so the Village adopts only the state law and does not conflict. Village Trustee Andrews suggested leaving those subsections as is and adding the exceptions into the same clause.

Village Trustee Boutet amended her motion, and Village Trustee Walker-Peddakotla seconded, to add "except if allowed by state law" at the end of 17-1-35 B and C, and 17-1-36 B.

AYES: Village Trustees Boutet, Walker-Peddakotla, Andrews, Buchanan, Moroney and Taglia; Village President Abu-Taleb

NAYS: None

The motion was approved.

Village Trustee Walker-Peddakotla would like a clause added to 8-39-21 requiring signage in both English and Spanish regarding what impact cannabis possession could have under Federal Immigration Laws. There was consensus.

Village Trustee Boutet suggested that the business hours be more in line with those of others in the community. Mr. Davis stated that the hours mirror state law; staff didn't want to be more restrictive.

Village Trustees Boutet and Walker-Peddakotla asked for clarification regarding whether the employer or employee is liable in terms of 8-39-11 A, the requirement that an employee of a cannabis business establishment must possess a valid ID card issued by the Illinois Department of Financial and Professional Regulations or the Illinois Department of Agriculture. Village Attorney Stephanides stated that both would be responsible and brought up the possibility of an employee using a fraudulent card. It is not part of the state law. Village Trustee Boutet wanted to omit it. There was consensus.

There was discussion regarding 8-39-20 D regarding photo identification.

Village President Abu-Taleb and Village Trustee Moroney suggested that trustees discuss their concerns with staff prior to the meetings.

It was moved by Village Trustee Walker-Peddakotla, seconded by Village Trustee Boutet, that this Ordinance be adopted as amended. The motion was approved. The roll call on the vote was as follows:

AYES: 7 - Village President Abu-Taleb, Village Trustee Andrews, Village Trustee Boutet, Village Trustee Buchanan, Village Trustee Moroney, Village Trustee Taglia, and Village Trustee Walker-Peddakotla

NAYS: 0

ABSENT: 0

C. [ID 20-093](#) Review of the Revised Village Board Meeting Calendars for February, March and April 2020.

Village Manager Pavlicek commented that at the last Board Meeting, the Board directed staff to reschedule the March 16 Meeting to April 27. Subsequently, Village Trustee Boutet asked to move the March 9 Meeting as well.

Village Trustee Boutet clarified that she was fine with leaving the March 16 Meeting as is but instead would like the March 9 Meeting moved to April 27. She does not want to miss the conversation regarding the police station.

There was discussion regarding moving the police discussion to March 2. Village Manager Pavlicek would advise the Board if that is possible.

X. Adjourn

It was moved by Village Trustee Walker-Peddakotla, seconded by Village Trustee Moroney, to adjourn. A voice vote was taken and the motion was approved. Meeting adjourned at 9:38 P.M., Monday, February 24, 2020.

Respectfully Submitted,

**MaryAnn Schoenneman
Deputy Village Clerk**